



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>OVERVIEW AND SCRUTINY COMMITTEE – 7 MAY 2024</b>
Subject	<b>ECOLOGICAL EMERGENCY ACTION PLAN – PROGRESS UPDATE</b>
Wards affected	All
Accountable member	Cllr. Juliet Layton, Cabinet Member for Planning and Regulatory Email: <a href="mailto:Juliet.layton@cotswold.gov.uk">Juliet.layton@cotswold.gov.uk</a>
Accountable officer	Charlie Jackson, Assistant Director – Planning and Sustainability Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Sophia Price, Heritage and Design Manager Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Summary/Purpose	To update the Committee on progress in implementing the Ecological Emergency Action Plan
Annexes	Annex A – Cotswold District Council Ecological Emergency Action Plan April 2024 Update on actions
Recommendation(s)	That Overview and Scrutiny Committee resolves to:  I. Note this report and agree any recommendations it wishes to submit to the Cabinet meeting on 9 May
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li><li>• Responding to the Climate Emergency</li><li>• Supporting Communities</li><li>• Supporting the Economy</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A



## **1. EXECUTIVE SUMMARY**

- 1.1 This report outlines some of the actions already taken to deliver the Ecological Emergency Action Plan (2020), alongside examples of potential future actions. It also details some of the biodiversity-related requirements of the Environment Act 2021, which have come into force since the Ecological Emergency was declared.

## **2. BACKGROUND**

- 2.1 On 15th July 2020 Cotswold District Council declared an Ecological Emergency<sup>1</sup> to complement the climate emergency declared by the Council in 2019. An Ecological Emergency Action Plan<sup>2</sup> was agreed as part of the Ecological Emergency declaration.
- 2.2 The COVID-19 crisis highlighted the importance of the natural world, both as part of the epidemiology of the coronavirus but also because of the increased use of green spaces and the countryside and the realisation of the importance of nature for people's health and well-being.
- 2.3 There have been huge declines in species, habitats and natural spaces over the last hundred years. The natural environment or natural capital provides a wealth of benefits (known as ecosystems services) that underpin our economic, environmental and social wellbeing, for example clean air and water, carbon sequestration, mental well-being etc.
- 2.4 The climate emergency and ecological emergency are inextricably linked. Climate change is a major cause of ecological declines. However, nature can help us to address both climate change mitigation and adaptation. For example, good habitat management and creation can reduce carbon emissions through carbon sequestration in soils and trees/woodland.

## **3. PROGRESS ON DELIVERY OF THE COUNCIL'S ECOLOGICAL EMERGENCY ACTION PLAN**

- 3.1 A table setting out some of the actions taken to date to deliver the action plan is provided at annex A. Some suggested amendments to the wording in the action plan are put forward in italics. These relate to changes in county and national initiatives and nomenclature, rather than any fundamental change to the action plan. The table also includes a range of examples of ways in which work on the Ecological Emergency could be expanded, particularly around community action and involvement, however this would require additional resources.
- 3.2 The main foci of action for the Biodiversity team over the last 12 months have been

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<https://meetings.cotswold.gov.uk/CeListDocuments.aspx?Committeed=1154&MeetingId=1311&DF=15%2f07%2f2020&Ver=2>

<sup>2</sup> <https://www.cotswold.gov.uk/media/au2c514i/ecological-emergency-action-plan.pdf>



- The Habitats Regulations – ensuring that recreational impacts caused by new developments on internationally designated sites can be appropriately mitigated, enabling new development to come forward within the Zones of Influence.
- Biodiversity Net Gain (BNG) – setting up systems to enable BNG to be taken into account in relevant planning applications and to be delivered in an appropriate manner.
- Other Environment Act 2021 requirements (see section 4).
- Local Plan policy – delivering on the “green to the core” agenda in new draft policies and the new Cotswold Design Code.

#### 4. ENVIRONMENT ACT 2021

4.1 Since July 2020 there have been major changes in the legislation around nature, in particular the Environment Act 2021 which brings with it new duties and obligations for Local Authorities. The Ecological Emergency Action Plan was written before the Act was finalised or secondary legislation and guidance provided by Government. The key biodiversity issues, arising from the Environment Act are as follows.

#### 4.2 Enhanced Biodiversity Duty

The previous biodiversity duty, (Natural Environment and Rural Communities (NERC) Act 2006) was to “*conserve biodiversity*”. Para 102 of the Environment Act 2021 alters that to “*conserve and enhance biodiversity*”.

As part of that enhanced duty, Public Authorities must –

- Consider what they can do to conserve and enhance biodiversity;
- Agree policies and specific objectives based on those considerations; and
- Act to deliver those policies and achieve the objectives.

Local Authorities had to complete their first consideration of what action to take for biodiversity by *1<sup>st</sup> January 2024*. An informal report for the Council’s Chief Executive was prepared in December 2023, which used the Council’s agreed Ecological Emergency Action Plan as the initial basis for “what action to take for biodiversity”. It included an update on some of the actions taken to date to deliver that action plan and provided the required “first consideration”.

The more detailed policies and objectives, as outlined in the list above must be agreed as soon as possible after *1<sup>st</sup> January 2024*; however, no deadline has been set within the legislation or guidance. Work to prepare these policies and objectives is substantial and currently falls outside of current resource and team capacity. A Planning & Sustainability Resource Plan is to be provided to senior leadership in April to support with this.

Management plans for any Council owned nationally designated sites had to be in place by end 2023. The Council owns one small parcel of land at South Cerney that falls within the Cotswold Water Park Site of Special Scientific Interest.

The actions must be reconsidered at least every 5 years.

#### 4.3 Biodiversity Reporting

The Environment Act 2021 places duties on Local Authorities to report on various aspects of their actions to further the biodiversity duty and other requirements of the Act.

Local authorities (excluding parish councils) must write and publish a biodiversity report. The end of the first reporting period should be no later than *1<sup>st</sup> January 2026*. There should then be reports every 5 years. By law, the report must include:

- A summary of the action taken to comply with the biodiversity duty;
- Actions to comply with the biodiversity duty in the next reporting period; and
- Any other information.

Reports from LPAs must also include:

- The actions taken to meet biodiversity net gain obligations;
- Details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans approved by the LPA; and
- Actions to meet biodiversity net gain obligations in the next reporting period.

In order to be fully prepared for these reporting requirements and to simplify the preparation of the first report in 2025/26 a reporting framework should be set up as soon as possible, including BNG reporting.

#### 4.4 Biodiversity Net Gain (BNG)

BNG is now mandatory for all planning applications, other than some limited exceptions, such as householder applications. All in scope developments must provide a 10% increase in biodiversity, as measured using the government's biodiversity metric. This is a substantial new area of work and is in addition to the current legislation and guidance on biodiversity and planning. Work has been underway since April 2023 to identify new working processes across Planning and Ecology teams, and new software has been obtained to process and monitor BNG in planning applications.

This work has already had a significant impact on workloads for the biodiversity team and is also likely to impact on other services such as Planning and Legal. Now the legislation is live and applications with BNG requirements are starting to be processed, we are now putting preparations into practice and are recognising that applications will now require more input

from Biodiversity colleagues than expected. Ongoing work is being monitored and will be factored into team resource plans.

#### **4.5 Local Nature Recovery Strategies (LNRS)**

LNRSs are a new, England-wide system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. In Gloucestershire the County Council is the lead authority however Cotswold District Council is legally a "supporting authority" and has to assist in the production of the LNRS. This involves a number of meetings and other work to ensure that the Strategy is fit for purpose and delivers the best outcomes for the District.

#### **4.6 Species Conservation and Protected Site Strategies**

These are new mechanisms to safeguard the future of particular species/habitats/sites at greatest risk. They will be prepared by Natural England but the Act places a new duty on LPAs to cooperate in the establishment and operation of the strategies.

### **5. ALTERNATIVE OPTIONS**

- 5.1** The alternative would be to remove the Ecological Emergency declaration and/or not to take any action to deliver the action plan. This would at a minimum, mean that the Council was not meeting its statutory obligations.

### **6. CONCLUSIONS**

- 6.1** The Ecological Emergency Action Plan continues to be delivered, focusing on the mandatory elements, for example planning applications (including BNG), local plan policy etc; however, due to lack of resources no action is currently underway to address the new enhanced biodiversity duty requirements. In addition, there is huge scope for the Council to increase its activity to address the Ecological Emergency in more depth, particularly with local communities and in the context of Green Infrastructure.

### **7. FINANCIAL IMPLICATIONS**

- 7.1** The Ecological Emergency Action Plan can continue to be delivered at its current rate within existing resources, although it is likely that further resource will be required to fully implement BNG. Further actions will require additional resource.
- 7.2** Cotswold District Council has been allocated a grant of £26,807 to assist with delivery of BNG implementation work carried out in 2024/25. The grant is paid in arrears upon receipt of evidence of work completed

### **8. LEGAL IMPLICATIONS**

- 8.1** There are no specific legal implications arising from this report other than that it raises the need to address certain statutory requirements.



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**9. RISK ASSESSMENT**

9.1 There are no risks involved in noting the report for information.

**10. EQUALITIES IMPACT**

10.1 As the report is to be noted there are no equalities impacts

**11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

11.1 The report is to be noted, but self-evidently the report clearly responds to the climate and ecological emergencies.

**12. BACKGROUND PAPERS**

12.1 N/A

(END)