

Committee Report Checklist

Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.

Stage 1

Report checklist – responsibility of report owner

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	Yes	8/7/25
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc.)	Yes	28/7/25
Relevant Group Head review	Yes	19/08/25
MAT+ review (to have been circulated at least 5 working days before Stage 2)	Yes	19/08/25
This item is on the Forward Plan for the relevant committee	Yes	2/7/25
	Reviewed by	
Risk comments	T. Collier	19/08/25
Legal comments	J. Clare	21/08/25
HR comments (if applicable)	No	

For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.

Do not forward to stage 2 unless all the above have been completed.

Stage 2

Report checklist – responsibility of report owner

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	29/08/25
S151 Officer commentary – at least 5 working days before MAT	T. Collier	19/08/25
Confirm final report cleared by MAT	Yes	29/08/25

Environment and Sustainability Committee

Thursday 18th September 2025

Title	Biodiversity Duty Report
Purpose of the report	To make a decision
Report Author	Anna Fjortoft – Biodiversity Officer (Neighbourhood Services)
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
	N/A
Corporate Priority	Environment
Recommendations	<p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. Approve the Biodiversity Duty report and action plan. 2. Agree for the Biodiversity Officer to regularly update the Climate and Nature Working Group on progress relating to Biodiversity Duty. 3. Approve delegated authority to the Group Head of Neighborhood Services to publish a progress report by March 2026 in consultation with the Chair of the Environment and Sustainability Committee.
Reason for Recommendation	Committee is being asked to take this decision because the Council has a statutory responsibility to comply with Biodiversity Duty. This Duty was strengthened by the Environment Act 2021 and requires the Council to agree objectives and specific actions in order to conserve and enhance biodiversity. Additionally, it requires the Council to publish updates on progress at least every 5 years.

1. Executive summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Biodiversity Duty is a statutory responsibility which requires public authorities to: <ul style="list-style-type: none"> Consider what they can do to conserve and enhance biodiversity. Agree policies and specific objectives based on your consideration. Act to deliver your policies and achieve your objectives. 	<ul style="list-style-type: none"> The Council is legally required under the Environment Act 2021 and earlier legislation to conserve and enhance biodiversity, and failure to do so carries legal and reputational risks. Taking action on biodiversity will support flood and climate resilience, improve green spaces, and promote community health and wellbeing. Strong compliance strengthens funding opportunities, builds local partnerships, and demonstrates civic leadership.

<ul style="list-style-type: none"> Public authorities are required to complete their first consideration of what action to take for biodiversity by 1 January 2024 and agree their policies and objectives as soon as possible after this. Local planning authorities must write and publish a biodiversity report. For local authorities and local planning authorities, the end date of their first reporting period should be no later than 1 January 2026. 	
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Approve the Biodiversity Duty Report to conserve and enhance biodiversity in the borough. Grant delegated authority to the Group Head for Neighbourhood Services to publish an update report in consultation with the chair of the Environment and Sustainability Committee. 	<ul style="list-style-type: none"> Approve the Biodiversity Duty Report. Deliver the agreed objectives and actions. To publish a report on the progress of the objectives and actions as required between January-March 2026.

2. Key issues

- 2.1 Statutory Biodiversity Duty was introduced by the Natural Environment and Rural Communities (NERC) Act 2006.
- 2.2 The Environment Act 2021 strengthened this duty and requires all public authorities to:
 - Consider what they can do to conserve and enhance biodiversity.
 - Agree policies and specific objectives based on your consideration.
 - Act to deliver your policies and achieve your objectives.
- 2.3 Public authorities were required to complete their first consideration of what actions to take for biodiversity by 1st January 2024 and agree their policies and objectives as soon as possible after this.
- 2.4 The Council did not meet this deadline. This was also the case for the majority of Local Authorities across England.
- 2.5 Local planning authorities must also write and publish a biodiversity report at a minimum of every five years. For local authorities and local planning authorities, the end date of the first reporting period should be no later than 1st January 2026.
- 2.6 Government guidance states that public authorities can use existing strategies to monitor their environmental performance, or they can produce a new document if they do not have a suitable strategy.
- 2.7 In this report, public authorities should record the actions they plan to take to meet their biodiversity objectives.

2.8 Public authorities should consider:

- How the local nature recovery strategy, species conservation strategies and protected site strategies affect how their organisation complies with the biodiversity duty
- How their biodiversity duty helps achieve national biodiversity goals and targets
- How land can be managed to improve biodiversity
- How to educate, advise and raise awareness of biodiversity loss
- Review of internal policies and processes e.g. transport, waste, water, procurement and light
- How to prepare for biodiversity net gain

2.9 The Report which can be found in **Appendix A** includes a number of sections including:

- An introduction to Biodiversity Duty
- Existing council actions, strategies and policies that relate to Biodiversity Duty
- Service agreed objectives and actions to improve biodiversity

2.10 The Biodiversity Duty Report sets out new objectives and actions to strengthen biodiversity delivery across Spelthorne. These include:

2.11 Land management: improving tree management through a new digital monitoring system, adopting a strategic approach to planting that maximises biodiversity and climate benefits, and exploring opportunities to designate additional sites as Local Nature Reserves or Local Wildlife Sites.

2.12 Community engagement: promoting biodiversity-friendly practices with allotment tenants and other Council land tenants, developing community led planting initiatives at day centres, and expanding volunteering opportunities for residents, schools, youth groups, local businesses, and council staff.

2.13 Education and awareness: delivering structured biodiversity communications across Council channels, promoting nature-related leisure activities, and encouraging responsible pest management by residents.

2.14 Governance and leadership: strengthening political commitment by embedding biodiversity within climate governance structures and considering a declaration of an ecological emergency.

2.15 National targets: supporting the Environmental Improvement Plan 2023, including maintaining and enhancing Sites of Special Scientific Interest and preparing for Biodiversity Net Gain (BNG). This includes establishing reporting mechanisms, installing software to monitor BNG applications, and exploring the creation of local habitat banks.

2.16 Together, these actions provide a comprehensive framework for how the Council will conserve and enhance biodiversity, embed nature into

decision-making, and align local delivery with national commitments.

3. Options appraisal and proposal

3.1 This section sets out the options available to the committee for meeting the Council's obligations under the Biodiversity Duty. Each option has been assessed against the statutory requirements, the time available for delivery, the resources needed, and the level of stakeholder support. The aim is to ensure that the chosen approach enables timely compliance with the law while delivering meaningful action to conserve and enhance biodiversity across the borough.

3.2 Option 1: Approve the Biodiversity Duty Report (Preferred Option)

3.3 Adopting the objectives as it stands would meet the Council's statutory duties under the Environment Act 2021. The draft has already been shaped through engagement across Council services, which means the objectives are realistic and supported by those who will deliver them.

3.4 Pros

- Meets legal requirements and avoids the risk of non-compliance
- Builds on existing input from services, increasing chances of successful delivery
- Provides a clear framework for biodiversity action in the borough
- Enables timely delivery within the current reporting period
- Shows leadership in environmental protection and climate resilience

3.5 Cons

- Commits the Council to objectives that will require continued allocation of staff and resources
- Some actions could still face delivery challenges because of capacity constraints

3.6 Risks and mitigation

Delays to reporting are a risk, but these can be reduced by making sure stakeholders know the timetable and by focusing on actions that are achievable in the time available. Under-delivery can be avoided by setting SMART objectives based on realistic workloads.

3.7 Option 2: Approve the Objectives with Amendments

This would mean adopting the objectives but making targeted changes to objectives, timelines or priorities before implementation.

3.8 Pros

- Allows adjustments to reflect feedback or changes in circumstances
- May improve confidence among stakeholders if changes address concerns

3.9 Cons

- Would delay adoption and shorten the time available for delivery
- Could create scope creep and reduce clarity if too many changes are made
- May require further consultation with services, adding to the workload

3.10 Risks and mitigation

Tighter timeframes can be managed by keeping changes to a minimum and maintaining open communication with stakeholders.

3.11 Option 3: Do Not Approve the Objectives

This would mean rejecting or deferring the objectives until a future date.

3.12 Pros

- Gives more time for refinement and consultation

3.13 Cons

- Would put the Council in breach of statutory requirements
- Risks reputational damage from perceived inaction on biodiversity
- Would drastically shorten the time available for the first reporting period
- Could lead to rushed or lower quality outputs later on

3.14 Risks and mitigation

This is not realistically viable given legislative obligations. The risks significantly outweigh any potential benefits.

4. Risk implications

Risk	Explanation and mitigation
Reporting cannot be completed on time	<p>Explanation: There will only be one month to carry out reporting in the first period. Actions have been limited to what is realistically achievable. Stakeholder engagement has already been carried out.</p> <p>Mitigation: Ensure stakeholders are fully briefed on the timetable and reporting requirements so they can provide the necessary information promptly.</p>
The draft biodiversity duty objectives are not approved by the Committee in September and is reconsidered at November Committee meeting.	<p>Explanation: If approval is delayed to November, there will only be one month to deliver actions before the first reporting period.</p> <p>Mitigation: Carry out thorough consultation with services in advance to agree on SMART objectives and actions that are realistic and have cross-departmental support.</p>
The Council does not deliver the objectives and actions.	<p>Explanation: Limited resources may prevent officers and services from delivering the agreed objectives.</p> <p>Mitigation: Set SMART objectives that reflect existing capacity, and review workloads to prioritise statutory biodiversity requirements.</p>
Officer Resourcing	<p>Explanation: Biodiversity is cross-cutting, but there may be insufficient dedicated officer capacity or expertise.</p> <p>Mitigation: Identify a lead officer, provide training where necessary, and explore shared resourcing or partnerships with Surrey County Council, neighbouring boroughs, and NGOs.</p>
Monitoring & Reporting	<p>Explanation: Lack of baseline data and systems may make it difficult to track progress or demonstrate compliance.</p> <p>Mitigation: Establish baseline biodiversity data early, agree clear indicators, and embed monitoring within existing corporate reporting cycles.</p>
Conflicting corporate priorities	<p>Explanation: Pressures around housing, infrastructure, or regeneration could overshadow biodiversity actions.</p> <p>Mitigation: Embed biodiversity duty into corporate</p>

	strategies and planning policies so it is considered as part of decision-making rather than in competition.
Reputational damage	<p>Explanation: Failure to deliver visible improvements may lead to criticism from residents, media, or NGOs.</p> <p>Mitigation: Publicise progress regularly, celebrate quick wins, and communicate long-term plans to manage expectations.</p>
Local government reorganisation (LGR)	<p>Explanation: Progression of actions or reporting may be delayed or deprioritised during the reorganization process and the new unitary authority may inherit multiple biodiversity reports and action plans from the former boroughs and districts which may not align with another.</p> <p>Mitigation: Publishing a biodiversity duty report by 2026 is a statutory requirement, and this obligation will transfer to the new unitary authority. The current report will remain valid until it is formally updated by the successor authority. Many of the actions identified are expected to be deliverable by the end of 2026 and are therefore unlikely to be significantly disrupted by LGR.</p>

5. Financial implications

- 5.1 The delivery of the biodiversity duty report is being undertaken within existing officer resources. No new budget allocations are required at this stage, and actions have been designed to align with current work programmes across services (e.g. planning, environmental health, parks, and policy).
- 5.2 The key financial headlines are:
- No additional spend: All actions for the first reporting period are being delivered under existing budgets.
 - Officer time only: Delivery will rely on staff capacity across multiple services. This has been reflected in the design of SMART objectives, ensuring they are achievable within workloads.
 - Future opportunities: While no new expenditure is planned, compliance with the biodiversity duty may strengthen the Council's position for future external funding bids (e.g. DEFRA, Environment Agency, developer Biodiversity Net Gain contributions).
 - Low financial risk: The main risk relates to officer capacity and competing priorities, rather than direct cost pressures.

6. Legal comments

- 6.1 *Local authorities have a legal obligation under the Environment Act 2021 to conserve and enhance biodiversity. The legislation requires the government to implement legally – binding environmental targets.*

Corporate implications

7. S151 Officer comments

- 7.1 *The S151 Officer notes that the proposed option can be resourced within existing staff offices and therefore there are not significant financial issues.*

8. Monitoring Officer comments

- 8.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

9. Procurement comments

- 9.1 There are no procurement implications arising directly from this report.

10. Equality and Diversity

- 10.1 The biodiversity duty objectives are expected to have a positive impact by improving access to green spaces, supporting health and wellbeing (especially for vulnerable groups), and creating opportunities for community involvement.
- 10.2 Risks include reduced accessibility if naturalised areas are not designed inclusively, and underrepresentation of some groups in engagement activities.
- 10.3 Mitigation measures will ensure open spaces remain accessible, consultation is inclusive and targeted where needed, and communication is clear and available in alternative formats.

11. Sustainability/Climate Change Implications

- 11.1 The biodiversity duty objectives directly support Spelthorne's Climate Change Strategy (2022–2030) and the Climate Change Supplementary Planning Document (SPD). Both highlight the importance of green infrastructure and biodiversity in tackling the borough's climate emergency. By conserving and enhancing habitats, the strategy strengthens natural carbon sinks such as woodlands, wetlands, and grasslands.
- 11.2 Biodiversity measures also act as nature-based solutions to climate risks. Naturalised landscapes provide shade and cooling during heatwaves, while wetlands and permeable green spaces reduce surface water flooding, issues of particular importance given Spelthorne's location within the Thames floodplain. These actions reinforce the SPD's guidance on using green infrastructure in planning to improve resilience.
- 11.3 In addition to environmental benefits, the strategy delivers social co-benefits identified in the Climate Change Strategy, including improved air quality, health and wellbeing, and access to nature for residents. By embedding biodiversity into planning and service delivery, the Council ensures climate action is felt at a local and community level.
- 11.4 Overall, the biodiversity duty objectives are fully aligned with Spelthorne's climate objectives, complementing the Council's mitigation and adaptation efforts. It represents a low-cost, resource-efficient way of advancing the Climate Change Strategy while helping the borough adapt to increasing pressures from flooding, extreme heat, and ecological decline.

12. Other considerations

- 12.1 There is no legal requirement to do a public consultation for this report and due to the timelines for delivering this piece of work it did not feel appropriate.
- 12.2 All relevant internal stakeholders have been consulted throughout the process to

identify existing strategies, actions and policies as well as developing the objectives and resulting actions.

- 12.3 All effected internal stakeholders have preliminarily agreed to resource and deliver the biodiversity duty actions.

13. Timetable for implementation

<i>Approval of Biodiversity Duty Report</i>	<i>18th September 2025</i>
<i>First phase of delivery of objectives & actions</i>	<i>19th September – 28th November 2025</i>
<i>First reporting period</i>	<i>1st December – 22nd December 2025</i>
<i>Development and publication of first progress report</i>	<i>1st January– 31st March 2026</i>

- 13.1 After this, the end date of each reporting period must be within five years of the end date of the previous reporting period. All reports must be published within 12 weeks of the reporting period end date.

14. Contact

- 14.1 Anna Fjortoft (Biodiversity Officer – Neighbourhood Services):
a.fjortoft@spelthorne.gov.uk

Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.

Appendices:

Appendix A: Biodiversity Duty Report and Action Plan

Footnote: This document contains content generated by Artificial Intelligence (AI). AI generated content has been reviewed by the author for accuracy and edited/revised where necessary. The author takes responsibility for this content.