

Appendix A:

Welwyn Hatfield Borough Council

Biodiversity Duty Statement – First Consideration

Introduction

A public authority, such as a local authority or local planning authority, must comply with the strengthened Biodiversity Duty introduced by the Environment Act 2021.

Consistent with government guidance on this matter¹, a public authority must:

1. Consider what it can do to conserve and enhance biodiversity, (its first consideration must be completed by 1 January 2024).
2. Agree its policies and specific objectives as soon as possible after this consideration.
3. Act to deliver its policies and achieve its objectives.

A public authority must reconsider the actions it can take within 5 years of completing its previous consideration (or more frequently if it decides to do so, e.g., annually).

Other strategies

A public body must consider how Local Nature Recovery Strategies, Species Conservation Strategies and Protected Site Strategies affects how the organisation complies with the Biodiversity Duty.

It must understand if and how they are relevant to the organisation, be aware of how these strategies affect land it owns or manages, or of the actions it could take to conserve and enhance biodiversity. It must also consider how it can contribute to a strategy, where appropriate.

National goals

The actions taken for biodiversity will contribute to the achievement of national goals and targets on biodiversity. The Environmental Improvement Plan 2023 sets out the government's plans for significantly improving the natural environment.

By 2030, the government has committed to:

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels
- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

¹ [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/complying-with-the-biodiversity-duty)

Monitoring performance

If a public authority already has a strategy that monitors its environment performance, it can include its biodiversity actions as part of this. If it does not have a suitable existing strategy, it should consider creating a new document to record the actions it plans to take to meet its biodiversity objectives.

Actions within scope

The actions that can be taken to comply with the Biodiversity Duty will depend upon the functions of each public body.

Actions within scope could include a public body's policies and processes around how the land it manages could improve biodiversity, how it could improve the management of its buildings and the land around them, and how it could take steps to make space for wildlife.

If a public body owns or manages sites that are protected by other legislation, e.g. Sites of Special Scientific Interest or Local Nature Reserves, the Environmental Improvement Plan 2023 sets the expectation that public authorities should have management plans in place by the end of 2023 to support their sites to reach favourable status, working with Natural England and others to identify and implement the actions needed to improve site condition.

A public body can also take action through education, advice and raising awareness of why it is important to conserve and enhance biodiversity, e.g. involving the public in projects to improve biodiversity, through public or internal communications, and raising public awareness of how gardens can support biodiversity.

Public bodies also have internal processes and policies for their staff and facilities, e.g. associated with transport, waste, water, procurement and lighting. Changes to these could affect biodiversity.

If a local authority is involved with development plans and planning decisions, it should consider its biodiversity duty when complying with requirements under Strategic Environmental Assessment, Environmental Impact Assessment, and Habitats Regulation Assessment.

A public authority should also prepare for the introduction of Biodiversity Net Gain.

Biodiversity Duty - First Consideration Statement

In line with the strengthened biodiversity duty introduced by the Environment Act 2021, Welwyn Hatfield Borough Council has completed its first consideration of the actions it can take to conserve and enhance biodiversity by 1 January 2024.

A list of policies and objectives arising from this review will be published in due course following formal agreement. The Council will periodically publish a report detailing progress on the actions identified.

Evidence of First Consideration

The document in Appendix B sets out the Council's first consideration of its Biodiversity Duty. This document is broadly based upon a template issued by the Hertfordshire Climate Change and Sustainability Partnership biodiversity sub-group in September 2023.

The document includes a number of existing workstreams to show how we are currently addressing biodiversity, as well as a consideration of future actions.

Future Reporting of the Biodiversity Duty

Local authorities² and local planning authorities must publish Biodiversity Reports.

Government guidance³ sets out what should be included within a Biodiversity Report and when these must be published.

By law, a local authority's Biodiversity Report must include:

- a summary of the actions taken to comply with the biodiversity duty
- how it plans to comply with the biodiversity duty in the next reporting period, and
- any other information it considers appropriate.

Reports from local planning authorities must also include:

- the actions they have carried out to meet biodiversity net gain obligations
- details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans they has approved, and
- how they plan to meet biodiversity net gain obligations in the next reporting period.

Government guidance on reporting biodiversity duty actions provides an example report structure based on information that must be provided (sections 1 to 3), and optional information which may be provided (sections 4 to 9). Government guidance on reporting for biodiversity net gain will be published in due course.

The end date of the first reporting period should be no later than 1 January 2026. After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period. The start and end dates of the reporting period must be included in each report. All reports must be published within 12 weeks of the reporting period end date.

The Council will give due regard to government guidance and the reporting requirements in the preparation of Biodiversity Reports.

² Excluding parish councils

³ [Reporting your biodiversity duty actions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions)