



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 3

#### WILDLIFE ETC.

#### *Biodiversity*

#### [<sup>F1</sup>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.
- (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

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**Changes to legislation:** There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 40A. (See end of Document for details)

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- 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.]

#### Textual Amendments

- F1** S. 40A inserted (1.1.2023) by Environment Act 2021 (c. 30), ss. 103(1), 147(3) (with s. 144); S.I. 2022/1266, reg. 2(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 40A.