

**Report for: Cabinet**

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Date of Meeting: 10 December 2024

**Subject: The Statutory Duty to Conserve and Enhance Biodiversity.**

Cabinet Member: Cllr Natasha Bradshaw - Cabinet Member for Environment and Climate Change.

Responsible Officer: Jason Ball - Climate and Sustainability Specialist.

Exempt: None

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local

Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All.

Enclosures: A draft Biodiversity Duty Action Plan.

## **Section 1 – Summary and Recommendation(s)**

To consider approval of the Biodiversity Duty Policy Framework and Action Plan arising from broad consultation across the Council.

### **Recommendation(s):**

- 1. That the Cabinet approves the draft Biodiversity Duty Action Plan as recommended by the Planning, Environment and Sustainability Policy Development Group.**

## **Section 2 – Report**

### **1.0 Introduction and summary**

- 1.1 The general duty to conserve and enhance biodiversity is set out in the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended.**

- 1.2 Responsibility to deliver on the general biodiversity duty is shared across all Council operations. As such, this matter was raised on agendas for all Policy Development Groups (PDGs) and, where within the jurisdiction of the LPA, the Planning and Policy Advisory Group (PPAG) to request input to the policy framework and action plan. Thus, action and policy development will be split into two separate streams. Either:
- a) matters within the Council's statutory Planning Policy making process and the statutory powers as a Local Planning Authority (LPA), largely governed and prescribed by national policy and through the work of the Forward Planning and Development Management teams, or;
  - b) items outside those functions, such as land management and its wider corporate operations.
- 1.3 Mid Devon as LPA has set duties to discharge in line with national policy and this is separate and distinct from anything which the authority chooses to do as a corporate land / property owner.
- 1.4 The Cabinet Member for Environment and Climate Change led a first consideration of what action to take with regard to this duty and a report was submitted to Cabinet. Decision [published online](#).
- 1.5 The enclosed policy framework and action plan has been developed in consultation with committees and teams across the Council. The first round of development was carried out in consultation with each of the PDGs and by the Planning and Policy Advisory Group (PPAG) who considered potential action related to each of their remits. The second round was addressed by staff teams to shape realistic actions and achievable measures / metrics.

**Financial Implications.** The financial implications associated with this report are the overall costs of resourcing actions; these are expected to be covered already by current activity. Specifically new projects arising from developing policy / undertaking actions would be subject to their own business case for each proposal.

**Legal Implications.** The Council's environmental sustainability duties are underpinned by legislation e.g. [Environment Act 2021](#) as noted.

**Risk Assessment.** There are 2 main risks (to the Council): 1) that the Council does not take sufficient actions to meet its statutory duty; and 2) that the financial implications are not adequately considered. Extensive consultation across teams was carried out in order to avoid potential risks to delivery of the action plan.

**Impact on Climate Change.** New works or projects that arise from the action plan would be subject to specific evaluations of impact and benefit. Council or partnership schemes could potentially achieve benefits and avoidance of impact, e.g. from protecting or enhancing ecological complexity and habitat coverage.

**Equalities Impact Assessment.** There are no equality impacts associated with this report. Specific projects and policies are subject to the Public Sector Equality Duty. (Assessing the equality impacts of proposed changes to policies, procedures and practices is not only a legal requirement, but also a positive opportunity for authorities to make better decisions based on robust evidence.)

**Relationship to [Corporate Plan](#).** Priority 1.4. “We will ensure that biodiversity is increased across the district”.

### **Section 3 – Statutory Officer sign-off / mandatory checks**

**Statutory Officer:** Andrew Jarrett  
Agreed by or on behalf of the Section 151.  
**Date:** 24/11/24

**Statutory Officer:** Maria de Leiburne  
Agreed on behalf of the Monitoring Officer.  
**Date:** 24/11/24

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager.  
**Date:** 29 November 2024

**Cabinet member notified:** Yes.

**Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information.** No.

**Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information.** No.

### **Section 4 - Contact Details and Background Papers**

**Contact:** Jason Ball, Climate and Sustainability Specialist: Email: [JBall@MidDevon.gov.uk](mailto:JBall@MidDevon.gov.uk) Tel: 01884 255255.

**Background papers:** Previous report and [Cabinet decision January 2024](#). Consultation carried out with all PDGs. The enclosed paper was provided to the Planning, Environment and Sustainability [PDG](#) on [26 November 2024](#).