



Environment Act 2021

2021 CHAPTER 30

PART 6

NATURE AND BIODIVERSITY

Biodiversity objective and reporting

102 General duty to conserve and enhance biodiversity

- (1) Section 40 of the Natural Environment and Rural Communities Act 2006 (duty to conserve biodiversity) is amended in accordance with subsections (2) to (7).
- (2) In the heading, after “conserve” insert “and enhance”.
- (3) For subsections (A1) and (1) substitute—
 - “(A1) For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.
 - (1) A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.
 - (1A) After that consideration the authority must (unless it concludes there is no new action it can properly take)—
 - (a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and
 - (b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.

Status: This is the original version (as it was originally enacted).

- (1B) The requirements of subsection (1A)(a) may be satisfied (to any extent) by revising any existing policies and specific objectives for taking action to further the general biodiversity objective.
- (1C) The first consideration required by subsection (1) must be completed by the authority within the period of one year beginning with the day on which section 102 of the Environment Act 2021 comes into force.
- (1D) Any subsequent consideration required by subsection (1) must be completed no more than five years after the completion of the authority’s previous consideration.
- (1E) A determination required by subsection (1A)(a) must be made as soon as practicable after the completion of the consideration to which it relates.
- (1F) Nothing in this section prevents the authority from—
- (a) determining or revising policies and specific objectives at any time, or
 - (b) taking action to further the general biodiversity objective at any time.”
- (4) In subsection (2) for “subsection (1)” substitute “subsections (1) and (1A)”.
- (5) After subsection (2) insert—
- “(2A) In complying with subsections (1) and (1A) the authority must in particular have regard to—
- (a) any relevant local nature recovery strategy, and
 - (b) any relevant species conservation strategy or protected site strategy prepared by Natural England.
- (2B) The Secretary of State must issue guidance to local planning authorities as to how they are to comply with their duty under subsection (2A)(a) when complying with subsections (1) and (1A) in their capacity as such authorities.
- (2C) Guidance under subsection (2B) must be—
- (a) published by the Secretary of State in such manner as the Secretary of State thinks fit,
 - (b) kept under review, and
 - (c) revised where the Secretary of State considers it appropriate.
- (2D) The first guidance under subsection (2B) must be published by the Secretary of State within the period of two years beginning with the day on which section 102 of the Environment Act 2021 comes into force.”
- (6) For subsection (3) substitute—
- “(3) The action which may be taken by the authority to further the general biodiversity objective includes, in particular, action taken for the purpose of—
- (a) conserving, restoring or otherwise enhancing a population of a particular species, and
 - (b) conserving, restoring or otherwise enhancing a particular type of habitat.”
- (7) After subsection (5) insert—

Status: This is the original version (as it was originally enacted).

- “(6) This section has effect in relation to Her Majesty’s Revenue and Customs with the following modifications—
- (a) the omission from subsection (A1) of the words “in England” and “in relation to England”;
 - (b) the omission from subsection (1) of the words from “which” to “England”.
- (7) In this section references to England include the territorial sea adjacent to England.”
- (8) In section 41 of that Act (biodiversity lists and action (England))—
- (a) in subsection (1), after “conserving” insert “or enhancing”;
 - (b) in subsection (3) for “and (2)” substitute “and (1A)”.