

Report of	Meeting	Date
Director (Planning and Property) Introduced by (Executive Member (Customer, Streetscene and Environment))	Council	28 th January 25

Biodiversity Duty - CBC First Considerations Report Adoption and Publication

Is this report confidential?	No
Is this decision key?	Yes
Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards

Purpose of the Report

1. To consider the publication and adoption of the Chorley Borough Council Biodiversity Duty First Considerations Report (Appendix 1) and adoption of the Key Actions and Objectives set out within.

Recommendations

2. To approve, adopt and publish the Chorley Borough Council Biodiversity Duty First Considerations Report (Appendix 1) and implement the Key Actions and Objectives set out in the report.

Reasons for recommendations

3. To demonstrate that Chorley Borough Council is complying with the Biodiversity Duty imposed by the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) and has completed its first considerations in line with the Biodiversity Duty and will adopt Key Actions and Objectives to achieve and demonstrate compliance as set out within the appended report.

Other options considered and rejected

4. Choosing not to publish the report, or formally adopt the Key Actions or Objectives would mean Chorley Council are not demonstrating compliance with the Biodiversity Duty.

Corporate priorities

5. The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

6. Chorley Borough Council's Biodiversity Duty First Considerations Report (Appendix 1, hereafter 'the First Considerations Report') has been prepared to demonstrate how Chorley Borough Council has, and will continue to, comply with the enhanced Biodiversity Duty that came into force on 1st January 2023.
7. The enhanced Biodiversity Duty was made by amendment to the Natural Environment and Rural Communities Act (2006) (NERC Act) section 40 duty as implemented by the Environment Act 2021. The amendment extends the biodiversity duty on public authorities to include the enhancement of biodiversity, over the pre-existing duty which required 'no net loss' or maintenance of its current state.
8. In accordance with the enhanced duty, local planning authorities are required to have carried out their first considerations of what actions to take for biodiversity by 1st January 2024, and agree policies and objectives as soon as possible after this.
9. The appended First Considerations Report sets out the Key Actions and Objectives for Chorley Borough Council to adopt to address the enhanced Biodiversity Duty and comply with the enhanced duties imposed.

First Considerations Report Key Actions and Objectives:

10. The appended report sets out the following key actions and objectives Chorley Council are to adopt to demonstrate compliance with the Biodiversity Duty:
 - i. Identify actions to promote, conserve and enhance biodiversity within our existing local policies and strategies.
 - ii. Support and assist with the creation and adoption of the Local Nature Recovery Strategy (LNRS) for Lancashire, as lead by Lancashire County Council (LCC), for publication in Spring 2025.
 - iii. Consider and incorporate relevant species conservation and protected site strategies prepared locally and nationally, into our planning policies, actions and objectives.
 - iv. To embed and implement mandatory Biodiversity Net Gain through the planning process, facilitating local BNG uplift through the provision of Biodiversity Units on Council Land.
 - v. Incorporate the Biodiversity Duty, and our first considerations within Local Plan Policies in the emerging Central Lancashire Local Plan 2025-2036.

- vi. To formalize the above key actions and objectives into a singular Biodiversity Action Plan and Biodiversity Strategy.

Biodiversity Duty Requirements

11. The requirements set out by the government on compliance with the Biodiversity Duty is presented below:

Complying with the Biodiversity Duty

- a. *Local Authorities must do the following to comply with the Biodiversity Duty:*
 - i. *Consider what you can do to conserve and enhance biodiversity.*
 - ii. *Agree policies and specific objectives based on your considerations.*
 - iii. *Act to deliver your policies and achieve your objectives.*
- b. *Local Authorities must complete the following actions:*
 - *Complete the first consideration of what action to take for biodiversity by 1 January 2024*
 - *Agree policies and objectives as soon as possible after this*
 - *Reconsider the actions you can take within 5 years of when you complete your previous consideration (or more frequently)*
- c. *Local Authorities must consider other relevant strategies, and how these strategies will affect how the organisation complies with the biodiversity duty, including:*
 - *Local Nature Recovery Strategies (LNRS)*
 - *Species conservation strategies*
 - *Protected sites strategies*
- d. *In relation to other relevant strategies, authorities must:*
 - *Understand how/if they are relevant to your organisation*
 - *Be aware of how these strategies affect land that you own or manage, or actions you could take to conserve and enhance biodiversity*
 - *Consider how you could contribute to the strategy, where appropriate*

12. The report presents how Chorley Council is, and will continue to, fulfil the requirements to comply with the Biodiversity Duty.
13. Chorley Council completed their first consideration of biodiversity duty compliance informally, in late 2023. From this first consideration, the First Considerations Report and subsequent Biodiversity Duty reporting has developed and formalised.
14. The report sets out the specific Key Actions and Objectives based on the first considerations and sets out how the council will strategically comply and report as required by the Biodiversity Duty.

Climate change and air quality

- 15. The work noted in this report has an overall positive impact on the council's carbon emissions and the wider climate emergency and sustainability targets of the council.
- 16. In particular the report impacts on 'green areas and biodiversity'.

Equality and diversity

- 17. There are no implications on equality and diversity.
- 18. No impact assessment has been undertaken and is not considered necessary.

Risk

- 19. There are no risk implications.

Comments of the Statutory Finance Officer

- 20. There are no direct financial implications arising from this report. Work is ongoing to assess the potential impact upon Council costs and income as a result of these duties.

Comments of the Monitoring Officer

- 21. It is important to be clear how the Council intends to discharge it's biodiversity duty obligations. The First Considerations Report attached is an evidence based document which details the objectives set by the Council and key actions which will look to deliver those objectives and meet the legal requirements of the Environment Act 2021 as amended.

Background documents

[Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Reporting your biodiversity duty actions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Appendices

Appendix 1 – Biodiversity Duty - Chorley Council's First Considerations Report (Autumn 2024)

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