

# West Suffolk Council complying with the biodiversity duty

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## 1. Introduction and background

- 1.1 The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. This report sets out the key requirements of the biodiversity duty and the key considerations for West Suffolk Council in complying with the new duty.
- 1.2 The Government produced guidance for local authorities on what is required. The council has already an action plan in place which will feed into this new duty.
- 1.3 West Suffolk Council has set out environmental resilience as being a key priority, making a clear commitment to "work in partnership with local and national organisations to achieve our goals of restoration, biodiversity net gain and ecosystem services through a Suffolk-wide Green Infrastructure Strategy". The council also updated its Climate Emergency (declared in September 2019) to a Climate and Environment Emergency in July 2020 (see Annex 1). The council's Environment Management Group has been the main monitoring and implementation body for environment and climate change issues providing an annual report to Cabinet on progress against the action plan. The last report can be found here: [2022-23 West Suffolk Environmental Statement](#).
- 1.4 The action that local authorities take for biodiversity will contribute to the achievement of national goals and targets on biodiversity. [The Environmental Improvement Plan \(EIP23\)](#) published in January 2023, which is the government's first review of the [25 Year Environment Plan](#), sets out government plans for significantly improving the natural environment.
- 1.5 By 2030, the government has committed to:
  - halt the decline in species abundance
  - protect 30 per cent of UK land.
- 1.6 By 2042, the government has committed to:
  - increase species abundance by at least 10 per cent from 2030, surpassing 2022 levels
  - restore or create at least 500,000 hectares of a range of wildlife rich habitats
  - reduce the risk of species extinction
  - restore 75 per cent of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.

- 1.7 Annex 2 sets out the actions West Suffolk is currently taking to contribute to the achievement of national goals and targets.

## **2. What is the biodiversity duty and timescale for compliance**

- 2.1 Local authorities must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces.
- 2.2. This means that West Suffolk Council must:
- consider what we can do to conserve and enhance biodiversity, and
  - agree policies and specific objectives based on our consideration
  - act to deliver these policies and achieve our objectives.
- 2.3 The first consideration of what action to take for biodiversity must be completed by 1 January 2024, this statement. The council must then agree their policies and objectives as soon as possible after this. The end date for the first reporting period is 1 January 2026. It is anticipated that there may be further clarification about exactly what is required, therefore this statement should be considered as an initial report.
- 2.4 After this, the end date of each reporting period must be within five years of the end date of the previous reporting period. However, we can decide to do this more often, for example, the council could reconsider our actions quarterly, annually, or every five years.
- 2.5 Note the biodiversity duty was originally contained in the 2006 Natural Environment and Rural Communities Act, but that referred to having to 'have regard to' biodiversity in carrying out our functions. The 2021 Environment Act has strengthened the requirement to 'have regard' to biodiversity; as a council we must now consider what can be done to 'conserve and enhance' biodiversity. West Suffolk has not reported against the original biodiversity duty which is probably typical of most local authorities.

## **3. Government guidance on complying with the biodiversity duty**

- 3.1 Government guidance on compliance with the strengthened biodiversity duty sets out a format for reporting on compliance – a link to the full guidance is here: [GOV.UK - Reporting your biodiversity duty actions](#). The first report must be published by 1 January 2026. The first three sections of the government guidance are statutory and must be completed. The remainder of the guidance outlines the range of activity which could be included when reporting on how we are meeting the biodiversity duty.
- 3.2 **Annex 2** contains a table setting the activity which could be included to demonstrate compliance with the biodiversity duty and a summary of current activity within West Suffolk. This covers the establishment of a clear policy and strategic framework for conserving and enhancing biodiversity as well as considering how we manage our own land and buildings and how we could

influence others in the district including local residents. This will inform the council's 2026 report. In addition, in 2026 the council will:

- 3.3 Section 1. Set out our policies and objectives for meeting the duty and the actions we have already completed, either alone or in partnership.
- 3.4 Section 2. Show how we have considered other biodiversity related strategies. This includes the Local Nature Recovery Strategy (LNRS) – itself another new requirement introduced by the 2021 Environment Act. The first LNRS will be produced by Suffolk County Council with a timescale to be agreed but likely to be by summer 2025. Officers are committed to being fully engaged with the other districts, Natural England and other partners in the developing LNRS.
- 3.5 Section 3. Explain how we intend to fulfil the biodiversity duty over the next five-year reporting period. This must include reporting on how we are delivering against another new duty introduced by the 2021 Environment Act – delivering Biodiversity Net Gain (BNG) through the planning system.
- 3.6 We have been working closely with all the planning authorities within Suffolk to prepare for the new BNG duty. The requirement for new developments to deliver a 10 per cent net gain in biodiversity will become mandatory in 2024 (dates still to be confirmed). The current local plan for West Suffolk does not allow the authority to implement a minimum 10 per cent net gain ahead of the national timescale. However, the emerging West Suffolk Local Plan is consistent with the requirements.
- 3.7 We will consider if we can bring forward a number of West Suffolk owned sites to provide offsetting sites.

## **4. Summary and governance**

- 4.1 The council has a track record of commitment to the environment and improving biodiversity, as set out in its emergency declaration and resulting action plan. The council's new strategic priorities sets a priority of environmental resilience, and a new Councillor Environment and Sustainability Reference Group (ESRG) has been set up to monitor this and other environmental issues and a programme is in place to review and ensure a report is ready for January 2026.
- 4.2 All work is overseen by the lead portfolio holder Cllr Gerald Kelly, who will report to Cabinet on progress supported by one of the council's strategic directors. The council's Environmental Management Group will continue to deliver the action plan and report to ESRG and Cabinet.
- 4.3 Cllr Kelly chairs the Suffolk wide Environment Portfolio Holders' Group who steer the Suffolk wide approach to environmental actions.
- 4.4 The council recognises the additional capacity it will need to ensure it meets both its duty and manages the wider biodiversity net gain requirements and is strengthening its officer team accordingly.

## **Annex 1. Declaration of an environment emergency**

In September 2019, the council declared a Climate Emergency, which was updated in July 2020 to a Climate and Environment Emergency. West Suffolk Environment and Climate Change Taskforce was set up in June 2019. The aim of the Taskforce was to make recommendations on the council's future role in protecting and enhancing the environment, both in the way in which it carried out its operations and through specific initiatives. In July 2020 the taskforce reported to Cabinet who resolved that the Council be committed to working towards achieving net zero greenhouse gas (carbon) emissions by 2030. Cabinet resolved to progress the first phase of works on its journey to zero carbon and as set out in two action plans including to reduce the council's negative impact on biodiversity. The action plan was then reviewed annually and reported to Cabinet in July.

In June 2023, the Leader of the Council announced a new working group to review the existing action plan, and in particular to consider additional actions the council could take to support and encourage West Suffolk residents and businesses to address the climate and environmental challenge. The Environment and Sustainability Working Group (ESWG) reported its initial findings in September 23. Cabinet confirmed its commitment to addressing the Climate and Environment Emergency and, in particular, to reaching net zero by 2030 in respect of council operations, but also to taking action protecting and enhancing biodiversity. The working group is now a standing group overseeing the council's environmental work and reporting to Cabinet.

The council's environmental policy statement is published here: [Environmental Policy Statement](#)

## Annex 2. Activity contributing to the biodiversity duty and overview of current situation

### Policy and objectives

Relevant polices and strategies already in place	Detail and current status	Future plans and comments	Timescale
West Suffolk Environmental Policy Statement	In relation to biodiversity, it includes: <ul style="list-style-type: none"> <li>Continuing to protect habitats and promoting biodiversity, as well as reducing chemical use.</li> <li>Using our ability to influence others and encourage all partners to operate in the most sustainable way they can.</li> </ul>	Consider whether this reflects the requirements of the biodiversity duty.	2024
West Suffolk Council Strategic Priorities 2024-2028	One focus for action is environmental resilience with reference to the third <a href="#">National Adaptation Programme</a> (NAP).	Review NAP and the actions that the Council could take to protect and enhance biodiversity	2024-25
Planning policies in adopted local plans	Strategic policies: Policy CS2 of the former Forest Heath Core Strategy and CS2 of the former St Edmundsbury Borough Council.  Local policies: Joint Development Management Document DM10, DM11 and DM12.	Continue to implement policies through planning. Some policies may be standardised nationally.	Ongoing

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Emerging local plan	New policy framework to support the protection and enhancement of biodiversity including: <ul style="list-style-type: none"> <li>• SP4 Green infrastructure</li> <li>• LP13 Trees</li> <li>• SP6 Biodiversity net gain</li> <li>• LP15 Protected sites, habitats and features</li> <li>• LP16 Protected species</li> <li>• SP7 Special Protection Areas and Special Areas of Conservation</li> <li>• SP8 Recreational effects of development</li> <li>• Emerging West Suffolk Local Plan currently at Regulation 19, Submission Stage.</li> </ul>	Submission of plan for independent examination, May 2024.	Adoption 2025
Suffolk draft BNG guidance	Interim planning guidance, published and implemented by all Suffolk authorities ahead of statutory BNG.	Update required to take into account secondary legislation.	Early 2024
Tree Management Strategy	Published and used throughout West Suffolk.	Last review in 2019, still deemed fit for purpose and being implemented.	Ongoing

## **Background and baseline**

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Ecological expertise and resource	One FTE (full time equivalent) Ecology and Landscape Officer.  Additional support for ecology and landscape advice is currently being contracted.	Review staff resources to ensure we have the capability and capacity to act.	Ongoing

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Green Infrastructure Study – completed 2022 and implemented through existing and emerging planning policy.	Evidence base and background report for emerging local plan.	Consider whether there are projects that can be implemented or promoted by the council.	Early 2024
Landscape assessment for emerging West Suffolk Local Plan (WSLP) includes ecological mapping, and ecological sensitivities – completed 2022	Evidence base and background report for emerging Local Plan.	No action required.	No action
Recreational Avoidance and Mitigation Study – in progress	Evidence base and background report for emerging local plan.	Complete study and develop an SPD that can be adopted and implemented.	Adopt SPD late 2024
Habitat survey for all allocated sites in the emerging WSLP and for many other Strategic Housing and Economic Land Availability Assessment (SHELAA) sites	Evidence base and background report for emerging local plan.	No action required.	No action
LNRS	West Suffolk Council is a supporting authority. SCC timescale for the completion of the LNRS is July 2025.	Joint working with Suffolk County Council (responsible authority) through 2024.	Ongoing until LNRS adopted
Habitat survey	Wildlife audit of many open spaces last undertaken in 2016.	Review	Ongoing
Natural Capital Evidence Compendium for Norfolk and Suffolk October 2020	<a href="#">Natural Capital Evidence Compendium for Norfolk and Suffolk</a>	Review through Suffolk Climate Change Partnership (SCCP)	To be agreed

## Managing council (and other) land

Relevant polices and strategies already in place	Detail and current status	Future plans and comments	Timescale
Protected sites (owned or managed by the council)	<p>West Stow Heath Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) (Condition: unfavourable recovering 02.01.14).</p> <p>(Green Flag Management plan in place and reviewed annually for the section of the SSSI located in West Stow Country Park). Other section of the SSSI are in private ownership. Lackford Lakes SSSI (Condition: favourable 11.08.10) (managed by Suffolk Wildlife Trust).</p> <p>Red Lodge Heath SSSI (Condition: unfavourable recovering 10.11.09 and 10.10.13) (Management plan requires review in partnership with the owners Upton Estates).</p> <p>Maidscross Hill SSSI and Local Nature Reserve (LNR) (Condition: unfavourable declining 09.02.13) (Management plan requires review in partnership with the owners Elvedon Estates).</p> <p>London Road SSSI (Condition: unfavourable declining 06.09.21) and council owned parts of London Road Industrial Estate, Roadside Nature Reserve (RNR) (Management plan requires review).</p> <p>Aspal Close LNR and County Wildlife Site (CWS) (Green Flag Management plan in place which is reviewed annually).</p> <p>College Heath Road CWS (Management plan requires review).</p>	<p>Prioritise management plans in place and being implemented for all protected sites, monitor.</p> <p>Review other land in council ownership to identify any sites that are protected.</p>	2024-25



<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
	<p>Moreton Hall Community Woods LNR (Management plan requires review).</p> <p>Haverhill Railway Walks CWS and LNR (Management plan requires review).</p> <p>Millfields Way CWS (Management plan requires review).</p> <p>Old Town Tip CWS also known as Sandy Lodge, Mildenhall (Maintenance agreement in place with USAF).</p>		
Allotments	Allotments in West Suffolk are, in the main, managed by town or parish councils or leased to allotment associations. The West Suffolk Council Open Space Assessment Report indicates that there are 39 allotment sites in the district covering 44 Hectares.	Review to consider whether there are opportunities to encourage enhancements for biodiversity on sites.	2024-25
Cemeteries and churchyards	<p>West Suffolk Council are responsible for the management and maintenance of three active cemeteries:</p> <ul style="list-style-type: none"> <li>• Bury St Edmunds Cemetery</li> <li>• Haverhill Cemetery</li> <li>• Newmarket Cemetery West Suffolk Council are also responsible for the maintenance of a further 15 Closed Church Yards</li> <li>• St Petronillas, Whepstead</li> <li>• St Peters, Ousden</li> <li>• All Saints, Chedburgh</li> <li>• St Nicholas, Denston</li> <li>• St Andrews, Barningham</li> <li>• St John's, Stoke by Clare</li> <li>• St Mary's, Lidgate</li> <li>• All Saints, Rede</li> </ul>	Review to prioritise those where intervention to enhance biodiversity can generate the most benefits for nature conservation taking into account current condition and potential.	2024-25

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
	<ul style="list-style-type: none"> <li>• St Mary's, Haverhill</li> <li>• The Great Church Yard, Bury St Edmunds</li> <li>• St John's, Stanton</li> <li>• All Saints, Stanton</li> <li>• All Saints, Hopton</li> <li>• St Marys, Cavendish</li> <li>• The Mayors cemetery, Bury St Edmunds.</li> </ul> <p>There are maintenance regimes in place for all the cemeteries and closed church yard's which the district council are responsible for.</p>		
Public open space (POS)	The West Suffolk Council Open Space Assessment Report, 2021, classified and mapped all the public open space in West Suffolk.	Review POS function to prioritise those where intervention to enhance biodiversity can generate the most benefits for nature conservation taking into account other requirements of that POS.	2024-25
Highway grass verges	Within the district, West Suffolk Council maintains the highway verges in residential areas (within the 30 mile an hour zones) whilst Suffolk County Council Highways authority employs contractors to flail mow the rural verges twice a year.	Continue to review of maintenance regimes of grass areas maintained by the council in order to increase biodiversity. Consider whether additional interventions would be beneficial and monitor as appropriate.	2024-25
Water dependent habitats	Water dependent habitats mapped (rivers, ponds, lakes and sustainable drainage systems (SUDs))	Review future management and monitoring as appropriate.	2024-25

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
BNG offsetting sites	No sites currently identified	Consider whether any land within councils' control is suitable for BNG offsetting and undertake survey and design to implement such a scheme.	2024

### **Assessment of impact of current policies and activities on biodiversity**

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Sustainability Assessment or Strategic Environmental assessment  Environmental Impact assessment (EIA)  Habitats Regulations Assessment (HRA)	Undertaken for current and emerging local plan and any supplementary planning documents.  EIA at project level as required by legislation.  Undertaken for current and emerging local plan and any supplementary planning documents.  HRA undertaken at project level where required by legislation.	Continue as appropriate	Ongoing

### **Partnership and education**

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Partnerships	The Dedham Vale area of Outstanding Natural Beauty (AONB) and Stour Valley Project.  The Brecks Fen Edge and Rivers Partnership.	Continue to work with partners, and take all opportunities to improve environment and biodiversity	Ongoing

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
	<p>Suffolk Biodiversity Information Service.</p> <p>River Lark Catchment Partnership.</p> <p>Bury Water Meadows Group.</p> <p>Bury, Brandon, Haverhill in Bloom.</p>	<p>across West Suffolk as appropriate.</p>	
<p>Joint working with other authorities</p>	<p>Suffolk wide collaboration on BNG draft guidance.</p>	<p>Continue to work across Suffolk to update guidance.</p>	<p>2024</p>
<p>Conservation covenant scheme for provision of BNG offsetting sites</p>	<p>Government guidance released.</p>	<p>Consider becoming a responsible body under the conservation covenant scheme.</p>	<p>2024-25</p>
<p>Friends groups</p>	<p>Each Green Flag park (East Town Park, Brandon Country Park, Abbey Gardens, West Stow Country Park, Nowton Park and Aspal Close) has a friends or volunteer group. From April 2022 to March 2023 a total of 7,763 volunteer hours were contributed to West Suffolk's green and heritage spaces.</p> <p>These volunteer activities in the parks are assisted and coordinated by the park staff and park ranger teams.</p>	<p>Continue to support Friends Groups and seek to extend volunteer opportunities in nature conservation across the district.</p>	<p>Ongoing</p>
<p>Green space</p>	<p>Encouraging responsible use through better information.</p>	<p>Review how this can be expanded using:</p> <ul style="list-style-type: none"> <li>• website</li> <li>• ranger service</li> <li>• infrastructure (signage)</li> <li>• social media</li> </ul>	<p>2024-2</p>
<p>Officer and councillor training</p>		<p>Consider a programme of member and officer training, disseminating knowledge about local biodiversity</p>	

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
		(species locations and habitat conditions).	
Operational practice	<p>Various training and awareness activities have been promoted within the operational teams including:</p> <ul style="list-style-type: none"> <li>• West Suffolk Council’s landscape teams have undertaken various hedgehog awareness activities.</li> <li>• West Suffolk Council’s arboricultural officers have undertaken bat awareness training.</li> </ul>	Embed into operational practice biodiversity focused management (as appropriate) and provide training for operational staff.	Ongoing

## Reporting and risks

<b>Relevant polices and strategies already in place</b>	<b>Detail and current status</b>	<b>Future plans and comments</b>	<b>Timescale</b>
Biodiversity net gain through planning	Currently not strictly implemented in West Suffolk and not monitored	Develop future monitoring and reporting for BNG secured through the planning service	2024-25
West Suffolk Environmental Statement (ES), 2022-2023	<p>Reporting of environmental performance. For environment and green space:</p> <ul style="list-style-type: none"> <li>• green flags</li> <li>• trees planted.</li> </ul>	Consider additional reporting consistent with national targets	Next environmental statement reporting period
Annual Monitoring Report (AMR)	Biodiversity not reported in 2023	Review biodiversity reporting	2024-25
<p>Challenges include development pressures on land, officer resource, funding.</p> <p>Availability of BNG offsetting sites.</p>	<p>Current mitigations include:</p> <ul style="list-style-type: none"> <li>• adoption of a local plan which means that development sites can be considered in a strategic manner.</li> <li>• targeting expertise and resources.</li> </ul>	Develop and resource action plan	2024-25