

Report to CABINET

Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

Portfolio Holder: Cllr Elaine Taylor Cabinet Member for Decent Homes and Cllr Chris Goodwin, Cabinet Member for Don't Trash Oldham

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Reason for Decision

To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'. The report includes actions to conserve and enhance biodiversity.

The Environment Act 2021 introduced a strengthened 'biodiversity duty' into the Natural Environment and Rural Communities Act 2006 which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity.

Oldham Council as a public authority, must:

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

There was a need to complete our first consideration of what action Oldham Council intends to take for biodiversity no later than 1 January 2024 – this report can be viewed [here](#)¹.

¹ The first considerations report can be viewed at:

<https://www.oldham.gov.uk/downloads/file/7821/complying-with-the-biodiversity-duty-first-considerations-report>

Following this initial consideration, Oldham Council must agree our policies and objectives as soon as possible after. This report fulfils this second step.

This decision will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages to the decision, although some resources such as funding may need to be identified for management plans. However, most actions can be met through internal and partnership work.

Executive Summary

N/A.

Recommendations

To:

- i. approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and
- ii. support implementation of the actions identified within Tables 4 to 9 of the report.

Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

1 Background

- 1.1 The report sets out Oldham Council's policies and objectives on conserving and enhancing biodiversity to demonstrate how we are complying with the 'biodiversity duty'.
- 1.2 The Environment Act 2021 introduced a strengthened 'biodiversity duty' into the Natural Environment and Rural Communities Act 2006 which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity.
- 1.3 Biodiversity refers to all the different kinds of living organisms within a given area, including plants, animals, fungi and other living things.
- 1.4 Oldham Council as a public authority, must:
 1. Consider what we can do to conserve and enhance biodiversity.
 2. Agree policies and specific objectives based on our consideration.
 3. Act to deliver our policies and achieve our objectives.
- 1.5 There was a need to complete our first consideration of what action Oldham Council intends to take for biodiversity no later than 1 January 2024 – this report can be viewed [here](#).
- 1.6 Following this initial consideration, Oldham Council must agree our policies and objectives as soon as possible after. This report fulfils this second step.
- 1.7 Following on from this report, future reports will be published setting out how these policies and objectives have been implemented.
- 1.8 The council's Corporate Plan 'Ready for the Future' 2024-27 sets out the council's priorities and works in parallel with The Oldham Plan. One of the three missions is "Green and Growing" which seeks to drive economic growth in relation to green technologies.
- 1.9 In drawing up our policies and objectives for thriving wildlife in Oldham, the council has also considered the following various matters:
 - (a) Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998 – Not applicable.
 - (b) Risk Assessments – The council will fail to meet the Natural Environment and Rural Communities Act 2006 if it does not agree its policies and objectives to conserve and enhance biodiversity.
 - (c) If relevant, Co-operative Implications, Human Resource Implications, IT implications, Property Implications, Procurement Implications and Environment and Health and Safety Implications – the report includes actions which affect many functions across the council including property, planning, environmental management, communications

and constitutional services as actions include preparing management plans to improve countryside sites, raising awareness of biodiversity, training for staff etc.

2 Current Position

- 2.1 The report outlines the many benefits that biodiversity brings to us all, including healthy soils for food, improved air quality, flood risk mitigation and improved health and well-being.
- 2.2 However, national and sub-regional reports on the state of nature highlight the declining trends in key species of birds and mammals and the fragmented state of our protected sites for nature. There has been a national push for a network of sites that are bigger, better and more joined up (Making Space for Nature, 2010).
- 2.3 This led to the Environment Act and a strengthened biodiversity duty, which requires all public authorities in England to consider what they can do to conserve and enhance biodiversity. The emerging Greater Manchester Local Nature Recovery Strategy (LNRS) is another measure introduced by the Environment Act which this report has taken account of. The report also highlights other drivers for change and the national and local context for supporting nature.
- 2.4 This includes Oldham's Green Infrastructure Strategy (2022) which sets 'Thriving wildlife' as one of the seven priority themes. The strategy sets out opportunities for wildlife in each district across Oldham borough (excluding the Peak District National Park).
- 2.5 Being on the edge of the Pennines, Oldham is also home to an abundance of Green Infrastructure (GI) assets. Approximately 77% of Oldham consists of GI, of which 10% is designated for international, national or local biodiversity value. The GM State of Nature report highlights that there is a need for designated sites to have appropriate management, to ensure they are in the best condition possible for nature and to avoid them being lost.
- 2.6 The implementation of the GM LNRS will help nature to recover. The LNRS provides guidance and recommends practical actions to help with future habitat management across all habitat types. The implementation of the LNRS should result in the wildlife value of these habitats being enhanced as well as being better connected due to its ambitious plans to expand the nature network across Greater Manchester.
- 2.7 The report has considered the draft LNRS and the Oldham GI Strategy in identifying seven objectives to support thriving wildlife:
1. Protect and restore core areas of wildlife;
 2. Promote nature recovery networks in areas of lower biodiversity;
 3. Optimise the GI functionality of existing open spaces to encourage wildlife;
 4. Promote multi-functional GI in allocated and potential development sites;
 5. Encourage habitat creation and enhancement in the Green Belt;
 6. Raise awareness and appreciation of biodiversity; and
 7. Consider biodiversity in corporate plans and decisions.
- 2.8 Each objective is then supported by actions to ensure that biodiversity is conserved and enhanced. Resources and supporting information required have been identified.
- 2.9 The actions identified will be tracked and monitored regularly throughout each year.
- 2.10 Oldham Council will prepare the first formal Biodiversity Report on progress that has been made no later than 1 January 2026. This will be updated at least every 5 years. This report

will summarise the actions we have taken, the progress underway, and how we have met our biodiversity net gain obligations over the reporting period.

3 Options/Alternatives

- 3.1 Option 1: To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to support implementation of the actions identified within Tables 4 to 9 of the report. This will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages however some resources such as funding may need to be identified for management plans however most actions can be met through internal and partnership work.
- 3.2 Option 2: To not approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to not support implementation of the actions identified within Tables 4 to 9 of the report. This will mean that the council is currently failing to take account of environmental law in relation to the Natural Environment and Rural Communities Act 2006 and will not through this report be supporting implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no advantages to this option as the council would need to consider how it is going to meet the strengthened biodiversity duties.

4 Preferred Option

- 4.1 Option 1: To approve and publish Oldham Council's policies and objectives to conserve and enhance biodiversity – 'Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham'; and to support implementation of the actions identified within Tables 4 to 9 of the report. This will ensure that the council is meeting its legal duties in relation to the Natural Environment and Rural Communities Act 2006 and helping to support implementation of other plans and strategies such as the Local Nature Recovery Strategy. There are no disadvantages however some resources such as funding may need to be identified for management plans however most actions can be met through internal and partnership work.

5 Consultation

- 5.1 In preparing this report internal consultation with officers and directors has taken place.

6 Financial Implications

- 6.1 Oldham Council's policies and objectives to conserve and enhance biodiversity will be published on the Council Website. Therefore, no additional revenue costs will be charged to the service.

(Mohammed Hussain)

7 Legal Implications

- 7.1 Section 102 of the Environment Act 2021 amended section 40 of the Natural Environment and Rural Communities Act 2006 by amending the existing general biodiversity objective to include the enhancement of biodiversity as well as its conservation and requiring Councils to consider what action they can take to further the amended general biodiversity objective within a year of section 102 of the Environment Act coming into force. It also

required Councils to determine such policies and specific objectives as they consider appropriate for taking action to further the general biodiversity objective and take such action as they consider appropriate, in light of those policies and objectives to further that objective. The determination of those policies and specific objectives must be made as soon as possible after the Council considers what action it can take to further the general biodiversity objective. (A Evans)

8 Equality Impact, including implications for Children and Young People

8.1 No. See Appendix 2.

9 Key Decision

9.1 Yes

10 Key Decision Reference

11.1 ESR-07-25

12 Background Papers

12.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: N/A

Name of File: Environment Act 2021

Records held in Strategic Planning, Spindles Shopping centre and online at <https://www.legislation.gov.uk/ukpga/2021/30/contents>

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13 Appendices

13.1 Appendix 1 - Complying with the Biodiversity Duty – Our Policies and Objectives for Thriving Wildlife in Oldham

13.2 Appendix 2 – Oldham Impact Assessment