

Devon Local Nature Recovery Strategy

Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be asked to:

- (a) formally confirm the County Council's appointment as responsible authority for the preparation of a Local Nature Recovery Strategy (LNRS) for the Devon LNRS area, including Plymouth and Torbay,
- (b) mandate officers to establish appropriate governance and operational arrangements to enable the preparation, publication and future review and republication of the Devon LNRS through engagement with the defined supporting authorities, a wide range of stakeholders and neighbouring authorities, and
- (c) approve expenditure of the new burdens funding allocated by central government for this purpose.

2) Background / Introduction

The Environment Act 2021 provides the UK's new framework of environmental protection. This includes a requirement for the production of LNRS documents which will cover the whole of England with the purpose of setting out the approach to nature recovery and support the delivery of national environmental targets and local environmental priorities.

On 26 June 2023 Devon County Council was advised by the Department of Environment, Food and Rural Affairs (Defra) of its appointment as the authority responsible for preparing a Devon LNRS under section 105 of the Environment Act. The Secretary of State's letter to Devon County Council is attached as Appendix 1 to this report.

This report outlines the expectations of this role, the process to be followed in the production of the Devon LNRS and the resources made available by government to support this.

3) LNRS Preparation

Since the publication of the first 25 Year Environment Plan in 2018, there has been a significant shift in environmental policy, underpinned through a new legislative framework set out by the Environment Act 2021. This included the adoption of legally binding targets

for environmental improvement and, in January this year, the release of the government's Environmental Improvement Plan. A key approach to the delivery of this national ambition is through the preparation and implementation of Local Nature Recovery Strategies. Their intended purpose is to:

- establish priorities and map proposals for specific actions to drive nature recovery and provide wider environmental objectives;
- target relevant sources of funding, including those made available through Environmental Land Management and Biodiversity Net Gain;
- guide the approach to environmental protection and nature recovery through local planning processes; and
- support effective collaborative approaches to nature recovery through the public, private and voluntary sectors.

Although each LNRS is to be prepared independently, the intention is that each should have a similar purpose and a common set of contents. These expectations are set out through the relevant Regulations and Statutory Guidance published in March this year.

A national launch for LNRS preparation was staged in late June. This included publication of a map of 48 individual LNRS areas which, collectively, cover the whole of England, alongside a corresponding list of the 'responsible authority' tasked with leading the preparation of each of these. Devon County Council is identified as the responsible authority for the LNRS area covering all of Devon, including the extent of the eight District Councils, plus the Unitary Authority areas of Plymouth and Torbay. All of these local authority partners, along with the two National Park Authorities and Natural England have been statutorily recognised as 'supporting authorities'. In recognition of this joined-up approach, agreement has been reached on the adoption of the working title, '*Devon LNRS – A Joint Strategy for Devon, Plymouth and Torbay*'.

In line with earlier guidance from Defra, a significant amount of advance work has been undertaken in preparation for the development of a Devon LNRS. This has included extensive communication with partners, including a full day Conference for 220 people staged in June this year with the Devon Local Nature Partnership (LNP). A governance structure involving supporting authorities and the Devon LNP is being established. Initial mapping of nature recovery priorities across Devon has been developed. A brief explanatory video has been produced, which is available via You Tube at:

<https://youtu.be/Ttfs9B-qoaI?si=yV2p2X62PR17HAVW>

There is no mandatory timetable for the preparation of the initial LNRS; however, the Defra expectation is for completion within a 12 to 18 month period. Set out below is the current indicative timetable for this work in Devon.

When	What
Summer/autumn 2023	Specialists engaged to collate relevant information and commence the early drafting
	Ongoing work on mapping of nature recovery priorities
Autumn 2023	Staging of workshops on specialist topics and with key delivery partners
End November 2023	Agree on environmental priorities and opportunities for inclusion in the LNRS
End December 2023	Agree on actions and mapping
January / February 2024	Finalise the write up of the draft strategy
March 2024	Initial consultation with supporting authorities and possible staging of conference
April 2024	Formal consultation
May 2024	Revise content of draft LNRS
June 2024	Publish LNRS

4) Options / Alternatives

The main consideration of options or alternatives in relation to the how LNRS documents should be prepared and implemented has already been undertaken by Defra, informed by a series of consultations and stakeholder engagement. These issues have now been finalised through the LNRS Regulations, Statutory Guidance and national ‘launch’.

Although a clear national framework for the development of LNRSs has been established, the detailed approach to such work is being undertaken locally. This will include the definition of local targets and mapping of local nature recovery priorities. There will also be some local discretion in the scope of the document; a key issue for Devon will be the extent to which marine interests are incorporated. Such decisions will be taken through the governance structures developed for the LNRS, which will represent the responsible and supporting authorities and the wider interests of the Devon Local Nature Partnership.

5) Consultations / Representations / Technical Data

As indicated above, national consultation and stakeholder engagement on the approach to the development of LNRSs was led by Defra. National data sets have been compiled by Natural England and made available locally to inform this process.

The preparation and future implementation of the Devon LNRS is a collaborative process, with formal roles defined for the responsible and supporting authorities, who are directed to engage with a wide range of local stakeholders and neighbouring authorities. The manner and likely timing for such engagement and consultation is set in the table in section 3.

6) Strategic Plan

The preparation of the Devon LNRS aligns very closely to the priority set out in the Council’s Strategic Plan 2021-25 to **respond to the climate emergency**. The most direct

and obvious intent, under the expressed theme of ‘making Devon greener’, is to help wildlife and landscapes recover. The LNRS will demonstrate how the restoration and re-creation of habitats will sequester carbon, support approaches to climate adaptation, as well as offering a wider range of nature based solutions to issues such as flooding, air and water quality, sustainable management of soils etc. However, there is a clear government expectation that the LNRSs should also strongly highlight how nature recovery will also support wider social and economic priorities. So, it will be important for the Devon LNRS to set out how it will contribute to the Strategic Plan priorities to **support sustainable economic recovery** by prompting opportunities for green growth and to **improve health and wellbeing** by re-connecting people with nature.

7) Financial Considerations

Central government funding to support the development of LNRSs has been agreed as part of a ‘new burdens assessment’ of the new statutory duties introduced by the Environment Act 2021. Through the LNRS launch in June this year, Defra announced the level of revenue funding to be provided through each responsible authority. Devon has been allocated £388,000 over a two-year period, with this provided as a Section 31 grant to DCC. This funding will be used to cover the dedicated staffing and contractor input needed to support the preparation of the Devon LNRS, along with all other costs incurred through stakeholder engagement and through its publication. Although this funding will be directly managed through DCC budgets, decisions on its allocation will need to be taken in liaison with the supporting authorities.

8) Legal Considerations

The preparation of the Devon LNRS is a new statutory responsibility prescribed by the Environment Act 2021. DCC has been assigned the role of ‘responsible authority’ and tasked with leading this process across the Devon LNRS area.

There are several new and associated statutory responsibilities introduced by the Environment Act 2021 which DCC is required to discharge, most notably:

- a strengthened ‘biodiversity duty’, through which the authority must consider and report on how it is contributing to the enhancement of biodiversity; and
- the mandatory introduction of ‘biodiversity net gain’, which will require almost all new development regulated through the planning system to demonstrate the delivery of a minimum of a measurable 10% increase in biodiversity interest. It should be noted that this requirement has not yet been brought into force, and further information is awaited from Central Government in relation to the implementation of this requirement.

One of the roles of the Devon LNRS will be to guide and support the delivery of these new requirements.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

As its name suggests, the specific purpose of the Devon LNRS will be to facilitate and guide the delivery of nature recovery across Devon, Plymouth and Torbay. Whilst the clear

focus is on the enhancement of our natural environment, there is a strong government expectation that such action will also contribute positively to climate change mitigation and adaptation and to wider socio-economic interests, including green growth and public health and wellbeing. No statutory impact assessment is required; however, DCC approaches will be followed to guide the preparation of the Devon LNRS and its future adoption by DCC and the supporting authorities.

10) Equality Considerations

Where relevant, in coming to a decision the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding

in relation to the protected characteristics (age, disability, gender reassignment, marriage and civil partnership (for employment), pregnancy and maternity, race/ethnicity, religion or belief, sex and sexual orientation).

A decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

The decisions sought from Cabinet at this very early stage in the preparation of the LNRS do not have any specific implications for equality issues. As such, no Impact Assessment has been produced. Instead, consideration will be given to equality issues in developing the detailed content of LNRS, with the required Impact Assessment produced prior to its future intended adoption by DCC.

11) Risk Management Considerations

Given the collaborative manner in which LNRSs must be prepared and agreed by the responsible and supporting authorities, government has recognised the potential risk for dispute and objections to be raised. The LNRS Regulations set out a formal procedure to manage this risk; if required, any objections may be referred for resolution through the Secretary of State.

Other potential risks will be identified and kept under review through the overall project management approaches and governance arrangements put in place for the preparation of the LNRS.

12) Summary / Conclusions / Reasons for Recommendations

Approval of the recommendations in this report will facilitate the development of a new approach to nature recovery and associated environmental priorities across Devon. In confirming its appointment as responsible authority, the County Council will take on the lead

role in the preparation of the Devon LNRS in collaboration with supporting authorities and all other relevant stakeholders. The funding provided by government will enable the appointment of dedicated staffing and specialist input required to progress the preparation and publication of the Devon LNRS on behalf of all relevant parties.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Divisions: All

Cabinet Member for Climate Change, Environment and Transport: Councillor Andrea Davis

Local Government Act 1972: List of background papers

Nil

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Devon Local Nature Recovery Strategy – Final

Appendix 1 to CET/22/70



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Ms Donna Manson
Chief Executive, Devon County Council
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26 June 2023

Dear Donna,

Appointment as Local Nature Recovery Strategy responsible authority

I am writing to appoint your authority, Devon County Council, as the authority responsible for preparing a Local Nature Recovery Strategy (LNRS) for Devon LNRS area, under section 105 of the Environment Act 2021. LNRS are one of the Government's flagship new nature recovery measures and we expect them to make an important contribution to delivering national environmental targets and objectives as well as local environmental priorities.

Your responsibilities under the Act

Devon County Council is 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](#). LNRSs are designed to be collaboratively developed and therefore it is expected that your organisation will work with others to support you in preparing your LNRS, but your organisation has overall responsibility for publication and adherence to the Regulations.

The Regulations set out a particular role for supporting authorities in the LNRS process. I encourage you to engage them at the earliest opportunity. The supporting authorities in your area are:

- East Devon District Council;
- Exeter City Council;
- Mid-Devon District Council;
- North Devon District Council;
- South Hams District Council;



- Teignbridge District Council;
- Torridge District Council;
- West Devon District Council;
- Plymouth City Council;
- Torbay Council;
- Dartmoor National Park Authority;
- Exmoor National Park Authority; and
- Natural England.

In addition to working with a wide range of stakeholders in your area, you should also seek to align and join-up with neighbouring LNRSs and organisations. I anticipate that the process of preparing a LNRS will take between 12 and 18 months to allow for a sufficiently collaborative process.

In preparing your LNRS, you should have regard to the [LNRS Statutory Guidance](#) which sets out what a LNRS should contain.

How government will support you

Government has committed to funding the new burdens that arise from the Environment Act 2021. Funding for the first iteration of LNRSs will be provided through section 31 (of the Local Government Act 2003) grants. The review and republication process set out in the LNRS Regulations will be accompanied by additional funding commensurate to the task at that time.

As required by section 107 of the Environment Act, I will provide nationally held data that will be useful in producing the LNRS. You will be given access to a data viewer presenting a national habitat map and further information I consider useful in preparing the LNRS.

Natural England will support you in preparing the LNRS. This is an enhanced role beyond their statutory role as supporting authority. They will provide access to the wide range of knowledge and expertise that the Defra Group holds.

Please respond to acknowledge your appointment as responsible authorities to localnaturerecoverystrategies@defra.gov.uk. If you have any questions about your appointment, please contact my officials at the same address.

Yours sincerely

Trudy Harrison MP

Parliamentary Under Secretary of State (Minister for Natural Environment and Land Use)
Department for Environment, Food and Rural Affairs