

Complying with the biodiversity duty

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces.

This means that, as a public authority, you must:

1. Consider what you can do to conserve and enhance biodiversity.
2. Agree policies and specific objectives based on your consideration.
3. Act to deliver your policies and achieve your objectives.

Who must comply with the biodiversity duty

You must meet the biodiversity duty if you are a public authority, such as a:

- [government department or public body](#)
- local authority or local planning authority
- statutory undertaker – a business that has public authority duties for their land and delivers something of public importance

When to meet your biodiversity duty

You must complete your first consideration of what action to take for biodiversity by 1 January 2024. You must agree your policies and objectives as soon as possible after this.

You must reconsider the actions you can take within 5 years of when you complete your previous consideration.

You can decide to do this more often, for example, you could reconsider your actions quarterly, annually, or every 5 years.

Consider relevant strategies

You must check if these strategies will affect how your organisation complies with the biodiversity duty:

- [local nature recovery strategies](#)
- [species conservation strategies](#)
- [protected site strategies](#)

You 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

Local nature recovery strategies

These will be locally led strategies for nature and environmental improvement established by the Environment Act 2021. Each local nature recovery strategy will:

- agree priorities for nature's recovery
- map the most valuable existing areas for nature
- map specific proposals for creating or improving habitat for nature and wider environmental goals

There will be around 50 local nature recovery strategies covering the whole of England with no gaps or overlaps.

When the local nature recovery strategies are published, you will need to understand which ones are relevant to you and how you can contribute to them. These are likely to be the strategy, or strategies, for the areas in England you're active in.

Preparation of local nature recovery strategies is expected to begin across England from April 2023. You may want to consider how you could get involved in preparing and delivering them now. For example, you could contribute by acting on proposals to create or improve habitat on land you own or manage, or help someone else to do so. By including any positive actions you plan to take in the strategy, you can help improve their quality. It will also make it easier for you to show how you have fulfilled your duty.

Guidance on how local planning authorities should consider local nature recovery strategies will be published when available.

Species conservation strategies

Established by the Environment Act 2021, species conservation strategies aim to safeguard the future of the species that are at greatest risk. The strategies will find better ways to comply with existing legal obligations to protect species at risk and to improve their conservation status.

Protected site strategies

Established by the Environment Act 2021, protected site strategies take a new approach to protecting and restoring species and habitats in protected sites. Protected site strategies will provide ways to overcome offsite pressures such as nutrient pollution in the wider catchment.

How your biodiversity duty helps achieve biodiversity goals and targets

The action you take for biodiversity will contribute to the achievement of national goals and targets on biodiversity.

The [Environmental Improvement Plan \(EIP23\)](#), published in January 2023, sets out government plans for significantly improving the natural environment.

By 2030, the government has committed to:

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels
- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

Actions you could take

The policies and objectives you set, and the action you take to achieve them, will depend on your functions as a public authority.

Public authorities can give priority to areas of high biodiversity value, if appropriate.

If you already have a strategy that monitors your environmental performance, you can include your biodiversity actions as part of this.

Consider creating a new document if you do not have a suitable existing strategy. In it, you can record the actions you plan to take to meet your biodiversity objectives.

As a core component of natural capital, biodiversity supports ecosystem services that benefit people and the economy. When thinking about what actions you could take as part of your duty, you could consider the value of taking a [Natural Capital approach](#).

If your public authority is involved with development plans and decisions, consider your biodiversity duty when you're complying with requirements under:

- [strategic environmental assessment](#)
- [environmental impact assessment](#)
- [Habitats Regulations assessment](#)

Manage land to improve biodiversity

Consider how the land you manage could improve biodiversity. This includes green and blue spaces like:

- allotments
- cemeteries
- parks and sports fields
- amenity spaces and communal gardens
- roadside and railway verges
- field margins and hedgerows
- rights of way and access routes
- woodlands and nature reserves
- canals and rivers
- water-dependent habitats
- estuaries and coastal habitats

Small changes to how you manage these areas could create habitats for wildlife and 'nature corridors' that connect existing habitats. This allows species to move between habitats, maintain or increase populations and be more resilient to climate change.

There are other things you can do to improve habitats, including:

- using native and sustainably sourced trees when planting
- [creating dedicated spaces for wildlife](#)
- leaving dead wood safely in place in woodlands to provide additional habitat
- maintaining planted trees to give them the best chance of survival
- reducing the use of herbicides, pesticides, peat and water

- implementing measures to prevent the spread of invasive species and plant disease

These actions can save money while delivering benefits to biodiversity.

If you own or manage large areas of land, consider promoting and encouraging nature-based solutions, restoration of natural processes and landscape recovery.

Natural England has published the [Green Infrastructure Framework - Principles and Standards for England](#). This includes planning, design and process guides.

Make space for wildlife

You could create dedicated spaces to attract wildlife and enhance biodiversity. This is possible even if your public authority owns a single office building. It is important that these measures are appropriate to the location.

You could:

- build and install nest boxes for birds, bats and other animals
- add green walls or roofs to existing or new buildings
- plant native trees and shrubs
- plant wildflowers for pollinators

You can do more if you own or manage specific types of land. For example, if you own or manage:

- school grounds – create gardens, ponds, meadows or woodlands to improve biodiversity and aid education
- farmland – be aware of soil health, water use and waste management and encourage farmers to apply for agri-environment schemes and use pesticides appropriately.

[Check the list of priority habitats and species in the UK.](#)

Enhance protected sites

Sites that public authorities own or manage can be protected by other legislation. For example:

- [sites of special scientific interest](#)
- [special areas of conservation or special protection areas](#)
- [national nature reserves](#)
- local nature reserves and local sites
- Ramsar sites (wetlands of international importance)

You should already be helping to conserve and enhance biodiversity on this land. For example, public bodies already have a duty to take all reasonable steps to conserve and enhance sites of special scientific interest.

The [Environmental Improvement Plan](#) set the expectation that all public authorities should ensure they have management plans in place by the end of 2023 to support their sites to reach favourable status.

Authorities should produce those plans and work actively with Natural England and others to identify and implement the actions needed to improve site condition.

Actions in national parks or areas of outstanding natural beauty

Consider designated areas such as national parks or areas of outstanding natural beauty (AONB) as part of your biodiversity duty. This is important if you have functions in or close to a site designated as a national park or AONB. Improving nature in national parks or AONBs is an action that can enhance and conserve biodiversity. If appropriate to your public body, you could comply with your biodiversity duty by:

- helping to develop and implement management plans for national parks or AONBs
- making improvements to nature in these areas

Improve how you manage buildings

Review how you manage buildings and the land around them. This could include considering:

- whether you should remove vegetation around your buildings and if you do, when to do it
- what chemicals you use on the premises
- when you carry out maintenance work, to minimise disturbance to wildlife
- whether you can reduce the use of energy and water to help reduce pollution and address the pressure it puts on wildlife

Educate, advise and raise awareness

You can help the public understand biodiversity and why it's important to conserve and enhance it. This can encourage land managers, businesses and the general public to take action to benefit biodiversity too.

For your policies, objectives and actions, you could:

- include the public in projects to improve biodiversity
- feature biodiversity in public or internal communications
- use libraries and museums to raise awareness of biodiversity
- put information boards in green spaces or offer guided walks
- include biodiversity considerations in advice for internal and external clients and service users
- educate your staff on your biodiversity actions and why they're important
- raise public awareness of how their gardens can support biodiversity, for example by avoiding artificial grass

Review internal policies and processes

All public authorities have internal policies and processes for staff and facilities that could affect biodiversity.

Changes to internal policies and processes that can affect biodiversity are another way you can meet your duty. Policies you could review include:

- transport – support sustainable travel to reduce carbon emissions and improve air quality
- waste – review waste management and recycling processes to reduce water pollution and air pollution from waste transport and landfill
- water – improve water efficiency to reduce the effect water abstraction can have on sensitive habitats and species
- procurement – buy sustainable materials and supplies to reduce the demand on natural resources
- light – make sure the design of artificial lighting minimises effects on nature

Prepare for biodiversity net gain

Biodiversity net gain (BNG) is an approach to development or land management that aims to leave the natural environment in a measurably better state than it was beforehand. If your public authority does not have a biodiversity net gain policy in the local plan, you could consider preparing one.

Future development projects (apart from exempt developments) will need to achieve a 10% biodiversity net gain. This is expected to be required from:

- November 2023 for Town and Country Planning Act 1990 (TCPA) projects not falling under the small sites definition [\[footnote 1\]](#)
- April 2024 for TCPA small sites

- the end of 2025 for Planning Act 2008 (Nationally Significant Infrastructure Projects)

Local planning authorities will need to report what is done for biodiversity net gain on and off development sites.

Local planning authorities should consider areas that are appropriate for biodiversity net gain. Consider how existing planning advice and strategies can protect and enhance biodiversity.

The developer is responsible for selecting the competent person for completing the small sites metric (SSM). The competent person does not need to be an ecologist for the SSM. The local planning authority does not need to verify the competent person.

Find out about [biodiversity net gain](#) and how it affects you.

Get help with your actions

You can get help from experts when considering what actions you can take. For example, you could:

- commission a survey or audit to help assess your property and its potential to improve biodiversity
- consult your local nature recovery strategy to find out what actions would benefit your area – preparation of these will begin in 2023
- check existing data about wildlife and habitats in the area
- speak to Natural England, Environment Agency, Forestry Commission, local wildlife trusts or consultant ecologists

You can get existing local data from [Local Environmental Record Centres](#). If you commission research, you can share that data with them. To help you understand habitats and species in your area, you can use the national [Magic Map](#).

Getting expert advice can help you understand how you can make a difference for biodiversity and avoid unintended outcomes.

You may need to get expert [environmental advice on planning before preparing plans or considering development proposals](#).

Environmental assessment regulations require monitoring of the effects of development plans and projects. You could use the results of this monitoring as a source of environmental data.

Reporting your biodiversity policies and actions

Some public authorities need to [publish a biodiversity report](#).

Local authorities (excluding parish councils) and local planning authorities must write and publish a biodiversity report. Other public authorities must fulfil their duty, but do not need to publish a report.

For local authorities and local planning authorities, the end date of your first reporting period should be no later than 1 January 2026.

After this, the end date of each reporting period must be within 5 years of the end date of the previous reporting period.

The report is a chance to communicate how your organisation is helping to improve the environment and show the positive change you're making.

Defra intends to include references to your biodiversity reports in the 5-yearly reviews of the Environmental Improvement Plan.

Defra's [reporting your biodiversity duty actions guidance](#) gives information about when you must publish your report and what you need to include.

Your biodiversity reports will:

- help everyone understand how we are collectively meeting shared goals to conserve and enhance biodiversity
- allow you to showcase the action you're taking to improve biodiversity
- show other authorities and the general public what they can do for nature recovery and share good practice