

REPORT OF: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL & REGULATORY SERVICES

TO: EXECUTIVE

DATE: 12th March 2024

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ENVIRONMENT ACT 2021 – BIODIVERSITY OBJECTIVE

PURPOSE OF REPORT

To inform the Executive of the Biodiversity Objective and to agree the Action Plan.

RECOMMENDATION

That the Council agrees the Action Plan as attached at Appendix A.

REASON FOR RECOMMENDATION

In order to ensure the Council complied with the requirements of the Environment Act 2021.

BACKGROUND

- 1 The Environment Act 2021 received royal assent on 9 November 2021. It creates the legal framework to improve and protect the natural environment.
- 2 The Environmental Improvement Plan 2023 is the first revision of the 25 Year Environment Plan, which was published in January 2018. It sets out a vision for action to help the natural world regain and retain good health. It sets out how the government will work with landowners, communities and businesses to improve nature by halting the decline in biodiversity and establishes interim targets to help measure progress.
- 3 The emerging Local Nature Recovery Strategy (LNRS) for Lancashire, and requirements for new development to deliver Biodiversity Net Gain (BNG) should be seen in this context.
- 4 Section 102 of the Environment Act 2021 expanded the general biodiversity objective and introduced legal obligations on reporting. Local authorities must now consider what action can properly be taken to further “*the conservation and enhancement of biodiversity.*” The first such consideration was undertaken by the 1st January 2024 deadline.

- 5 This year the Council was required to consider what it is able to do to further the general biodiversity duty. The Council is under a duty to report back next year on what it is doing to improve on biodiversity.
- 6 Attached at Appendix A is a draft action plan setting out what Pendle intends to do over the next 5 years to comply with the biodiversity duty.
- 7 The main element of our response is to make a positive contribution to the development of the Lancashire LNRS. This is a county wide strategy and Lancashire County Council is the designated body charged with identifying the areas of biodiversity importance, ecological networks and areas of opportunity where biodiversity can be enhanced. That is married in with the mandatory BNG requirements for planning applications that started on 12th February 2024. These are key elements in fostering biodiversity improvements and play a major role in the delivery of our action plan.
- 8 The action plan also seeks to assess and foster the ability of the Council to make improvements on its estate. That has already started with the assessment of some sites having already been undertaken to look at the potential for net gains on Council owned land as well as commitments such as the local nature reserve on Gib Hill.
- 9 The Executive is asked to consider the draft action plan and to endorse it together with any other amendments it sees as contributing to the objectives of the action plan.

IMPLICATIONS

Policy: The policy implications are as set out in the action plan.

Financial: The implementation of elements of the plan will need to be costed, such as how biodiversity improvements on a site may be generated. Individual elements of the plan will need to be agreed as and when they are planned.

Legal: Compliance with Section 102 of the Environment Act 2021.

Risk Management: There is a reputational risk to the Council.

Health and Safety: None

Sustainability: None

Community Safety: None

Equality and Diversity: None

APPENDICES

Appendix A

LIST OF BACKGROUND PAPERS