

Information/Discussion Paper

Overview & Scrutiny Committee - 21st October 2024

Biodiversity Duty - First Consideration Report

This note contains the information to keep Members informed of matters relating to the work of the Committee, but where no decisions from Members are needed.

1. Why has this come to scrutiny?

- 1.1 Within the Overview and Scrutiny workplan, officers have been asked to “*examine current management arrangements for our green spaces alongside best practice in terms of biodiversity and wildlife management.*”
- 1.2 The timing of this activity has arrived at a very opportune time as the planning policy team were drawing together a report to respond to our Biodiversity duty. We have therefore taken the opportunity to tie in the ask from Overview and Scrutiny with the outputs needed to meet our statutory responsibilities. In doing so, we hope that this provides the Committee with a full overview of our activities in respect of green spaces and biodiversity.

2. What is the Biodiversity Duty

- 2.1 Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened ‘biodiversity duty’ that the Environment Act 2021 introduces. Cheltenham Borough Council, as a public authority, must:
 1. Consider what you can do to conserve and enhance biodiversity.
 2. Agree policies and specific objectives based on your consideration.
 3. Act to deliver your policies and achieve your objectives.
- 2.2 To meet our statutory duty, we must prepare what is termed a ***First Consideration Report***, essentially this draws together the activities we undertake, the policies and partnerships we have in place and sets out the action we intend to take to enhance biodiversity across the borough. It has been prepared in the context of the requirements of the Environment Act 2021.
- 2.3 The draft of the First Consideration Report is circulated with this covering paper and provides an opportunity to reflect on what the Council is already doing that contributes to conserving and enhancing biodiversity, including through working with partners. This has been used as a basis for exploring the approach we take going forward.

- 2.4 This item on the Overview and Scrutiny agenda offers members the opportunity to scrutinise the draft report and comment on its contents before it is published.
- 2.5 This report contains a chronological collection of information on green space, wildlife and Biodiversity Net Gain (BNG) information and actions, both adopted and emerging, supporting the Objective “*Examining current management arrangements for our green spaces alongside best practice in terms of biodiversity and wildlife management*” under the “*Climate and the environment (biodiversity net gain)*” Title of the Overview and Scrutiny Committee Work Plan 2024-2025.
- 2.6 This ‘first consideration’ report is in practice report ‘zero’, with the first full report on our biodiversity duty to be completed before January 2026.
- 2.7 Agreed actions should then be reconsidered within five years of completion of the previous consideration with subsequent rolling reconsiderations at a frequency of no longer than every five years.
- 2.8 The first consideration report is helpful in drawing together activities and actions from across the council and informs our collective action to help deliver our corporate plan priorities and commitments to climate change, enhancing biodiversity, delivery of biodiversity net gain and sustainable development.

3. Next Steps

- 3.1 A copy of the draft Biodiversity Duty – First Consideration Report is appended to this paper, Overview and Scrutiny Committee’s feedback and reflections are welcomed.
- 3.2 Further to this engagement with Overview and Scrutiny, the final report will be agreed with Cabinet Member for Planning and Building Control and subsequently published on the Council’s website.

Background Papers	Draft Biodiversity Duty – First Consideration Report (October 2024, attached) DEFRA Guidance (gov.uk) on Reporting your Biodiversity Actions
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