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| <b>Report Title</b>                         | Biodiversity Duty Report   |
| <b>Meeting</b>                              | Executive  |
| <b>Meeting Date</b>                         | 19 March 2026  |
| <b>Report Author</b>                        | Craig Barnes   |
| <b>Directorate</b>                          | Place  |
| <b>Lead Executive Member(s)</b>             | Cllr Lola Whipp  |
| <b>Wards Affected</b>                       | All  |
| <b>Public. Part Exempt, or Fully Exempt</b> | Public   |
| <b>Appendices (if any)</b>                  | Appendix 1: Biodiversity Duty Report<br>Appendix 2: First Consideration Report |

## 1. Executive Summary

- 1.1 The Environment Act 2021 strengthened the Biodiversity Duty requiring all public authorities in England to consider what they can do to conserve and enhance biodiversity. Local authorities must publish a Biodiversity Duty Report which sets out how they will discharge this duty. This report must be updated at least once every 5-years following the end date of the previous reporting period.
- 1.2 The first Biodiversity Duty Report for Pendle (Appendix 1) covers the period to 1 January 2026 and must be published by 26 March 2026. The report follows the adoption of the First Consideration Report (Appendix 2) which set out the initial actions to be taken by the Council to discharge the Biodiversity Duty.

## 2. Recommendations

**For the reasons set out in this report, the Executive is recommended to:**

- 2.1 To agree the content of the draft Pendle Borough Council Biodiversity Duty Report (Appendix 1) and to publish it.

## 3. Information: the Rationale & Evidence for the Recommendations

- 3.1 The Environment Act 2021 places a statutory duty on the Council to conserve and enhance biodiversity expanding the previous duty established through the Natural Environment and Rural Communities Act 2006 (the NERC Act). The aim of this change is to provide for the enhancement or improvement of biodiversity.
- 3.2 To comply with the Biodiversity Duty the Council, as a public authority, must:

- Consider what it can do to conserve and enhance biodiversity.
  - Agree policies and specific objectives based on its consideration.
  - Act to deliver its policies and achieve its objectives.
  - Report on its biodiversity actions.
- 3.3 By 1 January 2024, the Environment Act 2021 required the Council to identify what it was already doing or could realistically improve to conserve and enhance biodiversity. The First Consideration Report (Appendix 2) sets out the measures identified to discharge this statutory requirement.
- 3.4 The First Consideration Report identifies a comprehensive range of interventions, policies and strategies which demonstrate how the Council meets its biodiversity duty. These cover a wide-range of Council departments and operations including; the Council's estate, planning and regeneration, communications, democracy, and parks and recreation functions. Actions also include supporting the development and implementation of sub-regional strategies prepared by key partners within Lancashire related to biodiversity, economic growth, and the delivery of development.
- 3.5 The first reporting period on complying with the Biodiversity Duty ended on 1 January 2026. From this date, the Council has 12-weeks to publish its Biodiversity Duty Report (Appendix 1). By law the report must include:
- A summary of the action the Council has undertaken to comply with the Biodiversity Duty.
  - The policies and objectives the Council have set to meet the Biodiversity Duty.
  - The actions the Council has completed, either alone or in partnership with others, that benefit biodiversity.
  - An explanation of how the Council has taken account of Local Nature Recovery Strategies (LNRS), protected site strategies and species conservation strategies.
  - How the Council plans to comply with the biodiversity duty over the next reporting period.
  - The actions the Council has carried out to meet Biodiversity Net Gain (BNG) obligations.
  - Details of BNG resulting, or expected to result, from Biodiversity Net Gain Plans the Council has approved.
  - How the Council plans to meet BNG obligations over the next reporting period.
  - Any other information the Council considers appropriate.
- 3.6 The Biodiversity Duty applies across all services and is applicable to all wards of the Borough.

- 3.7 The attached draft Pendle Biodiversity Duty Report meets the statutory obligations set out above and has been prepared in accordance with guidance issued by DEFRA.
- 3.8 The report summarises the actions which the Council has taken during the reporting period to comply with the Biodiversity Duty, and further demonstrates the Council's existing policies and practices which meet this duty, including but not limited to:
- The Council Plan (2025 – 2028): and the key role played by biodiversity and the quality of the natural environment in fulfilling the overarching and interlinked priorities identified for the period.
  - The Climate Change Strategy (2025): highlighting the role of the natural environment in mitigating and securing resilience to the effects of Climate Change with specific action points identified that will benefit biodiversity and help meet the Biodiversity Duty.
  - The Lancashire Local Nature Recovery Strategy (“LNRS”) (2026): Published in early 2026, the Council has assisted with the preparation of this important strategy for nature within Lancashire. The LNRS identifies targeted actions for nature recovery where the creation or improvement of habitat is most likely to provide the greatest benefit for nature and the wider environment. The implementation of the LNRS is supported by the policies of the Local Plan Fourth Edition.
  - The Pendle Local Plan Fourth Edition (2025): Sets the strategic approach to development over the period to 2040 and how development is managed over this period. It includes policies which support the implementation of the Biodiversity Duty locally through development proposals including BNG and the LNRS, as well as the enhancement of the Green Infrastructure Network. The Local Plan places protection on spaces and habitats which are of importance to the community and existing wildlife.
  - Measures brought within the Development Management process to assist with the implementation of BNG.
  - Integrating biodiversity considerations into the decision-making processes of the Council.
  - Assessment of Gib Hill as a candidate site for BNG. Established Gib Hill as a new Local Nature Reserve in partnership with Colne and Nelson Town Councils and local community interest groups.
  - Established a Biodiversity Working Group and appointed a Climate Change Officer.
- 3.9 The Biodiversity Duty Report also sets out how the Council plans to fulfil its biodiversity duty over the next reporting period. This includes a number of action points identified within the First Consideration Report which continue into the next reporting period to support the delivery of BNG and LNRS. The report also recognises a number of challenges, threats, uncertainties, and opportunities which may affect the authority's ability to meet its Biodiversity Duty over the next reporting period, and several new actions are identified in response relating to:

- Monitoring delivery of the Local Plan, BNG and LNRS.
- Working with key partners on initial steps to prepare a new Local Plan for Pendle (or successor authority).
- Engaging positively and proactively with the combined authority in the preparation of a Spatial Development Strategy for Lancashire.
- Working towards enhancing biodiversity assets in accordance with the LNRS and to secure the delivery of objectives of the Council Plan and Council Climate Change Strategy, including the preparation of site-specific management plans.
- Supporting BNG and LNRS delivery during Local Government Reorganisation.
- Establishing a collaborative framework with neighbouring authorities to calibrate and coordinate future Biodiversity Action points ahead of Local Government Reorganisation.
- Safeguarding Pendle's environmental and social interests through the Calderdale Energy Park DCO application process.

3.10 The Biodiversity Duty Report sets out the package of measures that the Council has adopted to support the implementation and delivery of mandatory BNG through the development management process during the reporting period. This includes:

- Preparation of guidance for applicants, updating validation requirements, and establishing procedure for securing the delivery of BNG.
- Training for officers and members on BNG and securing its delivery. Securing consultancy services of the Greater Manchester Ecology Unit (GMEU) on complex applications. Consultation advice from the Lancashire Wildlife Trust on all submitted Biodiversity Net Gain Plans.
- Purchase of Mycelia Software to support the development management process in securing, monitoring, and reporting BNG. Working to secure the integration of Mycelia into Idox.

3.11 At this stage there are only three approved developments which have an agreed Biodiversity Net Gain Plan in Pendle. Therefore at this point the overall benefit for biodiversity as a result of BNG interventions is limited. However, BNG remains in its infancy, with the majority of eligible projects (57) at the pre-development stage. It is anticipated, with continued support and learning, that the level of BNG secured in Pendle will increase significantly over the next reporting period.

3.12 Each reporting period for the Biodiversity Duty must cover no more than 5-years. In recognition of the challenges ahead, including those associated with Local Government Reorganisation in Lancashire, it is proposed that the next Biodiversity Duty Report is published ahead of LGR vesting day (1 April 2028) to assist with the transition to the new unitary authority which will cover the Pendle area. This approach will ensure the seamless delivery of the duty during this process.

#### **4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)**

- 4.1 The Biodiversity Duty is a statutory requirement and as such is integral to service delivery in Pendle. All service delivery must ensure that this duty is complied with.
- 4.2 The quality and accessibility of the natural environment of Pendle is highly valued by residents and is fundamental to the borough's sense of place and its vibrancy. The Council Plan specifically highlights the role of the natural environment in this regard.
- 4.3 Good growth means sustainable growth which cannot be achieved without a healthy natural environment. The delivery of the Biodiversity Duty is important to achieving good growth particularly given the associated economic value of natural capital.
- 4.4 The Council Plan recognises that the natural environment is inherently linked to healthy communities providing opportunities which benefit physical and/or mental health and wellbeing. The Biodiversity Duty has a key role in supporting healthy communities and is consistent to the fulfilment of this priority.

#### **5. Implications**

##### **5.1 Financial Implications**

None at this initial stage. The report sets out the Council's existing policies and objectives for conserving and enhancing biodiversity as part of the Council's statutory Biodiversity Duty. These measures are already incorporated into the Council's operations and future objectives. Monitoring and reporting requirements will be absorbed by existing systems and processes as much as possible to minimise resource requirements.

##### **5.2 Legal and Governance Implications**

The general duty to conserve and enhance biodiversity is set out in the Environment Act 2021 and the Natural Environment and Rural Communities Act 2006 (NERC Act) as amended. The Council is required to publish its Biodiversity Duty Report by 26 March 2026.

##### **5.3 Climate and Biodiversity Implications**

The Biodiversity Duty Report sets out the measures and policies which have been undertaken by the Council to discharge its statutory duties over the reporting period. It sets out future actions to be taken by the Council to meet this duty over the next reporting period.

#### 5.4 **Human Resources Implications**

None as a direct result of this report.

#### 5.5 **Equality and Diversity Implications**

None as a direct result of this report.

### 6. **Consultation**

6.1 The Biodiversity Duty Report has been developed in consultation with officers from key service areas important to the implementation and delivery of the Biodiversity Duty. This includes Planning, Economic Development, Policy, Parks and Recreation, Democratic Services, and Public Communications.

### 7. **Alternative Options Considered**

7.1 None. A failure to publish the Biodiversity Duty Report would mean that the Council would have failed to fulfil its legal obligations.

### 8. **Statutory Officer Sign off** (please put an x in the relevant box below)

|                     |          |
|---------------------|----------|
| Section 151 Officer | X        |
| Monitoring Officer  | <b>X</b> |

### 9. **Background Documents**

Appendix 1: Draft Pendle Biodiversity Duty Report

Appendix 2: First Consideration Report (For context only)

#### **Contact Officers**

Craig Barnes, Senior Planning Policy Officer, [craig.barnes@pendle.gov.uk](mailto:craig.barnes@pendle.gov.uk)

John Halton, Principal Planning Policy Officer, [john.halton@pendle.gov.uk](mailto:john.halton@pendle.gov.uk)

Neil Watson, Assistant Director: Planning Building Control & Regulatory Services, [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)