



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REPORT TO CABINET MEMBER FOR INFRASTRUCTURE AND ENVIRONMENT

26 May 2023

Report of the Executive Director - Place

Appointment of Responsible Authority for a Local Nature Recovery Strategy for Derbyshire

(Cabinet Member for Infrastructure and Environment)

1. Divisions Affected

1.1 County-wide.

2. Key Decision

2.1 This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 To seek the Cabinet Member's approval to the proposed appointment of the Council by the Secretary of State for Environment, Food and Rural Affairs, as the "responsible authority" for Derbyshire, under section 105 of the Environment Act 2021 [i.e. the authority responsible for the preparation publication and subsequent reviewing of a Local Nature Recovery Strategy for Derbyshire on the basis that the Council will receive 'New Burdens Funding' from Government of £375,000 for 2023-24 and 2024-25 for the preparation of the Strategy, and to seek authorisation for the Executive Director of Place (in consultation with the Director of Finance and ICT and the Cabinet Member for Infrastructure and Environment) to (i) undertake preparatory activities in anticipation of

the proposed appointment and (ii) with effect from the appointment, carry out activities in preparation of the Strategy.

4. Information and Analysis

4.1 Background

4.1.1 There is recognition from the Government, public authorities and civil society organisations that prompt action is required to address society's neglect of nature. Planning for nature recovery must take place in a strategic, collaborative, and evidenced-based manner. Furthermore, a more biodiverse environment would allow important new climate change, social, health, regeneration, and economic growth benefits to be realised.

4.1.2 The Council has set policy to fulfil stewardship roles for endeavouring to protect landscapes and habitats from the impacts of climate change and biodiversity loss, and to facilitate appropriate use of the County's valuable ecosystem services to the benefit of everyone.

4.1.3 This is demonstrated through the following Council Plan 2023-25 priority and action:

- Priority – A prosperous and green Derbyshire.
- Action – Develop the Local Nature Recovery Strategy for Derbyshire in accordance with the Environment Act 2021 for the co-ordinated benefit of Derbyshire's natural environment.

4.1.4 The following Council policies are of relevance:

- To help reverse the decline in biodiversity as part of the Climate Change Strategy: Achieving Net Zero 2021-2025.
- To facilitate the planting of up to 1 million trees across Derbyshire by 2030.
- To maximise opportunities for carbon capture using woodlands as agreed in the Vision Derbyshire Climate Change Strategy: 2022-2025.
- To make decisions that protect and enhance nature wherever possible, according to the Council's Nature Recovery Resolution (from the meeting of the Council on 2 February 2022, set out in the meeting minutes under item 10/22).

4.1.5 Furthermore, the East Midlands Mayoral Combined County Authority (EMCCA) Deal (August 2022) makes the following important commitments:

- Provisional agreement by Derbyshire County Council and Nottinghamshire County Council to act as the responsible authorities for the preparation of the Local Nature Recovery Strategies (LNRSs) for the Derby City and Derbyshire County, and Nottingham City and Nottinghamshire County LNRS respectively. Both county councils will work to ensure join-up of each LNRS where this is possible.
- Production of a MCCA Flood Alleviation Strategy to help build community and economic resilience. This will support a comprehensive approach to tackling local nature recovery with a focus on green and blue infrastructure and maximising benefits for people, wildlife, and the economy.

4.2 Preparing a Local Nature Recovery Strategy for Derbyshire

- 4.2.1 The Environment Act 2021 brings into law the appointment by the Government of ‘responsible authorities’, to each create a LNRS for their area. These LNRS will collectively form a national Nature Recovery Network (NRN) covering the whole of England. The NRN is expected to comprise around 50 (LNRSs, to be largely based upon counties and combined authority areas. Each LNRS will be prepared during 2023-24 and be designed to ensure locally targeted, more co-ordinated, practical, and focused action, and investment in nature.
- 4.2.2 The Council has provisionally been identified by the Government as the “responsible authority” for the creation of a LNRS for Derbyshire. The boundary of the Derbyshire LNRS will be the Derbyshire county boundary including those parts of the Peak District National Park within Derbyshire and the Derby City Council area. The Government intends that each responsible authority will work closely with relevant public, private and voluntary sector organisations to draw on their shared expertise in the production of their area’s LNRS. Hence, the LNRS will reflect collective knowledge of relevant planned or ongoing nature recovery activity, enabling the LNRS to improve integration between existing efforts to improve the natural environment in Derbyshire. The LNRS must be understandable and of value to local stakeholders and therefore their involvement in its preparation will be essential. The Government expects such stakeholders to include Non-Governmental Organisations (NGOs), local planning authorities, businesses, landowners, and managers (e.g. the agricultural sector), and community interest groups.
- 4.2.3 In the preparation of the LNRS for Derbyshire the Council, as the “responsible authority”, will work collaboratively with Derbyshire’s eight borough and district councils, and Derby City Council. The Council will also involve the Peak District National Park Authority who are not a

LNRS “responsible authority” but will provide valuable input to the Derbyshire LNRS.

4.2.4 The approach/scope that the Council will be expected by the Government to adopt in preparing the LNRS as the responsible authority has been set out in through statutory guidance and is summarised as follows:

a) **Purpose**

The LNRS will provide the route map for nature recovery in Derbyshire; setting a long-term vision and action plan that is formulated and delivered in a collaborative manner.

b) **Establishing the baseline**

The LNRS will map the location and condition of Derbyshire’s habitats, i.e. existing areas, places and sites that are already good for nature and which form the basis for nature recovery.

Furthermore, it will identify where biodiversity is in decline or limited in ecosystem value.

c) **Setting Derbyshire’s ambition for nature recovery through a Statement of Biodiversity Priorities**

The LNRS preparation will identify priorities, outcomes and measures for nature recovery and the wider environmental, economic and social benefits this will realise. Importantly, this work needs to include engagement workshops and meetings with a range of residents, experts and organisations to co-produce the nature recovery priorities, outcomes and measures for Derbyshire.

d) **A Delivery Plan for Nature Recovery in Derbyshire**

The LNRS will need to provide a robust, costed, long-term set of actions through which Derbyshire’s nature recovery will be delivered, with an initial five-year time horizon.

4.2.5 The Government’s Department for Environment, Food and Rural Affairs (DEFRA) has requested the Council’s formal confirmation that it accepts the appointment as the responsible authority for a Local Nature Recovery Strategy for Derbyshire under Section 105 of the Environment Act 2021. This confirmation is sought in advance of the Secretary of State for Environment, Food and Rural Affairs confirming the Council’s appointment to this role via a letter of appointment. A Government announcement on all of its appointed responsible authorities which is expected in June 2023.

4.2.6 If accepted, the Council will become responsible for producing and publishing a LNRS for Derbyshire, which will set out the County’s priorities for nature recovery and delivering wider environmental benefits (as set out in Paragraph 4.2.3 above). It is anticipated that a

final Strategy will be put to the Council for approval and publication in late 2024. The Council will also then be responsible for the Strategy's periodical review.

4.2.7 Funding is being made available by the Government for the preparation of the LNRS through New Burdens Funding. This will be used by the Council to prepare the Strategy and, as such, the process of producing a Derbyshire LNRS should be cost neutral to the Council. However, the subsequent review costs of the Strategy will need to be funded by the Council. It is anticipated that the Council will be able to fund this ongoing responsibility through future budgets, and/or new funding generated through potential opportunities arising from the Biodiversity Net Gain offsetting market.

4.2.8 Biodiversity Net Gain offsets are conservation activities that are designed to give biodiversity benefits to compensate for losses; ensuring that when a development damages nature (and this damage cannot be avoided or mitigated on the development site itself) new nature sites will be created elsewhere. Biodiversity offsetting will become a new market mechanism that the Government is establishing to drive and fund nature recovery in England. The commencement of biodiversity offset markets is anticipated from November 2023 and is expected to lead to multiple local biodiversity offset markets being developed across England. There is no statutory requirement for local authorities to participate in biodiversity offset markets. However, there are opportunities for the Council, as identified below, and these will be explored during 2023-24.

- *Providing strategic direction to biodiversity unit investment in Derbyshire*
- *Commercial involvement in the biodiversity offsetting land market*
- *A trusted advisor and / or broker of biodiversity offsetting*
- *Habitat Maintenance Services*

4.2.9 On approval of this report, officers will produce a project plan during June/July 2023 for producing a LNRS for Derbyshire. This will be founded on a collaborative approach with other local authorities of Derbyshire, the Peak District National Park Authority, and wider stakeholders. The plan will comply with the LNRS statutory guidance and take into account of the Council's Natural Capital Strategy for Derbyshire that was prepared in 2022-23 and which offers a robust baseline position for the LNRS.

5. Consultation

- 5.1 There is strong evidence that engaging end users from the outset in planning for nature recovery and delivering green infrastructure solutions can substantially improve strategic and local outcomes. When planned and delivered well creating biodiversity gain can provide benefits to everyone for the long term and play a vital role in placemaking. Collaboration, consultation and co-design can build trust and bring integrated outcomes across social, environmental, and economic agendas. The use of multi-disciplinary teams in both planning and delivery can help to these maximise benefits.
- 5.2 Therefore, as the “responsible authority” the Council will be required to bring partners together in the preparation of the LNRS. The principles of transparency, inclusivity, and clear communication will be applied in this regard.

6. Alternative Options Considered

- 6.1 The option of the Council declining the designation as the responsible authority for preparing, and subsequently reviewing, a LNRS for Derbyshire has been considered. It is definitely not an option that could be recommended, given the Council’s strategic policy intent to improve the natural environment and the New Burdens Funding the Government is providing for LNRS production.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 The Natural Capital Strategy for Derbyshire (March 2023)
- 8.2 Local Nature Recovery Statutory Guidance – what a local nature recovery strategy should contain (March 2023)

9. Appendices

- 9.1 Appendix 1 – Implications.

10. Recommendations

That the Cabinet Member:

- a) Notes the contents of the report.
- b) Approves the proposed appointment of Derbyshire County Council, by the Secretary of State for Environment, Food and Rural Affairs, under section 105 of the Environment Act 2021, as the “responsible authority” for Derbyshire, on the basis that the Council will receive New Burdens Funding from Government of £375,000 for 2023-24 and 2024-25 for the preparation of the Local Nature Recovery Strategy for Derbyshire.
- c) Authorises the Executive Director of Place (in consultation with the Director of Finance and ICT and the Cabinet Member for Infrastructure and Environment) to (i) undertake preparatory activities in anticipation of the proposed appointment and (ii) with effect from the appointment, carry out activities in preparation of the Strategy.

11. Reasons for Recommendations

- 11.1 To formally secure the Council’s approval to fulfil the duties of a responsible authority for the preparation, and subsequent review, of a LNRS for Derbyshire as set out under Section 105 of the Environment Act 2021.

12. Is it necessary to waive the call in period?

- 12.1 No.

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Implications

Financial

- 1.1 There are financial implications for the Council's revenue budget. However, the Government New Burdens Funding will ensure that the preparation of the LNRS is cost neutral. The Strategy will be prepared within the allocated New Burdens Funding budget for the Council which is expected to be as follows:
- £48,000 in 2022-23 (received, not used in 2022-23 and carried forward to 2023-24)
 - £200,000 for 2023-24 and £175,000 for 2024-25 (i.e. £375,000 in total).
- 1.2 The proposed appointment of the Council as responsible authority for which this report seeks approval is therefore linked to New Burdens Funding from the Government of £357, 000 for 2023-24 and 2024-25, subject to formal Government confirmation.

Legal

- 2.1 Under section 105 of the Environment Act 2021, LNRSs are to be prepared, published, and reviewed by responsible authorities designated by the Secretary of State for Environment, Food and Rural Affairs. The Council was identified by the Government in March 2022 as being a provisional responsible authority. It is necessary for the Council to confirm that it will accept its appointment as the responsible authority for Derbyshire, in advance of a formal letter of appointment being issued by Secretary of State for Environment, Food and Rural Affairs, which is expected by the end of May 2023. The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 make provision in relation to the preparation publication review and republication of the LNRS, particularly the procedures to be followed. The Council, for carrying out this work, will also have to have regard to the Statutory Guidance referred to above.

Human Resources

- 3.1 Additional human resources will be required to prepare the LNRS for Derbyshire; these will be funded from the New Burdens Funding referenced in Financial Implications above. The Council is determining what these will be and this assessment will be founded on compliance

with the LNRS statutory guidance and the project plan referenced in Paragraph 4.2.9.

Information Technology

- 4.1 The LNRS is expected to use Information Technology (IT) to map, define and prioritise areas of Derbyshire for nature recovery. It may also be used in engaging with partners, and the public, in the documents preparation and subsequent reviews. However, the extent and type of these IT implications has yet to be determined. IT landscape / habitat mapping has been an important element of preparing the Natural Capital Strategy for Derbyshire.

Equalities Impact

- 5.1 The Council will ensure it complies with, and champions, inclusive approaches to its LNRS responsible authority duties.

Corporate objectives and priorities for change

- 6.1 The implications arising from this report have relevance to the following Council Plan priorities:
- Resilient, healthy, and safe communities
 - High performing, value for money and resident focused services
 - Effective early help for individuals and communities
 - A prosperous and green Derbyshire

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

Environmental Sustainability

- 7.1 The implications arising from this report have significant implications for Derbyshire's Green Infrastructure (GI) as this will provide the physical delivery of the LNRS.
- 7.2 GI is defined as "a network of multi-functional green and blue spaces and other natural features, urban and rural, which can deliver a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities, and prosperity". (National Planning Policy Framework, 2021).
- 7.3 The LNRS responsible authority duties represent a significant uplift in the Council's strategic responsibilities for the natural environment in terms of collaborative leadership, place-shaping regeneration,

regulation, applying ecological expertise, and securing new models of investment.