

Biodiversity - Actions to comply with the Environment Act 2021

For Cabinet 21 September 2023

Summary

Lead Member: Councillor Hugo Pound, Cabinet Member for Housing and Planning

Lead Director: Lee Colyer, Director of Finance, Policy and Development (s151 Officer)

Head of Service: Carlos Hone, Head of Planning Services

Report Author: David Scully, Landscape and Biodiversity Officer

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	21 August 2023
Portfolio Holder	15 August 2023
Planning Policy Working Group	05 September 2023
Planning and Transportation Cabinet Advisory Board	04 September 2023
Cabinet	21 September 2023

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Council's Interim Biodiversity Net Gain project utilising Council owned woodland be continued as proposed in this report and the necessary work and efforts be made to register the land for Biodiversity Net Gain credits under the Environment Act 2021 including the appointment of a consultant to undertake the necessary surveys and to provide advice on the longer-term management of the scheme.
2. That the Council continues preparation for Mandatory Biodiversity Net Gain which commences in November 2023. This will include:
 - Continuing to develop guidance and procedures for Development Management

- Collating information on Biodiversity Net Gain being provided in the Borough and developing a longer-term strategy for the offsite provision for Biodiversity Net Gain
 - The appointment of KCC Ecology under a Service Level Agreement (SLA) to assist in the review of Biodiversity Net Gain Plans submitted in support of planning applications in the Borough.
3. That as required by the Environment Act 2021 the Council prepare and publish a Biodiversity Report through consultation with Members and key stakeholders. The Biodiversity Report shall as a minimum meet the requirements of the Biodiversity Duty and set out the Council's Biodiversity Action Plan.
 4. That delegated Authority be given to the Head of Planning in consultation with the Cabinet Member for Housing and Planning to implement the above actions, set out in recommendations 1 to 3 above including entering into a SLA with KCC Ecology following any necessary negotiations and that delegated authority be given to the Head of Legal Partnership in consultation with the Head of Planning to negotiate and complete all necessary agreements with the consultant referred to in Para 1 above. Negotiations with KCC Ecology will seek to secure a 1-year review clause and two training sessions for Members and officers.

1. Introduction and Background

- 1.1 This report relates to the Council's Corporate and Planning roles and responsibilities under the Environment Act 2021 for protecting and enhancing biodiversity across the Borough, and the requirements as part of planning to deliver Biodiversity Net Gain (BNG) on development sites through three interrelated pieces of work:
 - i. Continuance of the Council's **Interim Biodiversity Net Gain (BNG) project** on Council owned Woodland and taking this forward to a permanent scheme to help facilitate development where off-site biodiversity gains are required either by S106 planning obligations or Conservation Covenants.
 - ii. To prepare for and deliver the mandatory requirement for development to provide **Mandatory Biodiversity Net Gain (BNG)** which comes into force in November 2023, and
 - iii. To respond to the new corporate Biodiversity Duty imposed on Local Planning Authorities under the Environment Act 2021 requiring Local

Planning Authorities to propose and report on actions for biodiversity within a **Biodiversity Report** that will include the Council's Biodiversity Action Plan.

- 1.2 The Government published the 25 Year Environment Strategy in 2018 signalling that they would strengthen the Biodiversity Duty and introduce a mandatory system for development of Biodiversity Net Gain (i.e. making sure that the habitats for wildlife associated with a development are on completion of that development in a better state than before the development took place).
- 1.3 The legislation and changes in Government planning guidance have been slow to arrive. In the meantime, the methodology for calculating Biodiversity Net Gain (the Defra Metric) has continued to evolve through use by early adopters of BNG including Tunbridge Wells Borough Council.
- 1.4 The Environment Bill received Royal Assent on 9 November 2021 stating that 10% BNG would become mandatory for all development from November 2023 and provided the main timescales for the **Biodiversity Report**.
- 1.5 Using the Council's adopted policy for Biodiversity (CP4) of "no net loss" and the more recent National Planning Policy Framework (NPPF) paragraphs 174(d) and 179(b) which encourages BNG, the Council adopted a de facto policy of requiring 10% BNG for all new development in 2019 and so as one of the early adopters has helped shape the final technical guidance and developed some expertise in BNG. The Council included in the drafting of its emerging Local Plan a specific BNG policy (EN 9) requiring at least 10% biodiversity net gain.
- 1.6 However, the supporting guidance on many matters in the Environment Act is only now becoming available and the secondary legislation that provides all the details of how BNG will work has still not been fully published. BNG for smaller sites has been pushed back until April 2024 but the November date for mandatory BNG for major development remains. The decisions made following on from this report may then need to be reviewed as and when further legislation and/or guidance becomes available. If a revised decision is necessary, this will be re-presented to Cabinet at the appropriate time.
- 1.7 The Council has formally recognised the need for urgent action on Biodiversity through a declaration of a climate and biodiversity emergency (Full Council in July 2019) and has taken decisive action by being an early adopter of Biodiversity Net Gain in 2019. Latterly the Council, through its Council Plan – Building a Better Borough (2022-24) has committed to review its Biodiversity Action Plan which might usefully be included within the Biodiversity Report.
- 1.8 The Council has for many years identified and designated a wide and extensive range of sites to be protected for their wildlife interest and seeks to ensure their continued protection and enhancement through policies and actions. Those actions include the management and improvements to the Council's estate which includes significant parks, woodlands and nature reserves as well as supporting and working with key long standing partnerships including:

High Weald AONB Unit

Kent High Weald Partnership

Kent Nature Partnership

Kent Wildlife Trust

Partnerships for Ashdown Forest

- 1.9 This report is intended to set out how the Council will meet the new challenges posed by the Environment Act 2021 in respect of biodiversity building on its existing policies, partnerships and actions setting out a clear strategy for going forward that will maximise the benefits for biodiversity within the resources and influence available to the Council.
- 1.10 To assist members in gaining a more comprehensive understanding of BNG please refer to Government guidance listed under background documents at the end of this report.

2. The Interim Biodiversity Net Gain Project

- 2.1 In 2019 the Cabinet report (CAB61/19¹ 12 September 2019) noted the Council's interim biodiversity Net Gain project utilising Council owned woodland to make up any shortfall in biodiversity Units that developers were unable to achieve on site to provide a 10% BNG. The report (at paragraph 4.6) advised that Planning Service would:
- “1. Continue to negotiate with applicants as necessary seeking contributions for a scheme of biodiversity offsetting on Council owned woodland with any other secured funds to go towards the establishing of a borough/county scheme.*
- 2. Upon receipt of sufficient funding through S106 agreements for biodiversity offsetting:*
- i. KHWP would be instructed to prepare the necessary management plans and programmes of work for the Council owned woodland to achieve net gains for biodiversity in consultation with key stakeholders*
- ii. A consultant would be appointed to undertake work on devising a local scheme of biodiversity offsetting in support of the emerging Local Plan”*
- 2.2 Since the adoption of that approach and in line with available guidance, developers have been challenged to deliver BNG on sites and only where that is not possible to provide any shortfall off-site. Most developers were able to provide BNG on site but for those who could not do so they were offered the opportunity to purchase Biodiversity Units off-site from the Council under the interim scheme. The price per area biodiversity unit was set at the midpoint between the highest and lowest predicted or available prices at £18,000 per Biodiversity Unit.

¹ Net Gain for Biodiversity in the Borough – Cabinet Report 12 September 2019
<https://democracy.tunbridgewells.gov.uk/documents/s44648/9%20Net%20gain%20for%20Biodiversity%20in%20the%20Borough%20final.pdf>

- 2.3 It takes some time for such policies to take effect and for any significant funds to come through the planning process, to complete signed S106 agreements and then for them to be implemented. Indeed, some schemes with signed S106 agreements for over a year have still not been implemented. As of July 2023, the funds collected for BNG under the interim project total £59,271.76 and a further £160,200 is agreed under signed S106 agreements but these projects which have planning consent have not yet been implemented. In total this commits the Council to potentially providing 12 area biodiversity Units. There are more applications under consideration that may also require the interim project between now and November 2023.
- 2.4 So far, as approved by the Cabinet report for this project, the Kent Wildlife Trust (KWT) were commissioned to undertake a baseline assessment and provide an indication of how many units the woodland could generate with improved management and at what cost. These initial assessments (Attached to Appendix B Interim Management Plan) show that the woodlands may provide in excess of 40 biodiversity area units as set out in table 1 below:

Table 1: Initial Assessment of Council owned woodland for BNG Units

Site	Baseline Biodiversity Area Units	Possible Biodiversity Area Units Following Improvements	Increase in Biodiversity Area Units	Percentage increase in Biodiversity Units
Marshley Harbour Woods	306.72	338.89	32.17	10%
Snipe and Bassets Woods	153.52	166.23	12.71	8%
High Woods	117.97	119.18	1.2	1%
			46.08	19%

- 2.5 The work by KWT also suggests that this may in the future provide an income stream based on a suggested price of £22,000 per area biodiversity Unit. However this is an indicative price only and more detailed costing and surveys are required to test these assumptions. This more detailed work will also be necessary if the Council agrees to placing the land that is in the interim scheme into a long-term Government approved scheme for BNG.
- 2.6 Works to provide BNG will be tailored to available funds and BNG Units required but BNG Units on the two smaller woodlands would, depending on the agreed price for a BNG Unit, bring in some £250,000 to £300,000. Whilst this may seem a large sum it has to spread over the lifetime of the agreed BNG provision which is a minimum of 30 years at between £8,000 and £10,000 per year if and only if rates for BNG Units are correct and sustained in what will be an open market place.
- 2.7 Extreme caution is needed regarding forecasting future costs and incomes as the gains in biodiversity need to be sustained over a minimum period of 30 years and the costs and incomes are market dependent and will fluctuate during that time.

- 2.8 From this the Council may take some comfort that firstly the scheme will provide all the required biodiversity units for which it has accepted payment and secondly there are further units available such that it is worth seeking to register the land under the Environment Act for off site net gain. Whilst take up of these units cannot be guaranteed they can potentially facilitate development within the borough and limit the risk of off-site gains being provided outside the Borough.
- 2.9 The Kent High Weald Partnership have been commissioned to prepare an initial Management Plan for the Council owned woodland (Appendix B) and a program to implement the proposed works including targeted actions for BNG enhancements. This will be worked up into more detail following further survey using the latest Defra Metric, community engagement and consultation with key stakeholders, the Council Parks Department (who have overall management responsibility) and their Forestry contractor.
- 2.10 Kent High Weald Partnership will continue with their work to develop and implement the first stage of the Management Plan using the available funds noted above.
- 2.11 Council officers will appoint a consultant by tender to undertake the more detailed survey using the latest metric and to provide updated costs for implementation over a minimum 30 year period (as required by the Environment Act) and to advise on the long term running of the scheme. It is proposed that this will be funded by the money collected pursuant to s.106 contributions where the agreements allow for the use of these funds in this manner.
- 2.12 This work should provide the evidence required, should the council wish to do so, to register the land under the Environment Act 2021 and then continue to use the site where appropriate for the provision of off-site BNG. It also will enable the Council to set out more clearly and accurately the management prescriptions required and the necessary tariff.
- 2.13 It should be noted that indications are that the Council cannot insist on developers using a Council scheme but may offer it and that there may be further restrictions with regards the habitats available and how they may be used such that Council's woodlands may be just one of many sites that would be suitable to provide off-site BNG where required. Conditions within the legislation as well as market forces and developer preference will steer site choice but mechanisms within the Defra Metric provide a financial incentive to provide off-site units as close as possible to the development site. The availability of woodland BNG Units within the Borough to enable off-site BNG delivery from developers is also likely to aid housing delivery.
- 2.14 It should also be noted that the Council's woodlands only provide area biodiversity Units and do not have much if any capacity to provide linear hedgerow and river units. And so the work to be commissioned will consider how best such units can be provided from elsewhere.
- 2.15 It is then recommended that work on the Council's interim BNG project should continue as originally approved and that the further work necessary to register

the land for off-site provision of BNG under the Environment Act 2021 be carried out so that the Council's woodlands may, in so far as they are able, continue to support appropriate development.

3. Mandatory Biodiversity Net Gain

- 3.1 The Government has confirmed that BNG will become Mandatory for all development commencing with major development in November 2023 and all other development in April 2024. The exact dates have not yet been provided and we are awaiting further legislation and guidance.
- 3.2 Based on information and guidance that is available, work with the planning Advisory Service (PAS) and Kent Nature Partnership as well as our own experience of BNG it is clear that more detailed preparation for mandatory BNG is required.
- 3.3 To this end officers in planning across policy, development management, and validation with support from finance and legal services are reviewing systems and processes to ensure that the Council is ready to meet the requirements of the legislation.
- 3.4 The Government recognises that the Environment Act imposes an additional burden on Council's and has promised additional funding. This is most welcome as the Council has struggled to implement BNG so far within existing resources and when BNG becomes mandatory it will bring with it additional checks and requirements including monitoring such that the Council will from November need additional resources if it is to implement BNG properly and effectively.
- 3.5 Whilst the Government has promised additional funding it remains unclear what the long-term arrangements will be. Several grants have been provided to help Local Planning Authorities (LPAs) prepare for BNG but this came with no forewarning of the level of grant available and has in part required retrospective evidence making planning for expenditure very difficult. In 2022 Defra indicated that the long term grant would be circa £15,000 per annum but in the latest correspondence merely says that it will be "confirmed in due course".
- 3.6 The Defra grants so far are summarised below:
- Financial Period 2021/2022
Offer received February 2022 for £10,047
- Financial Period 2022/2023
Offer received March 2023 for £26,807
- Financial Period 2023/2024
Offer received July 2023 for £26,807
- 3.7 The grant in 2022/23 was claimed for time spent implementing the Council's BNG policy to date. It is proposed that the grant offered for 2023/24 be claimed

in part for officer time spent on BNG and part to secure additional resources to assist with mandatory BNG. The split will be depend on the cost of securing additional resources between now and March 31st 2024.

- 3.8 There is little realistic prospect of securing additional in-house resources for future years with the grant funding that is currently proposed (circa £15,000) and so it is proposed that the money is pooled with other LPAs who are already using the services of KCC Ecology to provide ecological and BNG advice for the Council. On the basis of existing commitments from other LPAs KCC is already recruiting staff to prepare for the work required on Mandatory BNG and hopes to be able to service all Kent LPAs with advice and support on BNG.
- 3.9 A central Kent resource for the scrutiny and evaluation of BNG for developments should be beneficial to all involved in that it will assist with developing a consistent approach to the BNG metric and BNG Gain Plans especially with regards technical elements such as habitat classification, the manipulation of inputs into the BNG and how off site BNG will be considered.
- 3.10 Officers therefore recommend that the funding from Defra for future years (circa £15,000), be put towards securing the services of KCC Ecology to review and advise on Biodiversity Gain Plans submitted with planning applications, and that where possible and subject to agreement a portion of the Defra 2023/24 grant is also used to secure the services of KCC Ecology. A draft Service Level Agreement (SLA) to cover this work is in Appendix A and will be subject to further consideration and approval by the Head of Planning Services after seeking the appropriate authority under the Council's Financial Standing Orders for procurement.
- 3.11 It should be noted that there is still some uncertainty over the future level of funding, about how BNG will operate, the level of demand and the quality of submissions and so KCC Ecology cannot commit at present to a particular level of service and in addition KCC Ecology will be constrained by the success of the planned recruitment.
- 3.12 Any arrangements entered into with KCC Ecology for BNG will then have to be kept under review until matters become clearer and a longer more settled agreement can be reached, and this will be done by regular monitoring of the SLA by the Head of Planning Services.

4. Biodiversity Report

- 4.1 Public bodies including LPAs were given a statutory duty towards Biodiversity in the Natural Environment and Rural Communities Act 2006 (NERC Act) with a requirement that LPAs have regard to biodiversity in all of its decision making. The NERC Act 2006 has been updated by Section 103 (effective January 2023) of the Environment Act 2021. The Government guidance (Complying with the biodiversity duty) summarise that, under this new legislation, public authorities must:

- *“Consider what you 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”.*

4.2 The Act specifically requires Local Authorities to publish **biodiversity reports** which contain:

- *“a summary of action which the authority has taken over the period of the report*
- *a summary of the Authorities plans for the 5 years following the report*
- *quantitative data and any other information the authority considers is appropriate is include in the report”.*

4.3 The Act stipulates publication and frequency dates as follows:

- the first report must cover no longer than 3 years, subsequent reports must cover no longer than 5 years and run consecutively
- the report must be published within 12 weeks of the last day of the report

4.4 This is a corporate responsibility that goes across all Council departments, actions and decision making. The Government guidance summarises what, under the legislation, public authorities must do:

- *“Consider what you 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”.*

4.5 The report has three compulsory sections which are described in the Government guidance as follows:

“Section 1: Your policies, objectives and actions

You must include this information in your report.

Explain:

- *the policies and objectives you have set to meet your biodiversity duty*
- *the actions you’ve completed, either alone or in partnership with others, that benefit biodiversity*

Section 2: How you have considered other strategies

You must include this information in your report.

Explain how you’ve taken into account:

- *local nature recovery strategies*
- *protected site strategies*
- *species conservation strategies*

For example, include information about how:

- *you’ve advised or worked in a Local Nature Recovery Strategy (LNRS) partnership In your area*
- *these strategies influenced your policies, objectives or actions*

Section 3: Your future actions

You must include this information in your report.

- Explain how your organisation plans to fulfil your biodiversity duty over the 5 years following the end of this reporting period.
- You can report your plans for future actions in each section of your report alongside the ones you've achieved".

4.6 For LPAs there a further compulsory requirement to report on BNG covering:

- *“a summary of the actions you've carried out to meet biodiversity net gain obligations*
- *details of biodiversity gains resulting, or expected to result, from biodiversity gain plans you've approved*
- *a summary of how you plan to meet biodiversity net gain obligations in the next reporting period”*

4.7 In addition the guidance also refers to the following optional content:

Section 4: Information about your authority

Section 5: Your top achievements

Section 6: How your policies and actions have helped

Section 7: How you've raised awareness and educated the community

Section 8: Monitoring and evaluating your actions

Section 9: Biodiversity highlights and challenges

4.8 Much of this information may usefully be included and should encompass the Council's commitment in **Build a Better Borough** to review the Council's **Biodiversity Action Plan**. It can also be of use in positively communicating to a wider audience the actions that the Council already undertakes to improve biodiversity through its partnership working.

4.9 Whilst the first Biodiversity Report must be reviewed within three years and subsequent reports every five years there is a requirement for a first report that sets out the Council's first consideration of what action to take for biodiversity to be published by **01 January 2024** and *“agree your policies and objectives as soon as possible after this”*.

4.10 It is recommended that work begin on the Council's first Biodiversity Report which will set out what action the Council will take for biodiversity and that this be published for consultation on or before 31st December 2023. This will include a review of biodiversity across all departments to look at systems and processes and how Biodiversity can be integrated into the work they do. It will also consider what measures can be put in place to ensure adequate monitoring to assist with future reporting requirements.

- 4.11 Whilst planning may be able to lead on this work and coordinate the writing of the Biodiversity Report it will require each department or service to consider and propose its own actions for biodiversity and reporting/monitoring proposals and targets.

5. Options Considered

- 5.1 As explained these areas of work are interrelated and are a requirement of new legislation for which there is some additional funding. A “**do nothing**” option is then not appropriate however there are some limited choices available within each piece of work and these are explained below using the main headings in the report.

Interim Biodiversity Net Gain Project

- 5.2 **Option 1:** The Council is committed to taking forward the project to deliver the Biodiversity Units for which it has collected funds. The only alternative to this is to pass the funds back to the developers but this may raise questions about the planning consents which were granted in part on their contribution to biodiversity.
- 5.3 Consequently this option is not recommended as it may lead to reputational damage and undermine the Council’s environmental commitments.
- 5.4 **Option 2:** The Council may decide to take the project no further and no longer offer the Council’s woodlands to provide off site Biodiversity Net Gain Units. Where no alternatives are available this may frustrate development or where limited options are available this may lead to Biodiversity Net Gain Units being provided at locations outside the borough or region which would be detrimental to the Council’s commitment to the biodiversity within the Borough.
- 5.5 **Option 3:** The Council may further develop the project and register the land as required by the Environment Act as a site that can provide off site Biodiversity Net gain. There will be limitations and restrictions on the take up of the Biodiversity Units but any work required will be funded by developer contributions and no additional costs will be incurred unless developer contributions are received.

Mandatory Biodiversity Net Gain.

- 5.6 **Option 1:** The Council could attempt to secure additional internal resources through re-structure and/or recruitment to implement Mandatory Biodiversity Net Gain. However general recruitment in planning has proved difficult recently and there is no certainty as to the success of such an approach or whether there will be sufficient funds to support this approach.
- 5.7 **Option 2:** The Council can pool the limited financial resources and expertise with KCC Ecology who already service most Kent LPAs with Ecological and BNG advice. Whilst KCC are open to this solution and are preparing to service Kent LPAs in giving advice on Mandatory Biodiversity Net Gain, risks do remain such

that the Council will need to monitor the situation and maintain internal resources until the matter becomes more settled.

Biodiversity Report

- 5.8 **Option 1:** The Council can choose to produce a report that contains only mandatory information and considerations.
- 5.9 **Option 2:** the Council may choose to include optional information in support of its wider policies and actions on biodiversity and environmental commitments.

6. Preferred Option and Reason

- 6.1 For the **Interim Biodiversity Net Gain Project** officers strongly recommend **Option 3** that the project continues with delivery of Biodiversity Units and further studies for which funds have been secured and that efforts be made to register the land under the Environment Act 2021 as a site for offsite Biodiversity Units to facilitate development.
- 6.2 This will ensure that the Council delivers on its commitments in support of previously consented developments and will assist in ensuring that any future off site provision is retained where possible within the Borough. It should have no significant effect on Council financial resources as any necessary works will be funded by developer contributions and will enable the Council to improve the biodiversity in Council owned woodland at nil cost.
- 6.3 Officers recommend **Option 2** to service the requirement for **Mandatory Biodiversity Net Gain** required by the Environment Act 2021. This option increases the potential for the Council to provide a good quality service maximising the effectiveness of the limited financial support available from Defra.
- 6.4 **Option 2** is recommended with regards the **Biodiversity Report** as it offers the greatest level of support for existing Council commitments and projects and offers opportunities to set out in a more transparent and positive way all the work that the Council does with regards biodiversity.

7. Consultation on Options

- 7.1 These options have been discussed with relevant Heads of Service and Cabinet Members.
- 7.2 There has been discussion with KCC Ecology with regards Mandatory BNG and the agreement to the provision of services through a Service Level Agreement.

- 7.3 The Interim Management plan for Council owned woodland has been prepared in discussion with the Parks Department and Forestry Contractor.

Recommendation from Cabinet Advisory Board

- 7.4 The Planning and Transportation Cabinet Advisory Board were consulted on 04 September 2023. The recommendations set out in the draft report were updated at the meeting and a copy provided to all Members. Members agreed the revised set of recommendations presented at the meeting subject to an additional requirement being added to the recommendations that the SLA with KCC Ecology should include:

- A one year review clause
- Two training sessions in the year for members and officers.

- 7.5 An additional sentence has been added to recommendation 4 within this report to address these recommendations noting that such requirements will be subject to the negotiations with and the available capacity of KCC Ecology.

8. Implementation

- 8.1.1 The proposed actions noted above for the Interim Biodiversity Net Gain Project and Mandatory Net Gain will be implemented by officers in Planning led in the main by the Landscape and Biodiversity Officer with support from other departments as required.
- 8.1.2 A Cabinet Member report will be prepared for the release of the necessary S106 contributions to ensure that the money is spent in accordance with the terms within any legal agreement.
- 8.1.3 The Head of Planning Services will seek authority under the Council's Financial Standing Orders for procurement to enter into negotiations with KCC to agree an SLA for Ecological advice on BNG and monitor that agreement making changes as necessary to secure the correct and affordable level of support.
- 8.1.4 Actions required for the Biodiversity Report will require input from all Council departments with a lead to be appointed by Heads of Service.

9. Appendices and Background Documents

Appendices:

- **Appendix A:** Draft Service Level Agreement with KCC Ecology

- **Appendix B:** Interim Management Plan Management Plan for the Council owned woodlands at Marshley Harbour, Snipe & Bassets and High Woods to deliver Biodiversity Net Gain

Background Documents:

- Net Gain for Biodiversity in the Borough – Cabinet Report 12 September 2019
<https://democracy.tunbridgewells.gov.uk/documents/s44648/9%20Net%20gain%20for%20Biodiversity%20in%20the%20Borough%20final.pdf>

- Government Guidance:

[Understanding biodiversity net gain](#)

[Complying with the biodiversity duty guidance](#)

[Reporting your biodiversity duty actions guidance](#)

[Sell biodiversity units as a land manager guidance](#)

[What you can count towards a development's biodiversity net gain \(BNG\) guidance](#)

10. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Accepting the recommendations in this report will ensure the Council complies with its statutory and regulatory obligations arising from the Natural Environment and Rural Communities Act 2006 and the Town and country Planning Act 1990 as amended by the Environment Act 2021.

Cheryl Parks Mid Kent Legal Services (Planning) 15/08/2023

B. Finance and Other Resources

There are no financial implications for the Council as S106 Developer funding will finance the project and associated consultancy costs. Any Officer input required for management and reporting will be carried out by existing budgeted posts. It removes the financial risk of the Council not complying with its statutory obligations.

Jane Fineman Head of Finance, Procurement & Parking 18/08/2023

C. Staffing

The works will be implemented within existing staff resources or contractors where indicated in the report.

David Scully Landscape and Biodiversity Officer 15/08/2023

D. Risk Management

All

David Scully Landscape and Biodiversity Officer

E. Environment (inc. Biodiversity) and Sustainability

The works set out in the report will contribute to environmental improvements within the Borough in accordance with current and emerging legislation.

David Scully Landscape and Biodiversity Officer 15/08/2023

F. Community Safety

No Issues

David Scully Landscape and Biodiversity Officer 15/08/2023

G. Equalities

The report raises no new issues and introduces no new policies. An Equalities Impact Assessment is deemed not necessary.

David Scully Landscape and Biodiversity Officer 15/08/2023

H. Data Protection

No Issues

David Scully Landscape and Biodiversity Officer 15/08/2023

I. Health and Safety

No Issues

David Scully Landscape and Biodiversity Officer 15/08/2023

J. Health and Wellbeing

The proposals will contribute to the health and well being of the local communities who use Council owned woodlands through improvements to those sites for biodiversity and access.

David Scully Landscape and Biodiversity Officer 15/08/2023