

Divisions Affected - All

CABINET

10/05/23

OXFORDSHIRE LOCAL NATURE RECOVERY STRATEGY

Report by Bill Cotton, Corporate Director, Environment & Place

RECOMMENDATION

1. The Cabinet is RECOMMENDED to

- Note Oxfordshire County Council's anticipated appointment as Responsible Authority for the Oxfordshire Local Nature Recovery Strategy
- Approve the Governance Structure for the Oxfordshire Local Nature Recovery Strategy

Executive Summary

2. The Environment Act 2021 introduced a requirement to produce Local Nature Recovery Strategies (LNRS). LNRS will be spatial strategies that establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits.
3. The County of Oxfordshire has been identified as a geographical area for a LNRS, and Oxfordshire County Council accepted a nomination from the Department of Environment Food and Rural Affairs (DEFRA) to be the provisional Responsible Authority to lead production of the Oxfordshire LNRS in March 2022. The Council expect to be formally appointed Responsible Authority in May 2023.
4. As Responsible Authority, Oxfordshire County Council will be required under the Environment Act 2021 to prepare and publish the LNRS, and to review and republish it every 3-10 years in accordance with The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023. As Responsible Authority the Council will receive £238,000 over two years to fund work on the LNRS.
5. Taking on the role of Responsible Authority for the Oxfordshire LNRS will enable the Council to take forward our key principle of nature recovery as set out in the Climate and Natural Environment Policy Statement and support the corporate policy to preserve and improve access to nature and green spaces. The LNRS will be key in identifying wider benefits of nature recovery, such as climate

mitigation and adaptation, and therefore aligns closely with the Council's corporate priorities for action to address the climate emergency and tackling inequalities.

6. Approval is sought for the governance structure for the LNRS, through a steering group which is group within the Local Nature Partnership, chaired by Oxfordshire County Council as Responsible Authority. This structure enables collaborative working with a wide range of stakeholders whilst ensuring final decision-making responsibility sits with the Responsible Authority.

Oxfordshire Local Nature Recovery Strategy

7. The Environment Act 2021 introduced a requirement to produce Local Nature Recovery Strategies (LNRS). LNRS will be an England-wide system of spatial strategies that establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. They will agree priorities for nature's recovery, map the most valuable existing habitat for nature, and map specific proposals for creating or improving habitat for nature and wider environmental goals.
8. In March 2022 the Department for Environment Food and Rural Affairs (DEFRA) identified that the county of Oxfordshire is an appropriate geographical area on which to prepare a LNRS. 48 geographical areas have been identified across England.
9. The production of an Oxfordshire LNRS provides a key opportunity to agree shared priorities for nature recovery across a wide range of stakeholders in Oxfordshire. The county has a strong background in collaborative working between nature conservation partners, and in spatial prioritisation of priorities through the identification of Conservation Target Areas (CTAs) and more recently the draft Nature Recovery Network, produced to inform OP2050. The LNRS will provide a critical framework for delivery of environmental aspects of the Oxfordshire Strategic Vision, particularly guiding principle 4.
10. There are a range of ways that LNRS will be delivered both by Oxfordshire County Council and partners. LNRS are intended to provide a focus for off-site biodiversity net gain (BNG) from development as well as having a broader role in the land use planning system as a source of evidence for preparation of Local Plans. LNRS will also support the delivery of wider environmental objectives, for example by mapping opportunities to use 'nature-based solutions' to problems such as flooding, climate change adaptation or poor water quality. It has been indicated that LNRS will be used to identify and prioritise activities eligible for funding under future agri-environment schemes.
11. The Environment Act strengthens the existing duty on all public authorities to conserve biodiversity and includes a specific requirement for all public authorities to 'have regard' to LNRS, and a duty for some public bodies to report every 5 years on what action they have taken.

12. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 were published on 23/03/23 and came into force on 13/04/23. It is understood that letters of appointment of Responsible Authorities will be received in May 2023. It is likely that production of an LNRS will take around 18months – 2 years, although DEFRA have not set a deadline for LNRS production.

Oxfordshire County Council as Responsible Authority

13. The DEFRA Secretary of State will formally appoint a “responsible authority” (RA) to lead production of each LNRS from the list of potential public bodies set out in clause 101 of the Environment Act 2021. Responsible Authorities will be public bodies that have a strong knowledge of the local area and established democratic mandates, ensuring the necessary legitimacy and status to lead a collaborative process with other local partner organisations.
14. In March 2022 DEFRA nominated Oxfordshire County Council as the provisional Responsible Authority for the LNRS for Oxfordshire. Oxfordshire County Council informally accepted this nomination; this was a non-binding agreement made at DEFRA Officer level on the understanding that DEFRA had yet to confirm what funding will be available and local authorities within Oxfordshire had yet to formally consider and agree which body would become the responsible authority. The Future Oxfordshire Partnership (FOP) gave their endorsement for Oxfordshire County Council to continue in the Responsible Authority role In November.
15. Oxfordshire County Council’s Climate and Natural Environment Policy Statement established the Oxfordshire Environmental Principles, including Objective 3: Protect, restore, enhance and create new nature areas and natural capital assets. The LNRS will be a key strategy in applying this principle and the paper recognises the need for Oxfordshire County Council to take a leading role in the Local Nature Recovery Strategy. The LNRS will support the corporate policy to preserve and improve access to nature and green spaces. By identifying wider benefits of nature recovery, such as climate mitigation and adaptation, the LNRS will align closely with the Council’s corporate priorities for action to address the climate emergency and tackling inequalities.
16. As Responsible Authority Oxfordshire County Council will be required to ensure the LNRS is compliant with requirements of the Environment Act 2021 and The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023.
17. The Environment Act indicates that the responsible authority is to prepare and publish the LNRS, and that the strategy is to be reviewed and republished from time to time.
18. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 sets out procedure to be followed in the preparation, publication, review and republication of LNRS. The Regulations include:

- The creation of ‘supporting authorities’ and how they should work with the Responsible Authority. RAs must ‘take reasonable steps to involve’ supporting authorities, ‘have regard’ to their opinions, share information with them and seek their agreement before consultation and publication. In Oxfordshire the supporting authorities are the District and City Councils and Natural England.
 - Requirements for wider engagement, including the need for public consultation
 - The new power for RAs to request information on Local Nature Reserves and Local Wildlife Sites from other planning authorities
 - A process for dispute resolution should RAs and supporting authorities develop different opinions on what should be included in the LNRS
 - A requirement to publish the LNRS and provide it to Defra in a format that allows LNRS to be compiled nationally.
 - Rules for review and publication of the LNRS every 3-10 years as determined by the SoS.
19. Statutory Guidance was also published on 23/03/23 to which RAs must ‘have regard’. Features include:
- A step-by-step process for RAs to take when preparing LNRS
 - A definition of ‘areas of particular importance for biodiversity’
 - The need to consider other plans and strategies
 - How LNRS should identify local opportunities to contribute to national environmental objectives
 - A strong steer that LNRSs should be deliverable on the ground and that stakeholder engagement, particularly with landowners, will be important to develop realistic proposals.

Governance structure for production of the Oxfordshire LNRS

20. Consideration has been given to the structure and governance for production of the Oxfordshire LNRS, and how this will relate and interact with the Local Nature Partnership.
21. A LNRS steering group has been formed which is a Local Nature Partnership group led by Oxfordshire County Council as provisional Responsible Authority. This approach is aligned to the governance arrangements of most of the LNRS DEFRA pilot areas. It will help ensure the LNRS is produced in a collaborative way. The LNRS will be subject to usual County Council cabinet reporting and approval processes.
22. The purpose of the Steering Group is to provide oversight of, and advice on, the development of the Local Nature Recovery Strategy (LNRS) for Oxfordshire to

ensure the production of an effective LNRS which reflects the shared ambitions of stakeholders and meets statutory requirements. Final decision-making powers sit with the Responsible Authority.

23. The steering group is formed of one officer representative for each of the following:
 - Oxfordshire Local Nature Partnership
 - Oxfordshire County Council
 - Districts (Supporting Authorities)
 - eNGOs
 - Natural England (Supporting Authority)
 - Forestry Commission
 - Environment Agency
 - The farming community
 - Designated landscapes
 - Comms & engagement/community groups
24. It is envisaged that a broader group of stakeholders will feed into, and take forward different technical aspects of, the LNRS through a series of focussed working groups and other existing LNP groups.
25. The Future Oxfordshire Partnership has given its support to this governance arrangement.
26. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 establishes Supporting Authorities, in Oxfordshire these are the District and City Councils and Natural England. They should be involved in production of the LNRS and must be consulted on, and have powers to object to, a pre-consultation draft and final version of the LNRS. Ultimate dispute resolution sits with the Secretary of State. Early discussions have taken place with Environment Officers in the District and City Councils around ensuring Supporting Authorities are aware of their role, fully engaged from an early stage and can input through Working Groups and Stakeholder engagement events. The Districts and City are represented on the Steering Group by the Climate and Biodiversity Team Leader at South and Vale District Councils.

Corporate Policies and Priorities

This proposal supports all the nine priorities set out in the Corporate Plan and gives particular emphasis to the following strategic priorities:

1. Put action to address the climate emergency at the heart of our work
2. Tackle inequalities in Oxfordshire
3. Prioritise the health and wellbeing of residents
6. Improve access to nature and green spaces
8. Play our part in a vibrant local democracy

9. Work with local businesses and partners for environmental, economic and social benefit.

The proposal also supports Oxfordshire's Environmental Principles, as set out in Council's Climate and Natural Environment Policy Statement.

Financial Implications

27. DEFRA verbally confirmed on 2 May 2023 that funding of £238,000 would accompany the appointment of the Council as Responsible Authority. This is in addition to £48,500 already received from DEFRA as seed funding.
28. The funding amount is intended to cover the cost of the new burden introduced by the legislation and has been calculated by DEFRA using a formula considering the number of Supporting Authorities and number of agricultural businesses within the LNRS area.
29. The DEFRA funding will be received as two grants under Section 31 of the Local Government Act 2003, one (£127,000) soon after appointment as Responsible Authority, and the second (£111,000) at the start of the financial year 2024/25.
30. These funds are considered adequate by officers to cover the cost of LNRS production, which would include recruitment of an FTE post at Grade 12 to project manage the work, as well as fulfilling the requirements set out in the Regulations and Guidance for stakeholder engagement, mapping, public consultation and publication of the LNRS. Any costs that exceed the grant will be funded through existing budgets

Comments checked by:
Rob Finlayson
Finance BP (Environment & Place)
rob.finlayson@oxfordshire.gov.uk

Legal Implications

31. As Responsible Authority Oxfordshire County Council will be required to ensure the LNRS is compliant with requirements of the Environment Act 2021 and The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 as well as any relevant policy or guidance issued by the government.
32. The Environment Act indicates that the responsible authority is to prepare and publish the LNRS, and that the strategy is to be reviewed and republished from time to time.
33. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 set out the procedure to be followed in the preparation, publication, review and republication of LNRS.

34. Under Section 40(A) of the Natural Environment and Rural Communities Act 2006 the Council must have regard to the LNRS in considering action it can take with regard its duty to conserve and enhance biodiversity.

Comments checked by:

Jennifer Crouch
Principal Solicitor Environmental
Jennifer.crouch@oxfordshire.gov.uk

Staff Implications

35. Recruitment is underway for a Local Nature Recovery Strategy Project Manager (Grade 12, Fixed term for 2 years) who will lead on the production of the LNRS, this post will be fully funded from the Defra Section 31 grants. This role will be supported by the Principal Biodiversity Officer, who will also provide ecological input into the strategy.
36. Input from across a range of Council Services will be sought through an internal working group, particularly from Communications, Planning, Countryside Operations, Flooding, Climate, GIS Solutions and Data Intelligence. Additional costs to these service areas in taking forward areas of work to inform the LNRS could be covered by the Defra Section 31 grant. The grant funding would allow us to commission consultancies or partner organisations to support particular areas of work in producing the LNRS.

Equality & Inclusion Implications

37. The production of the LNRS is intended to be collaborative across a wide range of stakeholders, it will be screened against equality and inclusion considerations at an early stage, and likely subject to an Equalities Impact Assessment.

Sustainability Implications

38. The LNRS will have positive sustainability implications relating directly to nature recovery, and through identifying wider environmental benefits will also have other sustainability benefits particularly relating to climate adaptation through nature-based solutions. The LNRS will help the Council meet its climate and ecological commitments.

Risk Management

39. Opportunities: the role of Responsible Authority provides a key opportunity for OCC to demonstrate a proactive approach to our ecological commitments in the Corporate Plan, Oxfordshire Strategic Vision and OCC's Climate and Natural

Environment Policy paper, as well our Duty under the NERC Act. It provides the opportunity for the Council to ensure our communities are engaged in local nature recovery and that the LNRS delivers a range of wider environmental benefits.

40. Risks: There is a risk that the Council will not have sufficient staff resource to produce the LNRS, it would therefore fail to deliver against the requirements of a Responsible Authority as defined by the Environment Act 2021 and Regulations. The Section 31 Grant from Defra ensures we have sufficient funding to cover a LNRS Project Manager post for 2 years, and recruitment is already underway. Should the recruitment be unsuccessful, Defra have not introduced a time limit to spending of the Section 31 Grant and publication of the LNRS, so there is scope to readvertise. This would result in a delay to starting work on the LNRS, which could lead to a loss of trust and enthusiasm from stakeholders and partners, many of whom are keen that the work progresses quickly, particularly following delays at central government level in rolling-out LNRS. Since the guidance requires a collaborative approach to LNRS production, it is important that the trust and enthusiasm of partners is maintained.
41. The Supporting Authorities (District/City and Natural England) have powers to object to a pre-consultation draft and final version of the LNRS. Should this scenario arise there are potential increased resourcing requirements around dispute resolution, as well as reputational risk for the Council. To mitigate this risk, early engagement has already taken place with Supporting Authorities at an officer level to discuss the approach to ensuring Supporting Authorities are aware of their role, fully engaged from an early stage and can input through Working Groups and Stakeholder engagement events. It is also worth noting that the Districts, City and County Council have worked with partners successfully on similar areas of work in the past (for example, the Conservation Target Areas).
42. The role of Responsible Authority only requires the Council to prepare and publish the LNRS. There is a risk that in doing so we raise the expectations of stakeholders and communities around our role in delivery. Whilst the Council will play a role in delivery of the LNRS (and has a legal duty to have regard to it), as set out above there are a range of mechanisms through which an LNRS is likely to be delivered (including planning and biodiversity net gain, nature-based solutions and agri-environment). To mitigate this risk clear communications will be required around the collaborative approach to both preparation and delivery of the LNRS.

Rachel Wileman, Director Planning Environment and Climate Change

Annex: Nil

Background papers: Nil

Other Documents: Climate and Natural Environment Policy Paper [aebhdfh
\(oxfordshire.gov.uk\)](https://aebhdfh.oxfordshire.gov.uk)

Contact Officer: Beccy Micklem, Principal Biodiversity Officer, Environment and Heritage Team, Environment and Circular Economy.
Beccy.micklem@oxfordshire.gov.uk 07551680656

May 2023