

FIVE YEAR REVIEW AND UPDATE TO EPSOM & EWELL'S BIODIVERSITY ACTION PLAN 2020-30

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| Head of Service: | Justin Turvey, Head of Place Development |
| Report Author | Sarah Clift |
| Wards affected: | (All Wards); |
| Urgent Decision?(yes/no) | No |
| If yes, reason urgent decision required: | |
| Appendices (attached): | Epsom and Ewell's Biodiversity Action Plan 2020-30, updated in 2025 |

Summary

The Environment Act 2021 has brought in changes which affect the management of Biodiversity in Epsom & Ewell. This report therefore seeks to update the Borough's current Biodiversity Action Plan.

Recommendation (s)

The Committee is asked to:

- (1) Consider and note the progress made to date in respect of the Council's Biodiversity Action Plan 2020-30.**
- (2) Approve the Biodiversity Action Plan 2020-30 (2025 update) (attached at appendix 1)**
- (3) Approve delegated authority for the Director of Environment, Housing and Regeneration in consultation with the Chair of the Environment committee to make factual updates to the Action Plan 2020-2030 as a result of legislative changes**

1 Reason for Recommendation

- 1.1 The Environment Act 2021 enacted changes which need to be included in the Borough's Biodiversity Action Plan. It has made it mandatory that all planning permissions granted in England (unless exemptions apply) will have to deliver at least 10% Biodiversity Net Gain (BNG). BNG will be measured using Defra's biodiversity metric and all off-site and significant on-site habitats will need to be secured for at least 30 years. This sits alongside:

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- a strengthened legal duty for public bodies to conserve and enhance biodiversity,
- new biodiversity reporting requirements for local authorities, and
- mandatory spatial strategies for nature: Local Nature Recovery Strategies or 'LNRS'.

2 Background

- 2.1 Biodiversity provides the support systems that sustain human existence. It provides many of the essentials of life, our oxygen, water, food, clothing, health and relaxation. Protection and enhancement of Epsom and Ewell's Biodiversity is vital. We must 'act locally and think globally'.
- 2.2 The natural environment faces urgent and significant challenges, with the UK being one of the most nature depleted countries in the world. By tackling the twin biodiversity and climate emergencies, we will help nature recover and, at the same time, secure health and economic benefits from an enhanced natural environment, for wildlife, for people and for our economy.
- 2.3 The Borough's first Biodiversity Action Plan was approved in 2010 and has helped to coordinate efforts to protect and enhance biodiversity across the Borough. It has highlighted the importance of agreeing and implementing site management plans, monitoring our biodiversity to inform local planning decisions and assists with important aspects of the Council's Climate Change Action Plan.
- 2.4 The 2020-30 plan built on the successes and knowledge gained over the previous 10 years. The objectives and targets were honed to provide clear guidance to protect and enhance the Borough's Biodiversity.
- 2.5 The Environment Act 2021 enacted changes which should be reflected in the Borough's Biodiversity Action Plan. These are mainly found in sections 1 and 6 of the updated Biodiversity Action Plan. Section 7 focuses on the progress made on the targets set in 2020 and provides a new table of key priorities for the next five years of the plan.
- 2.6 The plan operates in a coordinating/prioritising role as an essential guide and tool, helping to deliver the Council's Key Priorities (see section 6 of this committee report) and ensure we adhere to our statutory responsibilities (see section 5 of this committee report).

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None for the purposes of this report.

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3.2 Crime & Disorder

3.2.1 Implementing the Biodiversity Action Plan, has helped to ensure that our green spaces are well looked after, helping our residents to understand and appreciate the importance of their local biodiversity. Greater respect and understanding of biodiversity fosters appreciation of our green space and can help towards decreasing anti-social behaviour.

3.3 Safeguarding

3.3.1 The plan has encouraged the use of volunteers to assist in managing and enhancing the Borough's biodiversity. Volunteer activities have been provided that include opportunities for vulnerable adults.

3.4 Dependencies

3.4.1 None for the purposes of this report.

3.5 Other

3.5.1 None for the purposes of this report.

4 Financial Implications

4.1 Managing, conserving and enhancing the Borough's Biodiversity and on-going initiatives requires adequate financial resourcing. Over the lifetime of the previous plan, progress was made in managing the Borough's Biodiversity using externally sourced funding. Volunteers play an increasingly significant role with officer time required being met from existing resources as no further Council funding is currently available for allocation to the Plan.

4.2 To comply with the requirements of Biodiversity Net Gain, in assessing habitat management plans, monitoring their implementation along with our Duty to Report, officer time will be reallocated to focus on these tasks.

4.3 It is an objective of this plan to continue securing external income streams and to highlight that investing in our local Biodiversity is a long-term investment in the future of our planet and its ability to support human lives.

4.4 **Section 151 Officer's comments:** Financial implications are included within the body of the report.

5 Legal Implications

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- 5.1 The Environment Act 2021 has resulted in new legal requirements for Epsom & Ewell.
- 5.2 It is mandatory that all planning permissions granted in England (unless exemptions apply) will have to deliver at least 10% Biodiversity Net Gain (BNG). Biodiversity net gain requires development to ensure habitats for wildlife are enhanced and left in a measurably better state than they were in pre-development. The condition of habitats must be assessed before submitting plans, which demonstrate how they will improve Biodiversity.
- 5.3 EEBC has a statutory duty to report on Biodiversity. Local authorities (excluding parish councils) and local planning authorities must write and publish a biodiversity report. For local authorities and local planning authorities, the end date of our 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 report is a chance to communicate how our organisation is helping to improve the environment and show the positive change we are making.
- 5.4 By law, our report must include:
 - a summary of the action we have taken to comply with the biodiversity duty,
 - how we plan to comply with the biodiversity duty in the next reporting period,
 - any other information we consider appropriate.

Reports from local planning authorities must also include:

- the actions we have carried out to meet biodiversity net gain obligations
 - details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans we have approved
 - how we plan to meet biodiversity net gain obligations in the next reporting period
- 5.5 All strategic planning must have regard for the Local Nature Recovery Strategy in plan making and decisions. It should be noted that 'Have Regard' will change to 'Take Account' once the relevant section of the Levelling up and Regeneration Act is enacted. It is expected to be enacted later in 2025, when broader planning reform is introduced – guidance will be renewed at that point.
 - 5.6 **Legal Officer's comments:** None save as outlined above

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- **Green and Vibrant** – by managing the Borough's Biodiversity, we will make the Borough's nature reserves and open spaces wonderful places for wildlife and people. Time and time again our residents report that the green spaces found in Epsom and Ewell are one of the main reasons they choose to live here. Well-functioning ecosystems are vital not only for biodiversity but also to help manage the climate.
- **Safe and well** – by providing well managed green spaces for people to go out and enjoy we are helping to improve our residents' and visitors' health and wellbeing. Much of the management of our open spaces will also offer up opportunities for people to volunteer in their local green space and become more active.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** The biodiversity action plan has had significant positive climate and environmental impacts over the course of its implementation.

6.4 **Sustainability Policy & Community Safety Implications:** Managing the Biodiversity resource of the borough is inherently sustainable. By having well managed open spaces for wildlife and people, you could argue encourages more people to use them, respect and value them and therefore make them safer places to be.

6.5 **Partnerships:** The Biodiversity Action Plan Working Group is a partnership between different departments of Epsom & Ewell Borough Council, Lower Mole Partnership, Surrey Biological Information Centre and local environmental experts. Over the last 15 years firm partnerships have been made between organisations such as City of London, South East Rivers Trust, Natural England, Surrey Wildlife Trust, Woodland Trust, Surrey Botanical Society, Butterfly conservation, British Dragonfly Society, to name a few. All of which have resulted in benefits for the management of Biodiversity within Epsom and Ewell and will be continued into the future.

6.6 **Local Government Reorganisation Implications:** The implications are that LGR may present a risk to continue with the current BAP and this will be one of the items raised for consideration with any new Unitary partners once known.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

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Previous reports:

- Epsom and Ewell Biodiversity Action Plan 2010-20

Other papers:

- Epsom and Ewell Biodiversity Action Plan 2020-30
<https://democracy.epsom-ewell.gov.uk/documents/s17275/Epsom%20and%20Ewell%20Biodiversity%20Action%20Plan.pdf>
- Environment Act 2021
<https://www.legislation.gov.uk/ukpga/2021/30/contents>