

# CABINET

## Local Nature Recovery Strategy Reporting Procedure 10<sup>th</sup> September 2024

### Report of Chief Officer – Planning and Climate Change

#### PURPOSE OF REPORT

The report sets out the purpose of the Local Nature Recovery Strategy (LNRS), describing the role of the strategy in agreeing priorities for nature's recovery across Lancashire. It explains how, on completion, the LNRS will map the most valuable existing areas for nature across the County as well as identify those new areas where habitats can be created or strengthened to improve connectivity and enhance biodiversity.

Whilst Lancashire County Council is responsible for the preparation of the strategy Lancaster City Council is identified as a supporting authority, responsible for assisting the County Council in identifying local priorities and importantly in providing approval of the strategy for wider consultation at its draft stage and again prior to its publication.

The regulations state that the supporting authorities will be given 28 days to grant this approval. In view of the limited time for approval it is requested that the respective decisions are delegated to the Chief Officer of Planning and Climate Change to approve the LNRS on behalf of the Council. This Cabinet report seeks to secure the process for these approvals through a Recommendation of the Portfolio Holder.

Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member	<input type="checkbox"/>
Date of notice of forthcoming key decision	12 <sup>th</sup> August 2024				
This report is public					

#### RECOMMENDATIONS OF COUNCILLOR JOANNE AINSCOUGH

- (1) That delegated power be granted to the Chief Officer of Planning and Climate Change to make decisions on the progress of the Local Nature Recovery Strategy (LNRS), particularly in regard of approving the draft LNRS for consultation and to approve the publication of the final LNRS.

#### 1.0 Introduction

- 1.1 Local Nature Recovery Strategies (LNRS) were introduced in the Environment Act 2021 to drive nature's recovery and provide wider environmental improvements. There are 48 strategy areas which together cover the whole of England with no gaps or overlaps. Following the identification of areas the Secretary of State for Environment, Food and Rural Affairs appointed 48 'responsible authorities' to lead the preparation of the strategy for each area.

Lancashire County Council has been appointed the 'responsible authority' to lead on the preparation of the LNRS for Lancashire, including Lancaster District.

- 1.2 The core purpose of the LNRS is to reverse the ongoing decline of biodiversity and nature. In doing so each LNRS must:
  - A. Agree a series of priorities for nature's recovery;
  - B. To map the most valuable existing areas for nature; and
  - C. Map specific proposals for creating or improving habitat for nature and wider environmental goals.
- 1.3 Whilst Lancashire County Council is the responsible authority for preparing the LNRS the regulations (The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023) require them to be prepared with the support of '*supporting authorities*'. Supporting authorities are identified as other planning authorities within the relevant strategy area and Natural England. Lancaster City Council is a '*supporting authority*'.
- 1.4 In its role as a 'supporting authority' the City Council can:
  - A. Work closely with the responsible authority and other '*supporting authorities*' to shape the content of the LNRS so that it aligns to their organisation's needs and priorities.
  - B. Provide local data and input information from relevant strategies.
  - C. Periodically review and agree drafts of the LNRS ahead of key stages, such as consultation or publication.
- 1.5 Importantly, the '*supporting authorities*' must agree the consultation draft of the LNRS ahead of consultation and agree the final LNRS ahead of publication. The regulations require the 'responsible authority' to provide the supporting authority **28 days** to confirm in writing that they are content for the consultation of the draft LNRS to proceed to consultation and then again **28 days** for the supporting authority to confirm that they are content for the LNRS to be published.
- 1.6 The current timetabling from Lancashire County Council indicates that a draft document is likely to be presented to the '*supporting authorities*' for approval at the start of December 2024 with comments requested by the 10<sup>th</sup> January 2025. This potential 28-day period has been extended to take account of the Christmas holidays. '*Supporting authorities*' are then scheduled to be consulted again in April 2025 for 28 days for approval to publish the final LNRS.

## 2.0 Proposal Details

### Context to Local Nature Recovery Strategies (LNRS)

- 2.1 Lancashire County Council has been appointed by the DEFRA Secretary of State as the responsible authority for preparing the Local Nature Recovery Strategy (LNRS) for Lancashire under section 105 of the Environment Act 2021. The core purpose of LNRS is to reverse the ongoing decline of

biodiversity and nature.

- 2.2 These are designed to be collaborative, locally led and evidence-based spatial strategies which aim to help restore and link up habitats so that species can thrive. The LNRS process is designed as a tool to drive a more coordinated, practical, and focused action to deliver a bigger, better and more joined up Nature Recovery Network across the whole of England.
- 2.3 Each LNRS will agree priorities for nature recovery and propose actions at key locations where it would make a particular contribution to achieving these priorities. The Secretary of State has appointed 48 responsible authorities to lead on preparing a LNRS for their area. As already identified the responsible authorities are required to work with other organisations and partners in their area to agree what should be included in their LNRS.
- 2.4 This is a statutory document which will, upon its completion, be used for a number of purposes. Firstly, to target funding opportunities, secondly to direct a coordinated approach to nature recovery across the county and finally it will identify areas of strategic significance for habitat enhancement having implications for the District Local Plan and the calculation of Biodiversity Net Gain credits. It is worth noting that the value of Biodiversity Net Gain credits is increased where the land or habitat is included as a priority within an LNRS.
- 2.5 Whilst Lancashire County Council is the responsible authority for preparing the LNRS the regulations require them to be prepared with the support of supporting authorities. Lancaster City Council is a supporting authority.

#### Preparing the LNRS

- 2.6 The County Council has commenced the preparation of the LNRS for Lancashire. A collaborative governance structure has been established to oversee and guide the process. This includes technical experts to contribute to the evidence that will form the strategy content through habitat, land management, mapping and species task and finish groups. Thematic habitat groups have also been established to share their knowledge, understanding, and expertise through workshops and tasks. Through this they have produced a long list of priorities and measures for the most important habitats within their groups. Taxon specialists (ecologists with expertise in the science of identifying the groups that species are assigned to) and county and vice-county recorders<sup>1</sup> identified the most threatened species in the county and have shortlisted these into habitat assemblages.
- 2.7 The County Council has also engaged with residents and community groups seeking their opinion on what matters to them in relation to nature recovery. This information was gathered through four “People and Nature” roadshows (The Lancaster District session was held on the 25<sup>th</sup> March 2024); a public engagement online survey; and two reports from online webinars held for representatives from land manager networks facilitated by specialist engagement consultants working alongside Lancashire County Council.

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<sup>1</sup> Great Britain is sub-divided into 112 vice-counties (broadly based on sub-divisions of historic county boundaries) that provide consistent geographical areas for the purposes of recording and monitoring species and populations.

- 2.8 The information gathered through the above sources will be fundamental in identifying potential priorities. The County Council are currently reviewing this information and will be working with their governance structure to shortlist potential priorities for inclusion within the strategy. This work is currently on-going.
- 2.9 Officers from the City Council sit on the LNRS Steering Group and have been involved in providing evidence and information to the main LNRS team. The LNRS Steering Group will be fundamental in the shortlisting of priorities.
- 2.10 It is understood that drafting of the strategy will take place through September to October with a draft document currently scheduled for preparation by the start of December 2024.
- 2.11 Importantly the LNRS Regulations make it clear that a strategy can only progress to consultation and publication following confirmation from the supporting authorities that they are content with the content of the strategy and are happy for it to proceed to consultation. More details on this are provided below.

*Agreeing the draft LNRS for consultation*

- 2.12 Under this stage supporting authorities are required to review the draft LNRS and provide comments back to the County Council. Any concerns raised that stop the strategy going to consultation must be resolved.
- 2.13 Paragraph 9 of the regulations states that following receipt of the draft document the supporting authorities have **28 days** "to confirm in writing that they are content for consultation to proceed". An objection may be raised about:
- A. The content of the Local Nature Recovery Strategy; or
  - B. The responsible authority's preparation of the Strategy.
- 2.14 Any objection must be made in writing, giving reasons for the objection, and must be provided to the responsible authority before the expiry of the 28 days beginning with the day the consultation draft was provided. The consultation can commence once 28 days has expired or all the supporting authorities have confirmed in writing that they are happy for the consultation to proceed.
- 2.15 Any objections raised must be resolved and the consultation cannot go ahead until the supporting authority that raised the objections confirms in writing that it is content for the consultation to proceed, or the responsible authority has requested permission to consult from the Secretary of State.
- 2.16 The County Council has advised that a preliminary version of the consultation draft will be shared with the supporting authorities in advance of the official 28-day consultation period. It is also their intention to provide in person briefing sessions for members and officers within the supporting authorities again in advance of the 28 days. Supporting authorities should therefore be well versed

with the content of the draft LNRS prior to the formal 28-day consultation period.

#### Pre-Publication Approval

- 2.17 Supporting authority approval is once more required prior to the publication of the final LNRS. The regulations require the responsible authority to provide the final LNRS to all supporting authorities and at the same time inform them in writing of the intended date of publication.
- 2.18 The Strategy can be published once the **28 days** have expired or the supporting authorities confirm in writing that they are content for the Strategy to be published, whichever is sooner.
- 2.19 If a supporting authority considers that part of the final LNRS cannot be justified based on the results of the public consultation or considers the LNRS to be "materially deficient" they can give notice, a "publication advisory notice", to the responsible authority under regulation 15.
- 2.20 This must be before the expiry of the 28 days, be in writing and explain the reasoning for the notice, with a copy also submitted to the Secretary of State. The responsible authority must then investigate and reply to that supporting authority in writing setting out any steps to be taken in relation to the matter raised.
- 2.21 In view of the limited time for approval Officers are requesting through this report that the respective decisions (draft consultation of the LNRS and final publication of the LNRS) are delegated to the Chief Officer of Planning and Climate Change to approve on behalf of the Council.

#### Reasons for Seeking Delegated Powers

- 2.22 In view of the limited time for approval, it is requested that delegated powers be granted to the Chief Officer of Planning and Climate Change to approve the LNRS for draft consultation and then later for publication on behalf of the City Council. It is understood that similar approval processes are being requested at other supporting authorities across the County.
- 2.23 Whilst seeking delegated approval, Officers would ensure that Elected Members remain fully aware of the proposed content of the LNRS via reporting progress to the City Council's Local Plan Review Group.
- 2.24 Furthermore, the County Council have also confirmed they would be happy to meet with Members to explain the LNRS process and advise on the emerging priorities and measures in advance of the 28-day consultation. It is understood that this is likely to take place in November 2024 and would likely involve an all-Member Briefing Session.
- 2.25 Both measures described will ensure that all Members are kept informed of the emerging content of the strategy with the opportunity to provide comments and feedback prior to the commencement of the official 28-day consultation period.

### **3. Details of Consultation**

- 3.1 Officers have advised members via Local Plan Review Group of the purpose of the LNRS and provided updates on its preparation. Training has also been provided to all members as part of the Planning and Climate Change Service Member Training Programme held in late 2023.
- 3.2 Whilst a draft document is not currently available for consultation the County Council have advised that they will provide supporting authorities with information on the content of the draft LNRS including details of the priorities in advance of the formal consultation period. Member briefing is likely to follow the procedure set out in paragraph 2.24 above.
- 3.3 Officers of the City Council will also use their role as participants of the LNRS Steering Group to influence the strategy ensuring that the needs and priorities of the City Council are considered in its content.
- 3.4 It would also be appropriate to publish the draft LNRS on its website to ensure the local community are aware of its content and are provided with the opportunity to influence it.

#### 4. Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Cabinet grants delegated powers to the Chief Officer of Planning and Climate Change to ensure that the City Council in its role as supporting authority responds to the LNRS consultation within the set 28-day timeframe.	<b>Option 2:</b> Cabinet does not grant delegated powers to the Chief Officer of Planning and Climate Change to ensure that the City Council in its role as supporting authority responds to the LNRS consultation within the set 28-day timeframe.
Advantages	The City Council will be able to respond within the 28-day timeframe ensuring that where it has concerns there is the opportunity to address these ahead of the LNRS being published.	None
Disadvantages	None	The City Council is unable to respond within the 28-day timeframe with its concerns not raised and the LNRS published in a form not supported by the City Council.
Risks	None	None

#### 5. Officer Preferred Option (and comments)

- 5.1 The preferred option is Option 1: Cabinet grants delegated powers to the Chief Officer of Planning and Climate Change to ensure that the City Council in its role as supporting authority responds to the draft LNRS consultation and publication LNRS within the set 28-day timeframe.
- 5.2 Granting delegated powers will ensure the City Council will be able to fulfil its role as a supporting authority within the required timeframes. This will ensure that the views of the City Council are taken into account and where concerns are raised there is the opportunity to address these ahead of consultation of the draft LNRS. It will also ensure that the final LNRS cannot be published unless the City Council agrees with it.

**6. Conclusion**

- 6.1 In view of the limited time for approval Officers are requesting that delegated powers be granted to the Chief Officer of Planning and Climate Change to approve the LNRS for draft consultation and then later for publication on behalf of the City Council. It is understood that similar approval is being requested at other supporting authorities across the County.

<p><b>RELATIONSHIP TO POLICY FRAMEWORK</b></p> <p><b>Council Plan</b> The objectives of the report support and complement The Council Plan’s Ambition 1.4 “Respecting Nature” on Ecology &amp; Biodiversity to “increase biodiversity, protect our district’s unique ecology and ensure the habitat provided for wildlife is maintained”.</p> <p><b>Planning &amp; Climate Change Service Business Plan 2024-2025</b> The objectives of the report support and complement the Service Business Plan objective 1.4 on Respecting Nature. This sets Service priorities aligned with the Council Plan that aim to increase biodiversity and ensure wildlife is maintained and improved.</p>
<p><b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b></p> <p>None directly identifiable as a consequence of this report, however the purpose of the report is to advance processes intended to protect and enhance the natural environment for all.</p>
<p><b>LEGAL IMPLICATIONS</b></p> <p>The production of a LNRS is part of the country’s legally-binding commitment to addressing nature depletion. Whilst the final LNRS maps will not be binding (i.e. they cannot mandate landowners to take action), they do represent an opportunity to highlight areas where opportunities exist for nature recovery. The content of the document will have implications for projects within the District, identifying those areas of the District as priority areas for nature recovery. The content of the LNRS will inform decisions made by the City Council</p>
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>There are no direct financial implications arising from this report. The completed LNRS will</p>

however set out a framework for potential improvements to the natural environment in this district which may assist in securing future funding bids and provide direction for the City Council in terms of targeting areas of improvement.

#### **OTHER RESOURCE IMPLICATIONS**

##### **Human Resources / Information Services / Property / Open Spaces:**

None directly arising

#### **SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments to add

#### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments to add.

#### **BACKGROUND PAPERS**

Weblink to:

[Local Nature Recovery Strategy – Lancashire County Council Website.](#)

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