

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism and Economic Development Committee

Agenda Item 26

Subject: Local Nature Recovery Strategy (East Sussex and Brighton & Hove) – Delegated authority to agree key stages

Date of meeting: 14 September 2023

Report of: Executive Director – Economy, Environment and Culture

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks delegated authority for the Executive Director of Economy, Environment and Culture (EEC), in consultation with the Chair and Deputy Chair of this Committee, to agree key stages in the preparation of the East Sussex and Brighton & Hove Local Nature Recovery Strategy (LNRS).
- 1.2 Local Nature Recovery Strategies were introduced through the 2021 Environment Act. Responsible Authorities charged with a legal duty for producing the LNRS have now been confirmed by government. These are West Sussex County Council for the area of West Sussex and East Sussex County Council for the area covering East Sussex and Brighton & Hove. The City Council is a Supporting Authority under the LNRS regulations and will contribute to the preparation so far as it directly affects Brighton & Hove.

2. Recommendations

- 2.1 That Committee delegates authority to the Executive Director of EEC, in consultation with the Chair and Deputy Chair, to sign off key stages in the preparation and publication of the East Sussex and Brighton & Hove Local Nature Recovery Strategy.

3. Context and background information

- 3.1 The legal duty to prepare a Local Nature Recovery Strategies (LNRS) was

introduced through the 2021 Environment Act. The broad role of a LNRS is to set an overall strategic and spatial strategy for how and where measures to achieve nature recovery will be achieved. Once in place, the LNRS will be an important tool to encourage more coordinated and focused action and investment in nature. They are to be prepared at the county level and it is anticipated that there will be around 50 LNRSs covering all of England.

- 3.2 In April 2023, the government published regulations which set out the legislative procedure for preparing a LNRS. In July Defra confirmed East Sussex County Council as the “Responsible Authority” for preparing a LNRS to cover the administrative area of East Sussex County Council and also the area covering Brighton & Hove City Council.
- 3.3 Under the LNRS regulations, Brighton & Hove City Council is a ‘supporting authority’ along with the District and Borough Councils in East Sussex (all local authorities falling within the area to be covered by a LNRS are deemed ‘supporting authorities’). A supporting authority has the power to formally object to the draft LNRS at the pre-consultation stage and before final publication; it is not formally required to agree it. In practice, because the LNRS will include data, mapping and measures for improving nature recovery within the administrative area of Brighton & Hove, it is considered appropriate that the LNRS is agreed by the City Council through delegated authority.
- 3.4 Defra expects each Responsible Authority to have prepared a LNRS by March 2025. Production will involve a number of key stages, including consultation on a draft LNRS (currently anticipated to happen Summer/Autumn 2024). Because the timescales for preparing, consulting on and finally publishing the LNRS are not within this council’s control and due to the relatively short timescales for preparing the LNRS, it is unlikely that key stages will coincide with this committee’s scheduled meeting dates. For this reason, delegated authority is sought for sign off at key stages including the draft for public consultation and the final publication.

4. Analysis and consideration of alternative options

- 4.1 The alternative would be to hold an ‘urgency committee’ as and when required for any specific actions in relation to each stage of the preparation of the LNRS.

5. Community engagement and consultation

- 5.1 Stakeholder engagement and public engagement will be a key part of the preparation of the LNRS prepared for East Sussex and Brighton & Hove. A detailed and comprehensive stakeholder mapping exercise has already been undertaken to identify stakeholder interests and to consider how they would like to be engaged. An engagement plan is being developed and will be shared with all supporting authorities. Public consultation will take place on the draft LNRS itself and is currently scheduled for Summer/Autumn 2024.

6. Conclusion

- 6.1 The preparation of LNRSs is a new mandatory requirement under the 2021 Environment Act. Responsible Authorities charged with preparing the LNRS have been confirmed and ESCC will produce the LNRS covering the areas of East Sussex and Brighton & Hove. Brighton & Hove City Council is a supporting authority and will input to the LNRS as it affects the Brighton & Hove administrative area. Delegated authority is sought to agree the LNRS for public consultation and final publication.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. The cost of officer time and document production associated with the recommendations in this report are contained within existing service budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process. Partnership working across local authorities already takes place through the Sussex Wide Local Authority Network and it is not envisaged that undue officer time would be required.

Name of finance officer consulted: John Lack Date consulted (17/08/23):

8. Legal implications

- 8.1 The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 (SI 2023/341), sets out the legislative procedure for preparing a LNRS. This is a mandatory requirement for the Responsible Authority.
- 8.2 The City Council is a 'Supporting Authority' for the purposes of the 2023 Regulations). It has two chances to convey any concerns about the draft strategy to the Responsible Authority; one pre-consultation and one post-consultation, both before final publication of the Strategy. Either option could bring in the Secretary of State to proceedings.
- 8.3 By contributing to the LNRS for East Sussex, which includes Brighton and Hove, the City Council will seek to ensure that its views and representations are taken into account in the final LNRS.

Name of lawyer consulted: Katie Kam Date consulted (02/08/23):

9. Equalities implications

- 9.1 It is acknowledged that nature benefits health and well being for all sectors of the population. Consultation on the draft LNRS will include seeking views from groups with protected characteristics.

10. Sustainability implications

- 10.1 Preparation of the LNRS will complement and reflect the council's own

programme of projects and council plan objectives to improve the city's biodiversity and address the biodiversity crisis. The LNRS will provide useful evidence and context for future funding opportunities for nature recovery.

- 10.2 The LNRS will need to be referenced in local plans / local plan reviews and will be useful in indicating where any offsite biodiversity net gains could be prioritized and any additional sites for local nature recovery. This will ensure plans promote the need for nature recovery and sustainable development.

11. Other Implications

Public health implications:

- 11.1 It is acknowledged that nature benefits health and well being for all sectors of the population.

Supporting Documentation

None.