

Making Local Nature Recovery Strategies deliver: please support Amendment 29

A policy briefing prepared ahead of the final Commons Report stage debate on the Environment Bill, on 26 May 2021.

*Please support **Amendment 29** to make nature recovery a reality.*

Why this amendment matters:

- *Local Nature Recovery Strategies (LNRSs), mandatory from next year, are a powerful tool to capture the natural environment priorities of councils, NGOs and communities for their local area;*
- ***Amendment 29** upgrades the duty from 'have regard' to a LNRS to 'act in accordance' with a LNRS;*
- *Without this amendment, all the good work done on LNRSs risks going to waste, as they won't necessarily be effectively integrated to local plans and programmes;*

This briefing provides further information on:

- *The background to Local Nature Recovery Strategies, what they are and how they work;*
- *Why **Amendment 29** is vital to allow LNRSs to fulfil their promise;*
- *The benefits of integrating LNRSs into other local plans and programmes, to ensure effective and efficient policy delivery.*

Background

Local Nature Recovery Strategies will be a local-level, data-driven instrument to identify and prioritise opportunities for nature recovery. They are likely to be at the county level but will cover the whole of England. Once developed, they will then have multiple roles including being a mechanism for targeting funding, such as Biodiversity Net Gain (BNG), Environmental Land Management (the Local Nature Recovery component) and the Nature for Climate Fund. Furthermore, they could play a critical role in shaping land use policy if given teeth through a strong duty. Without that strong duty, their impact could be minimal. They will also be important for building partnerships to deliver nature's recovery.

Those local authorities that are nominated by the Secretary of State will be obliged to develop LNRSs and the process will involve stakeholder consultation across a broad range of sectors. This means that there will be a democratic mandate, through the elected local authorities, and wider buy-in from a range of stakeholders who will then 'own' the process. If developed and supported effectively, the chances of successfully delivering recovery at a local scale should be considerably improved.

- The Environment Act is the framework legislation, creating an overarching legal mechanism. Much of the detail of what and how will come through secondary legislation and policy;
- Guidelines will be drawn up in Autumn once Environment Bill is enacted. These will be:
 - Statutory guidance on the content of LNRSs (clause 99) and;
 - Regulations regarding the preparation of LNRSs (clause 96);
- There are five pilots testing the process, which are due to end May 2021.

The LNRSs throughout England will be formed locally but should join up to create the national Nature Recovery Network. The Nature Recovery Network is not in the Environment Bill but comes from the *25-Year Plan* to enable recovery of nature. It is a network to a) support nature recovery, b) coordinate and deliver other environmental benefits, such as water and carbon, and c) enable improved access for people and communities.

- LNRSs are intended to help coordinate BNG through local planning and have the potential to ensure that the benefits of its delivery are maximised for nature's recovery by highlighting local opportunities;
- With the correct coordination, they will be an obvious framework to help direct the Local Nature Recovery component of E.L.M., currently known as Future Schemes;
- Provided there is a link up of policies, they should help deliver Government targets such as 30,000 hectares of new woodland a year by 2025.

Local Nature Recovery Strategies will be an essential tool in restoring the natural environment. To be ecologically coherent and cost-effective, environmental decision-making must be targeted and tailored according to local circumstances. At the moment, local authorities have no single spatial plan to guide relevant decisions to improve the environment. LNRSs will provide the mapping and planning information necessary to do this effectively. They will be based on sound and reliable data, collected and managed through locally accountable processes.

Why we need Amendment 29 to make LNRSs fulfil their potential

However, there is a weakness that would render the plans ineffective: the duty to use the strategies is very weak. As the Environment Bill stands, public authorities will have a duty to 'have regard' for enhancing nature.

- This would mean that it would be possible to expend time and effort to create an LNRS but, as with the Natural Environment and Rural Communities Act 2006, potentially ignore it when it comes to planning decisions.

Amendment 29, which will be considered at report stage in the Commons on 26 May, proposes a strengthening of the duty to ensure public authorities 'act in accordance' with any relevant LNRS.

- This would ensure that LNRSs have to be embedded in all public authority strategic planning and decision making;
- An example would be inclusion of LNRSs into local plans, ideally through a legal requirement that local plans must be in conformity with the area's LNRS. This would place restrictions on the extent of development within a LNRS priority area and ensure that any such development would positively contribute to nature recovery;
- Support the protection of sites that should be no-go areas for development;
- Help target BNG and other contributions from development to support nature's recovery.
- Looking ahead, given sufficient sway in the planning system, LNRSs have the potential to be an important tool of strategic coordination and prioritisation.

Local Nature Recovery Strategies will not deliver their potential without public authorities having to act in accordance with them: that is why Amendment 29 is vital.

FAQs on why an integrated LNRS is the best way to deliver nature recovery

How will LNRSs grow the Nature Recovery Network?

- Local Nature Recovery Strategies will be a local network of nature recovery opportunities, which, when linked across local authorities, should form a cohesive national Nature Recovery Network. A complete network requires action from all local authorities and successful delivery of the network will be dependent on 'acting in accordance' with LNRSs, which Amendment 29 would secure.

How could LNRSs coordinate Biodiversity Net Gain and Future Schemes in the areas they cover?

- The habitat maps and statements of priority produced by LNRSs will be used to guide local BNG opportunities to where delivery might have the greatest strategic impact for nature. They should also be guides for wider environmental investments as part of a green recovery, including nature-based solutions to climate change and as part of a potential National Nature Service;
- Integration of Future Schemes with LNRSs should allow funding of the higher levels of the schemes, in particular the Local Nature Recovery component, to be directed towards the actions and opportunities that will most effectively deliver on local and national priorities. In particular, to where that means coordination, cooperation and connectivity across farmland that falls within LNRS opportunity areas.

Can LNRSs help deliver the Government target of 30,000 hectares new woodland a year by 2025?

- With the planned roll out of LNRSs from spring 2022, they should be in place before 2025;
- There is public appetite for tree planting, which means that LNRSs will include opportunities for afforestation, hedgerow replanting and urban tree planting;
- LNRS can help ensure that the benefits of tree planting are maximised for nature by helping to ensure that the right type of tree ends up being planted in the right place, so ensuring that tree planting is not to the detriment of other key habitat types and their connectivity.

What would giving 'having regard' to LNRSs (currently proposed by Environment Bill) involve for local authorities? What are the dangers of this approach?

- As it currently stands, 'having regard' would ensure that LNRSs are considered to comply with the duty to 'have regard' to the need to enhance nature. This means that once they have been considered, they can subsequently be ignored in planning decisions because LNRSs are not binding;
- There is then the danger that local authorities are obliged to develop LNRSs and expend precious resources, only to see the effort wasted because they have little influence on real decision making.

What would giving 'acting in accordance' to LNRSs (proposed by Amendment 29) involve for local authorities? What extra duties would it impose compared to just 'having regard'?

- Amendment 29 would require all public authorities to act in accordance with any relevant LNRS in the exercise of their duties, including statutorily required planning and spending decisions;
- This means that there would be a legal obligation to act to enhance nature within the LNRS when planning decisions are made as opposed to simply considering them. With the upcoming planning bill ensuring LNRS have appropriate weight in decision making is key.

How would the 'acting in accordance' change ensure that LNRSs work better?

- 'Acting in accordance' will place LNRSs at the heart of all public authority spatial planning and decision making;
- This will ensure that the planning and decision making process will include space for nature and proactively enable nature's recovery from critical decline.

What impact would 'acting in accordance with' have on planning decisions?

- A strengthening of duty would see LNRSs embedded in local plans and would safeguard land for nature's recovery by directing development away from key nature areas. In areas where there is development, it would have to be amenable to nature recovery, ensuring connectivity across the LNRS;
- A strengthening of duty would ensure that LNRSs would be forefront of planning decisions;
- This will empower planners, and support developers and other stakeholders to deliver for nature everywhere.