

City of London Corporation Committee Report

Committee(s): Planning and Transportation Committee – for decision Natural Environment Board – for information Port Health and Environmental Services – for information	Dated: 21/01/2025 06/02/2025 07/06/2025
Subject: First Consideration: Enhanced Biodiversity Duties of Public Authorities	Public Report: For Information
This proposal: <ul style="list-style-type: none"> • Delivers Corporate Plan 2024-29 outcomes • Provides statutory duties 	Corporate Plan outcomes: <ul style="list-style-type: none"> • Leading sustainable environment • Flourishing public spaces • Vibrant and thriving destination Statutory duties: <ul style="list-style-type: none"> • Enhanced Biodiversity Duty • Biodiversity Net Gain
Does this proposal require extra revenue and/or capital spending?	N/A
Report of: Executive Director of Environment, Katie Stewart	
Report authors: Gudrun Andrews, Head of Planning Policy Ben Bishop, Environmental Resilience Officer John Harte, Planning Policy Officer Joanna Leyden, Waste Strategy and Biodiversity Group Manager	

Summary

Under the Natural Environment and Rural Communities Act 2006 (“the 2006 Act”) (as amended by the Environment Act 2021 (“the 2021 Act”)), Public Authorities who operate in England are required from time to time to consider what action the authority can take in the exercise of its functions to conserve and enhance biodiversity in England (“the Biodiversity Duty”). The 2021 Act introduced a strengthened Biodiversity Duty, requiring Public Authorities to have regard to the conservation of biodiversity and the first step in this process is to carry out a ‘First Consideration’ of the actions it can take to further the above biodiversity objective through the exercise of their relevant functions. Then, following completion of that consideration to determine policies and specific objectives and take action in light of those considered appropriate to further the conservation and enhancement of biodiversity.

In summary, Public Authorities must:

1. Consider what can be done to conserve and enhance biodiversity.
2. Determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, based on the consideration.
3. Act to deliver those policies and objectives.

This First Consideration report is intended to discharge the duty on the City Corporation by setting out what it can do to conserve and enhance biodiversity, outlining actions and objectives relevant to the authority that are to be considered and taken forward for future implementation and reporting.

This report contains the outcome of a review of the current and future actions and objectives of the City Corporation that are being delivered and considered as part of the Biodiversity Duty. It provides the background and context to these requirements.

As part of the 'First Consideration' this report reviews actions and objectives for the following services and activities:

- Corporate outcomes
- Planning policy
- Biodiversity Net Gain (BNG)
- Biodiversity Action Plan (BAP)
- Other relevant current and future activities

This report also outlines the wider consultation processes relevant to the City Corporation in respect of the 2021 Act, primarily the Local Nature Recovery Strategies ("LNRS") for England.

Finally, the report notes and reviews the on-going management activities of the open spaces that are relevant to the City Corporation's function as a public authority. These activities have already been progressed and agreed through the adoption of the BAP and other relevant plans.

This report was approved by the Planning and Transportation committee on the 21st of January 2025 as the City Corporation's 'First Consideration', and was taken to the Natural Environment Board for information on the 6th of February 2025.

Recommendations

Members are asked to:

- Note the statutory requirements and provisions placed on Public Authorities in relation to the Biodiversity Duty, as per the 2006 Act as amended by the 2021 Act.
- Note the reporting requirements of the Biodiversity Duty as set out in paragraphs 11 and 12 of this report.
- Approve this report as a record as part of the City Corporation's statutory First Consideration of the Biodiversity Duty.

- Approve the actions identified in paragraph 19 of this report that are considered appropriate to further the conservation and enhancement of biodiversity.
- Note the Environment Department's Biodiversity and Nature Recovery officer group as the cross departmental working group supporting the actions and objectives of the Biodiversity Duty.

Main Report

Background

1. The 2021 Act strengthened the existing Biodiversity Duty placed on Public Authorities under the 2006 Act. The Biodiversity Duty will contribute to Government targets for the significant improvement of the natural environment laid out in the Environmental Improvement Plan (2023).
2. By 2030 the Government has committed to:
 - Halt the decline in species abundance
 - Protect 30% of UK land.
3. By 2042 the Government has committed to:
 - Increase species abundance by at least 10% from 2030, surpassing 2022 levels
 - Restore or create at least 500,000 ha of a range of wildlife rich habitats
 - Reduce the risk of species extinction
 - Restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.
4. Under the Biodiversity Duty, Public Authorities, including the City Corporation in the exercise of its functions as a local authority and local planning authority, have a statutory obligation to 'consider' what they can do to further both the conservation and enhancement of biodiversity. This report is an initial formal step in that consideration.
5. The City Corporation is well positioned to meet these requirements. Biodiversity protection already informs many aspects of the City Corporation's work and is of strategic importance to the achievement of corporate, planning and wider strategic and operational objectives. Biodiversity, nature conservation and restoration are key priorities of the City Corporation as the governing body for the Square Mile.
6. It is widely recognised that the delivery of biodiversity initiatives creates benefits, not only for nature, but also for residents and businesses by contributing to the City's green infrastructure network and 'ecosystem service' provision, such as cooling, shading, surface water attenuation and wellbeing.
7. Meeting the Biodiversity Duty is a responsibility that is relevant to departments, actions, and decision making that concerns the City Corporation in the exercise

of its local authority and local planning authority functions. This report sets out how cross-departmental working arrangements will be utilised to meet the Biodiversity Duty, as well as to ensure effective, synergistic collaboration with non-local authority functions within the City Corporation's broader remit that already make valuable contributions to the conservation and enhancement of biodiversity (such as the City Corporation's separate role as trustee of eight open space charities).

Requirements of the Biodiversity Duty

8. The Department for Environment, Food, and Rural Affairs (Defra) have published guidance on complying with the strengthened Biodiversity Duty. The guidance states that all Public Authorities, which includes local authorities and local planning authorities, operating in England must:
 - Consider what to do to conserve and enhance biodiversity
 - Agree policies and specific objectives based on this consideration
 - Act to deliver these policies and achieve these objectives
 - Report on its Biodiversity Duty actions and outcomes.
9. The first step in this process is completion of the 'First Consideration' of what action the City Corporation can take to further the conservation and enhancement of biodiversity. The duty requires Public Authorities to consider what actions can be taken for the protection and enhancement of biodiversity within their boundaries and requires a 'first consideration' to be made by 1 January 2024. The DEFRA guidance does not mandate a specific format for the First Consideration. While this requirement has not to date been formally demonstrated through a published report, the actions and efforts already undertaken by the City Corporation are believed to satisfy the biodiversity duty requirements. This report documents the results of the review conducted by officers and is being presented now to illustrate how the City Corporation meets and shall meet its ongoing and future biodiversity duty obligations and commitments.
10. This report references ongoing work and actions that can be taken to conserve and enhance biodiversity based on this First Consideration. It sets out how a review of existing policies and objectives have identified how existing work programmes meet the Biodiversity Duty, and which additional actions are required to be undertaken to achieve these duties but also sets out a framework for reporting actions in future Biodiversity Reports.
11. Public Authorities are also required to produce and publish a 'Biodiversity Report' which must include by law;
 - A summary of the action taken, to comply with the Biodiversity Duty;
 - How it plans to comply with the Biodiversity Duty in the next reporting period; and
 - any other information considered appropriate.Reports from local planning authorities must also include:

- actions carried out to meet BNG obligations;
- details of BNGs resulting, or expected to result, from biodiversity gain plans approved;
- how BNG obligations will be met in the next reporting period; and
- other information considered appropriate, for example, quantitative data.

12. A Public Authority's first reporting period should be no later than 1 January 2026, that being 24 months from 1 January 2024 based on the First Consideration and including outcome of mandatory BNG. The report must be published within 12 weeks of the reporting period end date. For subsequent Biodiversity Reports they must be produced within 5 years of the end date of the previous reporting period. Each report must be published within 12 weeks of the reporting end date.

13. Agreed policies and objectives must take account of the relevant LNRS. For the City Corporation this is the London LNRS, which is being produced by the Greater London Authority (GLA) for 2025, which is described in the First Consideration.

14. The Biodiversity Report may additionally include optional information that the City Corporation considers it appropriate to include, such as:

- Information about the authority
- Top achievements
- How policies and actions have helped
- Steps taken to raise awareness and community education
- Monitoring and evaluation actions
- Biodiversity highlights and challenges

15. After reviewing the current policies and strategies, it has been determined that the City Corporation's existing policies and objectives are adequate to meet the enhanced Biodiversity Duties. However, a Biodiversity Report must be produced to formally address and report on these requirements.

First Consideration

16. This section outlines the relevant outcomes, policies and objectives that have been reviewed as part of the First Consideration. The First Consideration has no specific structure mandated by Government guidance. It provides an opportunity to highlight the City Corporation's commitment to biodiversity enhancement and summarise the existing policies and objectives that achieve the Biodiversity Duty.

17. The First Consideration takes into account the Corporate Plan outcomes, existing and emerging planning policies, the BNG obligation, Local Nature Recovery Strategy consultation, existing operational plans including the Biodiversity Action Plan (BAP), other relevant strategies, internal working groups and monitoring requirements.

18. It is the conclusion of the First Consideration that the City Corporation has or will have in place the appropriate actions, objectives and policies that achieve the Biodiversity Duty, which will be reviewed when required to ensure that these are still applicable and relevant to the City Corporations public functions.

Actions

19. This report sets the following actions to be agreed by members:

- Undertake a regular review of relevant actions, policies and guidance to ensure they achieve the Biodiversity Duty.
- Implement relevant plans and strategies that align with emerging strategies and frameworks including the London Local Nature Recovery Strategy.
- Deliver the Biodiversity Report for January 2026 with 12 weeks of the reporting end date.

Primary objective

20. The City Corporation has several key policies and commitments which achieve the objective to 'conserve and enhance' biodiversity for nature and people.

21. The primary objective of the First Consideration is for a Public Authority to consider how it can further the conservation and enhancement of biodiversity in the exercise of their functions. Consideration should be had to ensure that all relevant services and functions achieve the enhanced Biodiversity Duty, aligning with wider corporate objectives. This report outlines these objectives and aligns them in response to the Biodiversity Duty, to set a direction for statutory responsibilities and the wider biodiversity objectives of the City Corporation.

22. The most significant strategies and plans are the Corporate Plan 2024-29, the adopted Local Plan 2015, emerging City Plan 2040, and the BAP 2021-26.

Corporate Objectives

23. The Corporate Plan 2024–29 sets out six key outcomes, three are directly applicable to the Biodiversity Duty of Public Authorities and wider objectives for biodiversity and nature conservation.

24. **Leading Sustainable Environment;** the plan sets out the objective to act as a leader on environmental sustainability and enhance it in all aspects of the City Corporation. Relevant actions include the requirement for increases in biodiversity from development.

25. **Flourishing Public Spaces;** the plan commits to major capital investment into the civic infrastructure of the City Corporation to secure flourishing public spaces.

Relevant actions include ensuring that open spaces are thriving, accessible and enrich people's lives.

26. **Vibrant and Thriving Destination;** the outcome focuses on attracting business and people to a dynamic location, offering a world-leading culture and leisure offering thriving destination where everyone prospers. Relevant actions include adopting the City Plan 2040 for sustainable growth and development direction and provide more space for walking and provide more space for walking and making the City's streets more accessible.

Biodiversity Net Gain (BNG)

27. BNG is a component of the 2021 Act and meeting the Biodiversity Duty. Under BNG regulations all qualifying developments (with some exemptions) must deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
28. From 12 February 2024 BNG became a statutory requirement, however many developments sites within the Square Mile currently have baselines of zero and therefore would be exempt from national requirements in line with the de minimis exemption. This exemption only applies to development if the following two conditions are met:
- a. the development must not impact on any onsite priority habitat; and
 - b. if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow).
29. This would include all existing developments lower than 25sq.m of habitat or 5m of on-site linear habitats (such as hedgerows).
30. The Development Management Team in the Environment Department are responsible for ensuring that BNG is secured through the development process (in its role as the local planning authority) in accordance with the statutory requirements. This will be through the use of planning conditions or through the S106 (planning obligations (Town and Country Planning Act 1990)) process. Through its monitoring processes the Planning Policy Team will check that developers meet reporting requirements upon them with a view that the habitats secured through the planning process are maintained throughout the minimum 30-year lifetime of the requirement.
31. The BNG section of the first Biodiversity Report will include:
- A summary of the actions carried out to meet BNG obligations
 - Details of biodiversity gains resulting, or expected to result, from BNG
 - A summary of plans to meet BNG obligations in the next reporting period
 - Any other information required to be included or deemed useful for inclusion.

Planning Policy

32. The adopted Local Plan includes high-level objectives to promote biodiversity while protecting and providing for new open space. In the current adopted Local Plan (2015) the encouragement and promotion of green infrastructure is set out in various policies including Policy DM10.2 (Design of green roofs and walls) and Policy DM19.2 (Biodiversity and urban greening).
33. One of the overarching Environmental Objectives of the emerging Local Plan (City Plan 2040) is to deliver urban greening and greater biodiversity across the Square Mile. The proposed policy approach sets out city-specific requirements which go beyond the statutory requirements and will be subject to an independent examination in 2025. Several policies guide future decisions on planning applications in regard to urban greening and biodiversity.
34. To inform the development of the City Plan 2040 BNG policies, external consultants were commissioned to prepare evidence-based reports and provide advice on the most appropriate mechanisms to use when reviewing BNG proposals. A BNG Study was published in November 2023 and a further report on implementation is underway.
35. A high proportion of sites in the City have little to no biodiversity, as such the mandatory minimum 10% BNG (as described above) is not considered an appropriate mechanism for delivering meaningful biodiversity improvements in the Square Mile. Therefore, the approach of emerging City Plan Policy OS4 seeks to deliver enhanced BNG from major developments (using a rate of 3 biodiversity units per hectare, as opposed to 10%) and includes major proposals which would not have been captured under the statutory BNG processes. It is envisaged the Local Plan will be adopted by 2026.
36. The emerging Planning for Sustainability Supplementary Planning Document will include additional planning guidance on the approach to urban greening and biodiversity within developments. This includes detail on the application of the statutory requirements and the relevant policies in the adopted Local Plan 2015 emerging City Plan 2040 plan.

London Local Nature Recovery Strategy

37. The London Local Nature Recovery Strategy (London LNRS) is being delivered by the Greater London Authority (GLA) as one of the 48 'Responsible Authorities' across England.
38. The objective of the strategies is to agree priorities for nature recovery and propose actions to achieve them. This will include a local habitat map and a written statement of biodiversity priorities.
39. Responsible Authorities are required to carry out consultation with local planning authorities, in London this includes the 32 boroughs and the City Corporation in its capacity as local planning authority.

40. Responsible Authorities should also engage relevant stakeholders such as landowners and managers, government organisations, environmental charities, businesses and other community groups. To date the City Corporation has been represented in this consultation in its capacity as a local planning authority through the London Borough's Biodiversity Forum, and through stakeholder workshops.

Biodiversity Action Plan

41. The current BAP for 2021 – 2026 aims to provide a strategic focus to ensure species and habitats are understood and considered throughout the decision-making processes in the Square Mile. The BAP provides a framework to ensure all legislative requirements and regional and national targets for protecting, conserving and enhancing biodiversity are met at a local level.

42. The actions are grouped into four key areas:

- Open Spaces and Habitat Management
- The Built Environment
- Education and Community Engagement
- Data Collection, Surveys and Monitoring

43. The BAP has a dedicated partnership group made up both internal and external stakeholders who are involved in various aspects of biodiversity and whose responsibility it is to progress the actions of the BAP. This group is also responsible for the review of Sites of Importance for Nature Conservation (SINC) within the Square Mile and the generation of SINC management plans is a key action of the BAP.

44. At the half-way point between commencement of the BAP and the planned end date, good progress has been made across the various actions with the overall completion level of the action plan sitting at 47%. There are two items which have been successfully completed, and progress has been made on all actions bar one. There are a number of challenges that are ongoing which are causing delays for some of the actions including elements which are outside the control of the BAP action owners such as policy documents being adopted, and London wide legislation being created.

SINC Management Plans

45. SINC's are non-statutory designated sites which are afforded protection within local planning. The objective of designating SINC's is to protect and enhance the best sites for nature within a local context to ensure that sites are appropriately selected and managed within the context of local and regional planning.

46. SINC's of borough or local significance are adopted through the local planning process and submitted to relevant bodies for advice on selecting and confirming SINC's (save in the case of sites which are of Metropolitan Importance which are

designated by the Mayor of London). In London guidance and advice on selecting and confirming a SINC is provided by the London Wildlife Sites Board.

- 47. The Square Mile has 10 adopted SINC. Within the BAP 2021 – 26, an action includes implementing management plans to prioritise conservation as a key management objective for SINC.
- 48. Currently three sites have adopted management plans. The aim is to ensure all adopted and proposed SINC have active management plans which are reviewed on a regular basis. The current action applies only to sites managed by the City Corporation. However, it aims encourage existing third party management plans to demonstrate that sites are in positive conservation management.

Open spaces outside of the Square Mile

- 49. **Bunhill Fields and Burial Ground** is approximately 1.6 ha and is a SINC of Borough Importance in the London Borough of Islington. It is designated Grade I on the Historic England National Register of Historic Parks and Gardens.
- 50. The site is managed and maintained by the City Gardens team. The site is of both heritage and nature conservation importance and has adopted a 'Conservation Management Plan' which aims to conserve and enhance both the historic and ecological value of the site.
- 51. **City of London Cemetery and Crematorium** is approximately 81 ha and is a SINC of Borough Importance in the London Borough of Newham. It is designated Grade I on the Historic England National Register of Historic Parks and Gardens.
- 52. The site is managed by the Port Health and Public Protection division's Cemetery and Crematorium Team.
- 53. Policies and objectives for the management of these sites are attributed to the City Corporation's local authority responsibilities and are therefore subject to the Biodiversity Duty. In the Biodiversity Report specific actions taken will be reported on.

Local Nature Recovery Plan 2026 – 2031 (proposed)

- 54. Local Nature Recovery Plans (LNRP) are emerging plans that incorporate actions for biodiversity to restore nature. The objective of the plan is to set out 'nature recovery areas' identifying opportunities and aligning with local strategic objectives.
- 55. With the conclusion of the BAP 2021 – 2026, the City Corporation may seek to adopt a new plan for biodiversity within the Square Mile. Following the adoption of the London LNRS, options to develop and adopt a LNRP for the Square Mile should be reviewed.

56. The LNRP will replace the action-based approach of the BAP and focus on a strategic spatial framework supported by key actions for the Square Mile. The development of a LNRP will take into consideration the existing hierarchy of policies and strategies and requirements from regional policy such as The London Plan 2021 which requires boroughs to prepare green infrastructure strategies.
57. Work to progress this option is yet to be agreed and this is at this time a suggested activity beyond the conclusion of the City Corporation's first Biodiversity Report.

Climate Action Strategy

58. The City Corporation invested in its Climate Action Strategy in 2020, setting out four targets including 'building climate resilience'. As a result, the City Corporation invested £6.8 million in the 'Cool Streets and Greening Programme', which aims to incorporate resilience measures and greening into the Square Mile's streets and public spaces.
59. Phase 3 of the programme 'City Greening and Biodiversity' includes projects to enhance biodiversity within the Square Mile through identifying projects to establish green corridors, create new open spaces and accelerate tree planting.

Other strategies and plans

60. Other operational strategies and plans may have impacts or implications for biodiversity, such public realm, transport and lighting. These should consider and review all opportunities to enhance biodiversity within their scope and take necessary steps to implement possible actions.

Biodiversity and Nature Recovery Group

61. To coordinate duties and wider biodiversity objectives a cross-departmental officer working group has been established and formally recognised by the Town Clerk's SLT. The group is chaired by senior officers from relevant divisions and takes place quarterly.
62. The primary function of the group is to progress actions, review objectives and steer relevant work prior to formal governance and approval. The group enables and streamlines external communication and engagement, such as the on-going consultations with Responsible Authorities delivering LNRS.
63. The group is comprised primarily of officers from the Environment Department including representation from Planning & Development, City Operations, Natural Environment and Port Health and Public Protection. Other services are also engaged and relevant officers are invited to support wider Corporate objectives for biodiversity.
64. The group provides wider benefits of collaboration across different teams to support developmental opportunities and knowledge dissemination.

City of London Corporation Natural Environment Open Spaces

65. The City Corporation holds and manages 4400 ha of open space in its capacity as charity trustee of eight charities. These responsibilities are separate to the City Corporation's public authority functions and so are not included within the First Consideration.
66. As a landowner and manager the City Corporation has been consulted on relevant LNRS including London, Essex, Buckinghamshire and Milton Keynes and Surrey. These are all delivered separately by the relevant Responsible Authorities.
67. Through the Biodiversity and Nature Recovery Group, officers have coordinated communications through the City's Consultation on relevant biodiversity strategies for London and the Southeast including the LNRSs.

Monitoring

68. As set out above, the reporting of quantitative data is an optional component of the Biodiversity Report, but should be included where considered appropriate. To address the Biodiversity Duty, and accurately review progress on agreed policies and actions, biodiversity metrics associated with BNG and other objectives will be tracked and monitored in accordance with national guidance. The City Corporation will robustly monitor planning applications which fall under the statutory BNG requirements. When applicable, it will also monitor the outcomes and requirements of the emerging City Plan policy. To do so most effectively it is also exploring appropriate software on how best to do this moving forward.
69. The BAP is creating a structured approach to monitoring biodiversity within the Square Mile. This approach will be supported by the work of the BAP Partnership Group, volunteer groups, university led research and innovative technologies in order to capture a range of information. This will enable a better gauge of the biodiversity within the City and highlight areas that need greater attention.
70. The adoption of management plans for SINC's and improvements will be monitored and those which include monitoring as part of the management objectives will be incorporated into the emerging monitoring framework.
71. Actions and objectives implemented as a result of the Biodiversity Duty and first consideration will be tracked to monitor the progress of the City Corporation's Biodiversity Duty. This will be included in the Biodiversity Report and help inform future action for biodiversity within the Square Mile.

Corporate & Strategic Implications

Strategic implications

72. There are no expected strategic implications. Meeting the Biodiversity Duty as an organisation should support the Corporate Plan outcomes, specifically: Leading Sustainable Environment; Flourishing Public Spaces and Vibrant Thriving Destination.

Resource implications

73. At present there are no additional resource implications, the following paragraph's outline the current and expected resourcing as a result of the relevant activities.

74. In its capacity as a local planning authority, the City Corporation engages constructively, actively and on an ongoing basis on strategic matters in plan-making, including sustainable development, land use and strategic infrastructure. Officers from the Environment Department regularly attend for example seminars and workshops on biodiversity matters including those delivered by the Planning Advisory Service (PAS) and the London Borough's Biodiversity Forum (LBBF).

75. The LBBF brings together local authority ecologists and planners from across London Boroughs, and includes representation from the Greater London Authority (GLA) and GiGL – the capital's environmental records centre.

76. Current officer resource within the City's local authority services includes:

- Head of Planning Policy responsible for the team delivering relevant policies;
- A Planning Policy Officer responsible for City Plan policies on urban greening and biodiversity;
- Waste Strategy and Biodiversity Group Manager responsible for the Square Mile BAP its actions and progression
- An Environmental Resilience Officer with a background in ecology and greening whose role is to promote biodiversity measures in relation to environmental resilience.

77. The City Corporation's senior leadership has endorsed the adoption of an officer working group focusing on Biodiversity and Nature Recovery at a meeting of Town Clerk's SLT on 15 October 2024. The group is a cross-departmental working group which aims to support wider biodiversity objectives and actions, including the enhanced Biodiversity Duty.

78. The City Corporation should continue to review the resource implications relevant to the Biodiversity Duty and wider biodiversity objectives. BNG and wider strategic objectives for biodiversity may in future require additional resource, to ensure that the duties outlined in the 2006 Act are met. Other activities may include coordinating and ensuring a wider organisational approach is taken to address biodiversity impacts under other functions of the City Corporation.

Policy Implications

79. Policy implications are addressed and listed in the **Planning Policy** section of this report. Policies have taken into account the revisions to relevant legislation as a result of the Act 2021 Act.

Financial implications

80. There are currently no expected financial implications. As the local planning authority for the square mile the City Corporation currently receives an annual figure of c.£26,000 from Defra to cover expenditure incurred in delivering BNG.

Legal implications

81. The 2021 Act introduces mandatory BNG and provides for a strengthened Biodiversity Duty for Public Authorities. The legal implications of the Biodiversity Duty and the mandatory minimum 10% BNG (where applicable) are set out in this report. The requirement for the BNG uplift will be secured by a condition which is automatically applied to a planning permission by virtue of the Town and Country Planning Act 1990. This condition and any supplementary conditions and planning obligations, secured in connection with the uplift, can be enforced by the local planning authority through the planning regime.

82. Once adopted the City Plan 2040 will form the starting point for decisions taken on planning applications within the City of London, as decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The Sustainability SPD in particular (and other policy documents referred to herein) will be material considerations in the decision making process.

Risk implications

83. Not applicable.

Equalities implications

84. Due regard has been given to potential equality implications which includes taking into consideration any impact on groups with protected characteristics. After consideration it has been concluded there will be no detrimental impact to any group or protected characteristic as outlined in the Equalities Act 2010 or the Public Sector Equality Duty (PSED) and all duties (including that of section 149 Equalities Act 2010-PSED) in this regard have been appropriately executed with no further action required at this time.

Climate implications

85. Climate change and ecological collapse are interlinked. The strengthened Biodiversity Duty, BNG and the wider efforts to restore nature across London and the Southeast will deliver multiple co-benefits of climate adaptation and resilience and support nature recovery.

Security implications

86. Not applicable.

Conclusion

87. This report outlines the duty on and the current position of the City Corporation in relation to the expectations of Public Authorities under the 2006 Act and the 2021 Act and related activities.
88. The requirement for the 'First Consideration' requires the City Corporation to consider what action it can properly take, consistent with the proper exercise of its functions, to further the general Biodiversity Objective. In line with this duty this report sets out the relevant policies and objectives that City Corporation has in place (and those which are being progressed/updated) and considers appropriate for taking action to further the general biodiversity objective, and the actions the City Corporation are taking in light of those policies and objectives, to further that objective. The City Corporation are required to report on these activities by January 2026. Activities included in this report are already being progressed and are resourced, including the development of the City Plan 2040 policies, the progression of the Biodiversity Action Plan and other relevant projects.

Appendices

- Appendix 1 – 'None'

Background Papers

- Planning and Transportation Committee For information, Report entitled 'Biodiversity and Ecology' dated 18 July 2023.
- Biodiversity Net Gain Study published in November 2023 (Greengage Environmental – commissioned by the City of London).
- Biodiversity Action Plan 2021-2026 Progress Review Sept 2024 (NEB for information Oct 2024)

Gudrun Andrews

Head of Planning Policy

T: Via MS Teams

E: Gudrun.Andrews@cityoflondon.gov.uk

Ben Bishop

Environmental Resilience Officer

T: Via MS Teams

E: Ben.Bishop2@cityoflondon.gov.uk

John Harte

Planning Policy Officer

T: 020 7332 3547

E: John.Harte@cityoflondon.gov.uk

Joanna Leyden

Waste Strategy and Biodiversity Group Manager

T: 07803814855

E: Joanna.Leyden@cityoflondon.gov.uk