

# **ADEPT Natural Capital and Heritage Working Group**

## **Meeting**

**15<sup>th</sup> May 2023, 10.00am-12.00pm**

## **MINUTES**

### **1. Introductions and apologies (5 mins)**

Apologies:

Quinton Carroll, Cambridgeshire

Mark Minkley, Bath & North East Somerset

Dave Lyon, Wigan

Lynn Trigwell, Wiltshire

Charlie Tindill, Wakefield

Liz Small, North Yorkshire

### **2. Biodiversity Duty (Section 102 of Environment Act) – update from Paul Simpson on guidance and templates from Defra and initial reporting requirements**

This agenda item was delayed until the July meeting, as the guidance had not yet been published. The group were advised it would be published later that week.

### **3. Local Nature Recovery Strategy**

Defra noted that they have finished their 1:1s with all 48 responsible authorities, which identified some common questions. All responsible authorities are still onboard with developing their LNRS. Defra will now be recommending to the minister that letters can be sent out; this is expected in the coming weeks. The national habitat map is being finalised and will be released shortly too, via the data portal.

It was noted that all but one of the regional LNRS ADEPT meeting had been held, with similar issues and questions being raised to the broad areas identified for discussion by the group ahead of the meeting.

a) Is there still a link between ELMS and LNRS?

Defra reassured the group that the link has not been dropped – just trying to work out the mechanics of how it will work. Still a lot of decisions to be made in respect of ELMS, which makes it difficult to articulate exactly what the relationship will be. But there definitely will be a link – at a minimum, Natural England and land agents will use the LNRS to inform land agreements.

Defra will provide a consistent line on ELMS – will be provided as soon as possible. And will continue to provide further information in ELMS as it develops. Noted to Defra that an initial line is needed asap to help with early communications on the purpose of LNRS and ensure we don't lose stakeholders already engaged.

Defra noted they were working with the national policy teams of NFU, CLA, WT, RSPB etc.

b) How will the LNRS link to the Land Use Framework?

LNRS team are working with policy colleagues on these links. Framework is at national level and reasonably high level; the LNRS are a local, spatial tool. Framework will not be published in May – consultation with stakeholders is ongoing; will be published later this year.

In short term, suggested to refer to national environmental objectives which locates LNRS against national targets. Guidance on how national environmental objectives link to the LNRS will be released to Responsible Authorities in next few weeks.

c) What is the LNRS role in planning?

DLUHC will bring forward statutory guidance for LPAs on what “have regard” means in planning terms. Intention to publish something early summer.

ADEPT workshop was held to inform this – identified 7 key themes:

- 1) Timing of LNRS in current and emerging local plans
- 2) Duty ‘to have regard to LNRS’
- 3) Policy
- 4) Decision making
- 5) Alignment between LNRS and local plans
- 6) LNRS and BNG
- 7) Delivery and implementation

Relating LNRS to Environment Outcomes Report would help strengthen links within planning.

Noted there is an LNRS event for supporting authorities next week – opportunities and how this links up to existing strategies and supports local environmental objectives.

<https://www.eventbrite.co.uk/e/lhrs-and-the-role-of-supporting-authorities-tickets-622528247747>

**Action: Krista to share list of which authorities are attending.**

d) How does LNRS link to BNG?

This will be drawn out in secondary legislation and statutory guidance for BNG. Requested that members flag to Defra if there is any additional need in respect of this.

Noted there will be the need develop interim guidance on strategic significance in absence of LNRS. Bucks have already developed this – see:

[https://www.buckinghamshire.gov.uk/documents/22507/Interim\\_Strategic\\_Significance\\_and\\_Spatial\\_Risk\\_Guidance\\_for\\_Buckinghamshire\\_FrOiedsq.pdf](https://www.buckinghamshire.gov.uk/documents/22507/Interim_Strategic_Significance_and_Spatial_Risk_Guidance_for_Buckinghamshire_FrOiedsq.pdf)

Kent is developing an interim guide currently; Essex is encouraging the LPAs to consider strategic significance and use existing GBI strategies to inform this.

e) Concerns of areas of existing importance and restrictions on what can be mapped.

Reason for required areas under existing is to make sure that it links up to existing protections within planning system. “Existing importance” is defined by already protected. Intention is for areas that could become of importance to have some level of protection. Areas that could become of importance is where most the actions/measures will be directed.

It was noted that the NPPF includes priority habitat, so questioned why they haven’t they been included? Considered that NPPF does not give priority habitat sufficient protection and that by identifying these as could become of importance, should be better provided for within planning.

There were concerns noted with regards to communications and defining areas already considered to be importance locally as “could become of importance”. It was suggested that responsible authorities could use different names when communicating with stakeholders for these labels however it was noted that this could cause more confusion at publication stage when different labels are used for the formal strategy.

Defra noted that they will be providing additional guidance on this.

f) When can we expect the non-statutory guidance and responsible authority training.

Supplementary guidance – first one on stakeholder engagement and governance has been published. Other guidance currently planned:

- Data principles and standards
- How to incorporate species into the LNRS.
- Prioritisation process.

If there are particular areas further guidance is need, let Defra know via NE Senior Advisor.

g) When can we expect other outstanding information, such as irreplaceable habitat definitions, national objectives/targets and list of potential measures?

There is a public commitment to have irreplaceable habitats published by November but NE and Defra are hoping to make it sooner. In absence refer to current definition in NPPF.

Guidance on how the national environmental objectives links to LNRS will be released to responsible authorities in next few weeks. This will also link to potential measures to support these. This was welcomed by the group.

h) Clarity over roles and point of contact

NE first point of call for RAs; any questions for Defra should be directed through the senior advisor assigned to the LNRS.

i) What are the plans for long term funding post production incl monitoring and review?

There will be burdens funding for this. Current settlement does not go beyond 2025, so cannot say what the funding will be. There are no requirements on the responsible authority between publication and review.

Defra are aware that RAs are concerned over monitoring in between and links to the enhanced reporting requirements, but there is no additional funding identified currently for this interim period. Defra need to work with RAs to understand what the demands might be.

It was noted that the skills, relationship and experience developed during the LNRS development would ideally not be lost as this capacity will be needed again for the review. Defra recognise this and looking at what potentially could be done.

Adam will call on group, and RAs, for input to discussion regarding ongoing role for responsible authorities beyond publication.

j) What is the review period?

Review will occur between 3 and 10 years, instructed by SoS with four months' notice. Work on assumption that first review will likely be at 5 years.

#### **4. Biodiversity Net Gain**

1. Updates from PAS project:

- Still awaiting regulations and further guidance from Defra
- NE/PAS are running register demonstrations for landowners and developers over the next couple of weeks, but open to LPA audience. Contact PAS project for more details.
- BNG process flowchart developed with Future Homes Hub: [https://irp.cdn-website.com/bdbb2d99/files/uploaded/0180\\_862%20BNG%20BestPracticeProcessFlow-Option4CRev2023-04-21.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/0180_862%20BNG%20BestPracticeProcessFlow-Option4CRev2023-04-21.pdf)
- Over 420 officers now on the PAS BNG network. Next meeting 8<sup>th</sup> June with Freeths' lawyers, giving a legal perspective on BNG.

2. Grant funding 2023:

- Noted that short notice and internal processes prevented Plymouth from claiming and securing grant.
- Was also difficult for those authorities becoming unitary on 1<sup>st</sup> April.

- Concerns over implications for next year's grant if viewed as underspending – but how can you be penalised for underspending a grant that you were not aware of until a month before the deadline it was due to be spent by?!
- Lack of consistency in grant allocation – why different?
- Why are there differences between LNRS and BNG burdens funding? LNRS grant is not ring fenced but BNG grant is. There are also different reporting and sign off requirements for LNRS and BNG new burdens funding. Both are Sec31 grants so why the different requirements?

Agreed that a further letter would be sent to Defra from ADEPT noting continuing concerns over the way grants are being announced and applied.

## **5. AOB and items for next meeting (5 mins)**

Agenda items for next meeting (17<sup>th</sup> July):

1. BNG readiness: Practical considerations for Local Authorities implementing BNG – Matthew Brown, Verna
2. Biodiversity Duty (Section 102 of Environment Act) – update from Paul Simpson on guidance and templates from Defra and initial reporting requirements
3. Areas of multiple environmental sensitivity – Adam Lathbury

September meeting:

1. Green finance and funding mechanisms – Sophie Tyldesley