

CABINET

23 NOVEMBER 2023

LOCAL NATURE RECOVERY STRATEGY

Relevant Cabinet Member

Richard Morris, Cabinet Member for the Environment

Relevant Chief Officer

Strategic Director of Economy and Infrastructure

Local Members

All

Recommendation

- 1. The Cabinet Member with Responsibility for Environment recommends that Cabinet:**
 - (a) Authorises the Strategic Director for Economy and Infrastructure to undertake public consultation on the “Issues and Options draft” of the Local Nature Recovery Strategy (LNRS) as detailed in Appendix 1 (attached);**
 - (b) Delegates authority to the Cabinet Member with Responsibility for Environment to approve a Consultation Draft LNRS for the statutory consultation process;**
 - (c) Authorises the Strategic Director for Economy and Infrastructure to undertake the statutory consultation process of the consultation draft LNRS, including seeking the necessary written approval of Supporting Authorities and the Secretary of State;**
 - (d) Agrees that the Final LNRS be returned to Cabinet for adoption in winter 2024/2025, subject to seeking the necessary permission of the Secretary of State to publish the Final LNRS.**

Background

- 2. The production of Local Nature Recovery Strategies is a statutory duty, with Government expecting LNRS to be prepared collaboratively with communities, and to be operational by March 2025. Through engagement and collaboration with a wide range of local stakeholders, the LNRS will agree Worcestershire’s priorities for nature recovery, and identify actions to take which can best deliver those priorities. The LNRS will also identify the best locations where actions could be delivered, and will guide the targeting of financial mechanisms, such as agri-environment schemes and Biodiversity Net Gain offsets, to incentivise the delivery of actions for nature’s recovery. LNRS will directly contribute towards Worcestershire County Council’s Open for Business and Protecting the Environment Corporate Priorities.**
- 3. The Environment Act 2021 resulted in significant new responsibilities for protection and enhancement of the natural environment. This included a requirement**

for Responsible Authorities to prepare and publish a Local Nature Recovery Strategy (LNRS) for their strategy area. In June 2023 Worcestershire County Council was appointed by the Secretary of State as the Responsible Authority for preparation of a LNRS for the county of Worcestershire.

4. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 (subsequently referred to as 'The LNRS Regulations') sets out requirements for Responsible Authorities to prepare and maintain a LNRS in collaboration with Supporting Authorities. In Worcestershire, Supporting Authorities consist of the Statutory Nature Conservation Organisation (Natural England) and the District Councils.

5. The main statutory requirements of an LNRS are that it must:

- a) Agree priorities for nature's recovery,
- b) Prepare a 'Local Habitat Map' to identify the most valuable existing areas for nature, and
- c) The Local Habitat Map also identifies specific proposals for creating or improving habitat for nature and wider environmental goals.

6. While Responsible Authorities will contribute to the delivery of the LNRS as well as leading its preparation, Worcestershire County Council will not solely be responsible for delivering the LNRS. This is a role shared with the public, private and voluntary sector partners.

7. The Environment Act establishes two LNRS delivery mechanisms: mandatory Biodiversity Net Gain (BNG) and a Strengthened Biodiversity Duty on Public Authorities. In January 2024, BNG becomes a mandatory requirement of almost all development schemes. Developments will need to achieve at least a 10% increase in biodiversity 'value' compared to a pre-development 'baseline', with the change in value measured in 'Biodiversity Units'. These Units can be secured either within the development site, or beyond its boundaries, or through a combination of both onsite and offsite approaches. The LNRS's Local Habitat Map will identify where offsite BNG delivery ('biodiversity offsets') can best be located so as to achieve the greatest positive effects for nature's recovery. Areas targeted by the LNRS in this way will be given higher values in BNG unit calculations, which will help financially incentivise BNG delivery. The newly 'Strengthened Biodiversity Duty' requires Planning Authorities to 'agree and deliver policies and specific objectives to conserve and enhance biodiversity' and in doing so, planning authorities must 'have consideration of LNRS', and to periodically report to Government on the discharge of this biodiversity duty, which includes providing Government with a quantitative summary of BNG secured through its planning functions.

8. Further Government guidance on integration of LNRS with the Local Development Planning processes is to be published by the Department of Levelling-Up Housing and Communities.

9. Government requires the development of a LNRS to be both a collaborative and inclusive exercise. Responsible Authorities are statutorily required to positively engage their Supporting Authorities during the development of their LNRS and must seek their formal consent prior to undertaking consultation on a 'Draft LNRS' document. Additionally, engagement with Worcestershire's residents, communities, businesses and other organisations is fundamental in preparing a strategy with local

ownership which builds consensus in identifying priorities for nature's recovery, in mapping the most valuable areas of nature and in mapping specific proposals for creating or enhancing habitats for nature's recovery and wider environmental goals.

10. To date, preliminary LNRS preparations have been undertaken through habitat mapping and modelling work (to inform the development of Worcestershire's Local Habitat Map) and in engagement with Worcestershire's Local Nature Partnership and relevant Supporting Authorities to produce an "Issues and Options" draft of the LNRS for consultation (Appendix 1).

11. The Issues and Options draft of the LNRS includes a 'vision', 'objectives', 'priorities' and delivery 'principles'. The LNRS 'Issues and Options' stage consultation raises awareness of the state of Worcestershire's natural environment and the key pressures and threats to nature's recovery; it will identify the key initiatives for nature's recovery and, using an updated evidence base, will propose a set of biodiversity priorities for Worcestershire and a framework against which priorities and initiatives can be scored for their contributions towards wider environmental goals. Proposed LNRS Priorities will include the conservation of Worcestershire's most endangered habitats and species, as described in the appended 'State of Nature' report (Background Paper 'A').

12. It is proposed that the LNRS 'Issues and Options' consultation is undertaken during winter 2023/24. This will be a digital consultation with results published on the County Council's webpages. A Draft LNRS will then be developed with an accompanying stakeholder and community engagement plan and, in accordance with Regulation 11 of The LNRS Regulations, permission will be sought from the Secretary of State to undertake a public consultation on this draft LNRS. A 'Final LNRS' will then be developed with approval sought from Cabinet in winter 2024/2025 for adoption, and thereafter permission will be sought from the Secretary of State to publish this Final LNRS in accordance with Regulation 16(2) of the LNRS Regulations.

Legal, Financial and HR Implications

13. The Environment Act 2021 imposes duties in relation to the LNRS, Biodiversity Net Gain and the General Biodiversity Objective. There are Regulations governing the process of adoption of the LNRS. These are outlined in the body of this report.

14. There are financial implications associated with preparing and consulting on the LNRS. Worcestershire County Council received a £32,500 'seed fund' grant from DEFRA in January 2021. A further grant totalling £135,287 has been issued by DEFRA to undertake LNRS preparatory work during 2023-2024. An additional grant of £118,331 is expected to be received to complete LNRS production during 2024-2025.

15. Technical support from specialist consultants and officers will be secured where it is prudent and cost effective to do so. External consultants will be used where there is demonstratable value for money and to maximise efficiency in supporting internal staff resources. Costs are predicted to be incurred during 'Draft' and 'Final LNRS' preparation and consultation, and this will include the procurement of external expertise. This has been fully costed and it is expected that all additional expenditure required to be incurred will be fully funded via the grant. As such, apart from officer

time, the Council is not expected to make any financial contribution over-and-above the DEFRA settlement in order for Worcestershire County Council to prepare Worcestershire's LNRS.

Risk Implications

16. Preparation of the LNRS is a statutory undertaking by the Responsible Authority, failure to achieve a strategy to the satisfaction of Supporting Authorities carries a liability of additional officer resource and preparation costs in order to seek dispute resolution by the Secretary of State's offices.

17. Failure to develop a LNRS within the statutory timeframes may carry a reputational and financial liability to Worcestershire County Council.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

18. A Joint impact assessment (JIA #580) screening and full impact assessments for Data Protection, Equality and Public Health and Sustainability Assessment has now been undertaken and are attached (Appendices 2 – 5) to this report. In addition, a Strategic Environmental Assessment Screening has been undertaken, statutory authorities have been consulted and support the SEA's conclusions (Appendix 6). A Habitats Regulations Assessment will be undertaken of the 'draft final' LNRS prior to its public consultation.

19. JIA screening identifies a potential risk of exacerbating socio-economic inequalities and potentially adversely impacting those with protected characteristics; the approved mitigation approach will be to consider these risks on a case-by-case basis prior to site-level implementation of LNRS during its operational phase.

20. A further risk has been identified around control measures for data capture, storage and dissemination. An appropriate mitigation strategy has been agreed and all staff members involved have undertaken training and will comply with GDPR requirements.

Supporting Information

- Appendix 1 - Issues and Options Consultation Paper (and questions)
- Appendix 2 - JIA Screening Report
- Appendix 3 - Equality and Public Health Assessment Report (available online)
- Appendix 4 - Data Protection Assessment Report (available online)
- Appendix 5 - Sustainability Impact Assessment Report (available online)
- Appendix 6 - Strategic Environmental Assessment Screening Statement Report (available online)

Contact Point

Cody Levine, Team Leader (Ecology)
Tel: 01905 843456
Email: clevine@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Strategic Director for Economy and Infrastructure) the following are the background papers relating to the subject matter of this report:

- A. Worcestershire State of Nature Report (available online)
- B. State of Worcestershire's Grasslands Report (available online)