

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Leader and Executive Member for Hampshire 2050 and Corporate Services
Date:	13 July 2023
Title:	Local Nature Recovery Strategy
Report From:	Director of Hampshire 2050

Contact name: Laura McCulloch

Tel: **Email:** laura.mcculloch@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide an update on Local Nature Recovery Strategies, and set out the role and responsibilities of the responsible authority in respect of preparing a Local Nature recovery Strategy for its area.

Recommendations

2. That the additional statutory responsibilities the County Council must undertake following its appointment by the Secretary of State as the responsible authority pursuant to Section 105 of the Environment Act 2021 be noted.
3. That authority is delegated to the Director of Hampshire 2050 to develop the Strategy across the organisation in partnership with stakeholders, noting that the Strategy will go to Cabinet for approval.

Executive Summary

4. This paper seeks to:
 - set out the background to Local Nature Recovery Strategies;
 - highlight the role and responsibilities of the County Council as responsible authority and;
 - consider the finances associated with this additional statutory responsibility.

Contextual information

5. Local Nature Recovery Strategies (LNRS) are an important part of an ambitious package of measures introduced by the Environment Act to reverse nature's decline. These include Environmental Improvement Plans, Biodiversity Net Gain (BNG), Species Conservation Strategies and Protected Sites Strategies, and conservation covenants. The LNRS has been designed to work with all these measures, and to help link them together in a coherent and effective way.

6. LNRS are a new system of spatial strategies for nature recovery, covering the whole of England. In short, they are a key mechanism for planning and delivering the National Nature Recovery Network.
7. Each strategy will:
 - map the most valuable existing habitat for nature;
 - map proposals for creating or improving habitat for nature and wider environment goals;
 - agree priorities and targets for nature's recovery; and
 - support the delivery of wider environmental objectives.
8. The LNRS will be used to:
 - channel investment into local priorities for protection and enhancement, such as the Environment Land Management scheme;
 - map areas of opportunity for the use of “nature-based solutions” to wider environmental problems like flooding, climate change mitigation and adaptation or poor water quality;
 - guide mandatory biodiversity net gain investments; and
 - provide a source of evidence for local planning authorities, helping these authorities understand locations important for conserving and enhancing biodiversity.
9. Defra funded five Local Nature Recovery Strategy pilots that ran from August 2020 to May 2021. The pilots were set up to help better understand how to go about preparing a Local Nature Recovery Strategy, what a Local Nature Recovery Strategy might look like and how Local Nature Recovery Strategies interact with other planning processes at a local level. Lessons learnt from the pilots have been collated and have been considered alongside responses to the public consultation held at the end of 2021 in Government’s preparation of the regulations and guidance.

Hampshire County Council’s role

10. The Secretary of State for Environment, Farming and Rural Affairs has appointed a ‘responsible authority’ to lead the production of each Strategy. These are public bodies with a strong knowledge of the local area and established democratic mandates, ensuring the necessary legitimacy and status to lead the process. There will be 48 Strategies in total to cover the whole of England.
11. The County Council has received written confirmation from the Secretary of State that it is appointed as the responsible authority under Section 105 of the Environment Act 2021 for the Hampshire area, including the unitary authority areas of Portsmouth and Southampton. The Isle of Wight Council will fulfil the same role for the Island.
12. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 came into force on 13 April 2023 and set out the procedures relating to the Local Nature Recovery Strategies.

13. One of the key aspects the Regulations cover is the role of the supporting authority. Supporting authorities are any local authority or national park authority within the Strategy area, along with Natural England. For Hampshire, the two city unitary authorities, two national parks and eleven district and borough councils are the supporting authorities.
14. The regulations require the responsible authority to take reasonable steps to involve all supporting authorities in the preparation of the LNRS. The County Council must provide the supporting authorities with all relevant information, ensure they are aware of how to contact us, and have regard to their views.
15. The Regulations set out the points at which the supporting authorities need to be engaged in the process and consulted on the draft LNRS. There are provisions within the Regulations should the supporting authorities have concerns about the draft LNRS and how it was prepared, enabling them to raise objection which must then be referred to the Secretary of State. Similarly, when the responsible authority comes to publishing the LNRS, supporting authorities have the ability to refer to the Secretary of State if they consider it to be materially deficient.
16. Hampshire has one of the most complex areas in terms of the number and type of supporting authorities. Whilst engagement has commenced with the supporting authorities, ongoing close partnership working is going to be a key consideration when determining the engagement strategy and governance for the LNRS.
17. In addition to the Regulations, statutory guidance was published in March 2023 which explains what information responsible authorities should include in a LNRS. It explains what the law requires and gives additional information that the government wants the strategies to include.
18. It applies to any public body appointed as a 'responsible authority' by the Defra Secretary of State to produce a LNRS for a specific area of England. It can also help prospective partner organisations to understand what the strategy should contain. By law, responsible authorities must 'have regard' to this guidance when deciding what information to include in their strategy. This means they must read and consider the guidance and take it into account when preparing, publishing, reviewing and republishing their strategy. They do not need to follow it rigidly but any deviation from it should be exceptional and would need to be justifiable.
19. The LNRS will link to a number of the County Council's existing Strategies, including the Public Health Strategy, Economic Strategy, Strategic Asset Management Plan and Hampshire 2050 Vision, along with the emerging Environment Strategy. It will therefore have reach across the organisation.

Finance

20. Defra is providing each responsible authority with funding to enable it to deliver the LNRS in the required timescales. The funding formula is based on the number and type of supporting authorities in the LNRS area and the number of farm businesses, recognising that these are resource intensive to engage with. Defra acknowledges that the Hampshire area is particularly complex with the

number of supporting authorities, Areas of Outstanding Natural Beauty, and neighbouring responsible authorities¹ to engage with.

21. The funding settlement for Hampshire is expected to be £388,000 over two years, with £207,000 in 2023/24 and £181,000 in 2024/25, however the final settlement is expected to be confirmed shortly. The funding can be moved between financial years. The expectation from Defra is that the LNRS is delivered in 12 to 18 months.
22. Once the LNRS is in place there is a requirement for the responsible authority to review, update and republish the Strategy every three to 10 years, subject to instruction from the Secretary of State. The letter confirming the County Council's appointment as responsible authority stated that 'the review and publication process set out in the LNRS Regulations will be accompanied by additional funding commensurate to the task at that time'.

Consultation and Equalities

23. There will be a need for significant engagement and consultation as part of the process of preparing the LNRS, including supporting authorities and neighbouring responsible authorities, partners such as the Local Nature Partnership and the Hampshire and Isle of Wight Wildlife Trust, farmers and landowners, local interest and community groups, and the general public. An Engagement Strategy will be prepared to set out how this will be achieved.
24. The decision sought in this report will not reduce the scope of the service provided or have any impact on service users or the individuals working on the service, so has been assessed as having a neutral impact on groups with protected characteristics.

Climate Change Impact Assessments

25. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
26. The tools to assess specific impacts on climate change adaptation and mitigation were found not to be applicable on the grounds that the decision relates to the new statutory responsibility to prepare a Local Nature Recovery Strategy. However, the LNRS is expected to include the wider environmental benefits of nature recovery, including nature-based solutions that counter the effects of climate change, such as natural flood management. The pilots have shown the potential for LNRS to bring together land use planning and land management. For example, they've identified woodland to store carbon, reduce

¹ The neighbouring responsible authorities are Dorset Council, Wiltshire Council, Royal Borough of Windsor and Maidenhead (on behalf of Berkshire), Surrey County Council, West Sussex County Council and Isle of Wight Council.

flooding and cool urban areas; and peatlands, which absorb then store water while capturing carbon dioxide, contributing to Net Zero targets. Whilst the possibilities for Hampshire are not yet known, the LNRS will undoubtedly have a positive impact in respect of climate change.

Climate Change Adaptation

27. The LNRS, once prepared, will help to identify nature-based solutions to help counter the impacts of climate change and therefore will be a key tool in helping to ensure Hampshire's natural environment can adapt to the changing climate.

Carbon Mitigation

28. The LNRS, once prepared, will help to identify opportunities for carbon mitigation and therefore will have a positive impact in this respect.

Conclusions

29. The County Council has been appointed by the Secretary of State as the responsible authority, under Section 105 of the Environment Act 2021, to prepare a Local Nature Recovery Strategy for Hampshire, including the areas of Portsmouth and Southampton.
30. Preparation of the Strategy is expected to take between 12 and 18 months and will require a significant amount of engagement with supporting authorities (the local authorities within the Strategy area), Natural England, neighbouring responsible authorities, farmers and landowners, interested partners and community groups, and the public.
31. The County Council is expected to be granted £388,000 by Defra to undertake the LNRS, split between the financial years of 2023/24 and 2024/25.
32. Early work has commenced across the County Council on how the Strategy is to be prepared, and initial stakeholder engagement has taken place. The work will now be developed under the leadership of the Director of Hampshire 2050 working across the organisation and in partnership with stakeholders, with the Strategy to be presented to Cabinet for approval.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The decision sought in this report will not reduce the scope of the service provided or have any impact on service users or the individuals working on the service, so has been assessed as having a neutral impact on groups with protected characteristics.