

## Motion to regret the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023

Briefing from Wildlife and Countryside Link, ahead of debate on 10.07.23

### Executive summary

- The success or failure of Local Nature Recovery Strategies will help determine whether we hit Environment Act targets, including the crucial target to halt the decline in species abundance by 2030.
- The publication of Local Nature Recovery Strategies regulations and accompanying statutory guidance is welcome and will allow LNRS work to get underway across England.
- However, the published regulations and guidance omit measures that would connect LNRSs together to effectively contribute to the delivery of central Environment Act targets. Ministers also need to commit to a central digital platform for all LNRSs and to address the lack of weight that plans have in the planning system.
- The omissions should be rectified through further guidance, and Government acceptance of an amendment to the Levelling Up & Regeneration Bill, to realise the full potential of LNRSs to help deliver nature's recovery.

### Background

Baroness Willis of Summertown has tabled a motion regretting that the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 and accompanying guidance give insufficient clarity of purpose, impacting on the achievement of the Government's environmental targets. This regret motion is due to be debated on 10 July.

Local Nature Recovery Strategies (LNRSs) legislated for in the Environment Act 2021, are documents setting out spatial strategies for nature's recovery in a local area. The regulations came into force in April 2023 and set out the procedure to be followed in the preparation and publication, review and republication of LNRSs.<sup>1</sup> The regulations were accompanied by the publication of statutory guidance for local authorities on what to include in a LNRS.<sup>2</sup>

LNRSs have a hugely important role to play in delivering on the targets set out in sections 1 to 7 of the Environment Act<sup>3</sup>, and the commitment to protect 30% of land for nature by 2030.<sup>4</sup> The regulations and guidance are required for LNRS work to commence, as such their publication (which had been scheduled for 2022) is welcome. Some parts of the regulations and guidance have been welcomed by eNGOs as embodying a high-ambition approach to LNRS preparation, such as the stipulation in the guidance that Local Wildlife Sites should be included in the Local Habitat Map within the LNRS.

<sup>1</sup> <https://www.legislation.gov.uk/uksi/2023/341/introduction/made>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1146160/Local\\_nature\\_recovery\\_strategy\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146160/Local_nature_recovery_strategy_statutory_guidance.pdf)

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

<sup>4</sup> [https://www.wcl.org.uk/docs/WCL\\_2022\\_Progress\\_Report\\_on\\_30x30\\_in\\_England.pdf](https://www.wcl.org.uk/docs/WCL_2022_Progress_Report_on_30x30_in_England.pdf)

Despite these positive measures, a number of elements essential to the successful delivery of LNRs are currently missing from the regulations and guidance. We set out these omissions below and urge the Government to swiftly rectify them through the publication of further guidance on LNRs, and by Government acceptance of an amendment to the Levelling Up and Regeneration Bill.

### **Omission: Connectivity**

It is essential that LNRs integrate together, connecting up important sites for nature across England to form a functioning national Nature Recovery Network<sup>5</sup>, providing “*more, bigger, better and joined up*” spaces for nature as recommended by the Lawton Review of wildlife sites.<sup>6</sup> This core vision of local strategies working together to contribute to nature recovery at a national level was strongly supported by respondents to the Local Nature Recovery Strategies consultation 2021<sup>7</sup>, held to inform the regulations and guidance.

Frustratingly, this crucial connectivity aspect is not sufficiently embodied in the published regulations and guidance. Neither contain robust mechanisms to align different LNRs behind shared nature recovery goals. Whilst regulation 3 designates Natural England as a supporting authority for LNRs, this role is collaborative rather than directional, equivalent in status to an authority neighbouring the core LNR area. There is no directive factor to guarantee that habitat restoration across the 48 LNRs in England, from the amount of peat rewetted to the type of trees planted, aligns with what Environment Act targets require. All restoration is to be locally determined and then added together in a ‘hope a pray’ scenario, hindering LNRs from being a useful tool in mapping the delivery of targets.

This omission needs to be rectified by providing central direction for LNRs, to deliver real quality control for individual plans, harmonise the objectives of neighbouring plans and accrue progress from all plans towards Environment Act targets. Such incitement to connected, high-ambition-driven LNRs could follow the precedent traditionally used for housing delivery, with regional habitat recovery targets set from the centre which LNRs would then have to work together to deliver. The Government should swiftly publish further statutory guidance to give effect to this connective approach, focusing LNR activities on delivering core Environment Act targets.

A further connectivity issue is presented by insufficient measures in the regulations and guidance to ensure LNRs connect together across political boundaries. There is no way, for example, to ensure that woodland corridors extend across counties or landscapes are cohesive across several authorities. This will limit the ecological impact of the strategies.

### **Omission: A shared digital platform**

Regulation 19 requires local authorities to publish adopted LNRs on their website. Whilst the commitment to transparency is welcome, the publication of LNRs on a host of different websites will make it more difficult to access environmental information they contain, fragmenting the national picture and further hindering connectivity between LNRs.

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<sup>5</sup> <https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>

<sup>6</sup> [https://webarchive.nationalarchives.gov.uk/ukgwa/20130402170324mp\\_/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf](https://webarchive.nationalarchives.gov.uk/ukgwa/20130402170324mp_/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf)

<sup>7</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1144410/Local\\_nature\\_recovery\\_strategies\\_-\\_the\\_preparation\\_process\\_and\\_contents\\_government\\_response\\_and\\_summary\\_of\\_responses.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1144410/Local_nature_recovery_strategies_-_the_preparation_process_and_contents_government_response_and_summary_of_responses.pdf)

A national online presence, bringing all LNRSs into one platform, will help greater connectivity to take place, as well as making it easier for businesses and people to access LNRS priorities and to seek to contribute to them. Such a shared digital platform could evolve to be interactive, allowing data to be regularly and easily shared between LNRSs, to the benefit of nature recovery as a whole.

A central LNRS digital platform, enabling greater data-sharing between, transparency on and public engagement with LNRSs, could still be delivered. Regulation 17 requires LNRSs to be published in an editable electronic format, to allow for possible editing together with parts of other LNRSs. This connective principle should be built upon – further guidance should commit Defra to creating and maintaining a dynamic digital platform covering all LNRSs.

The provision of this central platform will require additional funding, separate from the £14 million for LNRS set up announced by Defra on 30.06.23.<sup>8</sup>

### **Omission: Weight for LNRSs within the planning system**

Under the wording of the Environment Act, authorities are only required to have regard to LNRSs when making decisions as part of a general duty to consider biodiversity, a weak duty which fails to give LNRSs practical purchase in the planning system.<sup>9</sup> Attempts to amend this to require a stronger duty, made during the Act's passage through the Lords in 2021<sup>10</sup>, were resisted by Ministers.

This lack of dedicated, proactive space for LNRSs within material planning considerations opens the door to LNRS failure. It means that a LNRS could map sites essential to nature's recovery in a local area, only for the local authority to reject the recommendations and allocate these sites for development, all the while technically complying with its duty to give 'regard' the LNRS as part of the general biodiversity duty. A lot of time and effort could be wasted and opportunities to recover nature on the ground missed.

The Government has not announced any measures to connect LNRSs with Environmental Land Management (ELM) schemes, which could have provided a financial means of giving effect to LNRS recommendations on the ground. This leaves the planning system as the only mechanism to ensure that LNRSs actually have an impact. The lack of a robust hook for LNRSs onto the planning system thereby significantly reduces opportunities for real-world LNRS impacts.

This problem, originating in a failure on the part of Government to listen to feedback during the passage of the Environment Act, is best addressed through primary legislation. An amendment tabled to the Levelling Up and Regeneration Bill would achieve this by requiring local development plans to incorporate policies that would deliver the objectives of the relevant LNRS. This amendment<sup>11</sup>, tabled by Baroness Parminter and other peers is

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<sup>8</sup> <https://www.gov.uk/government/news/putting-nature-on-road-to-recovery-with-species-survival-fund>

<sup>9</sup> <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>

<sup>10</sup> [https://www.wcl.org.uk/docs/assets/uploads/LNRS\\_Amendment\\_to\\_Environment\\_Bill\\_Link\\_briefing\\_May\\_2021.pdf](https://www.wcl.org.uk/docs/assets/uploads/LNRS_Amendment_to_Environment_Bill_Link_briefing_May_2021.pdf)

<sup>11</sup> <https://bills.parliament.uk/publications/51425/documents/3768>

due to be debated at the Bill's report stage from 11 July, following strong crossbench and cross-party support for the proposals at committee stage.<sup>12</sup>

In the words of Baroness Parminter, the amendment

*"Would give people the confidence that when they—all these farmers, landowners, local community groups and environmental groups—invest all that time and put the effort in to put the Local Nature Recovery Strategies together, they will be listened to. That is what the amendment does. It does not say that nature must be above absolutely everything else. It just puts it on a level."*<sup>13</sup>

The Government should accept this amendment to the Levelling Up and Regeneration Bill and issue new guidance setting out how local authorities can deliver LNRS objectives, in ways the local authority feels best, through local development plan policies. This will ensure that LNRSs do not become weak 'documents on a shelf' and instead have sufficient planning weight to inform strategic and day-to-day decisions, to tangible effect for nature.

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*Wildlife and Countryside Link ([Link](#)) is the largest nature coalition in England, bringing together 75 organisations to use their joint voice for the protection of the natural world.*

*For questions or further information please contact:*

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<sup>12</sup> <https://www.wcl.org.uk/docs/Briefing%20for%20LURB%20Lords%20committee%20-%20Nature%20recovery%20-%2014.03.23%20version.pdf>

<sup>13</sup> <https://hansard.parliament.uk/Lords/2023-03-27/debates/C271DFE5-FD43-4717-82ED-10D4FF01D369/Levelling-UpAndRegenerationBill>