

## Cabinet

02 September 2025

### Part 1 - Public

#### Executive 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 |
| Report Author       | Julian Ling, Senior Planning Policy Officer                         |

#### Local Nature Recovery Strategy – Pre Publication Review Period

##### 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.
- 1.2 The preparation of the strategy is now in its final stages at the pre-publication Review period. As with the draft for consultation, the Responsible Authority (KCC) is required to share a copy of the final strategy with all supporting authorities before notice to the Secretary of State of its intention to publish. Supporting Authorities then have 28 days to consider this and for Members to confirm that they are happy/or not for the Strategy to proceed to publication. This will allow the final LNRS to be published, 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 Pre Publication Kent and Medway Local Nature Recovery Strategy which will be available to view on the 22<sup>nd</sup> August at <https://letstalk.kent.gov.uk/nature-recovery>
- 3.2 To RECOMMEND to the Cabinet Member that the Cabinet are content to confirm to Kent County Council that the Council supports proceeding to publication.
- 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 has been a consultee for the preparation of the LNRS. This is due to its status as a Supporting Authority.
- 5.2 In accordance with the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, Responsible Authorities are required to provide the final Local Nature Recovery Strategy to all supporting authorities and inform them in writing of the intended date for publication.
- 5.3 On receipt of the final LNRS, all supporting authorities have a 28-day period (from the date the Council is provided with the final LNRS) to return a “publication advisory notice” should the Council;
- a) consider that part of the final local nature recovery strategy cannot be justified based on the results of the consultation and/or
  - b) consider that the final local nature recovery strategy is materially deficient.
- 5.4 KCC has confirmed that they will be commencing the Pre publication review 28 day period on 22nd August prior to its final publication. The Kent and Medway Local Nature Recovery Strategy will be available to view at <https://letstalk.kent.gov.uk/nature-recovery>
- 5.5 The supporting authority’s “publication advisory notice” should be provided to both the responsible authority and the Secretary of State – it must be in writing and explain the basis for why it is considered that the LNRS cannot be justified and/or is materially deficient.
- 5.6 In the instance of such a notice, the responsible authority (KCC) is required to investigate and reply within 28 days of receiving the notice; a copy of this reply will also be sent to the Secretary of State. Where a notice has been given, the Responsible Authority must request permission from the Secretary of State to

publish the final LNRS. Where no notice(s) are received, the Responsible Authority simply gives notice to the Secretary of State of their intention to publish.

- 5.7 For Tonbridge and Malling Borough Council, this means the council has 28 days from the 22<sup>nd</sup> August 2025 to consider the final strategy and lodge any publication advisory notice to KCC if Members consider the final strategy cannot be justified and/or is materially deficient. If no publication advisory notices are received by KCC within the 28-day period, then KCC will give notice to the Secretary of State of their intention to publish the strategy.
- 5.8 It is therefore proposed that the Cabinet Member for Planning confirms in writing that the Council is content for the strategy to proceed to publication or whether a publication advisory notice should be submitted to the County Council, should Members have concerns regarding the content of the final strategy.
- 5.9 Members are advised that the new online mapping platform will not be prepared in time for the pre-publication review. KCC will therefore provide the LNRS mapping as GIS files for the pre-publication review.

## **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 or submitting a publication advisory notice to the pre publication LNRS within the required timeframes may delay the final publication of the strategy.

## **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 18 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 14<sup>th</sup> November 2024 for pre-consultation review, prior to public consultation.
- 10.3 On the 16 January 2025, an 8-week consultation was launched and ran until the 12 March 2025. The consultation invited residents, stakeholders and other interested parties to provide views on the draft Kent and Medway Local Nature Recovery Strategy. Feedback was captured via a consultation questionnaire which was available on the KCC engagement website.
- 10.4 A Consultation outcomes report - Response to findings of public consultation January-March 2025 was published in June 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

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| Background Papers | None |
| Annexes           | None |