



**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
PERFORMANCE, GOVERNANCE AND AUDIT COMMITTEE  
4 JUNE 2026**

**2026 BIODIVERSITY DUTY REPORT**

**1. PURPOSE OF THE REPORT**

- 1.1 To consider and approve the 2026 Maldon District Biodiversity Duty Report prepared to comply with the duties in the Environment Act 2021.

**2. RECOMMENDATION**

That the 2026 Maldon District Biodiversity Duty Report (**APPENDIX 1**) be approved.

**3. SUMMARY OF KEY ISSUES**

**3.1 Background**

- 3.1.1 The Environment Act 2021 (the Act) introduced a proactive duty for public authorities to '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'. The duty is a corporate responsibility and applies across the Council's services and decision-making.
- 3.1.2 National guidance sets out how public authorities should comply with the duty. In summary, authorities are expected to:
- consider what can be done to conserve and enhance biodiversity,
  - agree policies and specific objectives arising from that consideration, and
  - take action to deliver those policies and achieve the agreed objectives.
- 3.1.3 Local authorities are required to publish a Biodiversity Report, including information on the outcomes of the mandatory Biodiversity Net Gain (BNG) regime delivered through the planning system.
- 3.1.4 The Act requires the first report to cover a period of no more than three years. Subsequent reports may cover up to five years and must cover consecutive reporting periods.
- 3.1.5 The first Biodiversity Duty Report (2024-2026) was approved by the Performance, Governance and Audit Committee on 18 June 2024 (Minute No. 119 refers). It reported on actions already under way and set out further actions the Council could take to support biodiversity.

## 3.2 2026 Biodiversity Duty Report summary

- 3.2.1 The 2026 Biodiversity Duty Report covers the period 2 January 2024 to 1 January 2026. It summarises the Council's policies and the actions taken to improve biodiversity across the district. This report fulfils the Council's responsibilities under the Act and provides evidence of the positive work which is being undertaken.
- 3.2.2 The report also provides details of the number of formal BNG Plans approved during the period. BNG Plans are approved at the planning permission stage and/or when conditions are discharged, as part of the planning process.
- 3.2.3 The 2026 Biodiversity Duty Report is structured in three sections, summarised below.

### 3.3 Section 1: Council policies, objectives and actions

- 3.3.1 This section summarises the Council's policies that support biodiversity, as set out in the following documents:
- Corporate Plan 2025-2028;
  - *Our Home, Our Future* - Climate Strategy & Action Plan 2025-2028; and
  - The Maldon District Local Development Plan 2014-2029.
- 3.3.2 The Council manages 28 different types of sites, ranging from cemeteries and playing fields to formal parks. Recent highlights include the woodland burial area and established wildlife area at Maldon Cemetery, and actions in parks such as revised grass-cutting regimes, areas left for rewilding, and ongoing habitat and tree management.
- 3.3.3 The Promenade Park Management Plan (the Plan) was agreed by the Strategy and Resources Committee on 12 June 2025 (Minute No. 85 refers). The Plan supports a range of projects across the park, including initiatives that enhance biodiversity.
- 3.3.4 The Council is involved in key partnerships that support biodiversity, including:
- the Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS) partnership,
  - Local Nature Recovery Strategy (LNRS),
  - Essex Biodiversity Officer (post jointly funded with the other local authorities in Essex), and
  - supporting Neighbourhood Plans.

### 3.4 Section 2: Future actions

- 3.4.1 This section summarises how the Council intends to fulfil its biodiversity duty over the next five years, including the following areas of work:
- **Local Plan review** – Work is currently underway to consider how to transition existing work to be able to take forward the Local Plan review under the new plan making system. A key theme of the national planning system is delivering sustainable development by balancing the social, economic and environmental needs of the area.
  - **Parks management** - Biodiversity-related projects include a butterfly green roof at Riverside Park, Burnham-on-Crouch; a proposed nature trail in

Millennium Wood, Maldon; a Saltmarsh Trail to improve access to natural areas; increased tree planting at Promenade Park, Maldon; and potential designated Biodiversity Areas within Promenade Park.

- **Support for community groups** - continuing to support local groups, such as the Cemeteries Friends Group.
- **Partnerships** - continuing to work with other Essex local authorities and external partners to support biodiversity.

3.4.2 Council priorities and resourcing may change over time; accordingly, the future actions set out in the 2026 Biodiversity Duty Report may be updated. This includes Local Government Reorganisation, and the creation of Mid Essex Council on 1 April 2028.

### 3.5 **Section 3: Biodiversity Net Gain information**

3.5.1 The Environment Act 2021 requires certain developments to deliver a 10% increase in biodiversity value compared with the site's baseline value. It uses a standardised biodiversity metric and long-term habitat management and monitoring to ensure that biodiversity outcomes are measurable and can be tracked over time. The approach encourages early ecological input and nature-positive design that avoids and minimises impacts and delivers improvements through habitat creation and enhancement.

3.5.2 This requirement has applied to major development (10+ dwellings or sites over 0.5 hectares) since 12 February 2024, and to small sites (1-9 dwellings) since 2 April 2024.

3.5.3 Exemptions include certain Reserved Matters applications for outline permissions submitted before BNG came into force; development with a de minimis impact on biodiversity; self-build homes; householder applications; and variations to existing planning permissions. National policy changes, including the 2026 consultation on the National Planning Policy Framework (NPPF), may affect the scope of exemptions over time.

3.5.4 Not all applications require a full BNG Plan, many small sites can meet requirements through Biodiversity Enhancement Plans, and some sites fall below thresholds for BNG. In addition, there is a time lag between the grant of planning permission and the subsequent discharge of conditions.

3.5.5 As the BNG regime is still in its early stages, it is not yet possible to report meaningfully on the long-term success of habitat creation and enhancement. However, this report fulfils the Council's compliance responsibilities and provides evidence of the positive work undertaken since the BNG requirement was introduced in the last two years.

3.5.6 A required element of the report is to explain what the Council has done to support the local BNG market. Where developers cannot achieve the required BNG uplift on-site (or on other land under their control), they may secure biodiversity units from a registered habitat bank to meet the requirement off-site.

3.5.7 The development of habitat banks is led by landowners. Habitat banks must be formally registered with Natural England and are supported by a 30-year Habitat Management and Monitoring Plan. Habitat banks within the district can contribute to local biodiversity outcomes even where units are purchased for development outside

the district. Within Maldon district there are three sites which are progressing through the legal processes, one of which is included on the Biodiversity Gain Sites Register:

- Braxted Park (BGS-200825001) is a 70-hectare habitat bank spanning three local planning authority areas (Braintree, Colchester and Maldon). The site will create and enhance hedgerow, heathland, woodland, ponds and grassland habitats, including habitat for turtle dove and nightingale (critically endangered and vulnerable species, respectively), both listed on the Essex LNRS Priority Species Shortlist.

## **4. CONCLUSION**

- 4.1 The 2026 Biodiversity Duty Report summarises the Council's biodiversity-related policies and actions since 2 January 2024, sets out proposed future actions, and reports on Biodiversity Net Gain Plans approved through the planning process.

## **5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028**

### **5.1 Supporting our Communities**

- 5.1.1 Improving biodiversity and access to natural spaces and working towards mitigating the impacts of climate change supports our community's health and wellbeing.

### **5.2 Investing in our District**

- 5.2.1 The Council is investing in improvements to open spaces and parks, improving environmental quality. Biodiversity projects and associated green infrastructure can ensure that the Council's built and natural environment co-exist and complement each other. Future Biodiversity Reports will be able to reflect on this activity in the district.

### **5.3 Growing our economy**

- 5.3.1 Improving environmental quality, the Council's Parks and access to the natural environment can help support our local tourism sector.

### **5.4 Protecting our Environment**

- 5.4.1 BNG requirements help to ensure that the impacts of new development on the natural environment are appropriately mitigated. Biodiversity projects and associated green infrastructure can ensure that the Council's built and natural environment co-exist and complement each other. Future Biodiversity Duty Reports will be able to reflect on this activity in the district.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** - Brings together information on BNG Plans in a single document, reducing the need to search the planning portal for individual planning permissions.
- (ii) **Impact on Equalities** - None. The Biodiversity Duty Report is a statutory requirement and does not introduce new policy or service changes.

- (iii) **Impact on Risk (including Fraud implications)** - Supports compliance with statutory duties under the Environment Act 2021.
- (iv) **Impact on Resources (financial)** - The Biodiversity Duty Report is delivered within existing budget allocations.
- (v) **Impact on Resources (human)** - The report has been prepared using existing staff resources.
- (vi) **Impact on Devolution / Local Government Reorganisation** - The report supports collaboration with partners and provides continuity of information ahead of emerging governance arrangements. The next Biodiversity Duty Report is expected to be prepared by the successor authority following Local Government Reorganisation.

**Background Papers:**

- Maldon District Council Biodiversity Report First Consideration, Maldon District Council, 2024 ([Public Pack](#))[Agenda Document for Performance, Governance and Audit Committee, 18/06/2024 19:30](#)
- Promenade Park Management Plan, Maldon District Council, 2025, [10 Promenade Park Management Plan.pdf](#)
- Essex Coast RAMS First Annual Report, Bird Aware Essex, April 2025 [Bird Aware Essex Coast is an initiative to raise awareness of birds](#)
- Reporting your biodiversity duty actions, Defra, [Reporting your biodiversity duty actions - GOV.UK](#)
- Planning Practice Guidance Biodiversity Net Gain, Ministry of Housing, Communities and Local Government, [Biodiversity net gain - GOV.UK](#)
- Essex Local Nature Recovery Strategy, Essex Local Nature Partnership, 2025, [Local Nature Recovery Strategy - The Essex Local Nature Partnership](#)

**Appendices:**

**APPENDIX 1** Maldon District Council Biodiversity Duty Report January 2026

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