

Report to: Cabinet

Date: 18 September 2024

Title: Supporting Authority Approval for the Local Nature Recovery Strategy currently being prepared by the Responsible Authority, East Sussex County Council

Report of: Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning

Cabinet member: Councillor Jim Murray, Cabinet member for Carbon Neutral 2030 and Water Champion

Ward(s): All

Purpose of report: The report addresses requirements of the Environment Act 2021 relating to the Council's Supporting Authority role in reviewing both the pre-consultation draft Local Nature Recovery Strategy (LNRS) and the final pre-publication LNRS. East Sussex County Council is the Responsible Authority and will provide the draft and final pre-publication documentation.

Decision type: Key

Officer recommendation(s):

(1) To note and welcome the Council's role as a Supporting Authority in relation to Local Nature Recovery Strategies, under The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023;

(2) To delegate authority to the Chief Executive, in consultation with the relevant Lead member, to:

- a) Approve and submit a response to the Responsible Authority, ESCC, on any pre-consultation draft of a Local Nature Recovery Strategy within 28 days as required by the Council's role as a Supporting Authority under The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023;
- b) Consider the pre-publication draft of any Local Nature Recovery Strategy and, if the Chief Executive considers that the draft strategy cannot be justified based on the results of the consultation or that it is materially deficient, to submit a publication advisory notice to the Responsible Authority within 28 days, as set out in regulation 15 of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023.

Reasons for recommendations: The report addresses requirements of the Environment Act 2021 relating to the council’s LNRS Supporting Authority role (to ESCC as Responsible Authority) and seeks delegated authority to approve and respond on any pre-consultation draft of a Local Nature Recovery Strategy within 28 days, as required, and consider the pre-publication draft strategy, also within 28 days. Delegated authority is sought as these timelines would not allow for the matter to be considered at Cabinet.

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1 Introduction

- 1.1 The national legislative framework for nature recovery is set through the 25 Year Environment Plan 2018, The Environment Act 2021, and the Environmental Improvement Plan 2023.
- 1.2 The Environment Act in England is part of the legal framework for environmental protection. It sets clear statutory targets for the recovery of the natural world in four priority areas: air quality, biodiversity, water and waste, and includes important new targets to reverse the decline in species abundance by the end of 2030. It also sets in law new tools that we can use to help meet those targets. In terms of restoring nature, the new provisions and tools include Local Nature Recovery Strategies (LNRSs).
- 1.3 Local Nature Recovery Strategies (LNRSs) are a new system of spatial strategies for nature covering the whole of England. They are designed as tools to drive more coordinated, practical, and focused action to help nature. They will support the delivery of biodiversity net gain and provide a focus for the strengthened duty on all public authorities to conserve and enhance biodiversity. Preparation of each LNRS is led by a “Responsible Authority” appointed by the Defra Secretary of State. These are all Tier 1 Authorities (County Councils or Unitaries). Eastbourne borough falls under the joint East Sussex and Brighton & Hove strategy

2 Proposal

- 2.1 That Cabinet grants delegated authority for arrangements to approve the pre-consultation draft of the LNRS within 28 days of receipt, in line with recommendation (2) a) above.

2.2 That Cabinet grants delegated authority for arrangements to consider the final pre-publication version of the LNRS within 28 days of receipt, in line with recommendation (2) b) above.

3 Supporting Authority role for the Local Nature Recovery Strategy

3.1 East Sussex County Council and West Sussex County Council have been appointed as the Responsible Authorities to prepare the Local Nature Recovery Strategies (LNRSs) covering East Sussex (including Brighton & Hove) and West Sussex respectively under section 105 of the Environment Act 2021. Both Responsible Authorities are now responsible for preparing, publishing, reviewing and republishing a Local Nature Recovery Strategy following the process set out in The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023. Given the synergies between the counties and the number of pan-Sussex stakeholders, the two Responsible Authorities have committed to developing the two LNRSs together under the banner of Sussex Nature Recovery. As a result, there is a pan-Sussex LNRS Working Group and Supporting Authorities Group.

3.2 LNRSs are designed to be collaboratively developed and therefore it is expected that each Responsible Authority will work with others while retaining overall responsibility for LNRS preparation, publication and adherence to the Regulations and statutory guidance.

3.3 The Regulations set out a particular role for Supporting Authorities in the LNRS process. All local planning authorities are Supporting Authorities, as are Natural England.

3.4 A Responsible Authority must take reasonable steps to involve all supporting authorities for its local nature recovery strategy in the preparation of the local nature recovery strategy. A Sussex LNRS Supporting Authorities Group (SAG) was established at the earliest opportunity, following formal appointment of the Responsible Authorities and publication of the Regulations and statutory guidance. The Sussex SAG was set up in June 2023. The group has been meeting monthly since inception. Both Lewes District Council and Eastbourne Borough Council are members of that group.

4 Consultation

4.1 The Responsible Authority has consulted extensively through surveys, webinars and stakeholder workshops, promoted via the channels and networks of organisations within the Sussex LNRS Working Group and Supporting Authority Group, and its own monthly e-newsletters to 425+ subscribers and updates to the Sussex Nature Recovery website.

4.2 Different engagement methods have been tailored to audiences and parts of the LNRS process, the following are a few key examples:

- The public survey (live Feb-Jun 2024) canvassed 1,834 residents' views to inform LNRS priorities for nature, while a webinar in June played back

interim results of this survey (East Sussex attendees 109/137 recording views).

- Webinars have also been used to brief key audiences on the LNRS process and what is required specifically from them: landowners/managers (Nov 2023, 127 attendees/188 recording views), parish councils (Feb 2024, 60 attendees/80 recording views), community groups (Mar 2024, 127 attendees/152 recording views), while follow up surveys and tools are being used to capture their existing and planned actions for nature to inform LNRS measures.
- Bespoke workshops have also taken place including with key delivery organisations/partnerships for nature in Sussex (Apr 2024, 30 orgs), the health & wellbeing sector (Feb 2024, 28 reps), Sussex biodiversity experts convened as the species sub-group, and farmer clusters (various onsite meetings in Feb, June and July 2024).

4.3 Further engagement with landowners, farmers, organisations and groups is planned for the Autumn, while a public consultation of the draft documents will be promoted in early 2025.

4.4 The council has been active in promoting the engagement opportunities in 4.2 to our residents and partners through social media and other channels.

4.5 In addition, Dr Kate Cole, County Ecologist, hosted a bespoke online briefing to EBC Cllrs, 21 November 2023.

5 Corporate plan and council policies

5.1 The new Local Plan will have a key role in helping to deliver nature recovery in support of the Corporate Plan's key priority area of sustainability and environment. In setting out planning policies to cover the natural environment, the local plan will require development to contribute to the protection and enhancement of the natural environment. Other policies may set out where locations will support habitat banking, improving connectivity across the borough and more widely within the county, and the opportunities arising from Natural England's Seaford to Eastbourne Nature Recovery Project.

6 Business case and alternative option(s) considered

6.1 Given the short timescales set out in the regulations, of only 28 days to respond, it is unlikely this would fit in with the planned schedule of Cabinet meetings. Furthermore, there is some urgency to publish the LNRS given a) the current biodiversity crisis, b) the link between LNRS and the delivery of biodiversity net gain, c) the fact that LNRSs are a material consideration in the plan making process and d) to maximise potential funding opportunities from Defra (it is understood that the LNRS will be used as a primary means of targeting funding through e.g. Environmental Land Management Schemes). Including Lewes District and Eastbourne Borough, the East Sussex and Brighton & Hove LNRS has eight Supporting Authorities, all of which need to be involved in the process as set out in the Regulations and Statutory Guidance. Delegated Authority to approve the LNRS at pre-consultation and pre-publication stage would help

streamline the process and increase the chances for the LNRS to be published in a timely manner.

- 6.2 As all Supporting Authorities are being actively involved throughout the LNRS development process, we do not anticipate being unable to approve the LNRS at pre-consultation and pre-publication stage.

7 Financial appraisal

- 7.1 There are no direct financial implications arising from the contents of this report.
SH 01/08/24

8 Legal implications

- 8.1 The Environment Act 2021 requires responsible authorities in England (ESCC, in the context of this report) to prepare and publish local nature recovery strategies. It also requires them to review and republish their local nature recovery strategies from time to time.
- 8.2 The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 set out the procedure to be followed for preparation and publication, and review and republication, of these strategies.

Under regulation 3, EBC is deemed a “supporting authority”.

Regulation 4 requires responsible authorities to take reasonable steps to involve all supporting authorities for the local nature recovery strategy in its preparation and make provision as to the form this must take.

Regulation 7 requires responsible authorities to provide all supporting authorities for the local nature recovery strategy with the draft strategy it considers ready to consult on, and to request their comments.

Date of legal input: 17.07.24
013038-JOINT-OD

Legal ref:

9 Risk management implications

- 9.1 The risks of not delegating authority as proposed in this report include delaying the consultation process for and publication of the LNRS.

10 Equality analysis

- 10.1 These proposals seek delegated authority for approval of the Local Nature Recovery Strategy. They do not affect policy or operational service delivery.
NW 02/08/24

11 Environmental sustainability implications

- 11.1 These proposals to streamline our response to the LNRS process align with our commitments to environmental sustainability.

12 Appendices

- None

13 Background papers

The background papers used in compiling this report were as follows:

- [Environment Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/17/section/1)
- [The Environment \(Local Nature Recovery Strategies\) \(Procedure\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/111/section/1)
- [Sussex Nature Recovery | Sussex Nature Recovery](https://www.sussexnature.com/our-work/nature-recovery)
- [Interactive map shows where survey respondents favourite places for nature are | Sussex Nature Recovery](https://www.sussexnature.com/our-work/nature-recovery/interactive-map)
- <https://sussexinp.org.uk/>