

Chichester District Council

ENVIRONMENT PANEL

29 JANUARY 2024

Biodiversity Duty – Initial Consideration

1. Contacts

Report Author

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2. Recommendation

- 2.1 That the Panel approve the initial consideration exercise for publication and note the future reporting requirement of the enhanced Biodiversity Duty.

3. Background

- 3.1 The Environment Act 2021 introduced a strengthened 'biodiversity duty' which requires that all public authorities in England must consider what they can do to conserve and enhance biodiversity. <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty> . We must:

- Undertake an initial consideration of what we can do to conserve and enhance biodiversity by 1 January 2024. No template or guidance has been provided for this process.
- Agree policies and specific objectives based on this consideration as soon as possible after 1 Jan 2024.
- Act to deliver the policies and achieve these objectives and report on them by January 2026.

- 3.2 Local Authorities will need to report on:

- actions taken to conserve and enhance biodiversity
- achievements resulting from our actions
- actions we plan to take in the next reporting period

Planning authorities are to report within three years, by 1 January 2026 at the latest and then within five years of the previous reporting period. A template is provided for this report: [Reporting your biodiversity duty actions - \(www.gov.uk\)](https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions).

4. Outcomes to be Achieved

- 4.1 The Initial consideration stage can be seen as a scoping exercise, identifying relevant plans and work areas, giving brief details on the current project, policy or action to conserve and enhance biodiversity and commenting on any currently planned future work ahead of the review under the second step above.
- 4.2 The table in the appendix sets out that scoping exercise, the authority must then set objectives and new policies as soon as possible after this in order to be able to report on delivery by January 2026. The initial consideration will be published on our

biodiversity webpage.

5. Proposal

5.1 No firm deadline is given for the second stage of the work, the setting of policies and specific objectives. It is proposed that this forms part of the work of preparing a new Biodiversity Strategy. Additional officer resource to deliver this is proposed in the annual Budget report to Cabinet and Council in February. If approved resource will be available from April 2024.

5.2 The Biodiversity Duty report for 1 January 2026 will have to include certain information. By law, our report must include:

- a summary of the action we've taken to comply with the biodiversity duty,
- how we plan to comply with the biodiversity duty in the next reporting period,
- any other information we consider appropriate.

5.3 Reports from local planning authorities must also include:

- the actions we've carried out to meet biodiversity net gain obligations,
- details of biodiversity net gains resulting, or expected to result, from biodiversity gain plans we've approved.
- how we plan to meet biodiversity net gain obligations in the next reporting period.

5.4 Processes are being put in place to capture the required data on the details of biodiversity net gains resulting from biodiversity gain plans we have approved. This will include area and lengths of habitat created or enhanced, types of those habitat and location (within the development site or off site). Biodiversity Net Gain applies to major development from early February and other development from April.

6. Resource and Legal Implications

6.1 As a statutory duty we have to meet the minimum legal requirements. If the proposed new resources to produce a comprehensive Biodiversity Strategy are not approved, then a reduced document that covers these minimum requirements will have to be produced from within existing staff resources.

6.2 The Environment Act 2021 does not set out what action the Secretary of State may take if the enhanced Biodiversity duty is not complied with.

6.3 The Duty applies to all operations of the Council and as such all policy development will have to take the enhanced duty into consideration. The reporting requirement will involve teams across the authority, with the report being compiled by Environmental Strategy and reported to this Panel ahead of publication.

7. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X

Are there any implications for the following?		
	Yes	No
Biodiversity and Climate Change Mitigation The future development of policy and the delivery of specific objectives under this duty will positively benefit the biodiversity of the District	X	
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing Protection and enhancement of the habitats and species of our natural environment is considered to be beneficial to the wellbeing of those who live in, work in, or visit the District	X	

8. Appendix

8.1 Enhanced Biodiversity Duty – Initial Consideration.

9. Background Papers

None