

RTPI response to DEFRA consultation on Local Nature Recovery Strategies

2 November 2021

About the RTPI

The Royal Town Planning Institute (RTPI) champions the power of planning in creating sustainable, prosperous places and vibrant communities. As a learned society, we use our expertise and research to bring evidence and thought leadership to shape planning policies and thinking. As a professional body, we have over 26,000 members across all sectors, and are responsible for setting formal standards for planning practice and education.

General Issues

We strongly welcome the creation of Local Nature Recovery Strategies and the role envisaged for local government in leading them. The choice of principal authorities (counties and unitary authorities) for this task is a bold and correct one. It would enable alignment with transport policy and it can act as a catalyst to encourage local plans across wider areas to be aligned with each other and with the LNRS.

However the way Local Nature Recovery Strategies are constructed in the Bill envisages a fairly limited purpose for environment planning in localities. While our response is focused on the particular consultation questions, it also is informed by the need to widen the concept of LNRS in a number of ways.

- LNRS should be broadened away from just biodiversity towards wider outcomes in nature, climate and water, as set out in the 25 Year Plan, plus a strong commitment to improving people's wellbeing, especially where they are in areas of multiple deprivation
- There should be a role for people who are not "landowners and managers" in environmental planning
- There needs to be a much clearer requirement and encouragement for LNRS to take the contents of local plans into account when they are being devised and vice versa.
- The Government should clarify and give guidance on the link between the development plans and LNRS for an area particularly in terms of identifying land. Should local plans be allocating nature recovery areas?
- The RTPI has proposed [Local Environment Improvement Plans](#) which would build on LNRS and take them further, and also assist in raising public awareness for environmental planning, achieve consistency between environment plans on different subjects (see Q38), and assist alignment with other processes especially around housing and transport. This would address the current lack of clarity around how LNRS will sit alongside other policies and strategies such as ELM, BNG, Local Plans, Public Health and Energy policies and the work of LNPs in generating private investment into Nature Recovery.

- The proposals for LNRS do not seem to include sufficient provision for monitoring or enforcement and we are not clear how local government will be resourced to produce them. This goes beyond the responsible authorities to include district councils. The advantage of a Local Environment Improvement Plan is that the effort needed by other consultees is reduced.
- DEFRA seems to regard the role of National Park Authorities in LNRS production as rather muted. Yet their influence over large areas of England needs to be incorporated.

Process

A **6 step process** is set out for LNRS. As regards Steps 0 and 1, the problem is the data is limited to nature data with no data on people. The COVID pandemic has shown that we are a nation of haves and have-nots when it comes to access to greenspace. LNRS should be informed by information on multiple deprivation and also current levels of access to greenspace by people.

Step 3 is “Identification of outcomes”: We are concerned about how social and economic outcomes will be inserted in here. LNRS should definitely be tasked with ensuring these human aspects of nature are key outcomes. The activities under Step 4 are unacceptably limited by limitations on step 3

“Disputes”

Questions 14 – 23 are a series of very detailed questions about how exactly Clause 101 in the Bill should be implemented: Clause 101 concerns “disputes” in LNRS creation.

The Environment Bill provides an excellent opportunity to bring planning for the environment up to the standards which have been developed within “town and country” planning over 70 years. This covers aspects of public engagement, *democratic oversight*, stakeholder engagement and appeals/tribunal activity to examine evidence. On the specific issue of disputes it would be useful for the following principles to be adopted by DEFRA:

- Framing the issue as one of “dispute” and using terms such as “escalation” seems to be a return to the worst aspects of the local plan inquiry system. Using a narrative such as used for local plans would greatly assist
- The responsible authority should try, through public engagement on the production of the draft strategy to be in a position where it has wider buy in when published.
- If following consultation on the draft strategy [a stage which is only *suggested* as one option, and only in the context of “landowners and managers”] there are unresolved issues, they should be taken to external examination.
- That should be undertaken by the Planning Inspectorate

Our answers to the specific questions also cover these points.

Detailed Consultation Questions

5. Which of the groups listed below do you consider essential for the preparation of a Local Nature Recovery Strategies?

ALL

6. Are there any organisations not listed above whose involvement you consider essential? **No**

7. Do you think that additional support should be provided to farmers, landowners and managers the land management sector to facilitate their involvement with the preparation of Local Nature Recovery Strategies? **No**

8. If information on other types of local wildlife sites within a Local Nature Recovery Strategy area is not held by the responsible authority, do you think that if another Local Authority owns the information they should be obliged to provide it to them? **No**

9. Are you aware of specific locally-held information that would make an important contribution to the preparation of Local Nature Recovery Strategies that you do not believe would be made available without a requirement to do so? **NO**

10. How do you think neighbouring Local Nature Recovery Strategy responsible authorities should be required to work together?
• **Left to local discretion**

11. Should draft Local Nature Recovery Strategies be subject to a local public consultation prior to publication? **YES**

12. Should individual landowners or managers be able to decide that land they own or manage should not be identified by a Local Nature Recovery Strategy as an area that could become of particular importance for biodiversity ? **NO**

13. Should anyone interested in the Strategy be able to propose additional areas that could become of particular importance if these can be shown to be making a sufficient contribution to the overall objective of the Strategy? **YES**

14. How prescriptive do you think regulations made under clause 101 should be in setting out how the responsible authority should work with local partners?
• **Setting broad principles only**

15. Do you think that regulations made under clause 101 should establish a mechanism for resolving disputes in the preparation of Local Nature Recovery Strategies?
YES

16. If you believe that regulations made under clause 101 should establish a mechanism for resolving disputes in the preparation of Local Nature Recovery Strategies, which of the following bodies do you think should be able to raise a dispute (including on behalf of others)?

Anyone should be able to “raise a dispute”

17. Which of the following do you think might be reasonable grounds for raising a dispute about the Local Nature Recovery Strategy preparation process?

- Not adequately involving relevant specific groups **YES**
- Slow/no progress
- Lack of transparency
- Legal requirements not being followed **YES**
- Other [please specify] **Failure to comply with the 25 Year Environment Plan**
- Don't know

18. At which points in the preparation of a Local Nature Recovery Strategy do you think it should be possible to escalate procedural disputes for external consideration?

After publication of draft Strategy

19. Do you think that Local Nature Recovery Strategies should also be “signed off” by a body other than the responsible authority before they can be published?

- **Yes – instead of a mechanism for resolving disputes in the preparation process**

20. If so, which bodies should be given sign-off responsibility?

Planning Inspectorate

21. On what grounds could a body refuse to sign-off a Local Nature Recovery Strategy?

- Disagreement about overall priorities **YES**
- Disagreement about specific priorities **YES**
- Disagreement about potential measures **YES**
- Disagreement about the inclusion or exclusion of specific “areas of potential importance” **YES**
- On any reasonable grounds **NO**
- Only the “responsible authority” should be required to sign-off the Strategy **NO**
- Other [please specify]
- Don't know

22. Should the Defra Secretary of State be able to appoint a separate body to consider disputes in the preparation of Local Nature Recovery Strategies, and if so, which body or bodies?

- It should not be possible for a separate body to be appointed
- Natural England
- Planning inspectorate **yes**
- Whichever body the Secretary of State considers appropriate
- The responsible authority for a different Local Nature Recovery Strategy
- Other [please specify]
- Don't know

23. In resolving disputes in the preparation of Local Nature Recovery Strategies should the Secretary of State be able to:

- Require the responsible authority to repeat particular parts of the preparation process **YES**
- Require the responsible authority to make specific changes to their Local Nature Recovery Strategy **YES**
- Approve the Local Nature Recovery Strategy with or without changes. **YES**

24. Do you think that each local habitat map should adopt the same data standards and be published in the same format to facilitate national collation? **YES**

25. If yes, how should this level of consistency be established?

- Creation of standard templates

26. Do you think that each statement of biodiversity priorities should also be published in a similar format?

- The responsible authority should be able to decide how they present their Strategy so long as it meets legal requirements

27. Do you think that all Local Nature Recovery Strategies should be published together on a single national website as well as being published locally by the responsible authority? **YES**

28. Do you think that a published Local Nature Recovery Strategy should:

- Not be changed unless it's part of a scheduled review process

29. Do you think that all Local Nature Recovery Strategies across England should be reviewed and republished at similar times or should there be local discretion to decide when is the best time?

- Decided locally **YES [because they need to dovetail with local plans]**

30. If you do think all Local Nature Recovery Strategies should be reviewed and republished at the same time, do you think that this should happen to a fixed cycle?
n/a

31. Do you think that all responsible authorities should take a consistent approach to describing the biodiversity in their Strategy area? **Don't know**

32. If yes, do you have a preference as to how sub-areas based on similarities in biodiversity should be identified?

- **Don't know**

33. To ensure that the statement of biodiversity priorities provides an accurate and useful description of the Strategy area that can inform the setting of realistic and appropriate priorities, what else should the description consider in addition to describing existing biodiversity?

ALL

34. How should the statement of biodiversity priorities describe opportunities for recovering or enhancing biodiversity without mapping them?

- However the responsible authority finds most useful

35. Do you think that all Local Nature Recovery Strategies should follow the same priority setting process or that each responsible authority should decide for themselves how priorities should be set?

- Strategies should decide for themselves how to prioritise

36. How should national environmental priorities be reflected when setting Local Nature Recovery Strategy priorities?

• **Don't know**

37. Should Local Nature Recovery Strategies identify only those outcomes for nature recovery and environmental improvement that are of priority or also include those that are positive but of lower priority?

• **Don't know**

38. How should priorities identified in other environmental spatial plans in the Strategy area be incorporated into the Local Nature Recovery Strategy?

Considered and prioritised . This is because it seems to us that “other plans” need first and foremost to *derive from* the LNRS, not simply be copied into it.

39. Do you think that the Local Nature Recovery Strategy should include potential measures for conserving and enhancing biodiversity and making wider environmental improvements that cannot be mapped as well as those that can?

• **Yes both**

40. Should there be a standard list of potential measures for responsible authorities to choose from?

• **Don't know**

41. What sort of areas, outside of national conservation and local wildlife sites, might a responsible authority reasonably consider to be of particular importance for biodiversity?

ALL

42. Should all responsible authorities follow a standardised process for mapping potential measures to identify areas that could become of particular importance for biodiversity or other environmental benefits? **Don't know**

43. Do you think that all responsible authorities should seek to identify a similar proportion of their Strategy area as areas that could become of particular importance for biodiversity or wider environmental outcomes?

• **No, this should not be set and decided locally**

44. Do you think that when Strategies are reviewed and republished, they should map where appropriate action has been taken to make areas of increasing importance for biodiversity?

YES

45. Overall, how satisfied are you with our online consultation tool?

• **Very dissatisfied** Questions are limited to matters of minor detail when the key issues seem to be left out of the discussion