

North East Derbyshire District Council

Cabinet

25 January 2024

Publication of the first Biodiversity Net Gain report.

Report of Councillor S Pickering, Portfolio Holder for Environment and Place

Classification: This report is public

Report By: Assistant Director of Planning

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PURPOSE / SUMMARY

To seek authorisation from Cabinet for the publication of the first Biodiversity Net gain report on the Council's website.

RECOMMENDATIONS

1. To publish the first Biodiversity Net Gain report on the Council's website

Approved by the Portfolio Holder – 16.01.2024.

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no specific financial implications arising from this report. Consultants with a specialist knowledge of Biodiversity net Gain will be required to support a number of actions set out in the Action Plan but the cost of this will be covered by existing grant money from DEFRA and where necessary, existing budgets within the Planning Service.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

This report demonstrates how the Council is meeting its obligations under the relevant sections of the Environment Act 2021.

Staffing: Yes No

Details:

There are no specific staffing implications arising from this report. Consultants with a specialist knowledge of Biodiversity net Gain will be required to support a number of actions set out in the Action Plan.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input checked="" type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: Portfolio Holder

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Natural Environment and Rural Communities Act 2006, (NERC Act 2006) came into force on 30th March 2006 and introduced, in Section 40, a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 1.2 The Environment Act, brought into force in November 2021, introduced a wide range of responsibilities in relation to Biodiversity.
- 1.3 Section 102 of the 2021 Act also amends the Natural Environment and Rural Communities Act 2006 by making it a Biodiversity Duty to 'conserve and enhance' in relation to the council's wider functions.
- 1.4 This part of the Act came into force on 1st January 2023. Section 103 requires local authorities to publish biodiversity reports which summarise action taken to comply with the duty along with a summary of the authority's plans for complying with the duty over a period of five years.
- 1.5 The 2021 Act sets out that a local authority must have regard to any relevant Local Nature Recovery Strategies (LNRS) and any relevant species conservation strategies in exercising its functions.
- 1.6 Derbyshire County Council have been designated a 'Responsible Body' tasked with creating a LNRS for Derbyshire. The County Council, at the time of publishing this first report, have just begun the LNRS process.
- 1.7 Section 103 of the Environment Act states that local authorities will be required to publish biodiversity reports, which summarise the action taken to comply with the duty, and a summary of the Council's plans for complying with the duty over a period of five years.

2. **Details of Proposal or Information**

- 2.1 The report produced by officers at appendix 1 explains the activity that North East Derbyshire District Council has undertaken in relation to the duty on public authorities and the 'first considerations' determined by the end of December 2023.
- 2.2 The report also sets out a number of actions to be taken over the next five years. More detail will be presented to Cabinet and the Environment Scrutiny Committee as the timescales and briefs for these actions emerge, following a procurement exercise to appoint a suitably qualified consultancy.

3 **Reasons for Recommendation**

- 3.1 To ensure compliance with Section 103 of the Environment Act in relation to the publication of annual reports demonstrating how the Council is meeting its statutory duty.

4 **Alternative Options and Reasons for Rejection**

- 4.1 The only alternative is not to publish the report. This would leave the Council in a position where it cannot demonstrate compliance with the relevant legislation. Whilst there are no specific sanctions for this at the time of writing, it would clearly not represent best practice in this regard.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Biodiversity Net Gain First Report.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Click here to enter text.	