



BIODIVERSITY DUTY: FIRST CONSIDERATION REPORT

June 2025



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I. Introduction

Purpose of report

The purpose of this report is to set out the Council's consideration of what it is doing to conserve and enhance biodiversity and also set out specific objectives and actions.

What is the Biodiversity Duty?

The Biodiversity Duty requires public authorities to take steps for conserving and enhancing biodiversity in England.

When originally enacted, Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 required that *'every public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity'*. Section 102 ('General duty to conserve and enhance biodiversity') and Section 103 ('Biodiversity reports') of the Environment Act 2021 then amended Section 40 of the NERC, to strengthen the previous requirement.

[Guidance on the Biodiversity Duty](#) sets out that:

Public authorities who operate in England 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.

This means that, as a public authority, you must:

- 1. Consider what you can do to conserve and enhance biodiversity.*
- 2. Agree policies and specific objectives based on your consideration.*
- 3. Act to deliver your policies and achieve your objectives.*

Local authorities should have completed a 'first consideration' about what action is being, or could be taken, for biodiversity, by 1st January 2024. The authority



should then agree policies and specific objectives as soon as possible after this date.

Furthermore, Local Authorities must publish a [biodiversity report](#) which documents the policies and actions carried out to comply with the duty. The end date of the first reporting period should be no later than 1st January 2026. The report must be published within 12 weeks of the reporting period end date i.e. 26th March 2026.



2. Biodiversity in the borough

Surrey Heath has significant areas for biodiversity, with a range of habitats that support rare species and species assemblages. Many habitats arose from long established agricultural systems involving commons grazing and hay meadows, in combination with the borough's poor sandy soils and river valley alluvial deposits.

Heathlands, grasslands and meadows

The borough's most significant areas for biodiversity are heathlands, such as Chobham Common. The heaths comprise mosaics of lowland dry heath along with wetter mires and acid grassland areas. They are home to three rare species of ground-nesting birds, as well as native reptiles and invertebrates such as the Silver-studded Blue butterfly. Many areas are internationally designated Special Protection Areas and/or Special Areas of Conservation.

The borough's low lying river valleys contain examples of fields that would previously been managed for grazing and hay making, such as Chobham Water Meadows, as well as some meadow areas in the Blackwater Valley.

Wetlands

Basingstoke Canal is a SSSI for its aquatic species and the borough has many ponds which are home to Great Crested Newts and also support other wildlife.

Woodlands and wood pasture

The borough contains areas of deciduous woodland, including Ancient woodlands, along with 'wet woodlands' near watercourses. Wood pasture habitats are found across the borough, including at Bagshot Park.

Urban areas



Nature in urban areas plays an important role for our physical and mental well-being and providing 'eco-system services' such as trees providing cooling shade in summer and vegetation absorbing rain to reduce surface water runoff. Green spaces such as gardens, grass verges and parks, can also provide valuable corridors for wildlife to connect across larger areas.

Biodiversity loss

The county of Surrey, including Surrey Heath, has experienced severe biodiversity losses, in recent decades. One in every three of Surrey's native species are at risk or have already gone. Within this figure are 509 species that have already become locally extinct ([The State of Surrey's Nature](#), 2017). This is due to a variety of pressures on the natural environment, including habitat loss, urban and infrastructure development, loss of traditional sustainable farming practices, and in some cases, persecution. In addition to this, climate change is adding further pressure on the natural environment.

Nature recovery

Local authorities, land-owners, developers, residents and businesses must all work together on conserving and restoring our important habitats, to halt and reverse past trends in biodiversity losses and provide a healthy environment for people.



3. Overview of services and operational areas

The Council takes account of conserving and enhancing biodiversity in the borough, across a number of service areas and workstreams, namely:

- Corporate strategies
- Local Development Plan
- Development management
- Green Space management
- Data and partnership working
- Property and operations

Further details on each of these areas is set out in the following sections.

Corporate strategies

Strategy	Summary	Further details
Council Strategy 2024-2028	Sets five priorities over a medium-term timeframe.	The strategy notes our shared responsibility for environmental stewardship and sets out key areas of focus for the council as: reducing carbon emissions to net-zero, protecting and enhancing our natural environment, maintaining clean streets and open spaces, increasing local biodiversity, and reducing waste and improving recycling.
Annual Plan 2024/25	Key annual projects and targets for the year to deliver the priorities and goals in Council Strategy.	Sets out a various projects and actions by services across the Council, for protecting and enhancing environment and biodiversity – see plan for details. Furthermore, the draft 2025/26 Annual Plan was considered by Executive on 11 th February 2025.



Strategy	Summary	Further details
Climate Change Action Plan	Plan for reducing emissions to net zero by 2030 and increasing resilience to climate change.	Following declaration of the Climate Emergency in 2019 an action plan was agreed. The Plan has actions across the sectors of energy, transport, environment (most directly relevant to biodiversity), behaviour change and Council operations and staff. The Action Plan and progress against it is updated regularly, most recently in 2025.
Tree Strategy and Action Plan 2023-2033	Plan for planting new trees in suitable locations and for maintaining extent and quality of tree canopy in existing areas.	Notes the multiple benefits of trees to Surrey Heath, and sets out actions for tree planting including planting native hedgerows and orchards and to improve tree maintenance including working with volunteer groups, such as tree wardens. The Plan also commits to providing educational and training initiatives in the community.

Planning Policy

Current Core Strategy (Local Plan)

The Surrey Heath Adopted Core Strategy (2011 to 2028) was adopted on 1st February 2012. This sets out the Council's current local policies for determining planning applications.

Core Strategy Policy CPI: Spatial Strategy and Policy CPI4: Biodiversity and Nature Conservation are the most relevant to biodiversity conservation, with an emphasis on avoiding development occurring in sites designated for high biodiversity value and requiring ecology surveys to identify and mitigate impacts on any protected priority habitats or species. CPI3: Green Infrastructure and DMI5: Protection of Green Spaces and Recreational Facilities also make some



contribution to biodiversity interest in urban areas, through co-benefits to biodiversity of protecting pockets and corridors of urban green space.

The Council undertook a Sustainability Assessment (SA) for the adopted Core Strategy. The [Post Adoption Sustainability Appraisal Statement](#) is available online.

Thames Basin Heaths Joint Strategic Partnership

The Council is a member of the [Thames Basin Heaths Joint Strategic Partnership](#) which is a landscape-scale conservation project for the protection of important heathland habitats which support rare birds and other species. The Council implements an agreement (the '[Delivery Framework](#)') in relation to control of development and provision of mitigation including through 'Suitable Alternative Green Spaces' (SANG), in the vicinity of the Thames Basin Heaths Special Protection Area. This framework supports application of policy NRM6: Thames Basin Heaths Special Protection Area; a saved policy from the South East Plan, which is revoked other than policy NRM6.

Surrey Local Nature Recovery Strategy

When published, the Council will have regard to the Surrey Local Nature Recovery Strategy in planning decisions, as set out in the updated Natural Environment Planning Practice Guidance. Publication is expected to be later in 2025.

New Local Plan

In summer 2024, the Council published its Pre-Submission Local Plan (2019 to 2038) and subsequently submitted this to the Planning Inspectorate for examination, which is scheduled for summer 2025. Policies most directly relevant to biodiversity conservation and enhancement of the submitted Local Plan are set out in Figure 2.



The [Habitats Regulations Assessment](#) (HRA) of the Pre-Submission Local Plan was published in 2024. The HRA assesses the potential impact of the policies of the Pre-Submission Local Plan for any potential conflicts with the integrity (of biodiversity interest) of the National Site Network, previously known as European protected sites. The HRA also advises appropriate policy mechanisms for delivering mitigation where adverse effects on integrity are identified.

Furthermore, the Council undertook a [Sustainability Assessment](#) (SA) of the Pre-Submission Local Plan (2019 to 2038), in line with the Environmental Assessment of Plans and Programmes Regulations 2004. Amongst wider environmental, social and economic issues, the SA assesses the biodiversity value of potential development sites, by identifying whether sites are within designated sites, such as Sites of Special Scientific Interest (SSSIs) and even where they are beyond designated sites whether they contain Priority habitats, such as Ancient woodland, Wood pasture or species rich grasslands. This information is used to inform conclusions about development suitability, alongside other considerations.

Figure 2: Submission Local Plan (2019 to 2038) policies relevant to biodiversity conservation and enhancement

Policy	Summary of policy in relation to biodiversity
SSI: Spatial Strategy	Locates development outside of highest value biodiverse areas
EI: Thames Basin Heaths Special Protection Area	Protects heathlands by preventing residential development within 400m of the area and mitigates impacts from increased recreation use by access management and providing alternative places for outdoor recreation, known as Suitable Alternative Green Spaces (SANG).



Policy	Summary of policy in relation to biodiversity
E2: Biodiversity and Geodiversity	Protects Sites of Special Scientific Interest (SSSIs), locally designated wildlife sites i.e. Sites of Nature Conservation Interest (SNCI) and priority species and habitats. Also encourages landscape-scale habitat reconnections, informed by locations and priorities identified by Biodiversity Opportunity Area Statements focused on heathlands and rivers and – after publication – will require delivery of measures set out in the Surrey Local Nature Recovery Strategy.
E3: Biodiversity Net Gain	Requires 20% net gain biodiversity, which is higher than the national statutory minimum target of 10%. Requires offsetting to be provided within the borough as far as possible.
E7: Watercourses and water quality	Requires natural habitat buffers around watercourses to improve ecological condition of watercourses and support restoration of wetland habitats.
IN5: Green Infrastructure	Requires schemes to protect and enhance green infrastructure assets.

Development management

Ecological policy and legislation

As Local Planning Authority, the Council takes account of its Biodiversity duty in relation to the requirements of all relevant legislation and policy, including all relevant national and local policies and legislation. These are outlined in the documents published by Surrey Nature Partnership Biodiversity Working Group in the [Biodiversity and Planning Manual](#).

The Council acknowledges that, at the time of writing, the guidance has not been updated since 2019. Therefore, in addition, the council also takes account of more recent legislation including Environment Act (2021), additional Planning Policy



Guidance on Biodiversity Net Gain and the latest version of the National Planning and Policy Framework. The Council notes Surrey Nature Partnership's intention to update the Biodiversity and Planning Guide and the Council will take note of the updated document, when published.

Ecological expertise

The Council has an agreement with [Surrey Wildlife Trust Ecology Planning Advice Service](#), to provide ecology and biodiversity advice for decisions on relevant development proposals. This includes advice on Biodiversity Net Gain (BNG).

District Level Licensing for Great Crested Newts

The Council is not currently part of a District Level Licensing for Great Crested Newts. District Level Licensing schemes are offered by Natural England and by Nature Space; the Council could consider signing up to one or other of these schemes, to provide a faster route to consent for developers.

Biodiversity Net Gain

The Council has published guidance for developers on [Biodiversity Net Gain in Surrey Heath](#) and ensures Planning Officers have the appropriate knowledge and expertise to implement new requirements of BNG, with support from expertise from Surrey Wildlife Trust.

Offsite Biodiversity Units

The Council is investigating the feasibility of creating a Biodiversity Gain site in the borough, with a proposed scheme at Windlemere SANG. The site could potentially offer a modest scale of biodiversity units, through enhancing existing areas of grassland and woodland, and planting new scrub areas. Investigations into the business case for the project and options for legal arrangements are currently under consideration.



Green space management

The Council manages many [parks and green spaces](#) where we undertake tree works, woodland, heathland and grassland management. We undertake regular actions to control invasive species, wherever possible working with volunteers and minimising the use of herbicides. The Council works with local environmental organisations, such as the [Surrey Heath Tree Wardens](#).

All our parks and green spaces are subject to [Byelaws](#), for the protection of the natural environment.

The Council has implemented various initiatives for wild-flower areas, native tree planting and supports the protection of rare species, such as Great Crested Newts, where these are present on our sites. When undertaking tree safety works, where possible, we leave dead wood safely in place in woodlands to provide additional habitat.

The Council's grounds maintenance contractor is Glendale.

Suitable Alternative Natural Greenspace (SANG)

As a member of the Thames Basin Heaths Partnership, we provide and manage Suitable Alternative Natural Greenspace (SANG) for residents, in order to reduce recreational pressures on the highly sensitive and protected heathland areas. We currently manage five sites, with plans to open an additional site at St Catherine's Wood, Frimley. In addition, there are other SANGs in the borough that are not within Council ownership and are not managed by the Council.

Council-owned SSSIs

Some sites managed by the Council are SSSIs. The [Environmental Improvement Plan](#) set the expectation that all public authorities should ensure they have management plans in place by the end of 2023 to support their sites to reach favourable status. The Council's land ownership in relation to SSSIs is set out in



the Figure 3. Management plans are agreed with Natural England for all council-owned SSSIs.

Figure 3: Council sites within SSSIs

Council-owned site	<i>SSSI that site lies within</i>
Lightwater Country Park	Colony Bog and Bagshot Heath SSSI
Turf Hill	Colony Bog and Bagshot Heath SSSI
Brentmoor Heath	Colony Bog and Bagshot Heath SSSI
Round Pond Clump	Chobham Common SSSI

The Council has a variety of management arrangements in place: Lightwater Country Park, Turf Hill and Round Pond Clump are managed by the Council; Brentmoor Heath is managed by Surrey Wildlife Trust.

The Council endeavours to support the implementation of proactive management plans across all SSSIs and will review whether sufficient funding is in place for in-house managed sites, taking account of the transition from Countryside Stewardship to Environmental Land Management Scheme (ELMS).

Natural England is responsible for the assessment of ecological condition of SSSIs. For Council-owned and managed SSSIs areas, the Council takes account of any management recommendations made by Natural England following condition surveys. The Council reports on the condition status of all SSSIs in the borough in the [Local Plan Annual Monitoring Report](#).

Data and partnership working

Local Environmental Records Centre

Biodiversity data for the borough is held by the Surrey Biodiversity Information Centre (SBIC), which is hosted by Surrey Wildlife Trust. SBIC is the custodian of species recording data and sites surveys, including Sites of Nature Conservation



Interest (SNICs). This data is used to inform local plan making and development-related ecology assessments and to support wider biodiversity strategy work.

The most recent surveys of SNICs in Surrey Heath were conducted in 2012, and this was not for all sites. The Council could consider commissioning further habitat surveys to inform management activities and maintain an up-to-date record of site condition. The Council will consider needs for any updates to ecological evidence to inform the planning policy and decision making, such as in relation to SNICs.

Surrey Nature Partnership

The Council is part of the [Surrey Nature Partnership](#). The partnership comprises an Executive Board and a number of sub-groups, which the Council has a direct or indirect involvement in, as set out in Figure 4.

Figure 4: Surrey Nature Partnership sub-groups

Sub-Group	Purpose of group	Council involvement
Local Sites Partnership	To select Sites of Nature Conservation Interest (SNIC). Also completes annual reporting to DEFRA, on behalf of the Council, on the proportion of Local Sites (SNICs) in positive management for Single Data List Indicator 160-00 .	The group comprises experts with specialist ecological knowledge. The Council takes account of site recommendations for inclusion on Local Plan Policies map.



Sub-Group	Purpose of group	Council involvement
Biodiversity Working Group	Knowledge sharing network for biodiversity in planning and green space management. Develops conservation policy evidence including Biodiversity Opportunity Area Policy Statements.	Participating member.
Parks and Countryside Forum	Knowledge sharing network for parks and countryside professionals who manage parks and open spaces for conservation and public access.	Participating member.

Ancient Woodlands across the county have been identified through the Surrey Ancient Woodland Inventory. Old grasslands are being identified across Surrey, through the Surrey Old Grassland project, led by Surrey Wildlife Trust.

[Biodiversity Opportunity Areas](#) (BOAs) have been identified by the Surrey Nature Partnership. In Surrey Heath, these focus on [heathland](#) and [rivers](#), aiming to restore habitat connections between wildlife-rich sites and enhancing rivers and streams with buffers of semi-natural wetland habitats.

Thames Basin Heaths Partnership

The Council is part of the Thames Basin Heaths Partnership, as mentioned earlier.

Local Nature Recovery Strategy

Surrey County Council is leading the development of the Surrey [Local Nature Recovery Strategy](#). The strategy will:



- Agree priorities for nature's recovery
- Map the most valuable existing areas for nature
- Map specific proposals for creating and improving habitat for nature and wider environmental goals

The Council has contributed to the development of the strategy so far, by attending a workshop and providing relevant information and feedback. As a Supporting Authority, the Council is due to be formally consulted on the draft strategy in Spring 2025. The Council has embedded the anticipated strategy in relevant policies of the Submission Local Plan.

Species conservation strategies and protected site strategies

Natural England (NE) is responsible for developing species conservation strategies and protected site strategies, as considered necessary. The Council, in capacity of LPA, will work with NE in accordance with Section 110(5) of the Environment Act.

Property and operations

The Council considers biodiversity across its estate, projects and operations. The key areas are:

Property and public realm projects

The Council takes account of biodiversity opportunities in its development and public realm projects, through landscaping schemes which support urban greening.

Buildings estate management

The Council implements good practice environment management, such as energy efficiency and renewables projects to reduce carbon emissions as part of its climate change strategy (bearing in mind that climate change is one of multiple



drivers of biodiversity loss), water efficiency measures and provision of recycling facilities for office waste, to reduce pressure on the natural environment.

Procurement

The Council could consider systematically reviewing procurement approaches to consider if there are opportunities for conserving and enhancing biodiversity through this area of work, but this is not considered a current priority.

Communications, education and training

We encourage and enable residents to play a part in conserving and enhancing the biodiversity of the borough, for example through communications about the special value of habitats in the borough. We aim to make communicating awareness of our shared environmental stewardship an integral part of our service delivery. Our Green Spaces team deliver specific education and training initiatives as part of our Tree Strategy and Action Plan.



4. Policies for biodiversity

The Council is required to “agree policies and specific objectives”, based on the first considerations which have been outlined above.

Policies and strategies relevant to biodiversity

The agreed policies and strategies relevant to biodiversity are those outlined in the report above. In summary these are:

- Council Strategy 2024 – 2028
- Annual Plan 2024/25
- Climate Change Action Plan
- Tree Strategy and Action Plan 2023-2033
- Thames Basin Heaths Special Protection Area Delivery Framework
- Surrey Heath Adopted Core Strategy (2011 to 2028)
- Surrey Heath Submission Local Plan (2019 to 2038)
- Contract with Ecology Planning Advice Service, Surrey Wildlife Trust
- Biodiversity Net Gain Guidance and requirements
- Byelaws for Green spaces
- Local Plan Annual Monitoring Report, including SSSI condition reporting
- Biodiversity Opportunity Area Policy Statements (Surrey Nature Partnership)
- Surrey Local Nature Recovery Strategy (to be produced by SCC)



5. Objectives and Next steps

Objectives

The specific objectives for the Council's role in conserving and enhancing biodiversity in England are as follows:

1. Progress submitted Local Plan through examination and to adoption
2. Protect and enhance biodiversity through determination of planning applications
3. Monitor Biodiversity Net Gain developer obligations
4. Investigate feasibility of a Council-owned Biodiversity Gain site
5. Protect and enhance biodiversity through Green Space Management
6. Protect and enhance biodiversity through property and public realm projects
7. Work in partnership for a collaborative landscape-scale approach to nature recovery
8. Consider biodiversity matters in Local Government Restructuring

Next Steps

The Council will report on progress with policies and actions in relation to these objectives, covering the period 1st January 2024 to 1st January 2026. The Council will refer to the guidance on what to include in the report, as set out in [‘Reporting your biodiversity duty actions’](#) on Gov.uk.





6. Action Plan

Objective area	Action	Responsible Officer	Timeframe
1. Local Plan	Progress Local Plan through 'Examination in Public' in 2025 and then adoption in Autumn 2025, in line with published Local Development Scheme	Planning Policy and Conservation Manager	Examination in summer 2025, subject to Planning Inspectorate confirmation
2. Development Management	Continue to fulfil statutory duties in capacity of Local Planning Authority with regard to ecology and BNG, including take note of updated Biodiversity and Planning Manual from the Surrey Nature Partnership.	Development Manager	Ongoing
2. Development Management	Investigate schemes for District Level Licensing for Great Crested Newts, such as Nature Space.	Development Manager	By October 2025
3. Biodiversity Net Gain monitoring	Collate monitoring data on applications which are required to deliver Biodiversity Net Gain	Development Manager	By January 2026



Objective area	Action	Responsible Officer	Timeframe
4. Offsite Biodiversity units	Investigate feasibility of business case and consider legal agreement options, for Biodiversity Gain site at Windlemere SANG to increase availability of Biodiversity Units for developers	Climate Change Officer	By July 2025
5. Green Space Management	Council owned SSSIs: Review funding arrangements for management plans for Council-owned SSSIs and update as necessary, in light of transition from Countryside Stewardship to ELMS funding, to support sites to maintain/achieve 'Favourable' condition	Leisure & Recreation Manager	By July 2025, to be reviewed annually
5. Green Space Management	Council owned SNCIs: Consider if management plans are up to date and adequately resourced for implementation?	Leisure & Recreation Manager	By July 2025, reviewed every 3 years
5. Green Space Management	Council owned SANGs: Review existing SANG management plans	Leisure & Recreation Manager	By July 2025, reviewed every 3 years
5. Green Space Management	Expand SANG provision with new site at St Catherines Wood, including delivering biodiversity enhancements to comply with requirements of Biodiversity Net Gain.	Leisure & Recreation Manager	By September 2025



Objective area	Action	Responsible Officer	Timeframe
5. Green Space Management	Assess in-house and contractor (Glendale) protocols and practices for the use of fertilisers, pesticides and herbicides, to ensure and demonstrate that usage is minimised and is aligned with the Green Flag Award Pesticide Reduction Good Practice Guide.	Leisure & Recreation Manager	By July 2025
6. Property and public realm projects	Consider urban greening from the outset, in the Council's property development and public realm projects, such as urban trees, natural SUDs and bio-solar roofs.	Head of Property & Economic Development	Ongoing
7. Partnership working	Engage with Surrey County Council, to provide local information and consultation feedback, to inform the development the LNRS and then consider implications for the Council's policies and activities following publication to support strategy delivery.	Planning Policy and Conservation Manager, with Climate Change Officer	Respond to consultation within 28 day deadline
7. Partnership working	Engage with Natural England (NE) as they develop species conservation strategies and/or protected site strategies.	Planning Policy and Conservation Manager	As requested by Natural England



Objective area	Action	Responsible Officer	Timeframe
7. Partnership working	Consider biodiversity functions in the process of transitioning to a Unitary Authority structure as part of Central Government's Local Government Reorganisation / Devolution proposals	Chief Executive Officer	Ongoing, in line with Government timetable
7. Partnership working	Investigate options for prioritising and funding of regular SNCI surveys to inform effective site management to maintain and enhance ecological value of sites and maintain up to date evidence, in support of delivery of Local Nature Recovery Strategy (LNRS)	Planning Policy and Conservation Manager	In line with consultation and publication of LNRS

