

ADEPT Natural Capital and Heritage Working Group

Meeting Notes

22nd November 2021, 10.00am-12.00pm

1. Introductions and apologies

Attendees: Liz Small (Chair), Mike Oxford, Don Barker, Rebecca Moberly (PAS), David Sutherland, Louise Etherington, Peter Moore, Hannah Girvan, Tim de Keyzer, Adam Stewart (DEFRA), David Dale, Hugh Clear Hill, Joe Wahla, Peter Chamberlain.

Apologies: Elizabeth Milne (Co Chair), Sylvie Allan (EA) and Allison Jean (EA), Quinton Carroll, Simon Bowers.

2. Update on PAS BNG project – Rebecca Moberly, Planning Advisory Service

Key link for more information:

[Biodiversity Net Gain FAQs - Frequently Asked Questions | Local Government Association](#)

RM provided an update and discussion focussed on how best to engage with those at the director level across authorities.

- Work plan being developed for the next six months with NE, EA, DLUCH – focus on ensuring LA's are 'day one ready' for BNG obligations – and 'low regret' actions that can be taken now
- Viability and resourcing for BNG work will be key
- Further consultation of secondary legislation due soon – PAS will be running some events to support consultation

Discussion:

- ALGE work has highlighted urgent need to develop skills and expertise to support BNG delivery.
 - Noted that one LA had already received a very detailed FOI on approach being taken to BNG
 - Some already in process of adopting SPDs on BNG approach – keen to go early but need to align to national approach so need clarity ASAP. View that DM service/ policy side can probably adapt relatively easily – but mechanism for delivery of BNG measures on the ground is less clear
- Position in respect of Local Plan reviews varies significantly. Greater Manchester has produced a useful checklist on LP/ BNG issues that can be circulated.

3. Actions from last meeting - all complete

- Queens Jubilee – Action – Alice Lord to send locations of dedicated ancient woodlands and trees to be announced in Spring 2022, Any other information needed on woodlands/ trees to be included discussed between Liz M/ Alice
- Bio degradable tree guards - information to be circulated Liz M.
<https://www.kent.gov.uk/environment-waste-and-planning/nature-and-biodiversity/trees/case-study-biodegradable-tree-guards>

- PAS BNG training link – sent by Rebecca, Liz M to discuss where training for LPA ecologists will come from with PAS, ALGE and ADEPT
- LNRS - ADEPT response David Dale – send Claire Ross LNRS planning meeting details

4. Environment Act 2021 – update from Adam Stewart, Defra

Defra focus now on implementation of key measures in the new Act - in many cases commencement legislation will be required.

There is a lot in the Nature chapter of Act including key provisions on Biodiversity Net gain and Local Nature Recovery Strategies. LNRS consultation closed in early November – draft Regulations on this are now expected ‘in the new year’ – exact timing depends on Parliamentary timetable.

Discussion:

- Additional funding to support ‘new burdens’ obligations arising for the Environment Act was mentioned in Budget and DEFRA overall settlement was better than expected. However, details still awaited on amount, timing and structure New Burdens funding. Net Gain funding. For example – will this be a one off settlement or support over a longer period.
- Geography of LNRSs still to be confirmed – ‘county’ scale but Defra still assessing approach in terms of which bodies to be approached to act as the Responsible Authority for LNRS in specific areas. Confirmed that if local areas have come to a view on that, Natural England / Defra would like to hear those local preferences
- Timing for developing LNRS in relation to BNG obligations? BNG provision comes into force two years from Royal Assent – so November 2023. View expressed that ideally LNRSs should be in place before BNG and local elements of the new Environmental Land Management scheme (ELMs) – but recognised that this may not be feasible in all cases

Government response to Glover Protected Landscapes review is expected soon. (Subsequent to this meeting, strong signals that this will be issued in January 2022 – in form of response and consultation on some key measures where Government will make specific proposals in response to recommendations in the Glover Review.)

5. Standing Items

- LNRS and BNG – covered at this meeting.

6. Dasgupta Review

To discuss government response and any action the group may wish to take in respect of this. Ref: <https://www.gov.uk/government/publications/the-economics-of-biodiversity-the-dasgupta-review-government-response>

Group felt that the Dasgupta Review findings were important and should be fed into strategic thinking as significant evidence.

7. COP 26

Any reflections and actions needed? Role of LA climate change action plans?

Some of most significant discussion from a local authority perspective took place away from the main agenda – in particular on the Thursday of 2nd week.

Useful links:

<https://lgiu.org/briefing/cop26-meeq-and-weak-or-strong-and-deliverable-only-time-will-tell/>

<https://environmentjournal.online/articles/what-does-cop26-mean-for-local-authorities/>

8. ADEPT Environment Board - Tim De Keyzer – David Dale to attend

Key items to highlight - role of local government re net zero / climate response, and ties to emerging requirements including BNG and LNRS.

9. AOB and agenda for next meeting 24 January 2022

Relationship of LNRS to Natural Capital Mapping – need for clarity and avoidance of confusion.

Progress of Nature Green Paper? – confirmed that DEFRA working on this. Will include links to Nature Recovery Network. LNRS, BNG, ELMs etc. Also annual report / refresh of 25 Year Environment Plan (December update. Defra has confirmed that a Nature Recovery Green Paper will be issued early in the New Year. Consultation on this will be supported by a number of dedicated sessions on each of the policy areas covered in the Green Paper)

Environment Act – includes a requirement for Government to provide guidance on local planning authorities on what the duty to ‘have regard’ to LNRSs when dealing with planning etc. will actually mean in practice. Details still being worked on.

Concern expressed that DEFRA funding announcements being made with very limited time to respond for what are often competitive bids e.g. recent Trees Call for Action fund, Coastal Challenge. Responding to bid opportunities is very resource intensive – so many LA’s unable to respond in time available. Note that a recent national Audit Office report has been very critical on this matter.

How do we ensure a forward plan for the Natural Capital and Heritage Working Group? Future items:

- a) BNG skills and capacity project report – Liz Milne, Kent County Council (if approved for release)
- b) Discussion on approaches to make the most of Environment Bill “new burden” funding and potential of pooling resources (if details announced).
- c) Response to the Glover review and Nature Recovery Green Paper – need to pick those up once documents published
- d) Full Environment Board – 26th January – need for close liaison with the Natural Capital and Heritage Working Group