

WEST NORTHAMPTONSHIRE COUNCIL CABINET

12 July 2022

**CABINET MEMBER RESPONSIBLE FOR ENVIRONMENT, TRANSPORT,
HIGHWAYS AND WASTE: COUNCILLOR PHIL LARRATT**

Report Title	Local Nature Recovery Strategy
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Contributors/Checkers/Approvers

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List of Appendices - None

1. Purpose of Report

- 1.1 This report seeks agreement to West Northamptonshire Council being appointed as responsible authority for preparing the local nature recovery strategy (LNRS) for West Northamptonshire.

2. Executive Summary

- 2.1 The UK, and England specifically, has suffered considerable loss of biodiversity over several centuries. It is proposed to address this, in part, through a system of LNRSs. These now have a statutory basis.
- 2.2 WNC has the opportunity to be the responsible authority for an LNRS for West Northamptonshire, avoiding the complexities of seeking to agree an LNRS with other councils and supporting integration with other strategies for the area.
- 2.3 Whilst there are risks involved in being a responsible authority and taking forward an LNRS, these appear generally to be minimised in the single-council LNRS model.
- 2.4 It is proposed to develop an LNRS using a mixture of staff and consultancy support, working with other LNRS as appropriate. The Council would continue to participate in all Northamptonshire nature arrangements, especially the Local Nature Partnership, giving stakeholders efficient means of engagement.

3. Recommendations

- 3.1 It is recommended that it is agreed that West Northamptonshire Council accepts appointment as the responsible authority for the local nature recovery strategy (LNRS) for West Northamptonshire.

4. Reason for Recommendations

- 4.1 Under the Environment Act 2021, England is required to be divided into areas for the production of LNRSs.
- 4.2 It was considered helpful for West Northamptonshire to be such an area, allowing the new council to lead work which it could co-ordinate with, for example, its Tree Strategy & Policy, and its local plans.
- 4.3 Being appointed as the responsible authority for an LNRS area which is coterminous with West Northamptonshire means there are no complexities from having to secure agreement with other councils over a wider area.
- 4.4 It is also likely, but not certain, that being a single-council LNRS area will be financially beneficial in terms of 'new burdens' funding for the work involved.
- 4.5 DEFRA has provisionally agreed that West Northamptonshire can be a LNRS area and WNC the responsible authority. It is therefore helpful to confirm the Council's acceptance of this.

5. Report Background

- 5.1 It is widely recognised that the UK, and England specifically, has significantly depleted nature – living things and the related geological and water environment – through a combination of habitat loss, pollution, severance, and other results of centuries of industrialisation. As a result, the UK Government has adopted in 2018 a 25 year Environment Plan which seeks “to leave that environment in a better state than we found it and pass on to the next generation a natural environment protected and enhanced for the future.” This included proposals to develop a Nature Recovery Network.
- 5.2 It is accepted that existing measures such as nature reserves have been insufficient to prevent loss of ecosystems. The conclusion was that a “landscape-scale restoration” was required. LNRs are a key part of this. According to Natural England, LNRs are “a new system of spatial strategies for nature which will plan, map, and help drive more coordinated, practical, focussed action and investment in nature’s recovery to build the national Nature Recovery Network.” LNRs were piloted in Greater Manchester, Buckinghamshire, Cornwall, Northumberland and Cumbria.
- 5.3 LNRs have now been provided with a statutory basis in the Environment Act 2021 (see legal implications). This includes the power for the Secretary of State to appoint the responsible authority for each LNR area. Whilst Natural England appears on the list of bodies which can be appointed as a LNR responsible authority, it appears that this is essentially a ‘backstop’ in case there is not local co-operation in an area. Natural England has not been provisionally appointed as responsible authority for any area of England. The Act also provides for biodiversity net gain (‘BNG’) to be a mandatory planning condition and a number of other biodiversity measures.
- 5.4 Whilst the Act requires the production and updating of LNRs, it provides only limited powers to ‘enforce’ their contents on third parties. However, it seems likely that the LNRs will help shape the use of BNG requirements, and also help direct the use of environmental land management schemes (ELMS), which are replacing the previous system of farm support.
- 5.5 The Department of the Environment, Food, and Rural Affairs (DEFRA) was seeking around 50 LNRs for England, based broadly on ceremonial counties. In places such as Leicestershire with a unitary council surrounded by a two-tier area this clearly made sense. However, in Northamptonshire both WNC and North Northamptonshire Council (NNC) expressed the view that it would be preferable to have two LNRs, one for each new council. Both areas were substantial in size and contained no gaps or unhelpful boundaries. A single-council LNR would make production and integration with other strategies more straightforward.
- 5.6 DEFRA accepted these arguments and has provisionally appointed each of WNC and NNC to be the responsible authority for a LNR for their area. Apart from the reasons given

above, this has turned out to be financially beneficial as each responsible authority in England, irrespective of size, has received the same initial new burdens grant of £16k. It is hoped that the same will apply to the main new burdens grants when these are determined.

- 5.7 Strictly speaking it is not necessary for WNC to confirm its acceptance of this role, as the law allows the Secretary of State to make the determination without a requirement for consent. However, it is considered unlikely the Secretary of State would actually impose the responsible authority designation on a council against its wishes. It is also likely to be helpful in securing the designation and funding if the Council is seen to actively support it.
- 5.8 To fulfil its duties as responsible authority WNC would need to acquire sufficient expertise. It is anticipated that this would be met from a combination of new staffing, for those tasks where ongoing work is likely to be required, and consultancy, for peaks in workload and matters more specialist than can be retained within the Council. It is expected that in some cases consultancy commissions would be shared with other LNRS area, where common issues arose. This obviously includes North Northamptonshire but is not limited to it.
- 5.9 There are some existing arrangements for nature which work on an all-Northamptonshire basis, notably the Local Nature Partnership. It is proposed to continue to work within these, helping to give partners an efficient way of engaging.

6. Issues and Choices

- 6.1 The Council has the following options.
- 6.2 (1) To accept designation as the responsible authority for the LNRS for West Northamptonshire. For the reasons given above, this seems the most desirable course of action.
- 6.3 (2) To accept West Northamptonshire as the area for a LNRS but not accept designation as the responsible authority. It seems unlikely that DEFRA would accept this, but if it did it would presumably result in Natural England being appointed as the responsible authority, thus losing the Council's opportunity to shape the process and strategy.
- 6.4 (3) To argue for a different area for production of an LNRS covering West Northamptonshire. This would lose the clarity and simplicity of a West Northamptonshire LNRS. It might open up further opportunities for economies of scale in working, but many of these can be secured by two (or more) LNRS areas working together in any event.

7. Implications (including financial implications)

Resources and Financial

- 7.1 The Council has thus far received £16k of new burdens funding towards the preparation of its LNRS. It is unknown how much further funding will be provided, but it seems likely to be in the range of £120-170k, covering around two years' work leading up to strategy publication. This compares with the £200k received by each of the pilot areas, but these were larger and had to do some work which does not need to be repeated.
- 7.2 It thus seems likely that the funding will be sufficient to meet the costs to be incurred.
- 7.3 The alternatives are likely to be less favourable financially, with the same amount of money spread over a larger area.
- 7.4 North Northamptonshire Council is also proposed to be appointed as responsible authority for its area. There is provisional agreement to share aspects of work where this would be financially or operationally sensible, without prejudicing the independence of each council's strategy. This may also apply to other LNRS areas, for example Warwickshire. This should further assist in managing costs of, for example, area-wide surveys.

Legal

- 7.5 The Environment Act 2021 ('the Act'), makes provision for specific improvements of the environment, including nature and biodiversity. Many of the provisions of the Act are already in force. Sections 104-108 of the Act provides the legal structure for LNRS in England.
- 7.6 The Act gives significant powers to the Secretary of State, including to decide which areas to divide England into for the purposes of LNRS (Section 104) and which organisation to appoint to be the responsible authority for each area (Section 105), which includes a local authority whose area is, or is within, the strategy area, other local elected bodies, national park authorities, the Broads Authority, and Natural England.
- 7.7 The duty of a responsible authority is to prepare and publish a LNRS for its area, and to review and republish the LNRS from time to time. Details about the procedure to be followed for the preparation, content and publication and review of LNRS will be in regulations made, and any guidance issued, under the Act. This is currently expected in the autumn of 2022, however, there is uncertainty about when they will be issued. A LNRS must (Section 106) include a "statement of biodiversity priorities" and a habitats map or maps covering the area. Section 107 requires the Secretary of State to publish a "national habitat map for England". This is designed to assist in the preparation of LNRS.

7.8 The general duty of public authorities to have regard to the conservation of biodiversity under section 40 of the Natural Environment and Rural Communities Act 2006 (the '2006 Act'), is extended by the Act (when the provision comes into force) to both conserving and enhancing, and the Secretary of State can designate public authorities to produce biodiversity reports within a specified period on what actions have been taken to improve biodiversity. In addition, the Act modifies this general duty (when it takes effect), so that all public authorities must have regard to any relevant LNRS in the proper exercise of their functions.

Risk

7.9 There are a number of risks associated with the preparation of a LNRS, although most of these apply whether or not the Council is the responsible authority and whether the LNRS area is West Northamptonshire or a larger area.

7.10 There may be contention about the substance of the strategy; for example, an area may be particularly valuable for biodiversity restoration but also have other potential uses. This would be mitigated by careful stakeholder engagement, looking where possible for outcomes which are beneficial on several levels. Ultimately the responsible authority (or potentially all the councils in the LNRS area, if larger than West Northamptonshire) would need to determine the outcome. This is a case where WNC being the responsible authority for West Northamptonshire should make it more straightforward to reach a conclusion.

7.11 The preparation of the LNRS may be more costly than projected based on the pilots, for example if the regulations and guidance require more extensive work than the pilots carried out. This seems relatively unlikely and is mitigated by the way funding appears to be being provided. It would be further mitigated, as described in 7.4, by sharing commissions with neighbouring areas where this made sense.

7.12 The LNRS could prove to be of limited impact, due to the lack of statutory 'enforcement' provisions. This is a risk in all scenarios. It is best mitigated by careful stakeholder engagement and good scientific work leading to a strategy which is coherent and deliverable. Continued engagement with Natural England and DEFRA will also be important, to maximise the influence of the plan on, for example, the allocation of ELMS monies.

7.13 The Government could resile from the current provisional appointments and, for example, insist on a single LNRS for Northamptonshire, or a wider area. This is likely to lead to a relative loss in funding and greater complexities in preparing and delivering a LNRS. The proposed mitigation for this is demonstrating WNC's willingness and ability to deliver a meaningful LNRS for West Northamptonshire.

Consultation

7.14 There has been no consultation on the issue of the LNRS area or WNC as the responsible authority. These are matters reasonably determined by the Council itself. The content of the WNC LNRS will, of course, require extensive consultation and engagement with both stakeholders and the wider community.

Climate Impact

7.15 The West Northamptonshire LNRS offers a significant opportunity to obtain multiple benefits from investment in nature. This includes the potential for carbon sequestration in soils or trees, and also managing the adverse impacts of climate change, such as increased risks of flooding.

Community Impact

7.16 WNC as the responsible authority for a West Northamptonshire LNRS should be able to shape the strategy to best meet the needs and aspirations of the communities, both rural and urban, of West Northamptonshire.

Communications

7.17 It will be important to explain what a LNRS is, and what it can and cannot do, as work on the strategy develops. It will also be important to communicate well to engage relevant stakeholders and the wider community the development of the strategy.

8. Background Papers

8.1 None.