

Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Cllr Mike Taylor, Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
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Local Nature Recovery Strategy

1 Summary and Purpose of Report

1.1 The Environment Act 2021 introduced a requirement for Responsible Authorities to produce a Local Nature Recovery Strategy (LNRS). Kent County Council (KCC) has been appointed as a Responsible Authority. As a Supporting Authority, Tonbridge and Malling Borough Council is required to be involved in the preparation of the Strategy and may raise an objection to the pre-consultation draft within 28 days of it being provided to them as well as needing to confirm that members are content for the document to proceed to public consultation in January 2025. This will allow the final LNRS to be published in May 2025, at which point public authorities will need to have regard to the Strategy when performing their duties.

2 Corporate Strategy Priority Area

2.1 Sustaining a borough which cares for the environment.

2.2 The Kent and Medway LNRS will be one of 48 such strategies that will cover the whole of England, to deliver the government's commitment to ending the decline of nature and support its recovery. All public authorities should have regard to the relevant LNRS under the Biodiversity Duty, therefore supporting the corporate strategy priority to sustain a borough which cares for the environment.

3 Recommendations

3.1 To NOTE the purpose and content of the draft Kent and Medway LNRS.

3.2 To RECOMMEND to the Cabinet Member that the committee are content to confirm to Kent County Council that the Council supports proceeding to public consultation.

- 3.3 To DELEGATE the Borough Council's response to the Director of Housing, Planning and Environmental Health in consultation with the Cabinet Member for Planning.

4 Introduction and Background

- 4.1 The UK is one of the most nature depleted countries. One of the mechanisms that the UK Government has introduced to reverse this decline is the production of LNRS. The main purpose of the strategy is to set the priorities for biodiversity enhancements, including supporting the strategic off-site delivery of mandatory Biodiversity Net Gain, and map where nature recovery actions could be located for both habitats and species, to not only deliver improvements for wildlife, but other environmental benefits, such as storing carbon and reducing flooding. The result will be nationwide nature recovery networks which will join up national efforts to reverse the decline of biodiversity.
- 4.2 KCC has a duty to produce a LNRS for Kent and Medway. A range of stakeholders are supporting this work, including Tonbridge and Malling Borough Council and the other District and Borough Councils in Kent, along with Medway Unitary Authority, key organisations including Natural England, the Environment Agency and the Kent Nature Partnership, infrastructure providers and landowners, as well as representatives from the farming community, specialist species groups and community and voluntary organisations. The Strategy identifies key habitats and species in the county, and what actions could be taken to support these and where. These actions could, for example, be through protecting and enhancing existing habitats, the creation of new habitats through new planting, or through better management of land. The farming community is a key stakeholder in implementing the Strategy, but a LNRS does not force landowners and managers to change their management practices. However, if their land is included it may provide funding and investment opportunities. The intention is to direct action and investment to areas where it is most needed and will derive the greatest benefits.
- 4.3 TMBC will need to have regard to the LNRS when published, across a range of council functions. For example, the LNRS may identify specific habitats and/or species that may benefit from action on some council owned or managed sites and could help to provide additional evidence to support council initiatives such as the Tree Charter.
- 4.4 The LNRS will also provide a source of evidence for local planning authorities, to help understand locations important for protecting and enhancing biodiversity. The Strategy does not confirm any additional level of protection on land, nor does it prevent development from happening but will inform future local plans, in terms of land use planning for example through the provision of appropriate green infrastructure, and inform development management, in relation to biodiversity net gain.

- 4.5 In relation to planning, it should be noted that government guidance from the Department for Food and Rural Affairs (DEFRA) on how local nature recovery strategies should be given weight in the plan-making process is still awaited. Without this guidance, it is difficult to determine precisely the implications of, or how the content of, the LNRS should be considered by local planning authorities.

5 Proposal

- 5.1 Tonbridge and Malling Borough Council is a consultee for the draft LNRS prior to public consultation. This is due to its status as a Supporting Authority. The council has 28 days from 14th November 2024 to lodge any objection about the LNRS or the Responsible Authorities preparation of the Strategy. As officers from a number of departments at Tonbridge and Malling Borough Council have been involved in preparing the LNRS through stakeholder events and provision of mapping data, an objection to the Strategy and/or its preparation is not necessary and therefore the LNRS can proceed to public consultation. Members are only at this stage agreeing that they are content for the public consultation to proceed. The public consultation provides a further and extended period for all to review and comment on the LNRS and make detailed submissions, if required.
- 5.2 If no objections are received by KCC by the end of the 28-day period on the 12th December 2024, or the Supporting Authority confirm it may progress in writing before this time, it is determined that public consultation can go ahead. It is therefore proposed that the Cabinet Member for Planning confirms this in writing to the County Council should Members recommend this approach following this report.

6 Other Options

- 6.1 None. The production of the Strategy is a statutory requirement and is the responsibility of KCC.

7 Financial and Value for Money Considerations

- 7.1 There are no financial implications for the Council.

8 Risk Assessment

- 8.1 There is a risk to the timetable of not providing feedback on/lodging objections to the draft LNRS within the required timeframes which may delay the public consultation and subsequent stages.

9 Legal Implications

- 9.1 The production of the LNRS is a statutory requirement under the Environment Act 2021 and is the responsibility of KCC. As a Supporting Authority, Tonbridge and Malling Borough Council is required to have regard to the Strategy when performing its duties.

10 Consultation and Communications

- 10.1 KCC have undertaken extensive stakeholder engagement in the formulation of the LNRS over the past 12 months, across a range of sectors including with those that own and manage land; those that influence how biodiversity is protected and enhanced; those that use and depend on nature's services; and those that inform and make decisions. By being informed by stakeholders' priorities, data, information and knowledge, the strategy should present a plan for joined-up action to recover our county's nature.
- 10.2 The draft LNRS was provided to all Supporting Authorities on 14th November 2024 for pre-consultation review, prior to public consultation.
- 10.3 It is anticipated that the public consultation on the LNRS will commence no later than 16th January 2025 and will close on 12th March 2025. The public consultation provides another opportunity for Supporting Authorities to make comments on the strategy. The consultation response will be subject to informal Member engagement prior to submission and the final Borough Council response delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Planning.
- 10.4 KCC aims to provide the final version of the LNRS to Supporting Authorities in April 2025 and this will be presented to a future meeting of the Housing and Planning Scrutiny Select Committee, where members will be asked to note the content of the Kent and Medway LNRS and to recommend to the Cabinet Member that the committee are content to confirm to Kent County Council that the Council supports proceeding to publication.
- 10.5 All of the Supporting Authorities for the LNRS confirm in writing they are content for the LNRS to be published, prior to its publication by Kent County Council in May 2025.

11 Implementation

- 11.1 Responsible Authorities are legally required to prepare an LNRS, but there is no requirement that any specific proposed action must be carried out. Instead, the proposals are intended to guide where the public, private and voluntary sectors focus their nature recovery efforts for greater collective impact. However, the Environment Act does require that Responsible Authorities review progress periodically and update the strategy to reflect what has been done and where more action is needed. This review should take place every 3-10 years, so that progress on delivery and its level of success can be assessed.

12 Cross Cutting Issues

- 12.1 Climate Change and Biodiversity

- 12.1.1 Adaptation and resilience have been considered.

12.1.2 Climate change advice has been sought in the preparation of the options and recommendations in this report.

12.1.3 A coordinated strategy for nature's recovery can help create and restore wildlife-rich habitats, corridors and stepping-stones that help wildlife populations to recover, grow, move, thrive and adapt to a changing climate as well as improve the natural and urban environment's resilience to climate change, providing natural based solutions to reduce carbon emissions and manage flood risk.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1: Pre-consultation Kent and Medway Local Nature Recovery Strategy November 2024