

REPORT TO:		Cabinet	
DATE:		18 February 2026	
PORTFOLIO:		Councillor Munsif Dad BEM JP - Leader of the Council	
REPORT AUTHOR:		Adam Birkett, Head of Planning and Transportation	
TITLE OF REPORT:		Biodiversity Duty Report	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 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. Local authorities and local planning authorities are required to publish a biodiversity report which sets out how they will comply with this duty and the actions they can take. Thereafter, authorities must publish an updated report within 5 years of the end date of the previous reporting period.
- 1.2 The end date of the first reporting period should be no later than 1 January 2026, and the report must be published within 12 weeks of the period's end. Therefore, for a reporting period ending 1 January 2026, the publication deadline is 26 March 2026

2. **Recommendations**

- 2.1 That Cabinet approves the Biodiversity Duty Report for publication in accordance with the requirements of the Environment Act 2021.
- 2.2 That Cabinet delegates authority to the Head of Planning and Transportation to make minor amendments to the Council's Biodiversity Duty Report in consultation with the Portfolio Holder.

3. **Reasons for Recommendations and Background**

- 3.1 The Council has a statutory duty to conserve and enhance biodiversity (habitats and species) as set by the Environment Act 2021 and the amended Natural Environment and Rural Communities Act 2006 (NERC Act). This is known as 'the biodiversity duty'.

- 3.2 A key effect of the Environment Act was to amend S40 of the NERC Act from a duty to “conserve” to a requirement to both ‘conserve’ and ‘enhance’, with the aim to provide for the enhancement or improvement of biodiversity, not just its maintenance in its current state.
- 3.3 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 duty actions.
- 3.4 Government guidance provided advice on complying with the duty and reporting on this compliance. The end date of the first reporting period is stated as ‘no later than 1st January 2026’.
- 3.5 The Council must publish a Biodiversity Duty Report within 12 weeks of the period’s end to inform progress on actions taken. Therefore, for a reporting period ending 1 January 2026, the publication deadline is 26 March 2026.
- 3.6 The end date of subsequent reporting periods should be no later than 5 years after the end of the previous reporting period i.e. the next reporting window will close no later than 1 January 2031.
- 3.7 By law, the report must include:
- a summary of the action the Council has taken to comply with the biodiversity duty
 - how the Council plans to comply with the biodiversity duty in the next reporting period
 - any other information the Council considers appropriate
- 3.8 Reports from local planning authorities must also include the following biodiversity net gain (BNG) information:
- the actions the Council has taken to meet BNG obligations
 - details of BNG resulting, or expected to result, from biodiversity gain plans the Council has approved
 - how the Council plans to meet BNG obligations in the next reporting period
- 3.9 The attached Biodiversity Duty Report (Appendix 1) has followed advice provided by Defra to define its structure and content.
- 3.10 The Biodiversity Duty Report summarises the actions the Council has taken to comply with the biodiversity duty and demonstrates that the Council has existing policy, strategy and practices that meet this duty.

Examples include:

- The Council's Corporate Strategy prioritises making the Council's activities and operations Net Zero by 2030 and promotes making the most of the natural environment through enhancement of habitats, positive land management and partnership working.
- The Council's Development Plan, comprising the Hyndburn Core Strategy (2012), Development Management DPD (2018), Accrington Area Action Plan and emerging Local Plan 2040, contains policies that seek to conserve and enhance biodiversity.
- Undertaking of woodland planting initiatives on Council owned and privately owned land in the Borough.
- Positive management of existing nature reserves and woodlands (e.g. Brookside (Bury Meadows) and Bullough Park).
- Implementation of differential mowing regimes in the Council's parks, with areas left to rewild and work scheduled to remove dead, dying, diseased or otherwise dangerous trees and their replacement on Council owned land.

3.11 Separate to the Biodiversity Duty, The Environment Act introduced a mandatory requirement for a minimum of 10% 'Biodiversity Net Gain' (BNG) from major development sites from 12th February 2024 and for small sites from 2nd April 2024 (amended from November 2023). This requires new developments to leave the natural environment in a better state than beforehand. Developers must deliver a minimum 10% increase in biodiversity value compared to the pre-development habitat, aiming to enhance ecological connectivity and create habitats.

3.12 BNG is measured using Defra's biodiversity metric and is managed and secured through the planning process. Officers have, and will continue to, work constructively with developers to ensure that developments avoid the most harmful impacts, ensure that unavoidable harm is adequately mitigated, and that on-site biodiversity is integrated and enhanced as part of good design principals.

3.13 Aligned with the Biodiversity Duty and Biodiversity Net Gain requirements, the Council completed Biodiversity Baseline Assessments for all sites allocated for development within the emerging Local Plan 2040 which will cover the period 2021 to 2040. The Local Plan allocates land for housing and employment development in the Borough to meet identified needs. In summary, the assessments identified that:

- Based on the loss of all existing habitats on each site, development of the six employment sites would result in a loss of 442.21 habitat units and 13.04 hedgerow units.

- Based on the loss of all existing habitats on each site, development of the five gypsy and traveller sites would result in a loss of 11.51 habitat units and 0.35 hedgerow units.
- Development of the nineteen housing sites would result in the loss of 782.81 habitat units and 19.82 hedgerow units.

3.14 This indicative habitat baseline provides an opportunity for the Council to predict the 'worst case' scenario loss of biodiversity due to development up to 2040. The Council is then able to estimate the amount of 'habitat gain sites' that may be required within the Borough to offset the estimated biodiversity net loss.

3.15 A habitat gain site (or Biodiversity Gain Site) is a designated area of land, registered with Natural England, specifically developed or enhanced to create a measurable increase in biodiversity value. These sites, often secured for at least 30 years via legal agreements (e.g. s106 or conservation covenants), provide "biodiversity units" to compensate for habitat loss elsewhere.

3.16 In the event that developments (or developers) are unable to achieve the required 10% Biodiversity Gain Site on-site (or off-site on their own land), landowners, including the Council, can register their land as 'habitat gain sites' where the resultant biodiversity units can be sold to developers or other entities needing to compensate for habitat loss on their development sites.

3.17 The Council has considered its own land assets, with a view to creating local habitat gain sites. The Council has assessed 29 Council-owned sites, and completed 29 Habitat Management and Monitoring Plans, one for each site.

3.18 In summary the total number of baseline habitat units was 2,256.54 and 5.68 hedgerow units. Habitat creation and enhancement over a 30-year period could result in an increase of 718.62 habitat units and 9.32 hedgerow units.

3.19 Further work is ongoing to investigate the potential to register Council-owned habitat gain sites, although the mechanism to register sites is complex and the demand for biodiversity units must first be established.

4. Alternative Options considered and Reasons for Rejection

4.1 No alternative options have been identified. Failure to publish a Biodiversity Duty Report would mean the Council is failing in its legal duty.

5. Consultations

5.1 Consultation has taken place with the Council's Environmental Initiatives Team and Corporate Policy Team.

6. Implications

Financial implications (including any future financial commitments for the Council)	N/a
Legal and human rights implications	These are set out in paragraph 3 above.
Assessment of risk	Not to approve the publication of the appended Biodiversity Duty Report would mean the Council is not fulfilling its legal duty.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable as no new policy or service change is proposed.

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 Defra guidance [‘Reporting your biodiversity duty actions’](#) and [‘Complying with the biodiversity duty’](#).

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

