
Biodiversity Duty – First Consideration Report

February 2024

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1. Background

1.1 Since 1 January 2023, all public authorities have been under an enhanced statutory duty to conserve and enhance biodiversity. From 1 January 2024 public authorities are required to set out a plan confirming how they will comply with this duty and the actions they can take. Thereafter, authorities must set appropriate policies and specific objectives; and then they must take action.

1.2 In terms of the legal context, the Environment Act 2021 introduced a strengthened 'biodiversity duty' requiring all public authorities in England to consider what they can do to conserve and enhance biodiversity. Guidance on complying with the biodiversity duty was published in May 2023 which, in summary, confirmed that authorities must:

- a) Consider what they can do to conserve and enhance biodiversity by 1 January 2024. No formal reporting template has been provided for this;
- b) Agree policies and specific objectives based on their consideration as soon as possible after 1 January 2024; and
- c) Act to deliver the policies and achieve these objectives and report on them.

1.3 The first part of delivering the 'biodiversity duty' is to essentially identify the work of Tonbridge and Malling Borough Council (TMBC) that contributes towards the conservation and enhancement of biodiversity. This table below highlights the main areas of TMBC's work that help to deliver this duty.

1.4 This is a corporate responsibility that is relevant to all Council departments, actions and decision making. The end date of the first reporting period should be no later than 01 January 2026 and thereafter every 5 years.

2. Summary of current work/action that contributes to the biodiversity duty

2.1 The council has formally recognised the need for urgent action on biodiversity through a declaration of a climate and biodiversity emergency at Full Council in July 2019.

2.2 The table below sets out how Tonbridge and Malling Borough Council meets the first requirement to consider what they can do to conserve and enhance biodiversity by 1 January 2024.

Work Area	Relevant policies/strategies already in place	Detail/key policies	Future plans/comments
Planning Policy	Core Strategy (2007)	CP7 – Areas of Outstanding Natural Beauty CP8 – Sites of Special Scientific Interest CP9 – Agricultural Land CP24 – Achieving a High Quality	Mandatory approach to Biodiversity Net Gain (BNG), will need to be integrated into the emerging Local Plan. A monitoring framework is yet to be provided.
	Managing Development and the Environment (2010)	NE1 – Local Sites of wildlife, geological or	Conservation and enhancement of biodiversity will need to be integrated into

		<p>geomorphological interest</p> <p>NE2 – Habitat Networks</p> <p>NE3 – Impacts of Development on Local Biodiversity</p> <p>NE4 – Tress, Hedgerows and Woodland</p> <p>SQ1 – Landscape and Townscape Protection and Enhancement</p> <p>OS1 – Protection of Open Spaces</p> <p>OS3 – Local Standards</p> <p>OS5 – Reinforcing Green Infrastructure</p>	the emerging Local Plan.
	Call for Sites	TMBC undertook a Call for Sites exercise as part of the emerging Local Plan in late 2021/early 2022, and again in autumn 2023, to identify sites for development, but also sites for Biodiversity Net Gain. The aim being to help identify off-site BNG opportunities within the borough.	Engage with BNG site promoters and encourage them to register their land on the Kent BNG Register and the National BNG Register, to support provision of BNG opportunities within the borough.
Development Management	Determination of planning applications in accordance with current wildlife legislation and policy.	Determination of planning applications in accordance with current wildlife legislation and policy.	Determination of planning applications in accordance with current wildlife legislation and policy.
Biodiversity Net Gain (BNG) Interim Policy Position Statement (2024)	Mandatory minimum 10% BNG for major developments from Feb 2024, and small-scale developments from April 2024, as set out in Biodiversity net gain planning practice guidance	Until a Local Policy on BNG is adopted, an Interim Policy Position Statement has been adopted by the council as a material consideration, to	Keep under review and include as a policy in the emerging Local Plan.

		encourage delivery within the borough.	
Corporate Strategy 2023-2027	One of the four key priorities for the borough is 'Sustaining a borough which cares for the environment.'	<p>The council committed to creating a borough which protects the environment and provides beautiful spaces for our residents and visitors to enjoy. Between now and 2027 we will:</p> <p>Deliver climate change plans which focus on cutting emissions and increasing biodiversity.</p> <p>Build on our track record of recycling more than anywhere else in Kent with measures to further improve rates while reducing overall levels of waste and fly-tipping.</p> <p>Improve environmental quality in the borough by tackling sources of pollution such as car idling and taxi emissions, backed up by design-led approaches in new developments and encouraging sustainable travel.</p> <p>Continue our successful management of parks, open spaces and leisure centres so the best recreational facilities are available to everyone.</p> <p>Recognise and support our local</p>	One of the four key priorities for the borough is 'Sustaining a borough which cares for the environment.'

		built heritage to give people pride in the place they live.	
Partnership working	Kent Nature Partnership	We are an active member of the Kent Nature Partnership. This is a joint venture between all the councils in Kent and Medway with an aim to provide a coordinated source of information, knowledge-sharing and expertise around nature recovery, nature based solutions and biodiversity net gain. Interim Strategic Significance Guidance for BNG has been developed to assist applicants/decision takers.	The council is a supporting authority for Making Space for Nature, the Kent and Medway Local Nature Recovery Strategy.
	Local Wildlife Site System for Kent	The council is consulted on proposed changes to Local Wildlife Sites in the borough.	Continue to engage and reflect the most up-to-date site information in the Local Plan.
	Kent Downs National Landscape Joint Advisory Committee	Work with the Kent Downs National Landscape and other relevant local authorities to prepare and adopt the Management Plan.	Continue to engage and have regard to the Management Plan in decision taking.
	High Weald National Landscape Joint Advisory Committee	Work with the High Weald National Landscape and other relevant local authorities to prepare and adopt the Management Plan.	Continue to engage and have regard to the Management Plan in decision taking.
Green Infrastructure	A Green Infrastructure Strategy has been commissioned for the borough	The Green Infrastructure Study will undertake a baseline study of current Green	Green Infrastructure

		Infrastructure assets to help identify areas of highest environmental value', identify areas of the borough that have access to green space or water within a 15-minute walk from their home in line with the Environmental Improvement Plan, and identify areas of strategic significance where off-site BNG could be targeted to support existing habitats and species.	
Climate Change	Climate Change Strategy 2020 – 2030 Climate Change Action Plans (annual)	Annual Climate Change Action Plans include biodiversity actions each year under the themes: Sustainable development Strengthen local protection and enhance protection of species, habitats and biodiversity Work with partners in the community to engage the public and identify areas of collaboration for climate change action, adaptation, protection and enhancement of the environment.	Continue to deliver against and develop further climate change actions that support achievement of biodiversity benefits of related relevant policies, including Partnership working and the Corporate Strategy, and Green Infrastructure Strategy.
Tree Charter	The Tree Charter sets out the borough's approach to ensuring the protection, management and increase in trees, in line with the other policies and strategies listed here.	Work with partners to maintain and increase trees in the Borough Explore available grant funding opportunities to maximise opportunities for	Delivery of the Tree Charter is considered ongoing work in delivering a number of different policies and monitored in that context. E.g. the climate change action plan includes tree

		tree planting schemes Work on tree conservation	planting commitments.
Open space management	Street Scene, Leisure, Waste and Technical Services – Departmental Service Delivery Plan 2019-2024.	Produce Five-year Management Plans for key sites managed by TMBC (TRS, HCP) and identify projects to enhance biodiversity. Five-year Management Plans for Leybourne Lakes Country Park (managed by TMAActive) and identify projects to enhance biodiversity. Increase volunteering opportunities	Continue to produce five-year Management Plans for key sites managed by TMBC (TRS, HCP) Continue to produce five-year Management Plans for Leybourne Lakes Country Park (managed by TMAActive) Continue to support volunteer and community groups to enhance biodiversity within TMBC owned public open spaces (including HCVP, Platt Wood Management Committee). Continue to attend meetings with community groups
	TMBC Tree Safety Policy	Inspect all mature trees on Council Owned Land on a three-year cycle to identify and carry out any required Health and Safety Works.	Continue to inspect all mature trees on Council Owned Land and ensure that consideration is given to replacement planting where appropriate.

2.3 This table provides an overview of actions currently being taken by TMBC to conserve and enhance biodiversity and details the positive changes being made. It is intended that this report will be updated and further developed alongside development of the LNRS and Local Plan work to set out specific policies and objectives.

3. Future actions

3.1 [Government guidance](#) confirms that the Authority must publish a 'Biodiversity Report' setting out the policies and actions that have been carried out to comply with the biodiversity duty. This will include the actions we have completed to meet biodiversity net gain obligations as a local planning authority. The end date of the first reporting period should be no later than 1 January 2026, and the end date of each reporting period after this must be within 5 years of the end date of the previous reporting period. All reports must be

published within 12 weeks of the reporting period end date.

3.2 Specific on-going actions and priorities are envisaged to include:

- Preparing a new Local Plan. This includes developing an enhanced understanding of biodiversity within the borough through the evidence base, as well as developing policies to secure its conservation and enhancement.
- Continued involvement in the preparation of a Kent and Medway Nature Recovery Strategy- this will help define our actions and prioritise these in conjunction with the Local Plan.
- Continued development and implementation of a Green Infrastructure Strategy.
- Implementation of Biodiversity Net Gain and working with landowners/managers to help deliver strategic offsets aligned with the evolving Local Nature Recovery Strategy.
- Investment in skills and resources including training existing staff, contributing to an enhanced Kent Ecological Advice Service resource and securing software solutions to help manage Biodiversity Net Gain assessment, monitoring and reporting.
- Look at potential ecological enhancement opportunities on council owned land.
- Delivery and reporting of mandated Biodiversity Net Gain.

3.3 Council officers will report annually to Members on progress against these actions and others identified to meet our legislative requirements.

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