



Tracking local authority progress to meet the enhanced Biodiversity Duty

12 December 2024

Key findings

More than half of English Local Authorities have missed the legal deadline of 1 January 2024 under the Environment Act to consider the actions they could take to achieve nature restoration at a local level.

Limited local authority resources, especially given new important nature requirements introduced this year such as Biodiversity Net Gain (BNG), were cited as among reasons for not yet having completed first considerations of the Biodiversity Duty.

Context

Indicators published this week show that the percentage of local sites under positive conservation management has deteriorated in the short-term (2017/18 to 2022/23) and made little to no change between 2021/22 and 2022/23.¹

The progress of public authorities towards their biodiversity duty is an essential aspect in achieving national biodiversity goals and targets, including protecting at least 30% of land by 2030 and reversing the decline of species abundance by 2030.

Under the enhanced Biodiversity Duty of the Environment Act (2021)² which applies to all public bodies, including local authorities, they must³:

- complete their first consideration of what action to take for biodiversity by 1 January 2024.
- agree their policies and objectives as soon as possible after this
- act to deliver these policies and achieve these agreed objectives.
- report how their organisation is helping to improve the environment and show the positive change you're making 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.

¹ <https://www.gov.uk/government/statistics/england-biodiversity-indicators/16-local-sites-under-positive-conservation-management>

² <https://www.legislation.gov.uk/ukpga/2021/30/section/102>

³ <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>



Study

A freedom of information request was submitted to 317 local authorities in England asking for:

1. a record of your first considerations of what action to take for biodiversity, which was due to be completed by 1 January 2024.
2. any policies and objectives for biodiversity which were agreed as soon as possible after this

Table 1: A summary of the results from the 294 (93%) local authorities that responded to this enquiry.

Completed the first considerations with at least some policies and actions for biodiversity in place	Authorities which have completed the first consideration but do not yet have any new policies related to this	Authorities which have not completed the first considerations, but have some existing relevant policies for biodiversity	Authorities which have not completed the first considerations or adopted any related existing policies
121 (41%)	73 (25%)	32 (11%)	66 (23%)

Other key findings:

- Of the 121 authorities who have completed their first considerations and have some policies in place, 42 (34%) already had a biodiversity action plan or environment strategy in place before January 2024 which they view had enough detail to cover this requirement without re-considering their actions.
- While not in play yet, the first considerations and/or policies for **38** of authorities are expected soon, pending formal acceptance.

The format of the first considerations differs between authorities.

Many local authorities have chosen to develop and publish a first consideration report, while others develop their consideration during council meetings or during internal conversations with no formal record. All formats are acceptable as there is no duty to formally record the first consideration, but it must have taken place before 1 January 2024.

While the guidance is not clear on the format of the first considerations, the guidance does stipulate that authorities must consider relevant strategies such as Local Nature Recovery Strategies and Protected Site Strategies, consider managing more land to improve nature, consider educating and raising awareness about biodiversity, review internal processes such



as transport, water and light to ensure compatibility with boosting biodiversity, and effectively implementing the new Biodiversity Net Gain requirement.

Many local authorities site resourcing challenges as a reason for their lack of progress towards fulfilling the duty.

For example:

- Oxford City Council: 'The First Consideration report actions have been considerably constrained by resourcing, particularly as the Council has been unable to recruit a permanent replacement Principal Ecology and Biodiversity Officer, since March '24.'
- Chichester County Council: 'In order to progress this work we have had to find additional staff resource internally. The new post holder began work on 2 September 2024 and work is now underway on producing the policies and objectives as part of a wider Biodiversity Strategy to replace the expired Local Biodiversity Action Plan.'
- Derbyshire County Council: 'The Council is currently considering where resources will be allocated to develop actions plans (objectives and policies).'
- Buckinghamshire County Council: 'With respect to our enhanced duty our work has focussed on two key areas these being Biodiversity Net Gain and Local Nature Recovery Strategy.'

Recommendations

Firstly, all local authorities should make their first considerations of actions to take for biodiversity as soon as possible in their preferred format, so that they can agree policies and objectives, act to deliver the policies and achieve the objectives, and report on progress by before 1 January 2026.

Government should provide stronger and clearer guidance for local authorities on how to present their progress towards the duty. The current guidance shows what the councils 'could' be doing. This should be stronger and more specific about what Local Authorities and other public bodies should be doing to maximise benefits for nature and progress towards the Environment Act targets. Some of the key actions in the guidance are conserving and enhancing Sites of Special Scientific Interest (SSSIs), engaging and helping to deliver Local Nature Recovery Strategies (LNRs), and ensuring in-house ecological expertise and capacity, including to scrutinise development plans and proposals.

The guidance should also be updated in line with the new duty for public bodies to seek to further the statutory purposes of National Parks and National Landscapes and to contribute to the preparation, implementation and review of the Management Plans for these protected landscapes. Local authorities also need greater resourcing to meet their duty, deliver their policies, and achieve their targets. For example, Oxford City Council list



resourcing as the principal reason for the delay in deciding actions and policies for biodiversity.

On planning reforms more generally environment groups have the following three calls to Government, that should be supported by greater resource for environmental and planning expertise, to help overstretched Local Authorities to deliver:

A 'greenprint' for nature's recovery: Commitments in law are needed to boost nature by:

- Following repeated recommendations improve the protected site network by creating more protected nature sites (with stronger powers and resources for nature for National Park and National Landscape Authorities)
- Requiring Local Authorities to detail new 'Wildbelt' sites and implement Local Nature Recovery Strategies in local plans, alongside more resource for Local Authorities and Natural England to get the overstretched planning system moving
- Banning all harmful activities in Marine Protected Areas.

Wilder neighbourhoods: Too often nature is an afterthought in new homes and infrastructure development, so new planning laws should ensure that:

- Nature-friendly features like swift bricks, bat boxes, hedgehog corridors, native plants and sustainable drainage are required in all new buildings and projects
- Rules are enforced to ensure developments don't harm irreplaceable wildlife and plans are in place on how projects will increase biodiversity before they start

Planning ahead to protect nature: A new National Spatial Plan (something which has been lacking in England since 2013) would help Government to strategically plan ahead to protect the most important wild places and find the most appropriate development sites for communities and nature.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 86 organisations to campaign for nature, climate, animal welfare and a healthy environment for everyone. Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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