



**ENVIRONMENT AND CLIMATE CHANGE OVERVIEW AND
SCRUTINY COMMITTEE: 7 JUNE 2023**

**LOCAL NATURE RECOVERY STRATEGY AND RESPONSIBLE
AUTHORITY STATUS**

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of report

1. The purpose of the report is to advise the Committee of the new statutory duty that has been placed on local government in relation to Local Nature Recovery Strategies (LNRS) and of the appointment of Leicestershire County Council as the 'responsible authority' for the LNRS that will cover Leicestershire, Leicester and Rutland.

Policy Framework and Previous Decisions

2. LNRS's are a new statutory duty being placed on local government as a result of the Environment Act 2021. Under the Environment Act 2021 'responsible authorities' are appointed by the Secretary of State for Environment, Food and Rural Affairs.
3. 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. The new duty is also complimentary to the delivery of the Council's Climate and Nature Pact.
4. Development of the LNRS's 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.

Background

5. As part of the Environment Act 2021, the Government introduced the requirement to develop LNRS across England. There are 48 LNRS areas across England.
6. 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 strategy must go out to public consultation and the strategy must be agreed by the Secretary of State.
7. 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 at that time, and on a provisional basis, to be the 'responsible authority' for the LNRS area which covers Leicestershire, Leicester and Rutland.
8. 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 Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 and statutory guidance on LNRS were released on 23 March 2023. The regulations and guidance provide details on the appointment of responsible authorities, the creation of the role of supporting authorities and what is required in developing and publishing LNRSs.
9. Locally an interim LNRS Steering Group was established, 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.
10. 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.

Partnership Working and Associated Issues

11. 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.
12. 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. Locally the supporting authorities are Leicester City Council, Rutland Council, the seven district councils and Natural England.

LNRS Regulations and Guidance

13. Defra released the LNRS Regulations, Statutory Guidance and the Government’s response to the LNRS consultation on 23 March 2023. The key features of the LNRS regulations and guidance are as follows:
- a) The **creation of the ‘supporting authority’** and how they should work with responsible authorities. Responsible authorities must “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 will play a key role in making sure all LNRSs are genuinely collaborative, and include other local authorities within the LNRS area and Natural England
 - b) **Requirements for wider engagement**, including how to bring a wide range of organisations and viewpoints into LNRS preparation and the need for public consultation.
 - c) The **new power for responsible authorities to request information** on Local Nature Reserves and Local Wildlife Sites from other planning authorities so that the LNRS can fulfil its requirement to map all local wildlife areas.
 - d) A **process for dispute resolution** should responsible authorities and supporting authorities develop different opinions on what should be included in the LNRS.
 - e) **Requirements for publishing the LNRS** by the responsible authority and to provide the LNRS to Defra in a format that allows them to be compiled nationally.
 - f) **Rules for review and publication**, all LNRSs will be received at the same time and renewed by the Secretary of State and expected every 3-10 years.
 - g) A **step-by-step process** for responsible authorities to take when preparing the LNRS. This will link all the required elements of the LNRS together into a logical series of steps that stakeholders can engage with which leads to the identification of areas where nature recovery effort should be focussed.
 - h) A **definition of “areas of particular importance for biodiversity”** that the LNRS must include, designed to promote alignment between LNRSs and the planning system.
 - i) The **need to consider other plans and strategies** in the area so that the LNRS does not “reinvent the wheel.” Responsible authorities should consider other plans while preparing their LNRS to help set their local

priorities and identify potential measures by which they can be achieved, as well as mapping areas that could become of particular importance in the future.

- j) How LNRSs should identify local opportunities to **contribute to national environmental objectives**, drawing out individual actions and how they will contribute.
- k) The steer that above all else, **LNRSs should be deliverable on the ground** and not a “wish list” of things we’d like to see happen. Stakeholder engagement, particularly with landowners, will be important to develop realistic proposals.
- l) There is **no fixed deadline** for when LNRS need to be produced by, though it is expected that it will take **up to 18 months**.
- m) The Government intends for LNRSs to **inform the local planning process. Local planning authorities must have regard to them** in complying with the strengthened biodiversity duty. The Government will provide separate guidance to explain what this means in practice.
- n) The Act establishes two mechanisms to support the delivery of LNRS namely, mandatory **biodiversity net gain** and a **strengthened biodiversity duty** on public authorities.
- o) The strategies will **identify where action to achieve net gain will have the most impact** and encourage action in these locations through the way net gain is calculated.
- p) All public authorities will also have to **have regard to relevant LNRSs** under the strengthened biodiversity duty.
- q) The main purpose of the strategies is to **identify locations to create or improve habitat** most likely to provide the greatest benefit for nature and the wider environment. The strategies **do not force the owners and managers of the land identified to make any changes**. Instead, the Government is encouraging action through, for example, opportunities for funding and investment.

Responsible Authority

- 14. Defra sent a formal letter to all provisional responsible authorities in mid-May 2023 to notify them that they have been appointed as the responsible authority for their respective LNRS area.
- 15. In addition to the features identified above, such as the creation of the ‘supporting authority’ and the new power for responsible authorities to request information and the requirement to publish, the regulations and guidance also identify several other aspects which are relevant to responsible authorities, namely:

- a) The Secretary of State decides the area that each strategy covers and appoints a 'responsible authority' to lead its preparation, publication, review and republication.
- b) Responsible authorities must work together with partners when preparing their strategy and later when reviewing and preparing it for republication.
- c) Responsible authorities should involve people and groups from across the public, private and voluntary sectors and help them to work together.
- d) Responsible authorities should 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.
- e) Responsible authorities must review and republish their strategies as part of an ongoing cycle which considers what has been achieved and proposes what further work is needed for nature to recover.
- f) Responsible authorities should consider and set out how they intend to engage and actively involve local partner organisations and communities early in the process of preparing or reviewing their strategy. This should include engaging with supporting authorities and neighbouring responsible authorities.

Risk Assessment

16. 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 LNRS delivery plan;
 - e) Reputational damage to the Council as 'responsible authority'.
17. 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.
18. 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. This will be further compounded by recruitment of similar staff by neighbouring LNRS areas.

19. 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.
20. 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, and adopting a collaborative and collective approach to the development of the LNRS.

Consultation

21. 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. Guidance will be issued by Defra on how to consult and engage stakeholders when developing the Strategy.
22. Reports will be presented to the Committee in advance of the consultation and again afterwards, to present the results of the consultation exercise.

Resource Implications

23. The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.
24. The 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 the 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.
25. 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.
26. It is considered that the new burdens funding will be sufficient to undertake the preparation of the LNRS. Further 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, no details have been provided on funding for the implementation of the LNRS, as the Government

expects projects to be delivered through mechanisms such as the Environmental Land Management Scheme and Biodiversity Net Gain.

Timetable for Decisions

27. A report went to the Cabinet on 26 May 2023 with an update on the new statutory duty that has been placed on local government in relation to LNRS and to ask the Cabinet to note that the County Council has been appointed as the 'responsible authority' for the LNRS that will cover Leicestershire, Leicester and Rutland.
28. As stated in paragraphs 21-22, further reports will be presented to the Committee within the next 18 months, subject to being able to recruit suitable staff and specialist resources to carry out the work required and achieving supporting authority agreement on a draft strategy, before and after the statutory public consultation exercise. This will be in advance of the report going to the Cabinet for approval and before it is sent to the Secretary of State for Environment, Food and Rural Affairs to be agreed.

Circulation under the Local Issues Alert Procedure

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

Equality Implications

30. There are no equality implications arising from this report.
31. 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

32. There are no human rights implications arising from this report.

Environmental Implications

33. 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.

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 23

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