

Climate Change, Environment and Growth Executive Advisory Panel 19th December 2022

Report Title	North Northamptonshire Local Nature Recovery Strategy
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Executive Member	Councillor Harriet Pentland, Executive Member for Climate & the Green Environment

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

Appendix A – LNRS – Draft Governance & Partnership Structure

1. Purpose of Report

- 1.1. The purpose of this report is for the Executive Advisory Panel to approve North Northamptonshire Council's role as a Responsible Authority for preparing and publishing a Local Nature Recovery Strategy (LNRS) for North Northamptonshire and to recommend a suitable governance process for overseeing the development and delivery of this duty.

2. Executive Summary

- 2.1. The Environment Act 2021 (the Act) includes provisions to strengthen and improve the duty on public bodies to conserve and enhance biodiversity, including mandating a net gain biodiversity through the planning system and identifying a duty for identified Responsible Authorities to produce a Local Nature Recovery Strategy (LNRS).

- 2.2. LNRS are a new, England-wide system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. The area covered by each LNRS will be set by the Department for Environment Fisheries and Rural Affairs (DEFRA) Secretary of State, who will also appoint a "responsible authority" for each to lead its preparation. The DEFRA Secretary of State will also produce regulations and guidance on the process for preparing, publishing, reviewing and republication of a LNRS and guidance on what each LNRS should contain. These regulations will set the requirements that all "responsible authorities" must follow when preparing and updating their LNRS.
- 2.3. DEFRA has provisionally agreed to North Northamptonshire Council and West Northamptonshire Council (WNC) having responsibility to produce a LNRS for their own areas on the grounds that the two councils work collaboratively. In order to secure grant monies within a deadline set by DEFRA, subject to the Executive's approval, the provisional acceptance of this responsibility has been confirmed. It is understood WNC has accepted a similar responsibility for their administrative area. Current guidance from DEFRA is that authorities are expected to start producing their LNRS from April 2023, although this is subject on the prior publication of the above regulations and guidance.
- 2.4. Many of the Council's partner environmental organisations and stakeholders operate countywide and therefore a collaborative approach will be the most efficient way to engage with them. It is proposed to develop the Council's LNRS using a mix of staff and consultancy support, working with WNC and other partners as appropriate. The Council will continue to participate in Northamptonshire wide nature arrangements, notably the Local Nature Partnership, thereby securing an effective means of engagement with partner organisations and stakeholders whilst still producing a strategy that meets the specific local priorities of North Northamptonshire.

3. Recommendations

- 3.1. It is recommended that the Executive Advisory Panel provides feedback on the proposed approach to the Council's preparation and governance of North Northamptonshire's Local Nature Recovery Strategy.
- 3.2. Reason for Recommendations:
 - Accepting the responsibility will fulfil the Council's duty under the Act.
 - Accepting the governance model will ensure co-ordination with WNC, and continued involvement with existing Northamptonshire wide environmental partnerships such as the Local Nature Partnership.
 - The LNRS will provide a spatial strategy, developed with key partners, that maps the most valuable habitats in the county, the opportunities to improve and connect them and identifies the priorities in relation to these.
 - The LNRS will support the Council's ambition for climate change mitigation.
 - The recommended course of action is funded through government grant/burdens funding.

- DEFRA has provisionally agreed that North Northamptonshire can be a LNRS area with the Council as the responsible authority. It is therefore helpful to confirm the Council's acceptance of this.

3.3. Alternative Options Considered:

The option of having totally separate governance between the Council and WNC in the production the strategies for North and West was considered but the option of having a governance mechanism that includes co-operation with county wide partners and WNC was favoured as a means of producing separate, but complimentary, strategies that draw from the same sources of information and make efficient use of the shared countywide partnerships and meets the DEFRA condition to work collaboratively with WNC.

4. Report Background

- 4.1. It is widely recognised that the UK, and England specifically, has a significantly depleted natural environment through a combination of habitat loss, pollution, and other factors as a by-product of industrialisation. As a result, in 2018 the UK Government adopted 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.
- 4.2. Whilst existing measures such as nature reserves are vital, it is recognised that in isolations these are insufficient to prevent further loss of ecosystems. The conclusion was that a “landscape-scale restoration” was required, with LNRSs being a key part of this. According to Natural England, LNRSs 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.”
- 4.3. Following a successful pilot in Greater Manchester, Buckinghamshire, Cornwall, Northumberland, and Cumbria, LNRSs are now being rolled out across England, and have now been provided with a statutory basis in the Act (see legal implications).
- 4.4. This includes the power for the Secretary of State to appoint the responsible authority for each LNRS area. The Act also provides for biodiversity net gain (‘BNG’) to be a mandatory planning condition.
- 4.5. DEFRA was seeking around 50 LNRSs for England, based broadly on county boundaries. Following discussions with DEFRA and Natural England, an agreement has been reached that two LNRSs will be produced for Northamptonshire, one covering each council's geographic boundary. This was in recognition to the substantial size and differing environmental needs of each area, and the need to integrate the LNRSs with each organisation's respective strategies.

- 4.6. DEFRA has provisionally appointed both the Council and WNC to be the responsible authority for a LNRS for their area. However, this is on the proviso that both Councils seek opportunities to work collaboratively where doing so would benefit the overall development and environmental outcome of the plans.
- 4.7. To fulfil its duties as responsible authority the Council 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 specialist environmental matters. The Council will receive new burdens grant to support the delivery of the project, having previously received £16,300 seed funding and a further recent payment of £32,500 to support in the preparatory work.
- 4.8. There are existing partnership arrangements for nature which work on an all-Northamptonshire basis, notably the Local Nature Partnership (LNP) which comprises a range of environmental bodies and organisations including- the Environment Agency, Anglian Water, the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire, the NFU, and the Nene Rivers Trust. Given this partnership is well established and familiar with the environmental challenges and opportunities in North Northamptonshire, it is proposed to continue to work within these, helping to give partners an efficient way of engaging with the Council's and accessing the significant amount of habitat mapping work already delivered through this partnership, which will support the LNRS development.
- 4.9. There are extremely close links between the development of a LNRS and the impending requirements on Planning authorities to require a 10% Biodiversity Net Gain (BNG) set to become a mandatory planning condition for new developments in late 2023. An officer working group has already been established to ensure internal coordination of work on LNRS and BNG is co-ordinated with the Council.
- 4.10. An Advisor from Natural England has been appointed by DEFRA to assist both the Council and WNC to deliver their respective LNRS. Following discussions with our advisor and WNC, and considering learning from the pilot LNRSs areas, the
- 4.11. The proposed governance model discussed is illustrated in appendix 1 and described below. It is intended to allow strategic direction on local priorities for North Northamptonshire's LNRS, whilst benefiting from the partnership working of the LNP members through the delivery group. Working groups will be established to focus on key themes / stakeholders. These groups will be

reviewed throughout the project in terms of composition and the need for others.

- **North Northamptonshire Council oversight group**

Provide strategic oversight of the production of the LNRS, ensuring fit with other local strategic priorities and final sign off.

- **Delivery Group**

Comprising the Local Nature Partnership member and Council Officers. The group will support the creation of two LNRSs for Northants, to bring and share their knowledge and experience, to advise on how the LNRS can add value and links to work elsewhere in the county relating to nature recovery.

- **Working groups**

Covering three themes: Land Managers, Evidence gathering, and Community Engagement. These groups will be reviewed as the project progresses.

5. Issues and Choices

- 5.1. The Council has the following options.
- 5.2. To accept its designation as the responsible authority for the LNRS for North Northamptonshire. For the reasons given above, this seems the most beneficial course of action for supporting environmental issues in North Northamptonshire.
- 5.3. To accept North 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.
- 5.4. To argue for a different area for production of an LNRS for Northamptonshire. This would lose the focus and opportunity to shape local needs of a North Northamptonshire LNRS.
- 5.5. To negotiate a different governance model from the one described in 4.11 and seek the independent co-operation of the Local Nature Partnership and other stakeholders.

6. Next Steps

- 6.1. Recruit the necessary officer capacity to deliver the strategy – subject to confirmation of additional burdens funding and accompanying Regulations and guidance from the government.
- 6.2. Obtain additional burdens funding and accompanying Regulations and guidance
- 6.3. Co-ordinate the LNRS with BNG requirements
- 6.4. Work within the proposed governance structure to review current habitat/species mapping and identify any information gaps and engage partners and local communities.
- 6.5. To begin LNRS preparation as soon as the regulations and guidance of the national policy framework are published and responsible authority arrangements formalised.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. The Council has so far received £16,304 of new burdens funding towards the preparation of its LNRS and notification of additional seed funding of £32,500 per provisional responsible authority to be paid immediately. Whilst it is unknown how much further funding will be provided, the Natural England support officer indicates that it could be in the range of £120,000, covering around two year's work leading up to strategy publication. The strategies development will need to be managed within the new burdens funding offered, once known.
- 7.1.2. There is provisional agreement with WNC 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 other adjoining Counties. This should further assist in managing costs of, for example, area-wide surveys.

7.2. Legal and Governance

- 7.2.1. The Act makes provision for specific improvements of the environment, including nature and biodiversity. Sections 104-108 of the Act provides the legal structure for LNRSs in England.
- 7.2.2. The Act gives significant powers to the DEFRA Secretary of State, including determining the areas within England to which individual LNRSs are to relate (s.104) and which organisation to appoint to be the responsible authority for each area (s.105).

- 7.2.3. Duties of a responsible authority shall include preparation and publication of 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 LNRSs are expected to be in Regulations made and any guidance issued under the Act. This was expected in the autumn of 2022; however, this has been delayed and there is uncertainty about when they will be issued.
- 7.2.4. A LNRS must include a “statement of biodiversity priorities” and a habitats map or maps covering the area (s.106). DEFRA Secretary of State is required to publish a “national habitat map for England” (s.107); this is designed to assist in the preparation of LNRSs.
- 7.2.5. There is a general duty on public authorities to have regard to the conservation of biodiversity under s.40 Natural Environment and Rural Communities Act 2006 (the ‘2006 Act’). This is extended by the Act (when the relevant provision comes into force) to both conserving and enhancing, and the DEFRA 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.

7.3. Relevant Policies and Plans

- 7.3.1. The production of a Local Nature Recovery Strategy supports the Council's Corporate Plan 2021-25 priority of a greener, sustainable environment.

7.4. Risk

- 7.4.1. 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 would need to determine the outcome. This is a case where the Council being the responsible authority for North Northamptonshire should make it more straightforward to reach a conclusion.
- 7.4.2. 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 commitment to provide funding. It would be further mitigated by sharing commissions with neighbouring areas where this made sense. In addition, a great deal of habitat and species mapping has already been conducted for Northamptonshire via the Local Nature Partnership, giving the Council and WNC somewhat of a head start over many other authorities.

7.4.3 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, in particular any subsequent funding support for implementation of the plan.

7.5. **Consultation**

7.5.1. The content of the Council's LNRS will require extensive consultation and engagement with both stakeholders and the wider community. Consultation to date has been through the existing Local Nature Partnership and Natural England.

7.5.2 The Council as the responsible authority for a North Northamptonshire LNRS should be able to shape the strategy to best meet the needs and aspirations of the communities, both rural and urban, of North Northamptonshire.

7.5.3 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 of the development of the strategy.

7.6. **Consideration by Executive Advisory Panel**

7.6.1 Feedback from the Executive Advisory Panel Climate Change Environment, and Growth on the 19th December 2022 will be incorporated within the Executive report.

7.7. **Consideration by Scrutiny**

7.7.1. This report is eligible for call in by the Scrutiny Commission, as part of their work programme.

7.8. **Equality Implications**

7.8.1 An Equality Screening Assessment has not identified any adverse impact on individuals with protected characteristics

7.9. **Climate Impact**

7.9.1 The North Northamptonshire LNRS offers a significant opportunity to obtain multiple benefits from investment in nature and joining up key natural habitats across North Northamptonshire. 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.

7.10. **Community Impact**

7.10.1 The community impact is expected to be positive resulting in more interesting, varied and wildlife rich county and the involvement of organisations, businesses and communities in this aim.

7.11. **Crime and Disorder Impact**

7.11.1 There are no Crime and Disorder issues arising directly from this report.

8. Background Papers

8.1. [25 Year Environment Plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67291/25-Year-Environment-Plan.pdf)