

<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	27 <sup>th</sup> November 2024
<b>Report Title</b>	Kent's Local Nature Recovery Strategy (LNRS) – Role of Swale Borough Council as Supporting Authority
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Joanne Johnson, Head of Place
<b>Lead Officer</b>	Emma Gibson, Planning Officer (Policy)
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To delegate to the Head of Place, in consultation with the Chair of Policy and Resources Committee, the Chair of the Environment and Climate Change Committee and the Chair of the Planning and Transportation Policy Working Group, to confirm to Kent County Council (KCC) that Swale Borough Council is “content” for the Local Nature Recovery Strategy to be issued for public consultation, and following the agreed process, then for publication.</li> <li>2. To agree that this approach apply to all subsequent stages and Local Nature Recovery Strategy refreshes.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report sets out Swale Borough Council’s role in the Local Nature Recovery Strategy (LNRS) process, and the associated timescales.
- 1.2 It requests that delegation be given to the Head of Place, in consultation with the Chair, to confirm to Kent County Council (KCC) that Swale Borough Council is “content” for the Local Nature Recovery Strategy to be issued for public consultation, and then for publication. This is not to agree the Council’s response to the consultation itself.
- 1.3 It requests that members agree that this approach apply to all subsequent stages and Local Nature Recovery Strategy refreshes.

## **2 Background**

- 2.1 Local Nature Recovery Strategies were created under the 2021 Environment Act and are a system of spatial strategies for nature and environmental improvement that will underpin England’s Nature Recovery Network. LNRS provides the opportunity to deliver an ecologically coherent and landscape scale, strategic approach to nature recovery. Local nature recovery strategies map nature recovery actions. They target actions in locations where they are most needed and where they provide the best environmental outcomes. The strategies will help to join up national efforts to reverse the decline of biodiversity. The Local Nature Recovery Strategy for Kent and Medway will be one of 48 in total – together

these will cover the whole of England, with no gaps or overlaps, to deliver the government's commitment to ending the decline of nature and supporting its recovery.

2.2 The purpose of LNRS are that:

- Local Planning Authorities will have a duty of regard to LNRS.
- LNRS will have spatial role in Biodiversity Net Gain (BNG).
- LNRS is expected to play role in Environmental Land Management Scheme (ELM) delivery.
- LNRS will help Identify other Nature based solutions (NbS) and potentially direct funding.

2.3 As spatial strategies, LNRS will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Secondary legislation and statutory guidance, yet to be published will contain the detail, but what we do know is that at a minimum each LNRS will include:

- Agreed priorities for nature's recovery.
- A map of the most valuable existing areas for nature.
- A map of proposals for creating or improving habitat for nature.
- Inclusion of wider environmental goals.

2.4 The planning role for LNRS will be backed by a specific duty on all public authorities to "have regard" to relevant LNRS and a duty for specified public bodies to report every five years on what action they have taken. Each Strategy will also reflect planned or ongoing nature recovery activity, in order to improve integration between existing efforts to improve the environment.

2.5 Wide engagement with landowners and other stakeholders will be the foundation for LNRS along with mapping and strategy. LNRS will provide a source of evidence for local planning authorities to prepare their Local Plans, helping these authorities understand locations important for conserving and enhancing biodiversity.

2.6 The Strategies will be locally led and developed collaboratively through engagement with a wide breadth of stakeholders, including government agencies, local planning authorities, landowners, charities and non-governmental organisations, community groups, utilities, transport, recreation & access, health, education, businesses and developer sector representatives, to establish shared priorities for nature recovery and wider environmental goals.

2.7 The regulations, in full, can be found at [The Environment \(Local Nature Recovery Strategies\) \(Procedure\) Regulations 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2023/1250/contents/matter)

- 2.8 In Kent and Medway, the LNRS is being prepared by KCC, as the “responsible authority”, and its development is run under the banner “Making Space for Nature in Kent and Medway”.
- 2.9 Swale Borough Council has a formal role as a “supporting authority”. The regulations set out that the role of supporting authorities is to review the LNRS before consultation and publication is to “confirm that they are content”.
- 2.10 The Constitution (at 2.8.10.8) delegates authority to all Heads of Service “to respond to consultations on behalf of the Council in consultation with the relevant Committee Chair where appropriate.”
- 2.11 As ‘confirming the authority is content’ is subtly distinct to ‘responding to consultations’, Democratic and Legal Services have advised that Policy and Resources Committee specifically confirm the delegation in relation to the LNRS.
- 2.12 Officers of the Council (Planning Policy Team, Green Spaces Team, Climate and Ecological Emergency Team) have been involved in the LNRS preparation processes to date.
- 2.13 Stages and indicative timescales for the LNRS process are as follows;
- Provision of consultation draft to supporting authorities – 13<sup>th</sup> November to 11<sup>th</sup> December
  - Public consultation – 16<sup>th</sup> January to 12<sup>th</sup> March
  - Pre-publication approval
  - Publication – looking towards mid-May
- 2.14 The process of Swale confirming that they are “content” for the LNRS to be issued for public consultation, and then for publication, is not a requirement of the supporting authorities and that is not the purpose of the review stages. It is just to confirm the authority is “content” with the LNRS.
- 2.15 The two times that KCC will be required to provide the supporting authorities with 28 days to review and “confirm” they are “content” with the draft are:
1. Prior to public consultation – provision of the draft LNRS public consultation document is currently scheduled for early to mid-November, so that the 28 days is concluded before the Christmas break and public consultation can commence in January 2025.

2. Prior to publication - currently scheduled for April/May 2025 but will be dependent on the outcomes of the public consultation and also any limitations LPAs may have with that scheduling because of local elections in May.

2.16 When KCC request confirmation that the “supporting authorities” are “content” with the documents at the two stages above, the Council will only have a 28-day timeframe to confirm. Therefore, requesting delegation to the Head of Place is a pragmatic solution because of the constraints of the member approvals route as Committee cycles are unlikely to fit with these timeframes.

2.17 Also, there is ‘deemed confirmation’ once the 28 days are up if the Council do not respond as if no objections are received by the end of the 28 day period it is determined that public consultation can go ahead.

2.18 This process is wholly distinct to the adoption processes, which legally sits with KCC.

### **3 Proposals**

3.1 To delegate to the Head of Place, in consultation with the Chair of Policy and Resources Committee, the Chair of the Environment and Climate Change Committee and the Chair of the Planning and Transportation Policy Working Group, to confirm to Kent County Council (KCC) that Swale Borough Council is “content” for the Local Nature Recovery Strategy to be issued for public consultation, and following the agreed process, then for publication.

3.2 To agree that this approach apply to all subsequent stages and Local Nature Recovery Strategy refreshes.

### **4 Alternative Options Considered and Rejected**

4.1 Members could choose not to delegate confirmation to the Head of Place, but to take these decisions to committee. This is not recommended as there is a risk that the Council will not fulfil its role as a supporting authority in terms of providing data and required consultation responses to the responsible authority, in a timely manner.

### **5 Consultation Undertaken or Proposed**

5.1 As Swale Borough Council is a supporting authority, it is the role of KCC, as the responsible authority, to consult with all relevant stakeholders with regards to the LNRS.

5.2 Members have been provided with updates regarding the LNRS and Making Space for Nature, through their weekly email updates. In addition, Officers will request that KCC undertake a member briefing prior to the consultation launch

and Members will be provided with the opportunity to comment on the consultation documents.

## 6 Implications

Issue	Implications
Corporate Plan	The proposals in the report align with the following Corporate Plan action: <ul style="list-style-type: none"> <li>Environment - To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.</li> </ul>
Financial, Resource and Property	Although KCC is the responsible authority and will therefore be providing the resource to manage the project, resources and input will be required from several departments across the Council. This can be met within existing budgets.
Legal, Statutory and Procurement	Supporting the LNRS ensures that the Council is adhering to the 2021 Environment Act, where Nature Recovery Strategies have been created.
Crime and Disorder	No implications identified at this stage.
Environment and Climate/Ecological Emergency	Ensuring that the Council engages and responds to issues directly affecting nature and environmental improvement.
Health and Wellbeing	No implications identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.