

Rother District Council

Report to:	Cabinet
Date:	11 December 2023
Title:	Local Nature Recovery Strategy
Report of:	Jeff Pyrah, Planning Policy Manager
Cabinet Member:	Councillor Prochak
Ward(s):	All
Purpose of Report:	To obtain delegated authority Rother District Council's comments to be made at key stages to the East Sussex County Council in the preparation of East Sussex and Brighton & Hove Local Nature Recovery Strategy.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED: That the Director – Place and Climate Change, in consultation with the Portfolio Holder for Planning be granted delegated authority to submit responses to East Sussex County Council at key stages in the preparation of the East Sussex and Brighton & Hove Local Nature Recovery Strategy.
Reasons for Recommendations:	To ensure that Rother District Council fulfils its role in the preparation of the East Sussex and Brighton & Hove Local Nature Recovery Strategy.

Introduction

1. Local Nature Recovery Strategies were introduced through the Environment Act 2021. One is to be produced for each of 48 strategy areas, to provide coverage for the whole of England. In our area, the 'Responsible Authority', with a legal duty for producing the Local Nature Recovery Strategy (LNRS), is East Sussex County Council (ESCC). The LNRS will cover both the ESCC and Brighton & Hove City Council (B&HCC) administrative areas.
2. Rother District Council (RDC) is a 'Supporting Authority' under the LNRS regulations, as are all the District and Brough Councils in East Sussex, B&HCC and Natural England (NE). The Responsible Authority (ESCC) must involve the Supporting Authorities in the preparation of its LNRS.
3. East and West Sussex County Councils are working jointly on the preparation of their LNRSs and have set up a Sussex-wide Supporting Authorities Group (SAG) which meets monthly. The Planning Policy Manager is a member of SAG and he is also a member of the Sussex LNRS Working Group, a wider-stakeholder group that includes landowners and environmental organisations.

Analysis

4. The legal duty to prepare a LNRS was introduced through the Environment Act 2021.
5. LNRS is a new concept nationally and, although pilot studies have been undertaken (funded by the Department for Environment Food & Rural Affairs (Defra)), the form and content of the LNRS is not clearly established. It must respond to the requirements set out in the Act, relevant regulations and accompanying guidance. Under the Act, each LNRS must include:
 - a statement of biodiversity priorities for the LNRS area (including a description of the area's biodiversity and the opportunities for recovering or enhancing biodiversity); and
 - a local habitat map (or maps) covering the whole LNRS area identifying national conservation sites, nature reserves and other areas which are, or could become, of particular importance for biodiversity.
6. The three key workstreams for the LNRS's preparation are data gathering, description of nature and priorities, and stakeholder engagement.
7. In April 2023, the Government published regulations which set out the legislative procedure for preparing a LNRS. In July 2023, DEFRA confirmed ESCC as the 'Responsible Authority' for preparing a LNRS to cover the administrative areas of ESCC and B&HCC.
8. Under the LNRS regulations, RDC is a 'Supporting Authority' along with the other District and Borough Councils in East Sussex, B&HCC and NE.
9. The Responsible Authority is required to involve the Supporting Authorities in the preparation of the LNRS and in Sussex a robust process has been set up, that involves monthly briefings from the lead County officers to the SAG and the creation of a 'Working Group' which also meets monthly. The Planning Policy Manager is a member of both groups.
10. Under the regulations, at two key milestones, described in the regulations as 'pre-consultation' and 'pre-publication', each Supporting Authority will be requested to confirm in writing to ESCC, within 28 days, that they are content, based on the 'consultation' or 'final' draft version of the LNRS provided, for the process to proceed.
11. Given the limited time periods (28 days) defined in the regulations, it is necessary for the decision on how to respond to the Responsible Authority to be delegated to the Director – Place and Climate Change, in consultation with the Portfolio Holder for Planning. It would not be possible for the decision to be made through our programmed committee structure given the lead in periods and the uncertainty over when the Responsible Authority would commence each 28-day period. It is understood that all the Supporting Authorities are setting up delegated authority approval to respond to the requirements of the regulations.

12. It is currently anticipated that ESCC will provide RDC with their pre-consultation draft version of the LNRS in February 2025 and their pre-approval final draft version in Summer 2025. If there are no formal objections from Supporting Authorities to the LNRS at either stage, it is anticipated that public consultation on the draft LNRS will take place in February/March 2025 and that ESCC will publish the LNRS in Summer 2025. However, please note, that there are external factors during the latter stages of the project such as ESCC elections (May 2025) and likely national elections that will influence the strategy completion date, therefore all timings are subject to confirmation by the Responsible Authorities.
13. The LNRS SAG and Working Group will both continue to meet monthly throughout the process to contribute to the preparation of the LNRS.

Options

14. The alternative would be to hold an additional 'urgent Cabinet meetings' as and when required for any specific actions in relation to each stage of the preparation of the LNRS.

Conclusion

15. The preparation of LNRS is a new mandatory requirement under the Environment Act 2021. Responsible Authorities charged with preparing the LNRS have been confirmed and ESCC will produce the LNRS covering the geographical areas of ESCC and B&HCC. RDC is a Supporting Authority and will input to the LNRS as it affects the RDC administrative area. Delegated authority is sought for the Director – Place and Climate Change, in consultation with the Portfolio Holder for Planning, to agree and submit responses (including the power to object) to ESCC, at key stages in the preparation of the East Sussex and B&HCC LNRS.

Financial Implications

16. Of delegating authority – none.
17. Of the LNRS - The Planning Policy Manager's time to collaborate and contribute to the production of the LNRS, including undertaking the recommendation in this report, is within the existing service budget. Partnership working across local authorities already takes place through the Sussex Wide Local Authority Network and it is not envisaged that undue officer time would be required.

Legal Implications

18. Of delegating authority – none.
19. Of the LNRS - The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 (SI 2023/341), sets out the legislative procedure for preparing a LNRS. This is a mandatory requirement for the Responsible Authority. RDC is a 'Supporting Authority' for the purposes of the 2023 Regulations. It has two chances to convey any concerns about the draft strategy to the Responsible Authority - one pre-consultation and one pre-approval, both before final publication of the Strategy. Either option could bring

in the Secretary of State to proceedings. By contributing to the LNRS for East Sussex, RDC will seek to ensure that its views and representations are taken into account in the final LNRS.

20. All public authorities have a duty to conserve and enhance biodiversity and must 'have regard' to relevant local nature recovery strategies in the process.

Human Resources Implications

21. None.

Environmental and Sustainability

22. Of delegating authority – none.
23. Of the LNRS - The production of an LNRS will have a positive impact on biodiversity and nature renewal through setting the baseline, identifying significance, and targeting action. The National Planning Policy Framework (2023) advises that Local Nature Recovery Strategies should be used by plan-makers to inform the way the Plans protect and enhance biodiversity.

Equalities and Diversity

24. Of delegating authority – none.
25. Of the LNRS – consultation on the LNRS will be carried out by ESCC, with a strategy being created that targets a wide range of stakeholders. Increasing biodiversity and nature recovery has health and wellbeing benefits for all sections of our community and the early work on the LNRS recognises this role.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Sustainability	Yes	Exempt from publication	No
Risk Management	No		

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Appendices:	None
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None