



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	EXECUTIVE – 11 MARCH 2026.
Subject	WEST OXFORDSHIRE DISTRICT COUNCIL BIODIVERSITY DUTY REPORT
Wards affected	All
Accountable member	CLlr Andrew Prosser, Executive Member for Climate Action and Nature Recovery Email: Andrew.Prosser@westoxon.gov.uk
Accountable officer	Chris Hargraves, Head of Planning Email: Chris.Hargraves@westoxon.gov.uk
Report authors	Melanie Dodd, Principal Ecologist Email: Melanie.Dodd@westoxon.gov.uk
Summary/Purpose	To consider the West Oxfordshire District Council Biodiversity Duty Report, which must be published by the Council before 26 March 2026.
Annexes	Annex A – West Oxfordshire District Council’s Biodiversity Duty Report 2026
Recommendation(s)	That the Executive resolves to: <ol style="list-style-type: none">1. Note the content of the West Oxfordshire Biodiversity Duty Report attached at Annex A; and2. Agree that the report be published before 26 March 2026 in accordance with legislative requirements.
Corporate priorities	<ul style="list-style-type: none">• Putting Residents First• A Good Quality of Life for All• A Better Environment for People and Wildlife• Responding to the Climate and Ecological Emergency• Working Together for West Oxfordshire
Key Decision	No

Exempt	No
Consultees/ Consultation	Andrea McCaskie, Director of Governance and Regulatory Services Chris Hargraves, Head of Planning Andrew Thomson, Planning Policy Manager Hannah Kenyon, Climate Change Manager Cllr Andrew Prosser, Executive Member for Climate Action and Nature Recovery

1. EXECUTIVE SUMMARY

- 1.1 This report provides an overview of the West Oxfordshire District Council Biodiversity Duty Report in order to agree that it can be published by the Council before 26 March 2026 in accordance with legislative requirements.
- 1.2 The Biodiversity Duty originates from Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended)¹ and was strengthened by the Environment Act 2021², which introduced the requirement to publish a Biodiversity Duty Report.
- 1.3 Department for Environment, Food and Rural Affairs (DEFRA) guidance provides information on what the Biodiversity Duty Report must contain³. This guidance confirms that local authorities can set the start date, but that the end date for the first reporting period is 1 January 2026.
- 1.4 For West Oxfordshire the reporting period is from 12 February 2024 to 1 January 2026.
- 1.5 Most of the current and future actions identified to demonstrate compliance with the Biodiversity Duty are contained within the Council's Nature Recovery Plan 2024-2030⁴ ('the Plan'), alongside the statutorily required information on Biodiversity Net Gain (BNG).

2. BACKGROUND

The Biodiversity Duty

- 2.1 The Biodiversity Duty is a legal obligation for public authorities who operate in England to consider the conservation and enhancement of biodiversity across all their functions.
- 2.2 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended) originally placed a specific duty on public authorities to conserve biodiversity in exercising their functions. This was strengthened and amended by the Environment Act 2021, so that public authorities are now required to conserve and enhance biodiversity through the exercise of their functions – referred to as the “biodiversity objective”.

The Biodiversity Objective

- 2.3 The NERC Act (as amended) states that “*the action which may be taken by the authority to further the general biodiversity objective includes, in particular, action taken for the purpose of:*

¹ <https://www.legislation.gov.uk/ukpga/2006/16/contents>

² <https://www.legislation.gov.uk/ukpga/2021/30/contents>

³ <https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions>

⁴ <https://www.westoxon.gov.uk/media/nvtbk0ob/nature-recovery-plan-2024-to-2030.pdf>

- *conserving, restoring or otherwise enhancing a population of a particular species, and*
- *conserving, restoring or otherwise enhancing a particular type of habitat.”*

2.4 The NERC Act enables public authorities to state that there is no further action to take, but if it is concluded that further action needs to be taken, S40 1(A) requires that the public authority must:

- determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and
- take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.

2.5 Section 40 (1B) enables point a) above to be satisfied by revising existing policies and specific objectives to further the general biodiversity objective. Section 40 (1E) requires that the determination of policies and objectives must be made as soon as practicable after consideration.

The Biodiversity Duty Report

2.6 The Environment Act 2021 has strengthened the NERC Act, and public authorities are now required to produce a Biodiversity Duty Report to evidence actions taken to conserve and enhance biodiversity.

2.7 Guidance⁵ from DEFRA states:

- *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.*
- *You must include the start and end dates of your reporting period in each report.*
- *You must publish all reports within 12 weeks of the reporting period end date.*

By law, the biodiversity duty report must include:

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

Reports from local planning authorities must also include the following Biodiversity Net Gain (BNG) information:

- *the actions you've carried out to meet BNG obligations.*
- *details of BNG resulting, or expected to result, from biodiversity gain plans you've approved.*

⁵ <https://www.gov.uk/guidance/reporting-your-biodiversity-duty-actions>

- *how you plan to meet BNG obligations in the next reporting period.*

National Commitments

- 2.8** The actions taken by public authorities to meet the Biodiversity Duty will also contribute towards achieving national commitments for the natural environment.
- 2.9** The Environmental Improvement Plan (EIP) 2023⁶ sets out specific actions and targets to improve and restore natural environment and halt the decline in biodiversity. Under the Apex Goal of improving nature, commitments were set out to protect land and sea for nature through the Nature Recovery Network and delivering on this through the preparation and implementation of Local Nature Recovery Strategies (LNRS) and BNG.
- 2.10** The key commitments are:

By 2030, halt the decline in species abundance and protect 30% of land in the UK

By 2042, increase species abundance by at least 10% from 2023 levels, restore or create at least 500,000 hectares of wildlife-rich habitats, reduce the risk of species extinction and restore 75% of one million hectares of terrestrial and freshwater protected sites to favourable condition.

- 2.11** The EIP was updated in December 2025⁷ to build on this vision and goals, providing further detail for what actions are required. It sets out clear targets, including to restore nature, improve environmental quality, drive forward a circular economy, achieve environmental security, and increase access to nature.

3. THE WEST OXFORDSHIRE BIODIVERSITY DUTY REPORT

- 3.1** In line with the statutory requirements, a Biodiversity Duty Report must be published by the Council before 26 March 2026 (i.e. within 12 weeks of the end of the reporting period date of 1 January 2026).
- 3.2** The West Oxfordshire District Council Biodiversity Duty Report is attached at Annex A.
- 3.3** In terms of the reporting period, Officers have identified this as 12 February 2024 to 1 January 2026, which fits in with the introduction of statutory BNG and the publication of the Council's Nature Recovery Plan on 14 February 2024.

⁶ EIP 2023:

<https://assets.publishing.service.gov.uk/media/64a6d9c1c531eb000c64fffa/environmental-improvement-plan-2023.pdf>

⁷ EIP 2025:

https://assets.publishing.service.gov.uk/media/692d8d9cce50d215cae962a5/Environmental_Improvement_Plan_EIP_2025.pdf

3.4 The report adopts the following structure to demonstrate compliance with the Biodiversity Duty (as per the Defra guidance):

❖ **Policies, objectives and current actions**

- Policies and objectives set to meet the Biodiversity Duty
- Actions completed, either alone or in partnership, that benefit biodiversity

❖ **Future actions**

- How the local authority plans to fulfil the Biodiversity Duty over the next 5 years

❖ **Biodiversity Net Gain (BNG) Information**

- Actions carried out to meet BNG obligations
- Details of BNG resulting from, or expected to result from, approved Biodiversity Gain Plans
- How WODC will meet BNG obligations in the next 5 years

3.5 Relevant policies are included in the report, including the Council Plan, Local Plan and Climate Change Strategy.

3.6 The identified objectives relate to the Council's published Nature Recovery Plan 2024-2030, which was published in February 2024 as the first considerations and policy and objectives report to comply with the Biodiversity Duty.

3.7 Current actions taken within the reporting period are outlined and include actions that have been taken to implement the Council's Nature Recovery Plan since February 2024. These have been reported previously to Overview and Scrutiny Committee on 16 April 2025⁸ and 4 February 2026⁹.

3.8 In terms of the future actions identified for the next 5-year reporting period, these are mainly focussed on continuing to implement the Council's Nature Recovery Plan, projects that contribute towards the Oxfordshire Local Nature Recovery Strategy (LNRS)¹⁰ and ensuring policies to protect and enhance biodiversity are included in the new Local Plan 2043. Additional actions include a biodiversity audit of, and embedding consideration of biodiversity impacts within, all Council Service Areas, and setting up a nature recovery group for employees and councillors.

⁸ <https://meetings.westoxon.gov.uk/ieListDocuments.aspx?CId=1372&MId=2450>

⁹ <https://meetings.westoxon.gov.uk/ieListDocuments.aspx?MId=2602>

¹⁰ <https://www.oxfordshire.gov.uk/residents/environment-and-planning/local-nature-recovery-strategy-lnrs>

- 3.9** Some of the future actions relate to those projects identified as part of the Council’s current budget setting process for 2026-2027, including carrying out a green infrastructure study of at least the main settlements in the district to identify opportunities and align with the LNRS.
- 3.10** In terms of the actions taken by the Council in respect of its BNG obligations, the actions identified are based on work that has been carried out since statutory BNG was introduced for major developments on 12 February 2024 and minor developments (“small sites”) from 2 April 2024. These include setting up internal processes (e.g. updating validation checklist for planning applications), investing in software, providing training, supporting the establishment of habitat banks and publishing the BNG monitoring fee schedule.
- 3.11** The “*details of BNG resulting from, or expected to result from, approved Biodiversity Gain Plans*” have been generated using the software, ‘Mycelia’. This software is used by the Council’s ecologists to screen biodiversity metrics that are submitted within planning applications, but also to discharge the statutory Biodiversity Gain Plan planning condition. The software has a new reporting function that can be used to provide a summary of outcomes resulting from approved Biodiversity Gain Plans, including the number of plans that have been approved, onsite gains (e.g. average percentage uplift), offsite gains (e.g. purchase of habitat bank units) and the types of habitats that have been created and enhanced.
- 3.12** Additional information has been included on the support that the Council has provided for the establishment of habitat banks within the district which provide biodiversity units for developers who cannot achieve their required net gain on site.
- 3.13** In terms of meeting the Council’s BNG obligations for the next 5-year reporting period, the identified actions include:
- publication of a habitat bank establishment procedure to ensure due diligence and consistency for all future requests
 - continued support for training
 - incorporating policies on BNG and nature recovery in the new Local Plan 2043
 - incorporating actions relating to BNG into the Nature Recovery Plan 2024-2030
 - setting up BNG map layers to aid in the identification of sites and habitats for development management and future monitoring
 - preparation of a monitoring strategy.
- 3.14** For ease of reference, the identified actions are presented in a summary table format within the Biodiversity Duty Report.

3.15 Once the Biodiversity Duty Report is agreed it must be published on the Council's website before 26 March 2026, so that Defra has access to the information and members of the public can also see what is being achieved.

4. ALTERNATIVE OPTIONS

4.1 The Biodiversity Duty Report must be published in order to comply with the statutory requirement under the Environment Act 2021. As such there is no alternative option.

5. FINANCIAL IMPLICATIONS

5.1 This report raises no direct financial implications for the Council.

6. LEGAL IMPLICATIONS

6.1 The Biodiversity Duty Report must be published in order to comply with the statutory requirement under the Environment Act 2021.

7. RISK ASSESSMENT

7.1 This report presents no significant risks.

8. EQUALITIES IMPACT

8.1 This report raises no issues in terms of the Equalities Act 2010 or the Public Sector Equality Duty.

8.2 The decision to be made by Executive is purely about whether the Council should publish the Biodiversity Duty Report that will provide details of how the Council is meeting its statutory duty to conserve and enhance biodiversity. It will not have a significant impact on any employee or members of the community.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 The Biodiversity Duty Report is intrinsically linked to the implementation of the Council's Nature Recovery Plan 2024-2030 and Climate Change Strategy, as the actions resulting from the duty to conserve and enhance biodiversity will assist in tackling the climate and ecological emergencies.

9.2 Use of the Sustainability Impact Assessment Tool is not appropriate for the Biodiversity Duty Report, which is providing information on how the Council is implementing its statutory duty. The climate and ecological impacts of actions that the Council may take to deliver its biodiversity duty will be assessed using the Sustainability Impact Assessment Tool as they come forward where appropriate.

(END)