

**CABINET - 26 MAY 2023****LOCAL NATURE RECOVERY STRATEGY RESPONSIBLE
AUTHORITY STATUS****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****PART A****Purpose of the Report**

1. The purpose of the report is to advise the Cabinet of the new statutory duty that has been placed on local government in relation to Local Nature Recovery Strategies (LNRS) and to ask the Cabinet to note that Leicestershire County Council has been appointed as the 'responsible authority' for the LNRS that will cover the area of Leicestershire, Leicester and Rutland.
2. Copies of the LNRS Summary Factsheet and LNRS Statutory Guidance are attached at Appendix A and B respectively.

Recommendations

3. The Cabinet is recommended to note that Leicestershire County Council has been appointed by the Secretary of State for Environment, Food and Rural Affairs (Defra) as the 'responsible authority' for the Local Nature Recovery Strategies (LNRS) that will cover the area of Leicestershire, Leicester and Rutland.

Reasons for Recommendation

4. To advise the Cabinet that Leicestershire County Council has been appointed the 'responsible authority' for the LNRS that will cover the area of Leicestershire, Leicester and Rutland and to outline the implications of this for the Council.

Timetable for Decisions (including Scrutiny)

5. The Environment and Climate Change Overview and Scrutiny Committee will receive a report on 7 June 2023 for information and any comments received will be recorded. Further reports will be presented to the Committee and the Cabinet within next 18 months as part of the process of developing the Strategy. This is further explained in Part B.

Policy Framework and Previous Decisions

6. LNRSs are a new statutory duty being placed on local government as a result of the Environment Act 2021.
7. The new statutory duty fits with the aims and objectives of the Environment Strategy 2018-2030, in particular those in relation to Biodiversity, Habitats and the Local Environment. It also fits with the Strategic Plan 2022-2026 priorities in particular those under the Clean Green Outcome. Furthermore, it supports the Council's Net Zero 2045 Strategy and Action Plan and the Action for Nature Delivery Plan. The latter mainly focuses on protecting, conserving and improving nature on the Council's estate and supporting service delivery.
8. Development of the LNRS will identify the nature priorities for the area, while implementation of the proposed measures will support the protection and recovery of nature and contribute to the Government's national '30 by 30' target, which is to protect 30% of the UK's land for nature by 2030.
9. Development and delivery of the LNRS will support delivery of the Council's Environment Strategy, Net Zero 2045 Strategy, Climate and Nature Pact and relevant outcomes in the Council's Strategic Plan.

Resource Implications

10. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report
11. Leicestershire County Council will receive 'new burdens' funding for taking on the role as 'responsible authority' in the form of a Section 31 grant. The amount of funding provided was calculated using a national formula with Leicestershire County Council receiving £328,000 over two years (2023/24 – 2024/25). This is in addition to the almost £49,000 received in 2021/22 and 2022/23.
12. The funding provided is to be used for developing the LNRS and will be used to recruit staff, employ specialist support, cover the Council's management costs and to ensure that full and proper engagement takes place with stakeholders and partners.
13. It is considered that the new burdens funding will be sufficient to undertake the preparation of the LNRS. Additional funding is expected to be provided by the Government to undertake future reviews of the LNRS (timescales to be determined by the Government). However, at this point, it appears that there will be no funding available for the implementation of the LNRS as the Government expects this to be delivered through mechanisms such as the Environmental Land Management Scheme and Biodiversity Net Gain.

Circulation under the Local Issues Alert Procedure

14. This report has implications for all electoral divisions and will be circulated to all members.

Officer(s) to Contact

Ann Carruthers
Director, Environment and Transport Department
Tel: 0116 305 7000
Email: Ann.Carruthers@leics.gov.uk

Joanna Gyll
Assistant Director, Environment and Waste Management
Tel: 0116 305 8101
Email: Joanna.Gyll@leics.gov.uk

PART B

Background

15. As part of the Environment Act 2021, the Government introduced the requirement to develop Local Nature Recovery Strategies (LNRS) across England.
16. This new mandatory system of spatial strategies will map the most valuable existing areas for nature, establish priorities and map proposals for specific actions at a landscape scale to drive nature's recovery and wider environmental benefits. The draft strategies must go out to public consultation and the final strategies must be agreed by the Secretary of State.
17. In March 2022 the Department for Environment, Food and Rural Affairs (Defra) approached higher tier councils to take on the 'responsible authority' role as part of the new LNRS duty. Leicestershire County Council agreed on a provisional, non-binding basis to be the 'responsible authority' for the LNRS area which covers the area of Leicestershire, Leicester and Rutland.
18. Since then, the Government has been putting in place a national framework to enable the preparation of LNRSs to commence across the country. This includes confirming strategy boundaries and formally agreeing the roles of the 'responsible authority' to lead in each area. The official regulations and guidance on LNRS were released on 23 March 2023.
19. The regulations and guidance include a requirement for responsible authorities to "take reasonable steps to involve" supporting authorities, "have regard" to their opinions, share information with them and seek their agreement before consultation and publication. They also require the responsible authority to undertake wide engagement in the development of the Strategy. Responsible authorities are required to contribute to the delivery of their Strategy as well as leading its preparation. However, they are not solely responsible for delivering the Strategy. This should be a shared effort with public, private and voluntary sector partners all playing a role. Appendix B to this report details the statutory guidance.
20. Locally an interim LNRS Steering Group was established in August 2022, initially with officer representation from Leicestershire County Council, Leicester City Council and Rutland Council. More recently, the Environment Agency, Forestry Commission, National Forest Company and district representatives have joined the Steering Group.
21. The LNRS Steering Group has focused over the last year on gathering, analysing and mapping local available data to start identifying possible nature opportunities and priorities. In addition, some work has been carried out to map and analyse possible LNRS partners and stakeholders. This work has been funded from the initial Defra Section 31 grant and Natural England grant funding.

Consultation

22. While there is no need to consult on the County Council's appointment as LNRS responsible authority, it will be necessary to hold a public consultation exercise on the draft LNRS. This is expected to be within the next 18 months, subject to being able to recruit suitable staff and consultancy resources to carry out the work required and achieving cross partner agreement of Steering Group members on a draft strategy.
23. Guidance will be issued by Defra on how to consult and engage stakeholders when developing the Strategy.
24. The draft Strategy will be the subject of further reports to the Cabinet and the Environment and Climate Change Overview and Scrutiny Committee. As indicated above, approval of the final Strategy will rest with the Secretary of State.

Equality Implications

25. There are no equality implications arising from the recommendations in this report.
26. There will be equality implications arising from the development of the LNRS and an Equality Impact Assessment will be carried out as part of the process.

Human Rights Implications

27. There are no human rights implications arising from the recommendations in this report.

Environmental Implications

28. While becoming the LNRS responsible authority will not have any environmental implications, the development and implementation of the LNRS should have a significant positive impact on the local environment.

Partnership Working and Associated Issues

29. The development of the LNRS will require Leicestershire County Council to work in partnership with neighbouring authorities including Leicester City Council, Rutland Council and the districts as well as other public bodies such as the Environment Agency, Forestry Commission and the National Forest Company.
30. Under the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 the role of 'supporting authority' is created and it requires 'responsible authorities' to "take reasonable steps to involve" supporting authorities, "have regard" to their opinions, share information with them and seek their agreement before consultation and publication. 'Supporting

authorities' include other local authorities within the LNRS area and Natural England.

Risk Assessment

31. A project risk assessment has been carried out and this has identified several risks. The key risks remaining after existing control measures have been taken include:
 - a) Insufficient co-operation from partners;
 - b) Delays in recruiting suitable staff;
 - c) Insufficient funding to support development and management of a delivery plan;
 - d) Insufficient funding to implement an LNRS delivery plan;
 - e) Reputational damage to the Council as 'responsible authority'.
32. The risk in relation to co-operation from partners will be mitigated by the creation of the interim Steering Group, mentioned earlier. As the provisional responsible authority, the Council has sought to adopt a collaborative approach. The new 'supporting authority' role for key partners will require them to co-operate and Defra will be establishing a mediation service to address any disputes that arise.
33. It is intended to proceed with the recruitment of staff at the earliest opportunity, noting other authorities will be in the same position. However, there is a general shortage of staff in the environmental sector so early recruitment is not necessarily a guarantee of success.
34. Currently, funding has only been provided for the development of the LNRS and it is expected that implementation will in part be funded through mechanisms such as Biodiversity Net Gain, the Environmental Land Management Scheme, Natural Flood Management projects and other investment such as philanthropic donations, future Government or other grants. However, there is no funding for developing a delivery plan or for covering the costs of managing the implementation of a delivery plan. This issue has been raised with Defra. This matter will also be discussed with partners to identify a local solution in the absence of national support.
35. A best estimate of the cost of managing delivery of the LNRS and any supporting partnership governance structure is £100,000-£150,000 per annum. Discussions are taking place with the Council's Planning team to explore opportunities for joint working due to the strong links with Biodiversity Net Gain and Local Plans. The County Planning Service is currently in discussions with the district councils about establishing a five-year service level agreement that would provide for an expanded ecology resource that would service the delivery of biodiversity net gain across the County.
36. All these risks contribute to the risk of reputational damage for Leicestershire County Council as the responsible authority. This will in part be mitigated by raising the above concerns with Defra, lobbying through the national

Responsible Authorities Network, adopting a collaborative and collective approach to the development of the LNRS.

Background Papers

Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023:
<https://www.legislation.gov.uk/uksi/2023/341/made>

Appendices

Appendix A: LNRS Summary Factsheet

Appendix B: LNRS Statutory Guidance March 2023

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