



# Environment Act 2021

## 2021 CHAPTER 30

### PART 6

#### NATURE AND BIODIVERSITY

##### *Biodiversity objective and reporting*

### 103 Biodiversity reports

(1) After section 40 of the Natural Environment and Rural Communities Act 2006 insert—

#### **“40A Biodiversity reports**

- (1) This section applies to—
  - (a) a local authority in England other than a parish council,
  - (b) a local planning authority in England, and
  - (c) a designated authority (see subsection (8)(a)).
- (2) A public authority to which this section applies (“the authority”) must publish biodiversity reports in accordance with this section.
- (3) A biodiversity report so published must contain—
  - (a) a summary of the action which the authority has taken over the period covered by the report for the purpose of complying with its duties under section 40(1) and (1A),
  - (b) a summary of the authority’s plans for complying with those duties over the period of five years following the period covered by the report,
  - (c) any quantitative data required to be included in the report by regulations under subsection (8)(b), and
  - (d) any other information that the authority considers it appropriate to include in the report.

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*Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Section 103. (See end of Document for details)*

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- (4) If the authority is a local planning authority, its biodiversity report must also contain—
- (a) a summary of the action taken by the authority in carrying out its functions under Schedule 7A to the Town and Country Planning Act 1990 (biodiversity gain as condition of planning permission) over the period covered by the report,
  - (b) information about any biodiversity gains resulting or expected to result from biodiversity gain plans approved by the authority during that period, and
  - (c) a summary of the authority’s plans for carrying out those functions over the five year period following the period covered by the report.
- (5) A biodiversity report—
- (a) must specify the period covered by the report, and
  - (b) must be published within the period of 12 weeks following the last day of that period.
- (6) The authority’s first biodiversity report must cover a period chosen by the authority which—
- (a) is no longer than three years, and
  - (b) begins with the day on which the authority first becomes subject to the duty under subsection (2).
- (7) A subsequent biodiversity report made by the authority must cover a period chosen by the authority which—
- (a) is no longer than five years, and
  - (b) begins with the day after the last day of the period covered by its most recent biodiversity report.
- (8) The Secretary of State may by regulations—
- (a) provide for specified public authorities, or public authorities of a specified description, to be designated authorities for the purposes of this section;
  - (b) require biodiversity reports to include specified quantitative data relating to biodiversity in any area of land in England in relation to which the authority exercises any functions.
- In this subsection “specified” means specified in the regulations.
- (9) Public authorities with no functions exercisable in relation to England may not be designated under subsection (8)(a).
- (10) The power to make regulations under subsection (8) is exercisable by statutory instrument.
- (11) A statutory instrument containing regulations under subsection (8) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Terms used in this section and section 40 have the same meaning as in that section.”

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**Changes to legislation:** There are currently no known outstanding effects for the Environment Act 2021, Section 103. (See end of Document for details)

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**Commencement Information**

- I1** S. 103 not in force at Royal Assent, see [s. 147\(3\)](#)
- I2** [S. 103](#) in force at 1.1.2023 by [S.I. 2022/1266, reg. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Environment Act 2021, Section 103.