Powers in Place: Nature

The Handbook of Local Authority Nature Recovery Powers

September 2023

UK 100

Researched and produced by Quantum Strategy & Technology Ltd. for UK100

About UK100:

UK100 is a network of local leaders who have pledged to lead a rapid transition to Net Zero with Clean Air in their communities ahead of the government's legal target.

About Quantum:

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Powers in Place: Nature outlines the duties and powers local authorities have to deliver nature recovery and tackle climate change while delivering health and wellbeing co-benefits through helping people to get out in the natural environment.

Executive Summary

We are facing twin crises - an ecological crisis that is exacerbated by, and exacerbates, the climate crisis. Along with the transformative changes needed to tackle climate change and deliver Net Zero, transformative change is also needed to deliver Nature Recovery and **this requires a mind-set shift for national government and local authorities.**

Protection for nature is currently too fragile, and is often overridden by development. Many Local Authorities simply do not have the capacity, capability, or resources to stand up for nature or plan it into their services. This is compounded by a complexity of responsibilities across different organisations, historic under funding, prioritisation of housing and other forms of development, and overworked Planning teams and Highways departments. The natural environment has been put under intolerable pressure from decades of farming practices that have made nature protection the exception rather than the norm, plus pollution and recent climate impacts have put immense strain on the natural environment.

If urgent action to halt, then reverse nature decline, is not taken soon, there could be little left to recover, as habitats and species could be too diminished.

While there is significant scope for local authorities to play a strong role in nature conservation and recovery, **current powers have not been sufficient to protect nature and important species and habitats which face fragmentation, degradation and extinction from development, pollution and poor management.**

As new policies and programmes are developed to deliver commitments under the Environment Act 2021, there are important lessons to be learned from the climate mitigation experience, whereby stop-start and fragmented policy has meant that committed local authorities must work extra-hard to deliver change. This should not be repeated for Nature Recovery.

This report lays out the key national policies and strategies as well as the duties and powers that local authorities currently have to deliver nature recovery. They face critical challenges in implementation that hamper their ability to create lasting change –

- **Nature protection and enhancement is not given the weight in decisions** that it should be, and other forms of development are often prioritised
- **Lack of clear, coherent and connected national policies** is compounded by a complexity of responsibilities at the local level and across different organisations
- **Local authorities simply do not have the capacity, capability and often skills** to stand up for nature or plan it into their services
- **Insufficient funding provided through competitive bids** for the short term hampers effective planning
- **Lack of a whole-systems approach** leading to an inability to prevent the cumulative impacts of development on habitats and species.

In order to bring about the transformative change that is needed for nature recovery the report highlights three key recommendations -

1. **Consistency for Nature:** Government should roll out clear, coherent and connected policies and financial incentives to provide a strong investment case for developers, landowners and farmers to prioritise nature recovery alongside cutting emissions. The Local Nature Recovery Strategy (LNRS) should guide biodiversity and environmental land management schemes. Local authorities should have a clear governance role. This must be underpinned by robust, consistent data which is locally relevant, accessible and properly resourced.
2. **Priority for Nature:** Nature recovery needs to be as strong in the implementation as it is in the duties, targets and strategies. National and local delivery policies need to strengthen the weight given to nature protection in the planning system, and throughout all other policy and spending areas. Alongside this, strong local political and corporate leadership to prioritise the Biodiversity Duty by Elected Members and Senior Directors can and should empower and support officers in delivering Nature Recovery.
3. **Funding for Nature:** Fully fund Nature Recovery delivery capacity in lead local authorities for LNRS, and district councils responsible for implementing Biodiversity Net Gain (BNG), including expansion of staff teams with long-term funding, and investment in training programmes on Nature Recovery for all local authority staff and elected Members, akin to Carbon Literacy Training. Everyone needs to be able to speak 'Nature Recovery' – not just ecology specialists. This funding should be available to all local authorities and should not be competitively allocated.

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Overview

We are facing twin crises - an ecological crisis that is exacerbated by, and exacerbates, the climate crisis. Managing our natural environment to reduce carbon emissions, adapt to inevitable climate impacts, and mitigate the extent of climate change, whilst allowing nature to recover and thrive is an urgent challenge. To do this we need biodiversity. This means reducing human pressures on our environment by carving out protected zones, restoring degraded landscapes and replacing natural linking corridors and stepping stones for nature. **We need to be nature positive by 2030 with nature thriving by 2050.** These principles are recognised at the global, national and local levels.

Agriculture Emissions, Land use, Land use Change and Forestry

Emissions from agriculture and land use, land use change and forestry (LULUCF) for 2021 were: 49 MtCO2e, 11% of UK emissions[1]. This is made up of 48 MtCO2e from agriculture and 1 MtCO2e from land use.

Agriculture accounts for 11% of UK's GHG emissions: predominantly methane from livestock (58%), nitrous oxides from soils (28%)[2] and CO2 from fossil fuels. Agricultural emissions have remained roughly constant since 2008.

The LULUCF sector consists of emissions and removals from forest land, cropland, grassland, wetlands, settlements and harvested wood products. It is the only sector that includes emission removals. Emissions from croplands and wetlands were 19MtCO2e, roughly balanced out by emissions sequestered in forestry of 18MtCO2e. However, the entire sector must become an overall net sink, not just becoming neutral but actually sequestering and storing emissions from other sectors that are harder to tackle, such as agriculture, or aviation.

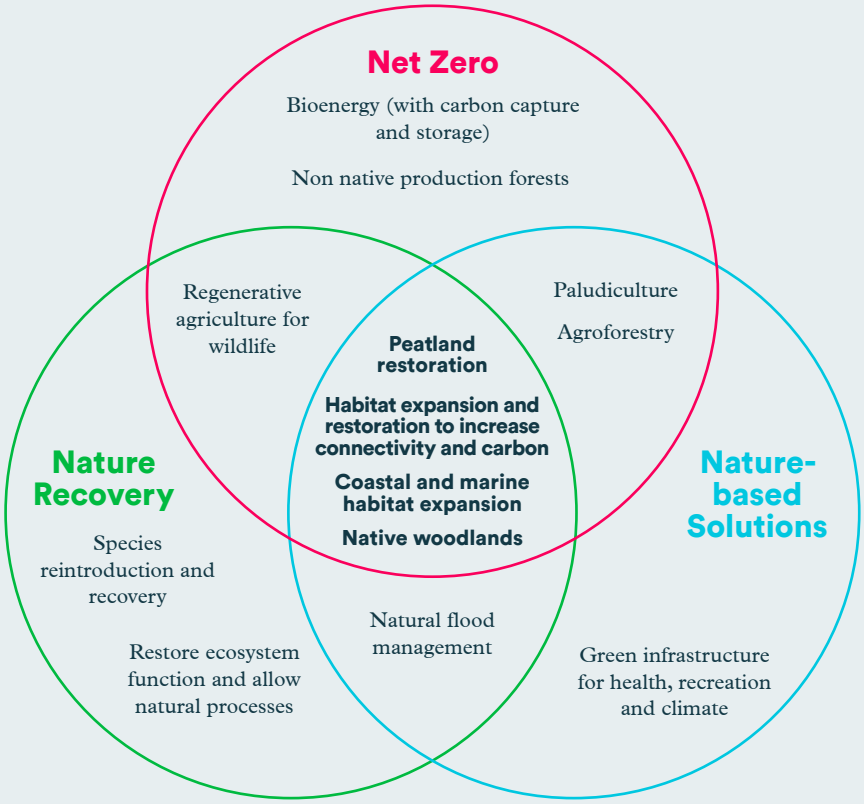
Peat restoration and afforestation rates are currently below required levels.

There are strong synergies between delivering Net Zero and delivering Nature Recovery: ***"The natural environment can play a vital role in tackling the climate crisis as healthy ecosystems take up and store a significant amount of carbon in soils, sediments and vegetation.*** *Alongside many other negative impacts, the destruction and degradation of natural habitats has resulted in the direct loss of carbon stored within them. Restoring natural systems can start to reverse this damage while supporting and enhancing biodiversity, as well as delivering co-benefits for climate change adaptation, soil health, water management and society."* — Natural England, 2021[3]

1 2023 Progress Report to Parliament - Climate Change Committee (theccc.org.uk)

2 2021 UK Greenhouse Gas Emissions, Final Figures

3 Carbon Storage and Sequestration by Habitat 2021 - NERR094 Natural England report, Carbon storage and sequestration by habitat: a review of the evidence (second edition) 2021



Examples of relationships between nature-based solutions, nature recovery and net-zero. *Source: Natural England report, Carbon storage and sequestration by habitat: a review of the evidence (second edition) 2021*

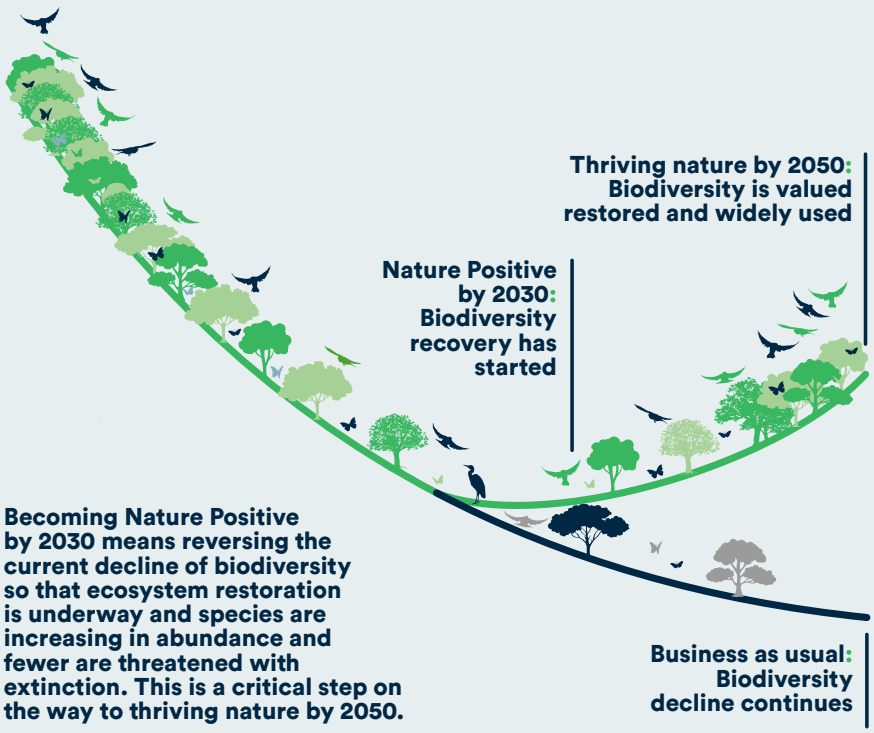
The State of Nature

The UK is one of the most nature-depleted countries in the world due to its long history of industrialisation and land use changes over millennia. Large areas of habitats have been lost with 99.7% of fens, 97% of species-rich grasslands, 80% of lowland heathlands, up to 70% of ancient woodlands and up to 85% of salt marshes destroyed or degraded. The impacts on species have also been severe, with **a quarter of mammals in England and almost a fifth of UK plants threatened with extinction.** *Working with Nature*, Environment Agency, July 2022[4]

Since the 1970s 41% of all UK species studied have declined. 26% of the UK's mammals are at a very real risk of becoming extinct, while 22% of seabird species studied have decreased in the last 50 years. Some species have suffered extreme declines - since the 1950s the number of hedgehogs have reduced by 95%, while turtle doves were down by 98% and even numbers of the common toad have fallen by 68%. *State of Nature Report*, 2019[5]

Tackling the twin challenges of Net Zero and Nature Recovery means focusing on the key overlapping areas of **peat restoration, tree planting, woodland management and habitat expansion and connection** as well as protecting and expanding marine habitats.

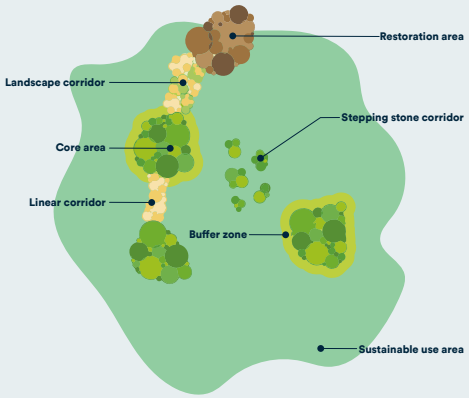
4 Working with nature - GOV.UK
5 State-of-Nature-2019-UK-full-report.pdf (nbn.org.uk)



Source: Nature Positive by 2030[6] (Joint Nature Conservation Committee, Natural England, Natural Resources Wales, NatureScot and the Northern Ireland Environment Agency).

This also means an end to seeing wildlife habitats as isolated nature reserves which are increasingly fragmented by development, to taking a larger landscape view to deliver wildlife-rich, ecologically functioning and thriving landscapes. **This requires a mind-set shift for local authorities and national government, including those planning development and infrastructure.**

The approach to nature recovery is based on the **Lawton Principles** for enhancing ecological networks. These principles are: **better, bigger, more and joined up** outlined by Professor John Lawton in 2010 *Making Space for Nature*[7].



This means:

- Protecting what we have while improving its quality with better management
- Increasing the size of wildlife sites
- Enhancing connection by creating new wildlife corridors or stepping stones
- Creating new sites
- Reducing pressure on wildlife by improving the wider environment including through buffering wildlife sites.

6 Nature Positive 2030 – Summary Report

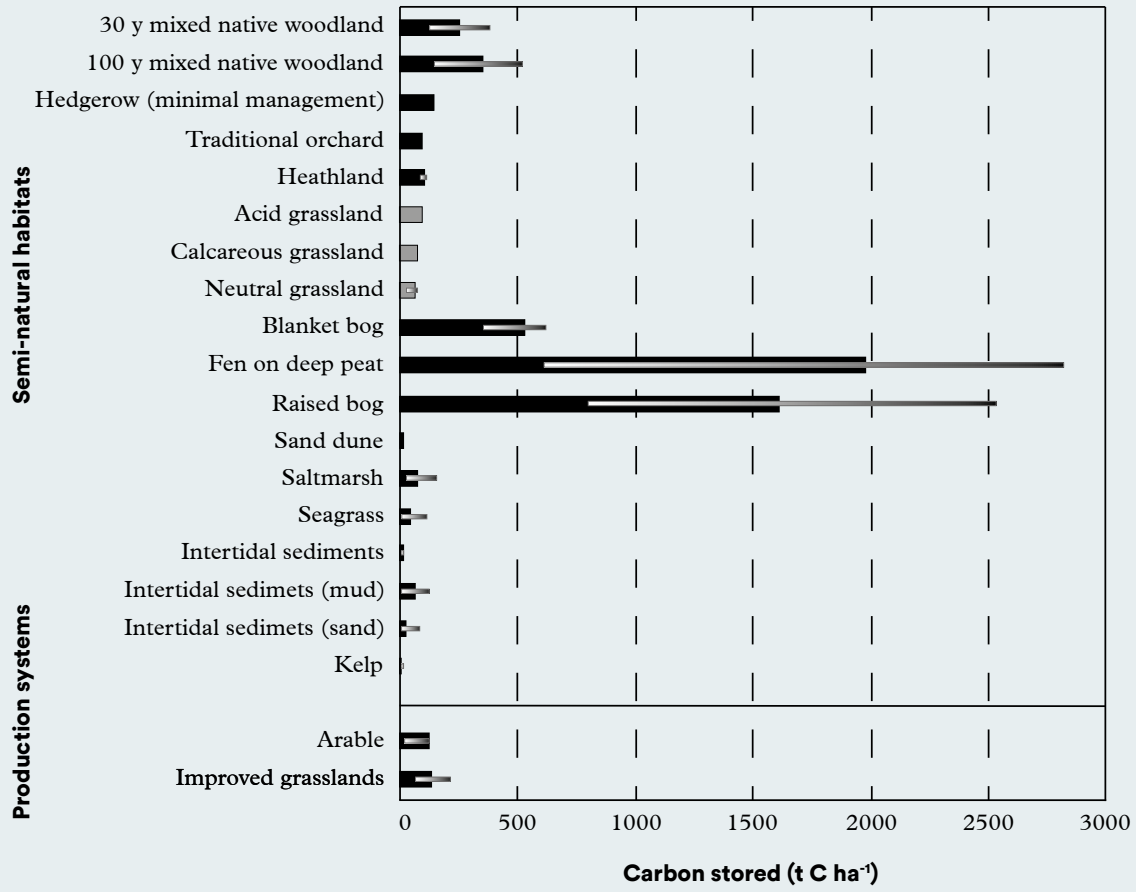
7 https://webarchive.nationalarchives.gov.uk/ukgwa/20130402151656/http:/archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf

Why is peat so important?

"If it's peat, keep it wet, don't drain it, don't burn it, don't extract it and don't plant trees on it."
Jo Kennedy, Living Landscapes Development Manager/Coordinator for The Great Manchester Wetlands Nature Improvement Area Partnership.

The chart below shows that peat stores over four times as much carbon as any other habitat. That is not to underestimate the role of forests, woodlands, hedgerows and soils as carbon stores, but highlights the critical importance of conserving, restoring and rewetting peatlands.

In terms of Nature, peatlands are important habitats as well – so action to restore peatland habitats provides one of our best wins in tackling both climate change and nature recovery.



Natural England's 2021 *Carbon storage and sequestration by habitat: a review of the evidence (second edition)*

About this report

This is a long and complex document with over 100 references. It is a supplementary chapter to Powers in Place – the Handbook of Local Authority Net Zero Powers, which contains references to the overarching powers local authorities have through the General Power of Competence, borrowing and investing powers, procurement powers as well as powers relating to decarbonisation of Transport, Buildings, Energy and Waste.

We recommend its use as:

- **A directory** to consult on a specific issue
- **A primer** to give an overview of a topic area with which the reader is unfamiliar
- **A source of detailed references** on legislation, powers and strategies to look up and quote if needed.

The research gathered information from two main sources:

Desk research:

- A review of reports produced for government departments and other government agencies to identify the recommendations already put before the government.
- A review of other relevant reports, including from organisations with close links to local authorities, such as the Local Government Association (LGA), The Planning Advisory Service (PAS), Association for Public Service Excellence (APSE), The Royal Town Planning Institute (RTPI), Ashden, Friends of the Earth and The Association of Directors of Environment, Economy, Planning and Transport (ADEPT), Natural England, The Wildlife Trust, The Woodland Trust, Forest Research and many more.
- Searches in the resources and database provided by LGA Inform Plus, Powers and Duties.
- Identifying and checking the wording of relevant Legislation and Statutory Duties which provide the strong legal drivers and hooks for emissions reduction activities.
- Web searches to identify examples of local authorities using their powers for nature recovery and climate change actions.

Discussions with local authorities and other key stakeholders, including UK100's Advisory Group. Many thanks to people who gave up their time to help with this research.

Definitions of specialist terminology is provided in Appendix 1.

Disclaimer: This report refers to powers and legislation but does not constitute legal advice, and as the researchers are not lawyers, we may have made mistakes in interpretation. All errors are our own: we have endeavoured to check information on powers against the primary legislation. In a way this serves to show how complicated it can be for local authority officers to bring forward projects in a complex legal environment.

The report covers a significant amount of information relating to Nature Recovery duties and powers, but time and resources meant it could not cover everything in detail. As such water courses and in particular, marine conservation, are included but are less comprehensive than land-based aspects of nature.

Overarching Powers:

1.1 Key Strategies

Key laws relevant to Nature are:

- **The Environment Act 2021**[8] – Provides the Government with powers to set new binding targets for priority areas, which include air quality, water, waste reduction and biodiversity. The Environment Act requires the Secretary of State to set a target to halt the decline in the abundance of species by 2030, which must be monitored. Alongside this, the minister must prepare an environmental improvement plan (see below) for a period of at least 15 years, and update Parliament annually.

  The Act establishes a new watchdog - the **Office for Environmental Protection** (OEP), which will monitor and enforce environmental law and report annually. The OEP has already called for swifter progress in developing the Environmental Land Management Scheme and the strengthening of some of the targets[9].

  For local authorities, the Act strengthens the **Biodiversity Duty** and reporting requirements, and introduces the requirement for **Local Nature Recovery Strategies** and **Biodiversity Net Gain**. It also states that Natural England is responsible for improving the conservation status of any species or site that it chooses and that local authorities must cooperate with Natural England to help prepare and implement locally-relevant species conservation strategies.

- **The Agriculture Act 2020**[10] - Sets out the replacement for the EU Common Agricultural Policy and Basic Payments to farmers, with payments that support land management for the environment and public access, climate mitigation and adaptation and soil improvement.
- **The Levelling Up and Regeneration Bill** - Currently passing through Parliament and will make significant changes to the planning system, including removing the requirement for Local Planning Authorities to maintain a five-year supply of deliverable land for housing (which puts significant pressure on land use). It also proposes to change the current regime of Environmental Impact Assessments (EIA) for sensitive areas and certain types of development. If the Bill becomes law, EIA and Strategic Environmental Assessment (SEA) will be replaced by 'Environmental Outcome Reports' (EORs).
- **The Climate Change Act 2008**[11] – Delivering Net Zero by 2050 will both protect nature from climate impacts and provide opportunities for carbon sequestration in trees, peat and soils through land use change and carbon credits.
- **The Retained EU Law (REUL) (Revocation and Reform) Act 2023**[12] received Royal Assent on 29 June 2023. The Bill had initially proposed to retire up to 4,917 pieces of retained EU legislation by the end of December 2023, much of which related to Defra. This had raised severe concerns that the protection and improvement of the environment would be at risk from unintended or rushed deletions.

  The threat of revocation was removed from the Bill before it became law, and local authorities are unlikely to see significant or immediate reductions in environmental protection requirements. However, the REUL act still contains the power to revoke, replace or restate the remaining body of REUL. This means that nearly 5,000 laws can now be significantly changed by ministers through to 2026, with little guaranteed Parliamentary oversight. The timeline of this process, and the extent of potential engagement with stakeholders and the general public is unclear, but it effectively allows ministers to alter retained EU law, possibly deleting legal protections in the coming three years without consultation. The lack of timeline and process could cause a confusing picture and uncertainty which is not conducive to effective implementation of existing protections, nor delivering on targets set under the Environment Act 2021.

8 Environment Act 2021
9 OEP response to consultation on environmental targets
10 Agriculture Act 2020
11 Climate Change Act 2008
12 Retained EU Law (Revocation and Reform) Act 2023

Key strategies relating to Nature are:

i) The Net Zero Strategy[13]: This states that *"halting climate change and protecting the natural world are two sides of the same coin, so we will restore our countryside to reduce emissions, sequester carbon and build our resilience to climate change at the same time."* The Strategy outlines ambitions to ensure 75% of farmers are engaged in low carbon farming practices by 2030 rising to 85% by 2035; support farming innovation; increase woodland creation rates to reach the target of planting 30,000 hectares (ha) a year from 2025; and outlines funding and incentives to achieve this.

ii) The Environmental Improvement Plan (EIP)[14] 2023: Developed under the Environment Act 2021, it commits to *"protect 30% of our land and sea for nature through the Nature Recovery Network and enhanced protections for our marine protected areas."* Underpinning this are goals to improve environmental quality, use of resources, climate change mitigation and biosecurity; which all lead to a goal for enhanced beauty, heritage and engagement with nature. This plan will be delivered through the Nature Recovery Network which will address three of the biggest challenges: biodiversity loss, climate change and wellbeing. By 2042 the aim is to:

- restore 75% of protected sites on land (including freshwaters) to favourable condition so nature can thrive
- create or restore 500,000 ha of additional wildlife-rich habitat outside of protected sites
- recover threatened and iconic animal and plant species by providing wildlife rich and better-connected habitats
- support work to increase woodland cover
- achieve a range of environmental, economic and social benefits, such as carbon capture, flood management, clean water, pollination and recreation.

The EIP also commits to publishing a Land Use Framework in 2023 to set out the government's approach to making the most out of the land and to ensure it reflects the objectives for agriculture, the environment and Net Zero. This is urgently required and has been called for by agencies including the Climate Change Committee (CCC).

The Nature Recovery Green Paper[15], consulted on in March 2022 and awaiting government's response, aims to simplify the environmental regulatory landscape for protected sites [see Appendix 1 Definitions] and to make it easier to understand and target nature recovery and climate adaptation.

UK100 responded to DEFRA's consultation on the Nature Recovery Green Paper. The main recommendation was for local nature recovery strategies to be developed to cover the whole of the UK, developed and implemented by local authorities and supported through adequate, non-competitive funding.

13 Net Zero Strategy: Build Back Greener
14 Environmental Improvement Plan 2023 - GOV.UK
15 Nature recovery green paper: protected sites and species

The Environmental Improvement Plan states a green finance aim to raise at least £500 million per year of private finance into nature's recovery by 2027, and more than £1 billion by 2030.

iii) **The Agricultural Transition Plan 2021 to 2024[16]:** This outlines the transition from direct area-based payments to farmers and landowners to the introduction of payments to improve the environment, animal health and welfare, and reduce carbon emissions. This is known as Environmental Land Management (ELM) and will bring nature back into the farmed landscape. The Plan also explains the evolution of support services and programmes developed with farmers, and how these will start to link up with other stand-alone funded schemes for tree planting, peat restoration and nature recovery. Eventually these will all consolidate into the Nature Recovery Network. One of the first elements of ELM, the Sustainable Farming Incentive (SFI)[17] will support sustainable approaches to farm husbandry, such as actions to improve soil health, enhance hedgerows and promote integrated pest management.

Other key strategies and plans for Nature include:

- **England Trees Action Plan 2021 – 2024[18]**
- **England Peat Action Plan[19]**
- **Keepers of time: ancient and native woodland and trees policy in England[20]**
- **Plant Biosecurity Action Strategy (2023-28) for Great Britain[21]**
- **GB Invasive Non-native Species Strategy (2023 to 2030)[22]**

iv) **The 2023 Green Finance Strategy[23]:** This outlines support to align the finance industry with Net Zero, global goals for biodiversity and climate adaptation. A new **Taskforce on Nature-related Financial Disclosures** (TNFD), hosted by the Green Finance Institute (GFI)[24] has been established. The government is also working with the Bank of England, the GFI and other partners to quantify more effectively the potential UK financial exposures from nature loss and degradation.

v) **The Nature Markets Framework[25]:** Accompanying the Green Finance Strategy is the Nature Markets Framework. "This sets out principles and priorities for the development of mechanisms for investment in ecosystem services - including carbon removal and storage, biodiversity and water quality - and aims to clarify how farmers and natural resource managers can engage in the nature market to unlock these opportunities." This Framework explains the stacking and bundling of different credit types for different ecosystem services and benefits (including carbon credits and biodiversity units), verification and support in developing investment schemes. **This document will be useful for local authorities starting to establish investable schemes in carbon, nature and water in land and marine settings.**

vi) **Environmental Principles Policy Statement[26]:** Lastly, a new legally-binding Environmental Principles Policy Statement was published by the government in May 2022 (and updated in January 2023), to embed protections and enhancements for the environment in all government policy-making, as required by the Environment Act. This requires Ministers and policy-makers to consider five internationally recognised principles to prevent environmental damage whilst supporting innovation and sustainable development. They must take every opportunity to embed environmental protection into policy, prevent damage and rectify damage at source. It also includes the 'polluter pays' principle and a precautionary principle i.e. a lack of full scientific certainty cannot be used as a reason to put off cost-effective measures to prevent environmental degradation.

16 Agricultural Transition Plan 2021 to 2024 - GOV.UK
17 SFI Handbook for the SFI 2023 offer - GOV.UK (www.gov.uk)
18 England Trees Action Plan 2021 to 2024
19 England Peat Action Plan - GOV.UK
20 Keepers of time: ancient and native woodland and trees policy in England - GOV.UK
21 Plant biosecurity strategy for Great Britain (2023 to 2028) - GOV.UK
22 GB Strategy » NNSS
23 Mobilising Green Investment - 2023 Green Finance Strategy March 2023 - GOV.UK
24 Taskforce on Nature-related Financial Disclosures
25 Nature markets: a framework for scaling up private investment in nature recovery and sustainable farming
26 Environmental principles policy statement - GOV.UK

1.2 Key Powers

Local authorities have a wide set of duties and powers relating to nature conservation and enhancement. 2011 research for the LGA by Savills found that local government has 170 statutory duties across a wide range of interrelated areas concerning rural land. Local authorities have an overarching Biodiversity Duty in exercising all their functions. This duty has been strengthened by the Environment Act and local authorities have a duty to conserve and enhance biodiversity. They will have to report on their actions and forward plans to comply with their **Biodiversity Duty**, and for Local Planning Authorities, their approach to delivering Biodiversity Net Gain. All public authorities also have to have regard to relevant local nature recovery strategies under the strengthened biodiversity duty.

Since 69% of land is under agriculture, **local authorities currently have very little impact or influence on land use apart from through the planning role,** for example, considering developments on agricultural land or change of land use. They hardly have any influence over the way farming practices are carried out. Given that the CCC's 2022 Progress Report[27] says that a fifth of agricultural land needs to be released by 2035 for carbon sequestration, it is important that local authorities can understand where this could be possible and how to help influence alternative low carbon and biodiversity uses for that land.

English councils own about 1.3 million acres of land – around 4% of England's land[28], giving them complete control over how nature is treated across farms, allotments, parks, verges, local nature reserves, golf courses, disused landfill sites, school grounds (where schools are still in local authority control) and open spaces, woodlands, moorlands and stretches of beach and foreshore.

Some of the main duties and powers for nature recovery are outlined below.

Relevant Legislation	Power enabled
Environment Act 2021	The Environment Act 2021 introduced new **duties** for local authorities for nature recovery and biodiversity including: All planning permissions granted in England (with a few exemptions) will have to deliver at least 10% **biodiversity net gain** from November 2023 (S98-101) Enhanced **duty** for local authorities to conserve and enhance biodiversity (S102) and report on their actions (S103) LPAs will need to comply with the above duty and have regard to the **Local Nature Recovery Strategy** in local planning policy and decisions (S102). Responsible authorities appointed by the Secretary of State (S105) to lead the Local Nature Recovery Strategy (LNRS), working with a broad range of stakeholders.
Wildlife and Countryside Act 1981 Crime and Disorder Act 1998	This Act is the basis of protection of all wildlife in the UK and includes schedules that set out those species with additional levels of protection. It also provides the basis for the identification of sites of national importance for nature conservation - Sites of Special Scientific Interest (SSSIs). **Duty** to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment) i.e. including wildlife crime S17.

27 2022 Progress Report to Parliament - Climate Change Committee
28 https://whoownsengland.org/2020/05/04/what-land-is-owned-by-councils/?ref=inkcapjournal.co.uk

The Conservation of Habitats and Species Regulations 2010 consolidated and updated by The Conservation of Habitats and Species Regulations 2017	**Duty:** local authorities must exercise their nature conservation functions to comply with the Habitats Directive and consider the effect on a European site[29] before granting consents or authorisations, including the grant of planning permission and subject to specified exceptions (considerations of overriding public interest), may not authorise a plan or project that may adversely affect the integrity of a European site.
Town and Country Planning Act 1990 (Planning Act 2008)	Introduced s.106 agreements (and the Community Infrastructure Levy) to provide developer contributions to supporting infrastructure which can include protection, monitoring or restrictions for sites including designated sites[30] (and for green infrastructure etc).
Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	Trees and Tree protection orders General **duty**, wherever appropriate, in granting planning permission for any development… to ensure preservation of, and planting of trees S197. Power to make tree preservation orders s198. This covers the preservation of trees or woodlands in their area, in the interests of public amenity.
National Parks and Access to the Countryside Act 1949	All district and county councils have powers to acquire, declare and manage Local Nature Reserves (LNR). To qualify for LNR status, a site must be of importance for wildlife, geology, education or public enjoyment. LNRs must be controlled by the local authority through ownership, lease or agreement with the owner. (S21) A local authority may carry out works to improve land, including derelict land, including the planting of trees and may compulsorily acquire derelict land for that purpose. (S89)
Marine and Coastal Access Act 2009	Establishes Inshore Fisheries and Conservation Authorities (IFCAs) in England (committees of local government and Marine Management Organisation-appointees with relevant experience) with duties to manage the exploitation of fishery resources in a sustainable way; balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation and balance different people's needs (e.g. community, fishing industry etc). They must further the objectives of Marine Conservation Zones. (S153) Provides IFCAs with powers to make byelaws regarding prohibition or restriction of exploitation activities in protected areas; permits; vessels, methods and gear; protection of fisheries for shellfish; research and monitoring. (S155 & 156). They can also make emergency byelaws, and byelaws relating to particular areas or times of year.
Hedgerow Regulations 1997 powers conferred by section 97 of the Environment Act 1995 and related to TCPA 1990	Limited powers to protect certain rural hedgerows it considers to be of environmental importance. 'Removal' of a hedgerow includes not only grubbing-up but also other acts that result in the destruction of a hedgerow. "Important hedgerows" – existed for more than 30 years, historic boundaries, habitat for important species, 20m length etc. does not apply to hedges bordering domestic houses.

29 European Site means Special Protection Areas (SPAs) Special Areas of Conservation (SACs) (see Appendix 1 Definitions)
30 Protected sites and areas: how to review planning applications - GOV.UK

Local Government (Miscellaneous Provisions) Act 1976 Environment Act 2021 Amended Highways Act 1980	A local authority may deal with dangerous trees (S23). **Duty** of local highway authorities in England to consult before felling street trees. **Duty** to consult before felling unless the tree diameter is less than 8 cm, the tree is dead or diseased, causing an obstruction etc.
Countryside and Rights of Way Act 2000	**Duty:** A local authority must produce and publish management plans in relation to areas of outstanding natural beauty as required by the Act (S89). This is the case if there is not a Conservation Board that has published a management plan.
Environmental Protection Act 1990	A local authority may carry out remediation works on contaminated land in certain circumstances and to recover its costs (S78N). This is possible to prevent harm, pollution to waters or danger. **Duty** to keep land and highways clear of litter etc. S89.
Highways Act 1980	**Duty:** Highway authorities must keep a record of public rights of way and make sure they are open for public use. The legal record of a highway authority's rights of way network is known as the 'definitive map and statement'. Powers of highway and local authorities to plant trees, lay out grass verges, etc. S96. The highway authority may permit the occupier or the owner of any premises adjoining the highway to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in such part of the highway as may be specified in the licence S142.
Countryside Act 1968	Local authorities have powers relating to providing, or improving, opportunities for the enjoyment of the countryside by the public. A local authority may provide, maintain and manage a country park, acquire land to enable it to do so and issue byelaws regarding its use (S18). Access to open country: rivers, canals and woodlands – Local Planning Authorities should make sure that there is access to rivers and canals for picnics, launching boats or going around obstacles on rivers. The power to provide country parks. A local authority may impose terms into access agreements to prevent land becoming excepted land[31]. The highway authority has powers relating to the signposting of footpaths and bridleways.

31 Except areas of private land within areas of Access Land that cannot be accessed apart from by public rights of way. This could include land for crops, houses and buildings, gardens, quarries etc.

Open Spaces Act 1906	A local authority may use its land for the purposes of open spaces (S7). Local authorities have the power to acquire open spaces or burial grounds (S9). County Councils can purchase or lease grounds for public walks or pleasure grounds (S14).
Public Health Acts Amendment Act 1890	A local authority may lay out, plant and improve land forming part of a park or pleasure ground.
Small Holdings and Allotments Act 1908	**Duty** to provide allotments – if there is a sufficient demand, certain types of council (borough, urban district or parish) have a duty to provide and let a sufficient number of allotments (S23). (County Councils have the power to let allotments under Section 15 of the Allotments Act). They may purchase, lease or acquire land for allotments by compulsory purchase order (or compulsory hire of land) (S25). A local authority may promote the formation or extension of co-operative societies in relation to allotments or small holdings, including the giving of grants or making of loans in certain circumstances (S49).
Agriculture Act 1970 Small Holdings Act 1892	A local authority may acquire land for the purposes of use as a smallholding (i.e. between 1 and 50 acres). A local authority may adapt land for use as a small holding prior to letting or sale.

1.3 Nature Governance & Structures

Many different organisations have statutory and non-statutory nature roles, many of which overlap.

The **Nature Recovery Network Delivery Partnership**[32] - This was launched in November 2020 to create a broad network of cross-sectoral organisations to work together to help deliver the Nature Recovery Network. It is supported by a Partnership Management Group.

Local Nature Partnerships (LNPs) - These are strategic partnerships made up of a broad range of public and private organisations, local community groups and local authorities established by the Secretary of State for the purpose of protecting and improving the natural environment in an area and the benefits derived from this. There are 47 Local Nature Partnerships across England[33] but having never been funded, they vary in structure and quality. LNPs are recognised in the National Planning Policy Framework (2021) as a relevant body that should be engaged in the strategic planning process[34]. When effective, they play a vital role in shaping local policy and delivery, often being instrumental in securing funding for landscape scale and local nature improvements. (Landscape scale is defined by Defra for funding purposes as 500 – 5,000 ha or 5 km2 – 50 km2; for context the size of the Peak District National Park is 1,438km^2 similar to the size of Greater London; or 500 ha is equivalent to 700 football pitches).

Natural England is an executive non-departmental public body, sponsored by Defra. It is responsible for enforcing laws that protect wildlife and the natural environment. Natural England is a statutory consultee in the planning system and responded to over 17,000 planning application consultations in 2021-22. Natural England is also a competent authority, issuing consents where there will be impacts on protected species and sites[36]. Four strategic programmes[37] aligned with the national 25 Year Environment Plan frame interactions with local authorities. Natural England supports preparation of Local Nature Recovery Strategies through Senior Advisors who work with Responsible Authorities to develop their Local Nature Recovery Strategies in particular. These programmes are:

- Resilient Landscapes and Seas – Support for developing Local Nature Recovery Strategies and providing data and research, also leads Back from the Brink programme for species recovery
- Sustainable Development – This is particularly relevant to Biodiversity Net Gain being introduced
- Greener Farming and Fisheries – This is particularly relevant to ELM schemes for farmers/landowners
- Connecting People with Nature - Ensuring the Nature Recovery Network enables access, especially for deprived communities, advice on Green Infrastructure in planning and green social prescribing.

Greater Manchester's Local Nature Partnership – The long-running Natural Capital Group is now established formally within the Combined Authority governance structure of the Green City Region. Its activities are integrated within the Five-Year Environment Plan. It has developed a Natural Capital Investment Plan to help encourage investment in the natural environment to secure financial and social returns. Greater Manchester Combined Authority (GMCA) has established an Environment Fund, and a range of tools and guides, including Natural Capital Accounts and Ecosystems Services Opportunity Maps, to guide planners and help those developing projects.

32 Nature Recovery Network - GOV.UK
33 Local Nature Partnerships: map and key contacts - GOV.UK
34 National Planning Policy Framework
35 The Essex Local Nature Partnership
36 2021-22 Annual report to the Department for Levelling Up, Housing and Communities: Natural England's timeliness on responses
37 Building Partnerships for Nature's Recovery (publishing.service.gov.uk)

The **Essex Local Nature Partnership**[38] was set up in 2021 to strengthen the impact of local action for nature recovery. The 14-strong board includes representatives from agriculture, development, local government, conservation organisations, community groups, health organisations and youth groups, with the county council providing initial administrative support. It has the following 4 targets, to be achieved by 2030:

- Natural Green Infrastructure coverage of Essex to be increased from 14% to 25% by 2030
- 50% of farmland in Essex to adopt Sustainable Stewardship practices by 2030
- 1 in 4 people in Essex taking action for Nature Recovery
- Access to high quality green space for all.

38 The Essex Local Nature Partnership

Areas of Outstanding Natural Beauty

Natural England can make orders to designate Areas of Outstanding Natural Beauty (AONB), which are protected landscapes with management plans and staff, under the Countryside Rights of Way Act 2000[39]. Local Planning Authorities must pay attention to AONB management plans and ensure any development planning proposals have regard for the purpose of conserving and enhancing the natural beauty of the AONB, including for new infrastructure and rights of way. The Secretary of State can set up Conservation Boards to manage AONBs but if there is not one, the local authority must produce a management plan.

England's 34 AONBs often have strong partnerships in place with key landowners and farmers, including through Farm Advice services, and opportunities to bring in funding and establish new projects. They also are home to Farm Clusters which can be underpinned by the local authority, National Farmers Union and local charities, but led by farmers. These both conserve and enhance the landscape and environment while innovating on new farming techniques. Local authorities can play an important role in supporting farmers and landowners in applying for funding for equipment (such as slurry stores) and accessing larger landscape scale funding schemes to support nature-based solutions: regenerative farming, rewilding, adaptation – natural flood management and species reintroduction.

The **Environment Agency** in England is a non-departmental public body, established by Defra and responsible for regulating major industry and waste, treatment of contaminated land, water quality and resources, fisheries, inland river, estuary and harbour navigations and conservation and ecology.

The Environment Agency manages the seven **River Basin Districts**[40] in England, each of which has a River Basin Management Plan – these plans identify any effects on habitat sites. River basin management plans (RBMPs) set the legally binding, locally specific environmental objectives that underpin water regulation (such as permitting) and **planning** activities. RBMPs influence investment programmes, such as the water industry's environmental improvement programme, ELM schemes and the England Trees Action Plan. The Environment Agency is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Similar to Natural England, the Environment Agency has a role in planning and permitting, particularly regarding impacts of development on designated sites, on water quality and habitats. This includes nutrient pollution – an issue affecting development, particularly in the South East of England whereby increased nutrients, particularly phosphorus and nitrogen, produced by sewage treatment works, septic tanks, livestock, farming and industry, causes plants to grow and disrupt natural processes and damage wildlife. The Environment Agency plays a key role in permitting planning and extraction for water courses, including for hydroelectric schemes, alterations to water courses for flood management and nature recovery schemes.

Lead local flood authorities (LLFAs): Under the Flood and Water Management Act 2010, LLFAs must develop a Flood Management Strategy for managing the risk of flooding from surface water, groundwater and ordinary watercourses and lead on community recovery. These local authorities will have close relationships with the Environment Agency and water companies in managing opportunities to reduce flood risk through Natural Flood Management and Sustainable Drainage Systems (SuDS) which provide co-benefits for nature as well as slowing run-off.

39 Areas of outstanding natural beauty (AONBs): designation and management - GOV.UK (www.gov.uk)
40 River basin management plans: updated 2022 - GOV.UK

Calderdale Council and the Environment Agency worked with charity **Slow the Flow** in response to devastating floods in the Calder Valley in 2015 affecting 2,781 homes and 4,416 businesses. They developed and researched Natural Flood Management, alongside the hard engineering solutions to reduce flood risk to communities in the valley. Installed across the landscape or catchment, the many natural measures reduce and slow the peaks of water reaching river courses after intense rainfall, reducing flood risk. Leaky dams, ponds, tree planting and cross-slope hedgerows are examples of natural flood management that also benefits nature and habitats. A set of resources and evidence has been developed by Slow the Flow and the Environment Agency: **Introduction to Natural Flood Management - Slow The Flow.**

The **Forestry Commission** is a non-ministerial department responsible for protecting, expanding and promoting the sustainable management of woodlands. It is supported by **Forestry England,** which manages the public forest estate and Forest Research, which conducts forestry and tree related research. It is responsible for the UK Forestry Standard[41], for sustainable forest management which applies to all woodland, regardless of who owns or manages it. The standard covers a range of aspects including biodiversity, climate change, landscape, soil and people. The Forestry Commission provides a range of guidance, **support and grants for woodland creation** and funding and grants for non-woodland **trees in urban areas** and across local authorities.

National Park Authorities are home to some of our most important sites for nature, hosting over 330 conservation projects in 2019/20[42] and providing access to people across thousands of kilometres of public rights of way, including 1,300km of accessible routes. There are ten National Parks in England: established by the National Parks and Access to the Countryside Act 1949 to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.

Rural Payments Agency is an important non-executive agency of Defra, making payments to farmers, traders and land-owners in England. It also makes payments on behalf of Natural England, and manages over 40 schemes to help ensure a healthy rural economy and strong rural communities. The RPA is a central resource to understand funding opportunities and deadlines, and a delivery partner for the **Agricultural Transition Plan 2021 to 2024**. In the past it issued payments and penalties, but the government's intention is that it starts to provide advice and support.

The regulated **Water Utility** companies are significant actors relating to nature and land, owning over 345,000 acres[43] across England and with plans[44] for 2030 to restore 20,000 ha of peatland and native habitat and plant 11 million trees. England's nine water and sewerage companies are regulated by Ofwat and are accountable to ensure they protect and improve the environment. These companies have been failing in that task, particularly damaging nature through sewage pollution in rivers and watercourses. The Chair of the Environment Agency wrote that ***"In 2021, the environmental performance of England's 9 water and sewerage companies was the worst we have seen for years… The sector's performance on pollution was shocking, much worse than previous years."***[45]

41 The UK Forestry Standard - GOV.UK

42 National Parks UK

43 Liquid assets: land owned by the water utilities

44 Water UK

45 July 2021 environmental performance report for the water companies preface from Emma Howard Boyd, Chair of the Environment Agency Water and sewerage companies in England: environmental performance report 2021 - GOV.UK (www.gov.uk)

Local authorities, particularly Lead Local Flood Authorities, Access Officers and those coordinating landscape recovery programmes, will have relationships with water companies, who are key partners for nature recovery and provide expertise, land and resource to support delivery through catchment management, peatland restoration, tree planting and space for public access to the countryside.

The **Marine Management Organisation** (MMO) was created in 2009 by the Marine and Coastal Access Act. It is an executive non-departmental public body, sponsored by Defra. It regulates England's seas and coasts, aiming to balance increased economic development and the protection and enhancement of the marine environment. It is responsible for developing **Marine Plans** for the 11 marine plan areas. These are the equivalent of Local Plans but are guided by the **Marine Policy Statement** (MPS)[46] and Local Planning Authorities must (under the National Planning Policy Framework) take account of the MPS and Marine Plans in pursuing Integrated Coastal Zone Management between land and sea. Marine spatial planning encompasses marine environmental protection, offshore energy developments and cabling, including wind, tidal, oil and gas, aspects of defence activities, port and shipping developments, fisheries and aquaculture, marine aggregates and dredging, surface and waste water treatment and disposal and leisure and tourism.

The MMO has duties regarding **Marine Conservation Zones,** which, together with other kinds of Marine Protected Areas (MPAs), number over 178 in English waters. These MPAs cover 51% of inshore and 37% of offshore waters. The MMO manages fishing in MPAs offshore of 6 nautical miles and manage marine non-licensable activities in MPAs inshore of 12 nautical miles[47].

Inshore of 6 nautical miles, ten **Inshore Fisheries and Conservation Authorities (IFCAs)** are local authorities responsible for making fisheries byelaws and ensuring conservation and enhancement of protected areas. IFCAs are committees or joint committees of local government (where a Marine Conservation Zone relates to more than one local authority). IFCAs are made up of local authority representatives, representatives of the Environment Agency, Natural England and the MMO, along with MMO appointees with relevant experience such as fishers, academics, NGOs and so on. IFCAs have powers to make byelaws, communicate and enforce these, including by using vessels to make inspections. They also work in partnership with law enforcement agencies, like the police and border force. Funding for IFCAs is from the local authorities represented in the IFCA area and includes New Burdens funding direct to local authorities who did not have responsibilities to the previous Sea Fisheries Committees. Although not ring-fenced, New Burdens Funding typically passes more or less onto the IFCA depending on the area. These authorities are important for conservation and can pass byelaws that protect important sites for nature, such as restricting bottom trawling or dredging fishing gear which destroys fragile ecologies such as seagrass. Seagrass and kelp are increasingly recognised as vital for carbon sequestration and storage, along with sediments, and there is growing interest in Blue Carbon schemes to fund its restoration.

Sussex IFCA, Ardur and Worthing Council and Sussex Wildlife Trust are working with other partners on the Sussex Kelp Restoration Project to support and monitor the natural recovery of kelp and other fish habitats in Sussex and and the impact of the Sussex IFCA Nearshore Trawling Byelaw. This includes educational engagement and wider nature recovery activities on the Ardur river.

46 10164_Marine Statement_Cov.indd (publishing.service.gov.uk)
47 Marine Protected Areas (MPAs) - GOV.UK (www.gov.uk)

Powers in Place: Nature

Protecting & Enhancing Nature: Local Authority Nature Duties and Powers:

2. Local Authority Duties and Powers on Nature

2.1 Biodiversity Duty

The Environment Act 2021 strengthens local authorities' duty to conserve and enhance biodiversity (S102) and introduces a duty to report on their actions (S103) known as NERC reporting, the details of which have not yet been provided.

2.2 Duty to produce a Local Nature Recovery Strategy

Responsible Authorities (Combined Authorities, County Councils and Unitaries) will have to prepare Local Nature Recovery Strategies (LNRS). These will include a list of priority opportunities for habitat creation, improvement and restoration. It will also have a local habitat map which contains existing nature sites and habitats, and locations of the priorities for future habitat creation, improvement and restoration. **These strategies have the potential to shape the delivery of a range of policies in the Government's 25 Year Environment Plan, the Environment Act and Agriculture Act, including contributing to the national Nature Recovery Network.**

In preparation for LNRS five pilots were carried out and lessons from these were collated[48]. The LNRS development process includes significant elements of expert stakeholder engagement and local public engagement to identify and prioritise opportunity areas. It must involve Supporting Authorities – i.e. local district councils and city and unitary councils as well as all National Park Authorities and Natural England. These Supporting Authorities are often Local Planning Authorities (LPAs) which will need to ensure their existing strategies and policies for open space and Green Infrastructure are utilised within the LNRS process. It should also ensure experts from bordering LNRS areas are included because landscape character areas overlap LNRS boundaries, as do important habitats and species, with implications for planning policy, and project funding and management. There is also a requirement for LNRS consistency across boundaries to support national compilation of LNRSs in order to inform England's Nature Recovery Network.

Statutory Guidance[49] published in March 2023 outlines a process for preparing, publishing, taking action, then reviewing, updating and republishing the LNRS within 3-10 years of publication as notified by the Secretary of State. However, there are no specifics on metrics for monitoring and mapping. The lack of clarity over the targets and metrics to be used to measure nature recovery should be urgently addressed to enable local authorities to prepare robust LNRS. They will need consistent and comparable data in order to prepare and report against a baseline. Biodiversity data may be available at the district level because Local Planning Authorities (LPAs) have to prepare such evidence for local plans. The relationship between LNRS and Local Plans needs to be clarified; currently LPAs must simply 'have regard to LNRS'.

In two tier authorities the Responsible Authority for the LNRS is the County Council, (or Combined Authority) while the district councils (or unitary authorities in Combined Authority areas) are the Local Planning Authority, which may cause a potential disjoint between the two documents. Guidance on this from the government is expected during 2023. Supporting authorities which are not the Responsible Authorities for the LNRSs have the power to object to the LNRS and are not financially supported by the government to implement them.

48 Local Nature Recovery Strategy pilots: lessons learned - GOV.UK
49 Local nature recovery strategy statutory guidance - GOV.UK

2.3 Planning Policy

Planning is the key area in which local authorities have duties and powers to conserve and enhance the natural environment and biodiversity.

The most **significant powers for conserving and enhancing** (or destroying) nature are provided in Local Planning Authorities' role which encompasses:

- protection of designated habitats and species
- protection of wildlife outside protected areas
- protection of trees and hedgerows
- the ability to direct the sites for development and related infrastructure, including protecting the Green Belt from the urban sprawl that has so damaged biodiversity
- the power to develop pro-nature policies and guidance that introduces green and blue infrastructure, active travel infrastructure which can include nature, and requiring hedges, trees, food growing areas, sustainable urban drainage and green open spaces into development.

The duty to "enhance" allows LPAs to apply the **Lawton Principles** to nature recovery to make ecological spaces **better, bigger, greater in number ('more') and joined up.**

These powers should become stronger as mandatory Biodiversity Net Gain comes into force in November 2023, but only if capacity and capabilities in planning departments are increased.

However, these powers have clearly not been sufficient to protect nature and important species and habitats which face fragmentation, degradation and extinction from development, pollution and poor management.

Environmental impacts may be perceived as a 'tick box' exercise and mitigation measures not prioritised in order to keep developments simple and to save on costs. Too often 'exceptions' are made because other priorities override the environment. Furthermore, development sites and routes are seen as individual sites rather than as part of the wider landscape, so the cumulative impacts of development on habitats and species are not effectively prevented. Lastly, planning enforcement for environmental policies is weak due to a lack of capacity, budget and expertise, in part due to a historical lack of prioritising environmental issues over the delivery of housing and other types of development.

2.3.1 Upper Tier Authorities' Planning Role

Combined authorities (CAs) and County Councils can influence Local Plans through their wider spatial planning policies and guidance, for example, Strategic Growth Plans (which include housing and industrial growth), Local Transport Plans and Walking and Cycling Strategies, and in their roles as Waste Authority or Mineral and Waste Planning Authorities. Such plans should seek to protect nature and biodiversity, as they will be subject to the overarching Biodiversity Duty and will have to report on this.

CAs and County Councils can also develop pro-nature strategies and policies for Green Infrastructure, Trees or Biodiversity. This can be an efficient way to access expertise from national and regional stakeholders whose organisations cover large areas, such as the water utilities, Environment Agency, NGOs and the National Farmers Union, which may not have capacity to engage in strategy development across numerous smaller districts. It can also help pool skills and resources at the local authority level, with expertise employed at the larger geographical level to support districts.

Greater Manchester Combined Authority (GMCA) – All Our Trees: Greater Manchester's Tree & Woodland Strategy[50] sits within the city-region's strategic policy suite and links to many other objectives, including the climate target. It provides all 10 local authorities and wider partners with an overview, design manuals and data to **plant 3 million trees by 2050** (1 million of which by 2024), including more native trees and bigger trees within green spaces to support biodiversity; to **manage and protect existing trees and woodland,** including reducing tree removal by developers, and expanding heritage orchards and hedgerows, protecting valued older trees; and **engage citizens with the natural environment.**

The **West of England Combined Authority** (WECA) and **Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire councils** Joint Green Infrastructure Strategy[51] aims to ensure that the network of multifunctional urban and rural green space responds to the climate and ecological emergency.

Cambridgeshire County Council has developed a Climate Change and Environment Strategy[52] which effectively brings together actions under three themes: mitigation, adaptation and natural capital. Three of its nine priorities are *a) Green spaces, restoring natural habitats and beneficial land management b) Peatland - developing understanding of the scale of the challenge and opportunities for management best practice c) Water management, availability and flood risk, to improve water quality while improving resilience to flooding and droughts.*

50 All Our Trees – Greater Manchester's Tree and Woodland Strategy
51 Joint Green Infrastructure Strategy (JGIS)
52 Climate Change and Environment Strategy - Cambridgeshire County Council

2.3.2 Local Plans

The power to develop local plans is set up in the **Town and Country Planning Act 1947[53], Town and Country Planning Act 1990[54], Planning and Compulsory Purchase Act 2004[55], Localism Act 2011[56] and Neighbourhood Planning Act 2017[57].**

Local Planning Authorities (LPA) (District and Unitary Authorities) set the policies that define the need and locations for development and associated standards, provided these can be justified within the national policy landscape. **Overall, powers on paper to protect nature are very strong and are supported by the national guidance.**

National Guidance

Local Planning Authorities' decisions on planning and development, should refer to guidance on:

- protected species
- protected sites
- habitats and species of principal importance in England (Section 41 list[58])
- duty to protect, conserve and restore European sites (see Appendix 1 Definitions)
- National Planning Policy Framework (NPPF)
- planning practice guidance on the natural environment.

The National Planning Policy Framework[59] 2021 revision (NPPF) states that *"planning policies and decisions should contribute to and enhance the natural and local environment"* through protecting landscapes, biodiversity and soils; recognising the character of the countryside and the natural capital and ecological benefits to the economy of the best and most versatile agricultural land, trees and woodland; maintaining the character of undeveloped coastal areas and *"minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."*
It also strongly protects trees including ancient woodland as follows: *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."*

The NPPF consultation states: *"New paragraph 179(d) has been amended to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where this can secure measurable net gains for biodiversity and enhance public access to nature."*

53 Town and Country Planning Act, 1947
54 Town and Country Planning Act 1990
55 Planning and Compulsory Purchase Act 2004
56 Localism Act 2011 - GOV.UK
57 Neighbourhood Planning Act 2017
58 Habitats and species of principal importance in England - GOV.UK
The Section 41 List - this includes 59 habitats including rivers, waters and coastal habitats as well as land-based habitats like lowland fens, wet woodland and upland hay meadows; and 946 species of flora and fauna from curlews to house sparrows, lichens to beetles and two kinds of worm.
59 National Planning Policy Framework - GOV.UK

The Green Infrastructure (GI) Framework[60] (January 2023) supports the greening of towns and cities and connections with the surrounding landscape as part of the Nature Recovery Network. It provides a set of Principles, Standards and design guides and maps to support Local Planning Authorities to implement GI.

The Local Plan can set out objectives that are pro-nature, such as:

- Growth in Natural Capital
- Green Infrastructure strategic delivery including ecological networks
- Green Infrastructure delivery at development scale
- Water Resource management
- Climate Change adaptation.

The Local Plan has to be judged sound, therefore it has to be based on sufficiently sound ecological information. It is also subject to a sustainability appraisal, and some aspects are subject to a Strategic Environmental Assessment[61], if there are significant environmental impacts.

Biodiversity and nature protection

Biodiversity and nature protection is not new and it is well established that Local Plans should include it, and many do.

The Local Plan should assess biodiversity that will be lost to development and whether this can be compensated (biodiversity gain). It should also cover how it protects, enhances and expands protected international, European and nationally protected sites and legally protected species, as well as locally important sites [see Appendix 1. Definitions] and species, including Ancient Woodland. Furthermore it should address protection for priority species that do not have legal protection (i.e. species not on the Section 41 list). The Plan should identify areas to enhance and expand the area's ecological network and use Green Infrastructure Strategies to identify and enhance multi-functional green space in and around urban areas[62].

Local Planning Authorities check whether a proposed development site is on or near a) protected and priority species b) designated sites, habitats and biodiversity features and c) important geological conservation sites. **The Association of Local Government Ecologists recommends that Supplementary Planning Documents provide guidance on the application and what the LPA expects to speed up the planning process and make it easier for developers.**

The Royal Town Planning Institute (RTPI) also provides advice to developers on how key species and habitats should be managed and maintained over time within supplementary planning documents. **The RTPI stresses the importance of clear planning policy, conditions and design guidance promoting biodiversity, especially using definite language that avoids ambiguity such as 'have due regard to…' or 'consider'.** Changes proposed to planning policy may mean that local plans are developed more rapidly, and that Supplementary Planning Documents are replaced by Supplementary Plans.

The *BS42020:2013 Biodiversity – Code of Practice for Planning and Development* shows how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation and appropriate biodiversity enhancements. Compliance with the standard demonstrates validity to the planning officers.

60 Green Infrastructure Framework
61 Strategic environmental assessment and sustainability appraisal - GOV.UK
62 Local Plan Guidance

Certain types of development are subject to Environmental Impact Assessment (EIA) under **Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations').** These regulations apply to development which is given planning permission under Part III of the **Town and Country Planning Act 1990.**

Friends of the Earth's guide on **Environmental Impact Assessment**[63] concludes *"EIA is a powerful tool. Carried out properly, it informs decisions on new development to ensure harmful schemes either incorporate mitigation to ensure no significant adverse effects occur, or the development is refused. EIA offers significant potential to safeguard the environmental quality of local areas, but only if local people feel able to engage with the process effectively."* However, it reports that EIA screening is not always consistently applied by LPAs, who can be led by the developer; and that EIAs can be of differing quality.

Examples of Nature Recovery and Biodiversity Conservation in Local Plans and Supplementary Planning Documents (SPDs)

Greater Cambridge Shared Planning (Cambridge City Council and South Cambridgeshire District Council)[64] have issued a Biodiversity Supplementary Planning Document to help developers bring forward plans that conserve and enhance biodiversity by incorporating the correct elements from the start through to the actual build. **Greater Cambridge has a vision to achieve 20% BNG.** The guidance lists protected sites and species, provides advice on permitted development and also on changes of use in agricultural land with a view to protecting it from overgrazing. It covers a wealth of information and guidance from large sites though to design advice on small sites for gardens, ponds, green roofs, hedgehog friendly fencing and sustainable drainage.

Cornwall Council's Climate Emergency Development Plan Document[65] (February 2023) includes principles on efficient land use and re-use with a focus on soils, protecting habitats and ecosystems and strengthening nature recovery, including achieving biodiversity net gain and protecting and enhancing carbon storage in the natural environment. It includes a suite of related policies for Green Infrastructure Design & Maintenance, Biodiversity Net Gain, Tree Canopy Cover, Local Nature Recovery Networks, Rural Development and Diversification and Regenerative Low Impact Development.

Exeter City Council has adopted a residential design SPD (2010), which includes a requirement for developers to demonstrate how they will 'protect and enhance biodiversity' in their Design and Access Statement submitted with their planning application. The council indicates that the Design and Access Statement must: *"set out the baseline ecological value of the site and proposals to enhance biodiversity. To do this a full ecological survey should be carried out by an appropriately qualified ecologist using recognised methodology."* In addition, Exeter City Council lists a number of ecologically sensitive features that should be included within a scheme. These include nesting and roosting boxes, restored water courses and new water features, peatland protection, as well as making links with surrounding green spaces and wildlife corridors.

63 Environmental Impact Assessment (EIA)
64 GCSP Biodiversity Supplementary Planning Document
65 Cornwall Climate Emergency DPD

Doncaster Borough's Local Plan[66] was adopted in September 2021 and includes specific policies on Green Infrastructure (Policy 26), Ecological Networks (Policy 29), Valuing Biodiversity and Geodiversity (Policy 30), as well as **Planning Policy Background Documents**[67] on Green Infrastructure and the Natural Environment. **A Supplementary Planning Document**[68] sets out how applications can satisfy the requirement to demonstrate Biodiversity Net Gain.

Lichfield District Council[69] has been implementing a 20% BNG policy since 2015, this results in net-gain (nature enhancements and improvements) on site, as well as off-site, using enforceable planning conditions and ongoing monitoring.

The London Borough of Sutton has developed its BNG policy from practical experience of implementing a no-net loss policy and has built up experience to make a robust and precise case with strong specific conditions that has been used to start the restoration of a local chalk stream habitat.

The Planning Advisory Service (PAS) has gathered relevant detailed examples, policy wording and case studies to support planning policy teams and ecologists in delivery: The London Borough of Sutton: improving biodiversity within planning applications | Local Government Association

66 Local Plan - City of Doncaster Council

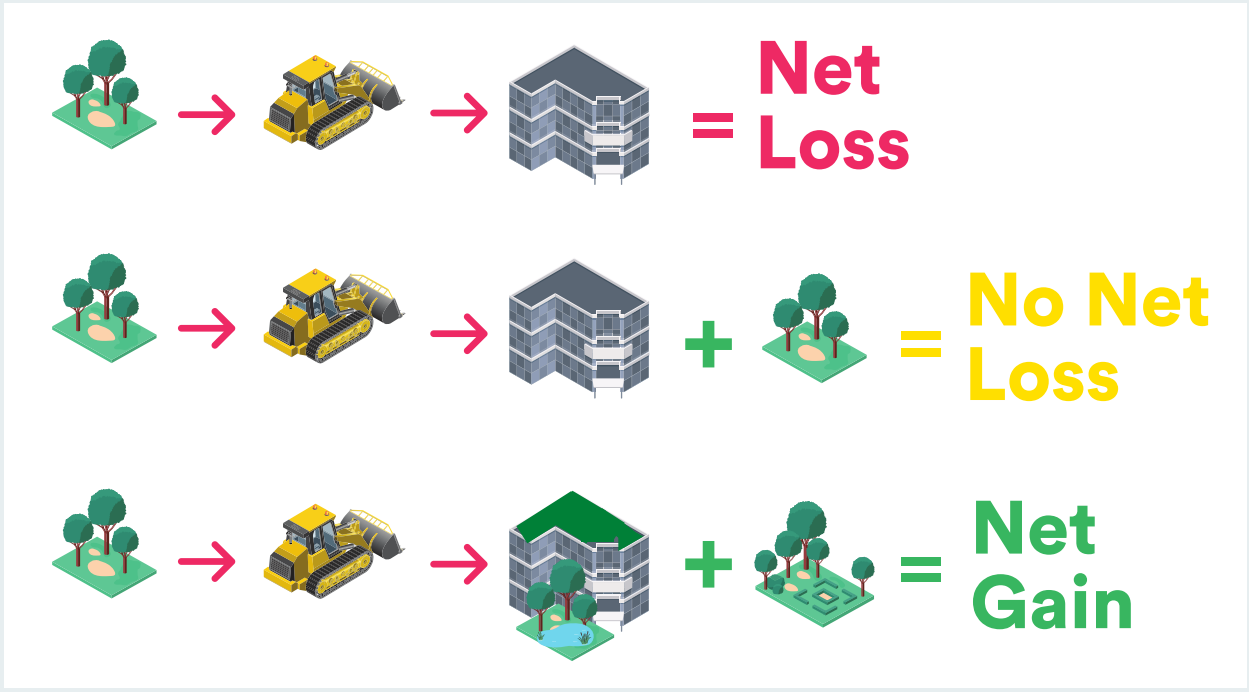
67 Local Plan - City of Doncaster Council

68 https://dmbcwebstolive01.blob.core.windows.net/media/Default/Planning/Documents/Natural%20Environment/Biodiversity/Biodiversity%20Net%20Gain%20Supplementary%20Planning%20Document%20(Adoption%20Version).pdf

69 https://partners.devon.gov.uk/wp-content/uploads/sites/15/2019/12/Lichfield-DC-Implementing-a-Net-Gain-SPD.pdf

2.3.3 Mandatory Biodiversity Net Gain in Planning

The Environment Act 2021 states that all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. This takes effect from November 2023 (and April 2024 for small sites). LPAs can, provided they have the evidence base, require higher than 10% BNG under these rules[70].



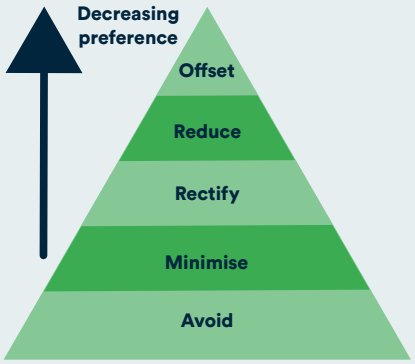
Biodiversity Net Gain
Source: Biodiversity Net Gain Brochure (blog.gov.uk)

10% BNG means restoring a minimum of 110% of the biodiversity value of sites subject to change driven by development.

BNG is additional to, and does not replace or reduce existing protection for protected sites, habitats or species. The Environment Act includes provision to exempt irreplaceable habitats from the mandatory BNG requirement. Natural England is currently developing guidance which will set out the definition and a definitive list of irreplaceable habitats in England. River, hedgerow and area habitats are considered independently and are not interchangeable; the loss of one habitat type cannot be addressed by providing another.

70 Biodiversity Net Gain FAQs - Frequently Asked Questions | Local Government Association

Developers must follow the mitigation hierarchy, namely, to avoid loss of habitat on land they plan to develop. If they cannot do this, they must create habitat either on-site or off-site. Habitat enhanced or created for mandatory BNG must be secured, managed and maintained for at least 30 years (via planning obligations or conservation covenants) and must achieve the distinctiveness and condition as intended.



Source: Greater Cambridge Shared Planning – Biodiversity Supplementary Planning Document 2022

On-site BNG should mean that natural habitats can be enhanced within the boundary of the development site. If this is not possible, off-site BNG units can be purchased to improve other local existing sites for wildlife, guided by the LNRS opportunity map and priorities. Should this not be possible for any reason, the last option is to buy statutory credits from the government which will fund schemes nationally.

The new off-site market in biodiversity units will enable landowners (of any type, including local authorities) to create or enhance habitats on their land to generate biodiversity units for sale to developers. The market is expected to be worth £135m - £274m annually[71].

Friends of the Earth and conservation groups have raised concerns about biodiversity offsetting, *"one problem with biodiversity net gain/offsetting, in the UK at least, is that it is not a strategic approach to nature restoration and won't lead to the restoration of nature and ecosystems that is needed. Instead, it is more likely to lead to unplanned, piecemeal losses of habitats, with attempts to replace them elsewhere. And it fails to allow for the fact that many habitats are unique and cannot be successfully moved or replicated.[72]"* This reflects wider concerns about how the whole system fits together, and urgent clarification and guidance is needed to relieve these concerns.

A BNG Metric[73] has been developed in which a site (area, hedgerow or watercourse) will have a score for its biodiversity 'units'. The BNG Metric includes four categories of score, one of which is a strategic significance score, which means that it should reflect priorities in the LNRS and other strategies developed locally. A metric for small sites has also been developed.

Local authorities not yet in a position to invest, can identify sites and establish baselines, using the BNG Metric. As the LNRS develop, these sites will be able to respond to the local priority habitats and species for improvement.

UK100 responded to DEFRA's consultation on Biodiversity Net Gain, advocating that there needs to be a cohesive approach to Biodiversity Net Gain, in order to create large and interlinking areas of habitat across boundaries, rather than a piecemeal case by case approach.

71 What landowners can do now to gear up for the biodiversity net gain market - Natural England

72 https://policy.friendsoftheearth.uk/insight/dangerous-distraction-offsetting-con?_ga=2.266472524.350725316.1679996166-1686305604.1672857863

73 The Biodiversity Metric 4.0 - JP039

Plymouth City Council[74] has been supported to prepare for Habitat Banking through the Future Parks Accelerator, to develop what had previously been done using Section 106 payments to invest in nature. The council can get finance for nature restoration and long-term funding for maintenance, giving investors a way to support the improvement of urban green spaces.

The Kingswood housing development in **Aylesbury, Buckinghamshire**, was built through Barratt Developments working in partnership with the RSPB[75]. It incorporates nature-friendly elements into the built environment, including integrating swift nest bricks into the walls of houses, planting fruit trees in gardens, and constructing sustainable drainage system ponds and wetlands. The plans also protect existing wildlife habitats and create new ones, including new orchards, planting native trees and hedgerows, and sowing areas of wildflower meadow. RSPB surveys showed that some species increased in number and that declines expected during construction did not happen. Lessons for improvement include the need to create larger areas of scrub for nesting birds, increased community engagement to encourage homeowners' actions, more plants for pollinators, and tweaking of wetlands to encourage more reed bunting and waterfowl.

Other aspects of planning policy relating to the Green Belt, trees and soils provide powers to LPAs to protect the natural environment, alongside delivering carbon sequestration.

2.3.4 Green Belt

Green Belts in England have a land area of 1.6 million ha (12% of England's total land area)[76]. The NPPF[77] outlines how LPAs can protect Green Belt land. Green Belts were established to prevent urban sprawl and "safeguard the countryside against encroachment". LPAs wanting to allow development on the Green Belt must demonstrate that all other alternatives have been examined. *"When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt."* CPRE's State of the Green Belt 2021 report showed that 257,944 homes were proposed for greenfield land removed from the Green Belt in advanced local plans and stated that *"they are being built at a density of 14 houses per hectare, which is far below that of developments outside the Green Belt"* [which was 31 houses p/ha in 2017-18]. Low density housing on Green Belt sites is of course attractive to developers but encroaches on land that could be used for nature recovery – additionally it induces more traffic and other related emissions.

Bristol City Council[78]: "Regenerative" approaches to urban design and land management provide opportunities to reverse damage and have a net positive effect on the environment. The city aims to build more than 33,500 new homes by 2036 and develop more than 60 hectares of land for industry. The council recognises that this is both one of the biggest threats to wildlife in the city and one of the biggest opportunities. Bristol City Council is working with neighbouring authorities to ensure that net gain is achieved across the **West of England Combined Authority** area. Planning policies are a key tool in ensuring that development happens in the right way and in the right place. A joint Green Infrastructure Strategy for the West of England has been agreed which sets out how the Nature Recovery network should be protected and enhanced.

74 Setting Up A Habitat Bank In Plymouth
75 Birds and bees find a home at new wildlife-friendly housing development
76 Local authority Green Belt statistics for England: 2020-21 - factsheet (publishing.service.gov.uk)
77 National Planning Policy Framework - 13. Protecting Green Belt land - Guidance - GOV.UK
78 Bristol One City Ecological Emergency Strategy

2.3.5 Trees and Hedges

According to the Tree Council[79], just over a third of all local authorities have a Tree and Woodland Strategy.

These LPAs have developed Tree Strategies to embed trees into planning policy and highway management, including implementing new NPPF guidance on ensuring new streets are tree lined. Such strategies can also be adopted as a Supplementary Planning Document (SPD) to conserve and enhance that aspect of the natural and historic environment. Tree strategies can include hedgerows and verges, thus having more influence over Highways management.

Norfolk County Council's Tree Planting and Resilience Strategy[80] (2020) will increase woodland cover, but does not aim to offset carbon emissions through widespread tree planting that might disrupt other habitats. However, it will encourage natural tree regeneration and rewilding as well as hedgerow and tree planting. The Council manages a significant land holding including 16,900 acres of the County Farms estate (1.27% of Norfolk), closed landfill sites, school grounds, trails and public rights of way, council premises and highway verges (currently 5,965 miles). Its strategy will ensure that current ecological network maps and existing tree location data will inform decision making on the best places to plant trees, to create corridors for wildlife and achieve the maximum environmental and health benefits that trees provide. Information exchange and close working relationships with key landowners, stakeholders and community groups will ensure consistent good practice on tree planning, planting, establishment and management across the whole of Norfolk.

Surrey Council developed its **New Tree Strategy**[81] alongside its climate emergency declaration with the vision: *'By 2030, Surrey will benefit from 1.2 million new trees, with the right trees planted in the right place, including both urban and rural locations, and supported to grow to maturity.'* It also includes verge management for biodiversity, with some verges that are left uncut until autumn for wildflowers displaying a blue heart to communicate to residents that this is done on purpose for biodiversity.

The London Borough of Islington[82] has a tree canopy cover target, aiming to increase it from 25% to 30% by 2050. This target could only be set once the borough had gained an accurate baseline of data on the existing tree cover. The borough already has a higher-than-average cover compared with UK towns and cities, and other London boroughs, showing that it is important to collect area-specific evidence rather than making assumptions based on national or regional averages.

Gloucestershire County Council together with the Gloucestershire Local Nature Partnership supports The Gloucestershire Tree Strategy, which is aiming to increase tree cover by 20%: an ambitious target in light of the felling scheme due to ash dieback. The Council is engaging Parish Councils, farmers and landowners in planting new trees and hedgerows and has put aside a budget for this.

79 TREES AND WOODLAND STRATEGY TOOLKIT
80 Tree Planting and Resilience Strategy
81 Surrey's New Tree Strategy 2020
82 TREES AND WOODLAND STRATEGY TOOLKIT

Under the **Town and Country Planning Act 1990 And Town and Country Planning (Tree Preservation) (England) Regulations 2012** LPAs can make a **Tree Preservation Order (TPO)** if it appears to them to be *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. The meaning of amenity is not defined in law so it is up to the LPA to decide if the removal of the trees or woodland would affect the local environment and its enjoyment by the public. TPOs, like Green Belt, were not designed to conserve or enhance biodiversity, or to consider wider co-benefits such as cooling, flood risk reduction, although they have the potential to be used in this way. Tree Protection Orders can be used as a precaution to protect trees and woodland even if there is no advance warning they may be under threat of felling.

A local authority **Tree Officer** explained that he focuses on trees' amenity value, while their Ecologist takes a wider biodiversity and ecosystems approach. Given the pressures of the role, he does not have time to work in advance with developers to devise strategies for sites to preserve trees.

With a TPO in place, trees are highly protected because the local authority must give consent on any proposals to fell or undertake any works to them. Additionally, all trees within conservation areas are protected if their trunk diameter is 7.5cm measured at 1.5 metres above ground level.

However, once planning consent is given for a development that allows removal of specific trees for access etc, any TPOs no longer apply. Planning Development Control officers in LPAs should normally work with the developer to ensure that as many trees are retained as possible, and that trees are not unnecessarily removed, even if they are to be replanted with new trees. **The extent to which this is possible will depend on the planning negotiations and as explained in the Buildings section of Power in Place, the pressure on local authorities from threat of appeal, viability arguments and the imperative to bring forward housing means that officers cannot always make a strong case to preserve trees.** Ironically, local policies on garden size, or green space can actually result in trees being felled in order to provide particular green space; so flexibility in planning policies is needed to give planning officers the freedom to work creatively to safeguard the benefits of existing trees on a site while enabling the development.

Hedgerow Regulations 1997 provide local authorities with limited powers to protect hedgerows that meet certain criteria, such as age, length and number of species. Hedgerows in domestic housing settings are not protected under these regulations. This means local authorities do not have powers to stop residents removing hedges, for example to put in driveways or parking (some powers are available in Highways planning to permit dropped kerbs which could be used to dissuade people from taking up hedges).

Much stronger protection for trees and hedgerows from development is urgently needed to oblige LPAs, tree officers and developers to work around trees rather than allowing them to be felled for development.

2.3.6 Ancient Woodland and Veteran Trees

The NPPF states that ***"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."***

Despite the strong protections in national policy guidance, ancient woodland only covers 2.5% of the UK. Ancient woodland makes up 25% of all UK woodland, but it holds 37% of all the carbon stored in woods and trees. It cannot be replaced, so must be preserved in situ due to the ecosystems that have developed there over hundreds of years. According to the Woodland Trust[83], *"1,200 Ancient Woodlands are under threat from development that will damage ancient woodland edges, tear into habitats or completely destroy sites."* This has been particularly severe in the development of HS2, whereby a culture of infrastructure delivery comes at the expense of identifying opportunities to conserve and enhance nature through proactive discussion with local experts. "It should not have to be a fight to save ancient woodland." Local Planning Authority Planning Officer

Wiltshire County Council[84] states: "*There are more Ancient trees in the UK than many other European countries and Wiltshire is home to a large number of ancient and veteran trees. Ancient trees are as much a part of our heritage as the historic buildings they often pre-date. Ancient trees are among the oldest organisms on the planet, making them extremely valuable for the wildlife they support.* ***Yet most are not protected.*** The Woodland Trust has an Ancient Tree Inventory[85] to encourage people to record ancient trees.

Planning, Highways, Ecologists and Tree Officers all have important roles in protecting ancient woodlands and veteran trees, through policy but also through their roles in specifying what is required and acceptable. Ensuring that early surveys are conducted to gain a full understanding of the trees near sites for highways investment and maintenance is vital, and is not always carried out effectively so the presence of trees is only noted later in the process. This means that when the contractors are on site, they may not be willing to adjust materials or methods of excavation.

The role of Elected Members and senior leaders – Chief Executives, Chief Finance Officers, Heads of Planning, Growth Directors and Heads of Transport Departments - is also critical to protecting ancient woodland and veteran trees.

Too often the destruction of woodland and trees **is seen as an acceptable loss.**

Senior leaders need to back their skilled officers in conserving and enhancing nature and delivering the wider Biodiversity Duty.

There are concerns that trees, particularly urban trees, do not score as highly as they should in the BNG metric.

83 Protect Ancient Woodland - Campaigns
84 Trees, forests and woodlands - Wiltshire Council
85 Ancient Tree Inventory

2.3.7 Soils

Soil is an essential natural resource that underpins our food production and farming systems. There has been increasing focus on soil health for reducing flood risk, supporting wildlife habitats and biodiversity and for carbon sequestration and storage. ELM schemes including the Sustainable Farming Incentive will encourage farmers and landowners to improve soil health. Local authorities do not have a great influence over soil carbon, however, they can use planning policy to conserve soils, alongside other support provided to farmers under their economic development role. Councils with their own farms can use tenancy agreements to promote the maintenance of soil health. A Soil Carbon Code is under development to set the standard for investment in soil carbon.

Town and Country Planning (Development Management Procedure (England) Order) (DMPO) 2015[86] states that LPAs must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares (ha) of Best and Most Versatile (BMV) land if the land is not included in a development plan. This includes the likely cumulative loss of BMV land from individual parts of a phased development. This is in order to:

- protect the best agricultural land
- put a value on soils as part of our natural capital
- manage soils in a sustainable way by 2030
- restore and protect peatland.

LPAs can ensure that development does not take place on the most protected soils, such as peat, and encourage development that conserves soil health.

Cornwall Council's Climate Emergency Development Plan Document[87] aims to: *"Use and reuse land efficiently and **minimise the impact of development on soils** through over compaction, pollution or reduction in the quality of soil and **encourage regenerative practice to conserve the capacity of soils** for sustainable production of food, water, raw materials and energy."*

Their Rural Development and Diversification policy aims to *"sustain the rural economy and enhance, restore or maintain the character of the landscape and environment, including such measures as re-establishing hedge-lines, reducing run-off pollution, particularly of waterways and **increasing soil carbon through land management techniques".*** Proposals for development and diversification will be expected to present estate plans that demonstrate environmental benefits and reductions in greenhouse gas emissions.

86 Guide to assessing development proposals on agricultural land - GOV.UK
87 Cornwall Climate Emergency DPD

2.3.8 Rivers and Watercourses

Pollution in rivers, streams, estuaries, lakes and ponds is a significant risk to these important habitats. This is mainly caused by agricultural run-off (to be managed by improved slurry[88] management)[89] and through sewage releases to rivers.

LPAs have a planning role in assessing the impact on developments on Habitat Sites under the **Conservation of Habitats and Species Regulations** (as explained above). If they cannot rule out damage due to nutrient pollution, planning permission is denied unless mitigation to reduce or eliminate the impact can be put in place. Where sites are already in unfavourable condition (i.e. they are not being adequately conserved) extra wastewater from new housing developments can make matters worse and undermine ongoing efforts to recover these sites. However, when development is designed alongside suitable mitigation measures, additional damage can often be avoided.

The need to demonstrate Nutrient Neutrality (i.e. to show that additional development would not increase nutrients in protected sites) is reportedly delaying an estimated 120,000 homes across 74 local authorities. Natural England has worked with government to develop the Nutrient Mitigation Scheme[90], and will provide £30 million to fast track the delivery of nutrient mitigation in affected areas through, for example, creating new wetlands to 'soak up' or mitigate the impacts of unavoidable nutrient pollution.

Local authorities have less power to conserve watercourses and bodies of water than the Environment Agency and Natural England. Protected watercourse sites come under the same protections as land-based sites. LPAs' policies on flood risk reduction, reducing surface water run-off from developments through sustainable drainage, and Green Infrastructure policies all contribute to reducing pressure on the sewage network overall, which in turn is better for conserving watercourses and reducing pollution.

Land based planning and Marine Planning need to come together for Integrated Coastline Management (see section 1.3 Nature Governance and Structures above) to protect the shoreline and coastal areas. However, in practice there is reported low awareness of the Marine Planning role of the Marine Management Organisation and the potential for improved local working to identify and deliver opportunities for conservation and enhancement of the marine environment and intertidal areas like estuaries and foreshores[91].

Additional opportunities for coastal and marine nature recovery exist through funding for Nature Based Solutions in which Regional Flood and Coastal Committees play an important role. These committees were established under the Water Management Act 2010 and comprise relevant local authorities and independent experts to ensure there are plans for managing flood and coastal erosion risks across catchments and shorelines and ensuring investment benefits local communities and is effective. There is an increasing emphasis on Marine Citizenship, and ensuring that tackling climate change and nature depletion is not simply land-based or species specific, but that a holistic approach is taken to include the seas and oceans in the response to climate change and nature recovery. As such, the Motion for the Ocean[92] has been adopted by nearly 20 councils and organisations to help local authorities play their part in realising a clean, healthy and productive ocean and all of the direct economic, health and wellbeing benefits it will bring.

88 Manure slurry – animal waste, organic matter and water – aged in a slurry pit and used as a fertiliser

89 Slurry: making the best of it - Farming

90 https://naturalengland.blog.gov.uk/2023/03/31/natural-englands-nutrient-mitigation-scheme-devised-to-protect-our-waterways-from-pollution-and-enable-home-building-has-now-launched/

91 Deliberating the potential of ecosystem science to improve mainstreaming of environmental priorities across marine and coastal policy and decision-making - Northumbria Research Link

92 Motion for the Ocean – LGA Coastal SIG

2.4.1 Planning Barriers

Viability for developers

- Mandatory BNG *should* make it easier for planners to negotiate for stronger nature enhancements, but **viability** arguments from developers are expected to continue
- Many developers want to develop the whole site from edge to edge and do not want to diverge from their 'business as usual' approach to developments by introducing what they perceive to be risks.

In advance of BNG being widely communicated and understood, there are examples of **developers clearing land pre-application** in the mistaken presumption that this will make BNG easier and less costly to deliver. They are not aware that planners and Natural England are legislated to consider the site circa Google Earth 2020 and that clearance can **add to their costs** both in terms of the clearance costs and the additional costs to return the site to its previous state, and then address BNG. Greater communication of this issue is needed to get developers to understand now that site clearance in advance of submitting a planning application will make the development more costly and reduce profits.

Resourcing and capacity

- Planning departments are already suffering from constrained resources
- There is a lack of enforcement of environmental policies, due to capacity issues in enforcement teams, insufficient budget, a lack of expertise on environmental requirements in national and local policy as well as a historic lack of prioritisation of environmental issues over the delivery of housing and other types of development
- A greater emphasis on nature recovery and implementing BNG will require more officers
- Time and resource for the development of new policies including preparation time will be required
- Many will struggle to resource post-development monitoring. In the past, monitoring of local plan delivery used to include considerations of environmental monitoring criteria (for example, capturing the number and area of Sites of Biological Importance and monitoring changes due to planning) and since cut-backs monitoring has devolved into counting how many houses and other types of development are delivered
- Cuts in funding to enforcement agencies such as the Environment Agency means that resources are stretched thinly for protection locally
- The threat of legal challenge to planning decisions and lack of budget to fight appeals can weaken planning decisions.

Councils with one ecologist or biodiversity officer calculate that they will need far more resources. One city council has assessed the need as: "Ecologist 3.7 Full Time Equivalent (FTE); Validation staff 1.2 FTE; Enforcement 2.5 FTE, GIS 2.5 FTE; Admin/Legal 0.6 FTE." It is not yet clear whether these extra burdens will be funded by the government and there will be an increased demand for Ecologists across England, so there may be a shortage.

New skills needed

- Additional skills for officers across local authorities to meet the stronger Biodiversity Duty and associated reporting: ecologists, GIS mappers, planners etc will need recruiting and training
- Training and awareness raising for local authority planners and elected members of planning committees in Marine Plans and the role of the MMO and IFCAs to create a joined up planning policy environment to greater protect land and marine habitats
- More formal links between the terrestrial and marine planning professions should be fostered. For example, the Royal Town Planning Institute (RTPI) does not recognise marine planners, and land-based planners do not receive training on marine planning
- Highways, Green Spaces, Legal and Procurement officers will need training to develop skills to be able to conserve nature within their job roles, including early engagement with ecologists and careful procurement specifications to ensure trees, habitats and species are not impacted by their services.

PAS Nature Recovery Network Project[93], funded by Natural England, has carried out initial work on what LPAs will need to effectively deliver Nature Recovery Networks, act on LNRS and implement BNG under their new obligations and has provided case studies and will advise Defra on what additional support is needed.

The Association of Local Government Ecologists (ALGE)[94]: *ALGE identifies a principal training requirement for local government planners and ecologists, as well as private sector planners and developers, to develop and understand the skills required to implement net gain; how to apply the principles and ensure it is delivered through policy and development control decisions.*

Lack of policy clarity

- Delays in receiving policy guidance, including the roles of statutory bodies
- Detail on how Local Plans will 'have regard to' LNRS are not yet available
- The weight that planning policy should give to conserving and enhancing nature whilst also delivering housing and economic development and associated infrastructure is not clear
- The planning system is under review, including NPPF, and the Levelling Up Bill adds the prospect of additional changes, such as a move away from EIA
- The possible end of the Duty to Cooperate between planning authorities will impede the cross-border delivery of Nature Recovery Strategies and associated policies
- At a local level, there is little consistency in naming nature-related policies and guidance, which makes it harder for developers, consultants and others to find the relevant policies, guidance or standards
- Siloed working at the national government level– with Defra leading on the environment, climate adaptation and the land use framework, DESNZ leading on net zero, DHLUC leading on planning and DfT on transport
- Delays to different funding schemes (e.g. Sustainable Farming Initiative, Landscape Recovery, Woodland Carbon Guarantee and Biodiversity Net Gain) with different governance, timescales and outcomes and a lack of clarity about how schemes fit together
- Lack of strategic thinking and poor coordination between national, regional and local government[95] – to some extent LNRS may address this as long as the strategies are given weight and strength and they join up nationally, regionally and locally, including across administrative borders.

93 Nature recovery for local authorities
94 Implications for Local Government of delivering the Environment Bill and the Government's 25 year plan to improve the environment
95 Making the most out of England's land

National Parks are not Responsible Authorities and often have several LNRSs across their area e.g. the Peak District National Park has six LNRS to contribute to. Many are preparing their own Nature Recovery Strategies, however are not resourced to do this. National Parks' own Nature Recovery Strategies should contribute to the LNRS process by the 'Responsible Authority'.

Lack of a National Land Use Framework

- The UK lacks an overarching Land Use Framework (although one is promised during 2023) – such a strategy is urgently required to enable an overall guide on where to focus which activities given that land is limited and much is required from it. This is needed to prevent a piecemeal or contradictory approach
- There is a perception that there is no space for nature but space for development. A Land Use Framework could address this in terms of what is required, including outlining multiple benefits or multi-functional land use that can deliver on more than one priority at once[96,97].

Planning IT systems, lack of locally detailed and accurate biodiversity and habitat data

- *"Whilst the UK is relatively data rich, there isn't currently a comprehensive, systematically and regularly collected data set on changes in natural capital/ ecosystem assets and ecosystem services … There have been significant gaps in the data and information and important data sets are out of date and not regularly updated."* Natural England[98] The types of planning IT systems vary between LPAs. There is an issue with how planning IT systems capture data on the environment from planning applications to inform monitoring. The success of how BNG will be monitored will depend on what systems LPAs are using
- Baseline data is required along with an understanding of how national targets will translate to local areas, given that each is unique
- LPAs will need to assess whether they have BNG modules to capture the information needed to monitor and enforce. The sector needs to discover whether one system is better than others. Planning departments will face challenges in switching to a better system given costs, upheaval and training needs
- The quality and coverage of quantitative, qualitative and spatial data varies
- Some habitat condition data is very old and out of date, although the EIP commits to ensuring that Sites of Special Scientific Interest (SSSI) condition data is updated
- Local Environmental Records Centres are poorly funded – The Environmental Records Centre for the West of England has three staff members and receives only 50% of its costs through funding; having to charge for services to raise the other half.

Financial incentives

- The developing investment market for carbon offsets, nature-based solutions, biodiversity net gain and sustainable farming incentives produces a mixture of public and private funds potentially competing over different periods and with different governance and monitoring regimes, some voluntary and others statutory. This produces a confusing and competitive context for landowners.

96 Shaping UK land use | Green Alliance
97 Making the most out of England's land
98 https://committees.parliament.uk/writtenevidence/110058/html/

2.4.2 Powers for Partnerships & role as Accountable Body for funding bids

Local authorities can use their overarching powers, including the **General Power of Competence** and their role in economic growth to lead, coordinate and support wider partnerships, including Local Nature Partnerships, Catchment Partnerships, and farm clusters. Many local authorities already have effective projects and partnerships in place.

The Catchment Based Approach (CaBA) is an inclusive, civil society-led initiative that works in partnership with Government, local authorities, water companies, businesses and more, to maximise the natural value of our environment.

CaBA partnerships are actively working in all 100+ river catchments across England and cross-border with Wales, directly supporting achievement of many nature and environment related targets. The Catchment Partnerships create and restore habitats, attract volunteers and deliver co-benefits.

Local authorities can act as the Accountable Body to lead funding and investment bids and can build nature recovery into place-based funding bids, such as the **Towns Fund** which included provision for nature and greening, nature solutions for carbon sequestration, climate resilience and biodiversity, flooding and nature based solutions and the **Shared Prosperity Fund** which has provision for local green space, parks, community gardens, tree planting, verge management and indicators including numbers of trees planted.

UK100's 2022 Local Net Zero Delivery Progress Report on Nature recommended that the Government provides local authorities with dedicated, long term, non-competitive funding for nature-based solutions, rather than through competitive funding bids.

The Woodland Creation Accelerator Fund, delivered by the Forestry Commission in partnership with Defra, provided **57 successful local authorities** with financial support to boost capacity and resource, helping them to employ, train up and bring on board professional expertise to drive tree planting and woodland creation commitments.

Local authorities can and do invest in the natural environment using their capital and revenue funding and procurement powers. Insights from early adopter local authorities gathered as part of the PAS Nature Recovery Network Project[99] found that *some local authorities are further ahead than others in their thinking about how different funding streams and financial models fit together. Some are pooling new burdens funding[100] whilst others are encouraging blended finance at a senior level and are building this into their business cases, such as highways funding. Invest to save cases have been used to secure additional resources and budget for delivery through internal or external funding.*

99 Nature Recovery Emerging Insights Snapshot - In conversation with early adopter local authorities

100 This is funding offered by Government when placing new duties on local authorities - https://www.gov.uk/government/publications/hm-land-registry-local-land-charges-programme/new-burdens-information

The principles of natural capital have already been included in HM Treasury Green Book, meaning that the impact of government policy expenditure on the natural environment will need to be taken into account in all future policy assessments.

Abundance Bond[101]: West Berkshire's Bond raised £1 million for the council to invest in green projects including Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust capital improvements, urban tree planting, tree planting and habitat restoration for flood alleviation; 1 in 6 investors donated their interest payments to the Wildflower Verge Project to create a network of wildlife-friendly habitat along roadsides which will support crucial pollinators like bees and butterflies. A rapid assessment of West Berkshire's 1,100km road network will identify priority road verges for wildlife for the Nature Recovery Network.

Greater Manchester Environment Fund has been established to match funds from philanthropists, private donors and compensation funds with projects of every size across the city region. Projects range from major restoration and social prescribing initiatives to wildlife conservation projects on land in urban areas, countryside and in canals and rivers. To date, 21 projects have received funds from the Green Spaces Fund and the GM Environment Fund also channels funds such as the Natural Environment Readiness Fund for groups to build a pipeline of investable projects.

2.5 Influence and Support Role

Procurement and investment powers enable local authorities to ensure that nature and habitats are considered in any specifications; they can also purchase local food and can purchase or acquire land for the purposes of providing green space for residents and for biodiversity or tree planting. They can establish investment funds and provide funding and capital and revenue budgets for nature recovery schemes. (see Overarching Powers, Section 1 of **Powers in Place**)

Some local authorities' **economic development services** provide support for businesses, including farmers and landowners, particularly so in rural areas, which can help landowners access funds for sustainable land management, carbon sequestration through woodland creation or peatland restoration or for sustainable farming.

101 West Berkshire Community Municipal Investment (CMI)

2.6 Highways, Cycle Ways and Public Rights of Way (PRoW)

County and Unitary councils have Highways and Access Authority roles and are subject to the Biodiversity Duty. Functions must be carried out in line with the **Conservation of Habitats and Species Regulations 2017** that protects key sites and species; **The Countryside & Rights of Way Act 2000,** which means having regard to conserving and enhancing Areas of Outstanding Natural Beauty, and consulting Natural England on protected sites; **The Wildlife & Countryside Act 1981** (amended) which protects key sites and also prohibits harm to nesting birds and the **Hedgerow Regulations 1997. The Highways Act 1980** Section 96 provides powers to Highways Authorities to plant trees and lay out grass verges and maintain and protect them.

But beyond simply fulfilling their duties, Highways and Access authorities **can go further to protect and enhance biodiversity** and have the powers to do so through policy-making, careful procurement and training.

The Gloucestershire manual (see box below) outlines ways to protect nature; this requires awareness, knowledge and capacity from highways teams, procurement, ecologists and contractors to follow the guidance. The support of Parish Councils and volunteers can also be critical to success for conservation verges to raise awareness and prevent vehicles driving up onto the verges.

Given the inevitable risks to biodiversity that roads present (wildlife road deaths and fragmenting habitats), there is a focus on reducing those risks in planning and maintaining the Highways. However, there are opportunities for enhancing biodiversity in Highways works. Enhancement measures include actions to relieve existing problematic sites for wildlife in the highway network, e.g. road boundaries, traffic speeds and species specific features like toad tunnels.

Gloucestershire Highways Biodiversity Guidance[102] May 2022, introduces the opportunities to conserve and enhance nature: *There is a diversity of habitats within and associated with the county highway network. Routes can also pass through, over, or next to grasslands, woodland, wetlands, rivers, and estuaries. Man-made features associated with highways can be important for biodiversity, e.g., boundary trees, rocky cuttings, bridges, ditches, and balancing ponds. Highway land can sometimes support remnants of ancient features, e.g. old meadows on verges and species-rich hedgerows along green lanes. Such features are often refuges for wildlife and can act as corridors that connect wildlife and habitats across the county. Highway land is particularly valuable if it is adjacent to international, national, and local sites designated for their nature conservation importance.*

Adverse ecological effects associated with highways construction, operation or maintenance include the loss, modification, disturbance and fragmentation of habitats and/or species. Identifying opportunities to enhance biodiversity alongside works is often achievable at less, similar, or small extra cost compared to a standard highways approach.

The manual provides advice on identifying, avoiding and mitigating risk as early as possible.

102 Gloucestershire Highways Biodiversity Guidance

2.6.1 Managing trees, hedgerows and verges

Local authorities are increasing their emphasis on managing trees, hedgerows and verges for nature, including taking steps to improve and enhance the biodiversity in verges, some of which are remnants of ancient features, like old meadows. According to Plant Life, over 700 species of wild flower grow on the UK's road verges – nearly 45% of the total flora.

Just outside **Bristol**[103], the verges of the A369 near Easton-in-Gordano, have been managed for wildlife for the last 30 years. Regular mowing by the Council has been replaced by late hay-cropping, with the cuttings taken off to reduce fertility and allow wildflowers to thrive. Now designated as St George's Flower Bank **Local Nature Reserve,** this roadside meadow is home to a host of wildflowers, including primroses, cowslips, oxeye daisies and rare pyramidal and bee orchids.

Dorset County Council have taken a wildflower friendly approach to their roadside verges, which has helped to reduce management costs by around £100,000 over three years as well as delivering an abundance of wildflower-rich roadsides.

Highway departments have a responsibility to manage trees alongside the road to keep the carriageway clear, but can use this role to conserve and enhance trees, including retaining as many trees as possible, and making log piles for wildlife with felled wood. They should also replace any felled tree with a new one of a suitable species and maintain it for three years.

2.6.2 Felling of Trees for Highways and Regeneration

The Environment Act 2021 introduced a new duty for local highway authorities in England to consult before felling street trees, unless the tree diameter is less than 8cm, the tree is dead or diseased, or causing an obstruction etc.

Recent high-profile cases of tree felling for streets maintenance, road-widening and regeneration schemes have highlighted that even if all the rules are followed, local authorities can risk their reputation for taking climate change and biodiversity seriously.

The Sheffield Street Trees Inquiry[104] (March 2023) found that trees were felled unnecessarily. Ensuring that trees are protected as far as is possible in any scheme is vital, and the lessons from the Sheffield Inquiry showed a communications gap between the tree consultants' initial report and ecologists with the Highways department that cemented a misunderstanding about mature trees, which then set off a chain of events leading to protests and arrests and the felling of trees that did not need to be felled. Flexibility on the part of Highways officials in specifying outcomes needs to be greater, for example, accepting a gap in the kerb to accommodate tree roots, which is common in London, but is apparently less so in other cities.

103 St George's Flower Bank Local Nature Reserve - Pill & Easton-in-Gordano Parish Council (pillandeastoningordano.org)
104 Sheffield Street Trees Inquiry

An Arboreal Consultant (Tree consultant) discussing **highways and infrastructure schemes** felt the EIA format was lacking in that it fails to include trees as a separate chapter, meaning that trees are included in an appendix and appear less important than other habitats. Consequently, opportunities to conserve veteran trees can be missed. Tree Officers and Ecologists in local authorities have a critical role in safeguarding trees in the face of development and should insist on as many trees being saved as possible. A recent example of a construction project was that the contractors proposed clear felling trees to make space for the construction compound, but the officer pointing out that *"the compound does not need to be rectangular"* saved more trees. In another case, contractors were not happy to hand-dig around tree roots and use a shallower surface for a cycle route because at the initial surveying stage by Highways, the trees had not been considered a constraint nor included in the scoping plan, and therefore had not been considered in the design or included in the costed proposal – alternative surfacing requirements and carrying out more labour-intensive hand digging would have added to the project cost.

The reinvigoration of the national targets to recover nature needs to be an opportunity for everyone across councils and their contractors to include nature and trees from the outset and to become better at communicating between departments to bring teams together, including ecologists, to identify risks and opportunities much earlier in any project.

There needs to be a balance between taking down dead trees and allowing fallen and standing dead wood to remain, because of the biodiversity it supports through nutrient recycling, growing fungi and housing beetle larvae that then feeds birds and small mammals. A veteran or ancient tree can live for hundreds of years with active decay alongside new growth[105].

2.7 Nature-Based Flood Risk Management

Under the Flood and Water Management Act 2010 Lead Local Flood Authorities must develop a Flood Management Strategy for managing the risk of flooding from surface water, groundwater and ordinary watercourses and lead on community recovery. This provides an opportunity to enhance habitats and improve biodiversity whilst reducing flood risk through Natural Flood Management and Sustainable Drainage Systems (SuDS).

Nature Based Solutions should be key to managing and responding to flood and coastal erosion risk. These are increasingly accepted as effective and good value measures. The Environment Agency has welcomed innovations from local authorities and their partners that focus on nature based solutions including:

- planting trees and hedges to increase water absorption, catch rainfall and slow down surface water run-off
- improving soil cover with plants to reduce water pollution and run-off
- diverting high water flows and creating areas to store water
- creating leaky barriers to slow water flow in streams and ditches (see **Calderdale** example in introduction)
- restoring salt marshes, mudflats and peat bogs.

105 Deadwood in Woodland - British Habitats

Barrier: Kent County Council raised concerns that multi-million-pound funding is available for large-scale flood prevention, such as the seawall in Margate, but that smaller amounts to integrate sustainable drainage systems and trees into local parks and streets are much harder to secure.

Larger organisations like the Environment Agency and water utilities are increasingly looking at natural flood management and nature-based solutions, however, these are not yet funded to the extent that hard-engineering solutions are. Councils with large areas of peatland blanket bog report that funding is easier to get than in the past, although the 'feast or famine' short termism of funding availability continues.

'Stacking' funding and investment, (i.e. using different funding streams and sources in a single project to deliver multiple outcomes to 'stack up' sufficient funds to make a project viable) is time-consuming and nature-based solutions need to be adequately funded. Alternatively, additional resources are needed to build capacity within local authorities to value stack and combine funds to deliver multiple outcomes.

2.8 Acquiring and Managing Land for Nature Enhancement

Local authorities have a range of powers to acquire and manage land under **The National Parks and Access to the Countryside Act 1949, The Countryside Act 1968, The Open Spaces Act 1906** and going right back in history, **The Public Health Acts Amendment Act 1890.**

Duties that could impede managing land for biodiversity could be the requirement to achieve the best consideration that can reasonably be obtained when disposing of land (s123 Local Government Act 1972), if the land is to be transferred for example, to a community interest company or charity to take it on and manage it. However, The Local Government Act 1972: General Disposal Consent (England) 2003 advices[106] that disposal of land for less than best consideration, apart from for a short tenancy, is permissible in certain circumstances, which includes contributing to economic, social or environmental wellbeing, if the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2 million.

Brighton & Hove City Council[107] are rewilding former Waterhall Golf Course's 90 ha site, to achieve a sustainable chalk landscape through careful management to return the land to its natural state, to increase biodiversity and protect the chalk aquifer through reduced pollution. Balancing public access with biodiversity improvements is a careful balance, and the council is considering declaring the site as an Open Space which would give them more control over dogs being walked off leads[108]. It is also being considered as a Local Nature Reserve.

Peat restoration: As part of its climate emergency, and delivered through its Countryside Services team, **Bradford City Council** has committed £200,000 on Open Access Land and common land it owns and manages, alongside privately owned land on peatland moors for moss planting for carbon sequestration, in line with the council's climate priorities and to restore nature.

Cambridgeshire County Council has bought land for County Farms, making it the third largest landowner in the county with 13,200 ha and 200 tenants. It has the largest county farm estate nationally, bringing in £5 million rent annually - £50 million since 1993 - through sales of surplus property, supporting new entrants to farming, local jobs and woodland and hedge creation.

106 Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration
107 POLICY & RESOURCES COMMITTEE Agenda Item 57
108 Re-wilding site could become city's newest Nature Reserve

2.8.1 Declaring and managing Local Nature Reserves

Under the **National Parks and Access to the Countryside Act 1949** Section 21, local authorities have powers to acquire, **declare and manage Local Nature Reserves** (LNR). To qualify for LNR status, a site must be of importance for wildlife, geology, education or public enjoyment. LNRs must be controlled by the local authority through ownership, lease or agreement with the owner. This is a significant power that can be used to conserve and enhance nature.

Manchester City Council's[109] 2022 Biodiversity Strategy proposes designating further sites as Local Nature Reserves to recover nature. In March 2023, MCC declared Broadhurst Clough in Moston as Manchester's newest designated Local Nature Reserve (LNR). As the city's 10th LNR it forms part of the North Manchester nature network linking to Moston Fairway and Boggart Hole Clough. The status as a LNR will help to protect natural features and wildlife habitats and increase local involvement so people can learn and study in nature with all the added health and wellbeing that this brings. It also increases the opportunity to bid for additional funding to enhance and improve the area.

2.8.2 Community Forests

National Parks and Access to the Countryside Act 1949 provides powers for local authorities to purchase derelict land for tree planting.

Local authorities lead or are partners in England's 13 **Community Forests.** England's Community Forests are delivering Defra's **Trees for Climate** scheme, supporting agents, farmers, and landowners to create new woodlands across:

- Parks and greenspaces
- Agricultural land
- School grounds
- Private landowners.

Cheshire West and Chester Council approached Mersey Forest to establish native woodland and hedgerows on a 12-hectare site owned by the council in 2021. 12,366 trees and 305m of hedgerows were planted, funded through Trees for Climate[110]. This fits into the wider Mersey Forest approach of creating a mosaic of habitats comprising woodland, water, grassland and hedgerows to increase biodiversity across the area.

109 Broadhurst Clough becomes the latest Local Nature Reserve in Manchester
110 Trees for Climate: Picton - England's Community Forests

2.8.3 Urban Food Initiatives to create and join wildlife sites

Sustainable Food Strategies and partnerships, accompanied by using local authority **procurement** powers (see Overarching Powers, Section 1 of **Powers in Place**) can support local food growers, orchards, and community supported agriculture. Commissioning powers can also do the same, through providing for social prescribing in a nature-based setting. **These are 'softer' uses of powers available to incorporate new sites and connections for nature and to take the pressure off species struggling to survive and recover.**

Under the Small Holdings and Allotments Act 1908[111] if a local authority (borough, urban district or parish) considers there is demand, they 'shall provide a sufficient number of allotments'. Alternatively if six people make a request for an allotment, the authority has a duty to 'take such representation into consideration'.

Under the same Act, local authorities can promote and support co-operative societies in relation to allotments. 41% are supporting community groups to expand provision allotments[112].

With long waiting lists in most parts of the country, and 87% of local authorities reporting an increase in demand for allotments, nearly half the local authorities surveyed in APSE's State of the Market: Allotments 2022 survey[113] are planning to expand allotment provision. 72% are doing this through direct provision while **50% are using planning powers to ensure developers and builders provide allotments.**

With pressure to use all allotment sites for growing rather than be set aside for biodiversity, the survey reports that there is growing interest in promoting native species, beekeeping and sustainable water use and *"that growing number of sites are now planting pollinator friendly species to help address the decline in pollinator habitats. Respondents also mentioned that they are having their sites inspected for designation as Sites of Importance for Nature Conservation (SINCs)".*

Bristol's One City Plan[114] aims to establish much more food growing within the city, which has the potential to reduce the impacts of agriculture elsewhere and help restore habitats across the city. Evidence shows that allotments and smallholdings are some of the most biodiverse habitats in cities. Regenerative approaches to food growing help to replenish the soil, manage water and restore wildlife in ways that support production as well as providing wider benefits.

111 Small Holdings and Allotments Act 1908
112 State of the Market Survey 2022 - Local Authority Allotment Services
113 State of the Market Survey 2022 - Local Authority Allotment Services
114 About the One City Plan

2.9 Local Authority Estate and Land Management

Local authorities can manage their own estate, buildings, parks, burial grounds, golf-courses etc in ways that improve and enhance nature and biodiversity. Several rural authorities also directly manage land as County Farms.

Southwark Council[115] has been implementing a 'no mow' policy in major parks and elsewhere. It introduced 'cut and collect' techniques with the purchase of new equipment funded by the Mayor of London's rewilding fund. Changing its approach with relaxed mowing will further support and encourage floral diversity and enhance nature for all. Southwark is on track to contribute to about 10% of the wider London target for creating 20 ha of flower rich grassland by 2025.

Burnley Council's[116] "Go to the park" project was developed with local social enterprise Newground, in one of the least wealthy parts of the UK, with public parks facing cuts of over 60% from current council revenues across the next decade. The scheme has seen the council focus on six key areas from meadow management, including creating meadows in parks, to woodland management and timber production, to converting annual bedding to bee-friendly perennial planting which stores more carbon and increases bee populations to commercial crop production on parks' perimeters with bee-friendly borage. This has also provided a new volunteering programme and made impressive financial savings.

Cornwall Council's Climate Change Action Plan commits the council to making Council Farms exemplars in low-carbon and regenerative farming. This includes piloting anaerobic digesters (AD) on six farms, with a view to rolling AD out on all 58 dairy farms. It also includes a plan to plant a Forest for Cornwall and establish a Woodland Carbon Units scheme to enable other organisations to fund tree planting through offset funds.

2.9.1 Pesticide Use

Insect populations have declined by over 60% in the last 20 years[117], and underpin much of our biodiversity – so cutting pesticide use where possible is strongly recommended. Despite overall reduced use, pesticide effects on invertebrates have increased. In December 2020 the government consulted on a revised **National Action Plan for The Sustainable Use Of Pesticides**[118]. A final revised plan was due to be published in Spring 2022 but has not yet been issued.

There is a growing movement of local authorities aiming to reduce potential harm to humans, soil microorganisms, worms and watercourses, by reducing or ending their use (or use by contractors) of **glyphosate pesticides.** The use of some pesticides and herbicides is regulated and local authorities must maintain their Highways, sports grounds, footpaths etc. but the campaign group Wild Justice[119] found there is a wide variety of approaches across local authorities to managing herbicide use. Some lack robust policies and monitoring, while others have banned pesticide use. Lessons from authorities that have phased out pesticide use have been collated by PAN UK,[120] which also explores the alternatives they are using to tackle invasive species (see to the right).

115 Southwark Council: Reduced Mowing to Support Local Nature
116 How Burnley manages parks to bring environmental and financial benefits | Local action
117 Bugs-Matter-2021-National-Report.pdf (buglife.org.uk)
118 Sustainable use of pesticides: draft national action plan - GOV.UK
119 Glyphosate use by local authorities - Wild Justice
120 Alternatives to Herbicides

The London Borough of Hammersmith and Fulham banned the use of glyphosate in its parks in 2016 and used a hot water treatment and sweeping for weeds instead; this was reviewed in 2018[121] and further innovations explored. Croydon Council has since followed suit along with **Brighton and Hove City Council**, and tens of councils during 2020 and 2021[122].

2.9.2 Invasive Species and Diseases

Tackling **Invasive Non-Native Species** (INNS) is a key task to protecting the natural environment and biodiversity. Regulations govern the designation of invasive species, including listing and delisting them. In the UK 35 plants[123] and 30 animals[124] are listed as invasive species and subject to regulations (banning them from being sold, planted, transported and disposed of) and local authorities have some powers regarding this in terms of waste collection and disposal.

Local authorities play a key role in Local Action Groups through coordinating activity to tackle invasive species. Often, despite ending or reducing the use of glyphosate, local authorities continue to use glyphosate on Japanese Knotweed, as it is so hard to eradicate by other means. However, new methods such as 'electricide' to deliver a shock to the plant can be used.

In **Calderdale** three invasive species[125], Himalayan Balsam, Japanese Knotweed and Giant Hogweed, contribute to flood risk. Himalayan Balsam can be tackled by members of the public, bashing it down before it flowers; however, the other two species must be reported and treated professionally. Work to combat invasive species along watercourses in Calderdale is led by Yorkshire Wildlife Trust and the Yorkshire Invasive Species Forum, which brings together partners from the Environment Agency, Yorkshire Water and the University of Leeds to ensure a strategic approach to the identification and treatment of invasives.

Ash die-back disease is causing significant concern across local authorities with duties and powers to maintain safety and tackle dangerous trees, whilst maintaining biodiversity. Many are developing strategies to manage the serious impact the disease will have.

Ash trees are the third most common tree in Britain after oak and birch - there are estimated to be around 150 million ash trees in the UK. Therefore, with a mortality rate of up to at least 75% in natural forests, potentially the loss in tree numbers could be around 112 million trees; at a time when more trees are needed to combat the effects of climate change and carbon emissions.

121 https://democracy.lbhf.gov.uk/documents/s101700/PAC%20Report%20-%20Weed%20Removal%20Strategy.pdf
122 Pesticide-Free Towns - success stories
123 Invasive non-native (alien) plant species: rules in England and Wales - GOV.UK
124 Invasive non-native (alien) animal species: rules in England and Wales - GOV.UK
125 Invasive Non-Native Species - Eye on Calderdale

APSE's survey[126] of 42 councils in 2022 found that:

- Over 75% of respondents expect their ash tree population to fall by 60–95%, most reporting figures at the higher end of this scale
- 29% estimate the eventual total costs for dealing with the impacts of ash dieback to be >£1.1 million, with nearly a quarter expecting costs to be >£10 million
- There is less demand in the coming two years to fell and remove diseased trees than in the coming 3-10 years, from 2.5% in the next two years to 33% in the next 6-10 years
- Between 10%– 40% of highway verges have trees suffering ash dieback
- 86% feel the Government is not providing sufficient funding to local authorities to address the problem.

Time and resources required for partnerships, working to tackle invasive species, and resources needed to tackle ash dieback take up valuable time in local authorities that might rather be spent on nature recovery.

Leicestershire County Council have added ash dieback to the corporate risk register and established a cross-departmental team to develop their response. The Council is responsible for the inspection and maintenance of all trees on land it owns and manages, including the adopted highway. LCC is also responsible, as highway authority, for the safety of all road users and as such, has measures in place which identifies hazardous trees in private ownership adjacent to the highway. They have developed an **Ash Dieback Action Plan** putting in audits, communications to landowners, training and budget to address the challenge.

Devon County Council found that there were an estimated 447,639 ash trees within falling distance of the highway[127].

126 Ash dieback costs risk further hollowing out council budgets, a new APSE survey of local authorities warns
127 Ash dieback: an Action Plan Toolkit (Summer 2019)

⊗ Barriers: ⊗

1. **Nature as an afterthought** rather than nature recovery being a top priority across all council strategies. Prioritising nature protection and recovery at the outset of council decision making can help ensure it is not a tick-box exercise to limit damage, but rather can help identify opportunities and wider benefits
2. **Maximising the opportunities to enhance biodiversity** on the local authority estate can be undermined by **pressure to sell off land for development**, which was encouraged in the early 2000s to release assets and meet housing targets. This can still be the case, and when councils carry out estate reviews they should identify opportunities to conserve and enhance biodiversity (under the Biodiversity Duty)
3. **Resources and capacity** can inhibit local authorities' ability to research and implement new approaches to biodiversity management of their estates and parks and in identifying potential sites on which projects and schemes can be delivered
4. **Funding for training –** greater funding is available for innovation rather than for 'what works' already. Skills training is needed for existing grounds and parks teams which need to manage more complex biodiverse habitats
5. **Local opposition or concerns about change**, including what 'good quality' green space should look like can also be a factor and working with local 'Friends of' groups, Parish Councils and local residents groups is important to devise solutions that work for people and wildlife
6. **Underfunding over decades for wildlife charities and groups** can hold back new volunteering schemes, because long-term funding is needed to coordinate volunteer workforces and to carry out monitoring
7. **Making it fit together -** Challenges of aligning and preparing for different funding streams for nature improvements – for example, landowners making a long-term (30 year) investment to Habitat Banking or BNG units as opposed to shorter term gains of ELM schemes, or competition with carbon units
8. **Data -** lack of access to relevant, robust local data.

Making space for nature: “Bigger, More & Joined Up”

3. Making more space for Nature - "Bigger, More & Joined Up"

There are several actions that need to happen to increase space for nature to allow it to recover, thrive, and to operate as a larger connected system. These actions can be grouped as:

- **Increase** - increasing the size of existing wildlife sites
- **Create** - creating new wildlife sites
- **Connect** - enhancing connections between wildlife sites, through natural corridors and 'stepping stones' (stepping stones are important as some species like to hop between habitats rather than travel along them)
- **Reduce pressures on wildlife** - improving the wider environment including buffer zones.

Many of these actions also support wellbeing, clean air, attractive urban spaces and climate resilience, provide cooling and flood-management functions and create multi-functional green spaces, particularly in urban centres.

In a farming context, they can also provide new space for pollinators, shelterbelts and soil stabilisation. ELM schemes will encourage the use of headlands and field borders for wildlife alongside crops and grazing; Silvopasture (grazing with trees) and Agroforestry (cropping with trees) are examples of this regenerative farming for nature that creates new and linked habitats.

The Local Nature Recovery Strategies will guide councils and stakeholders in how to prioritise action to create the wider system of Nature Recovery Networks, with protected sites for nature at the core of the network, making these bigger and linking them up.

The ability to **expand** existing sites depends on who owns the wildlife sites and whether they can expand them, either on the land they own, or through negotiations with adjoining landowners who could benefit from incentives through ELM or BNG schemes.

Local authorities can designate their own land as Local Nature Reserves, Open Spaces or County Parks, which then enables them to put in management systems to support biodiversity and create new areas for wildlife. They can then **link** up these sites through Green Infrastructure policies or through publicity and engagement with neighbours and residents.

Delivering **connections and stepping stones** means using local authority **powers in planning and highways, parks and countryside services** to create improved sites for nature. Green and blue (canals, rivers) corridors allow species to travel safely. Stepping stones, such as gardens, burial grounds, allotments and pocket parks between the established and more protected sites for wildlife allow species to rest there or move between different habitats needed at different stages of their life cycles (e.g. moving between wetlands and moorlands for ground nesting birds). These corridors and stepping stones can be created by installing trees, hedges and verges alongside new routes, often enabled by Green Infrastructure and Tree Strategies, Biodiversity Strategies and related Supplementary Planning Guidance or Design Guides and careful working with contractors in Highways and Access teams.

Reducing pressure on wildlife can be achieved through buffer zones protecting existing wildlife sites, which is usually done through environmental checks in the planning process to review potential impacts on protected sites in particular. But pressure can be reduced on nature through urban greening as well, supported by Green Infrastructure investments.

The amended **National Planning Policy Framework** has an expectation that all new streets are tree-lined and that opportunities are taken to include trees elsewhere in developments (such as through parks and community orchards). Planning Policy can support biodiversity net gain and can support creation of additional green and blue space in developments. LPAs can also use the new **Green Infrastructure Framework**[128] to increase green cover to 40% in urban areas. LPAs must retain access to canals, and can use planning policy to ensure a continuous bank alongside rivers and canals that benefits biodiversity. It is worth noting that a number of rivers and canals are SSSIs and therefore come under special protection.

The **Green Infrastructure Framework** was launched by Natural England to help Local Planning Authorities in greening towns, cities and connection routes. It provides a set of resources including GI Principles, Standards, Maps and data-sets, Planning and Design Guide and GI Process journeys on how to use all the products in the GI Framework.

Mayfield is a 24-acre multi-purpose housing, offices and retail development in the centre of **Manchester,** within which a new 6.5-acre park, Mayfield Park has been built. As well as providing grassy space for leisure and recreation, wilder areas include floodable meadows and biodiverse ecological areas beside the river. The River Medlock has been uncovered and rejuvenated, creating a new habitat for wildlife. The park contains new measures to support biodiversity, including kingfisher posts, bat bricks, and bird boxes. Mayfield Park is privately owned, but open to the public free of charge.

Hackney Council's[129] green spaces include 58 parks – of which 27 are Green Flag awarded (an accreditation that recognises well-managed green spaces) but some are old Victorian parks, fenced off and uninviting. Three quarters of Hackney's residents do not have private gardens, and lack access to green space, so the council's Parks and Green Spaces Strategy 2021-2031 enables new street trees, parklets (parking spaces replaced with seating and planting), green corridors and major park restoration schemes. New open spaces are being created through its Local Plan which requires green roofs on developments of more than 100m2 and open communal space providing 14m2 per person, for developments of more than 10 units. It also incorporates a new concept of "child-friendly" places where children can access nature.

Oldham Council, Northern Roots[130] will see the UK's largest urban farm and eco park established in the heart of Oldham. A 160-acre site, owned by the council, will be transformed into an accessible urban wilderness and nature will be enhanced across its range of habitats including woodland, moorland and seasonal wetlands. Led by a new charity, Northern Roots is already carrying out a social prescribing pilot, supported by Heritage Lottery funding, and a cohort of trainee beekeepers have been recruited. Overall the site will be carbon neutral and will demonstrate nature based solutions and grow the green landscape and enterprise skills needed for Greater Manchester's future.

128 Natural England unveils new Green Infrastructure Framework - GOV.UK
129 How Hackney is connecting more people to local green space
130 Vision and Plans – Northern Roots

People and Nature: Local Authority Powers to Connect People with Nature

4. People and Nature: Local Authority Powers to Connect People with Nature

The government's Environmental Improvement Plan's 10th goal is to enhance beauty, heritage, and engagement with the natural environment. It wants everyone to enjoy our landscapes and coastlines, but also recognises that to restore nature, we need to enjoy its beauty responsibly. The Plan has a **commitment that everyone should live within 15 minutes' walk of a green or blue space.**

Friends of the Earth research[131] shows almost **10 million (1 in 5) people live in areas deprived of green space.** There is a correlation between low-income households and green space deprivation. The average amount of public green space for people in the most deprived green space neighbourhoods is less than 9m2, or the average size of a garden shed. Almost 40% of people from ethnic minority backgrounds live in the most green-space deprived areas, compared to just 14% of white people.

Furthermore, research from Forest Research shows that **regular visits to woodlands saves the NHS in the region of £141 million in treatment costs associated with mental health illnesses**, including visits to GPs, drug prescriptions, inpatient care, social services and the number of days lost to mental health issues[132].

Local authorities have a range of duties regarding public access to the countryside and rights of way, and powers to enforce these, while protecting the environment. These duties and powers can be used in combination with planning powers and highways powers to deliver access to green and blue space for people.

Multi-functional green space, urban green space, safe active travel routes, education and encouragement for people to get outdoors into nature: these are all things local authorities have the powers to bring about – if they have the resources and capacity to do so.

131 https://friendsoftheearth.uk/nature/access-green-space-england-are-you-missing-out?_ga=2.94075357.1135450397.1680192935-1686305604.1672857863

132 Defra's Woodland Access Improvement Plan | IPROW

4.1 Rights of Way connecting people with nature

England and Wales has 180,000 miles of public rights of way in its network. Highway Authorities must keep a record of public rights of way and make sure they are open for public use. The legal record of a highway authority's rights of way network is known as the **'definitive map and statement'**. The map is intended to record all historic rights of way and members of the public have long been able to apply to update it where they have evidence.

Public rights of way at risk: A clause in **Countryside and Rights of Way Act 2000** (CROW) stated that pre-1949 paths must be recorded on the definitive map by 2026 to continue to carry public rights, otherwise they would be extinguished. After much campaigning by access groups, in February 2022, Defra announced a decision to repeal the cut-off date. However, this decision has now been reversed, and a new **cut off-date of January 2031** has been announced. This means that local people need to register undocumented paths before 2031 otherwise the landowner will be able to close them down. This risks losing access to the countryside and green space.

Under the **Highways Act 1980,** Highways Authorities can create, divert or extinguish public rights of way, but in carrying out any of these functions are required under sections 29 and 121(3) to have due regard to the needs of agriculture and forestry and the desirability of conserving flora, fauna and geological and physiographical features. This is also required under the Biodiversity Duty and other protections for designated sites and species.

It is a criminal offence under s137 of the **Highways Act 1980** (the 1980 act) to obstruct free passage along the highway. The highway authority (county or unitary council) has a legal duty under s130 of the 1980 act to 'assert and protect the rights of the public to the use and enjoyment' of the highway, and to prevent the stopping up or obstruction of the highway. The Highways Authority can enforce the unblocking of rights of way.

Many public rights of way are old routes and contain vestiges of ancient woodland and old hedgerows and banks that are important corridors for biodiversity. Careful management of these routes is needed to conserve and enhance biodiversity while maintaining public access.

Highways authorities must also prepare a rights of way improvement plan and review it every ten years. These plans should consider how the land is used for agriculture, forestry and nature conservation to avoid conflict and encourage co-operation in improving public rights of way.

Bradford City Council owns expanses of protected peat moorland (Blanket Bog) including Ilkely Moor. Its South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document (SPD)[133] sets out a financial contribution that developments in the 7km buffer zone around the protected moorland must make to mitigate the urban effects (fire risk, contamination, noise/light pollution and cat predation). Funds will enable the employment of ranger staff, education and awareness and improved visitor infrastructure to mitigate the impacts of recreation on the moorlands.

4.2 Planning policy for rights of way and local green space

The NPPF[134] *Promoting healthy and safe communities*, states that *"planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks, including National Trails"*. A key power LPAs have is the designation of land as **Local Green Space** through local and neighbourhood plans which allows communities to identify and protect green areas of particular importance to them. The guidance states that "*designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period."* Local Green Space can only be designated if the space is in close proximity to the community it serves and is *"demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife."*

4.3 Local authority powers to help people engage with nature

According to the RSPB[135] (Royal Society for the Protection of Birds), ***"disconnection from nature is considered one of the major problems facing nature conservation.*** *The term 'connection to nature' is frequently used to describe our enduring relationship with nature, including emotions, attitudes and behaviour. Research shows that people with a greater connection to nature are more likely to behave positively towards the environment, wildlife and habitats. Developing an enduring relationship between people and nature, connecting people, may be critical for future nature conservation."*

But we are getting used to living with depleted nature - the Environment Agency's 2022 report[136], states that conservation efforts are impacted by a phenomenon known as **shifting baseline syndrome.** This is a progressive decline in the perceived 'normal' state of biodiversity due to a lack of knowledge of its past state, and acceptance of less diverse environments. For example, it has been shown that compared to older residents, younger people in Yorkshire were less aware of changes in the abundance of common birds over the past 20 years.

Under the **Countryside Rights of Way (CROW) Act 2000,** local authorities have the power to appoint wardens 'regarding access'. In the past Wardens and Countryside Rangers were funded by the now-defunct Countryside Commission to help relations between the public and landowners, providing advice and information to the public on safe and responsible access to the countryside, including through Country Parks provision. Funding cuts made these roles now rare, however, but local authorities can still appoint wardens, rangers or staff to enable and encourage people into the countryside, and have powers to erect signposts and interpretation boards.

133 South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document (SPD).
134 National Planning Policy Framework - 8. Promoting healthy and safe communities - Guidance - GOV.UK
135 Connection to Nature | Why Connecting with Nature is Important - RSPB
136 Working with nature - GOV.UK

West of England Combined Authority (WECA) Community Pollinator Fund[137] – one of WECA's Investment Strategy's five key themes and objectives, alongside transport, housing and jobs is to "tackle the climate and ecological emergency" including to "make the West of England the bee and pollinator capital of the UK." As such WECA has established a £1 million Pollinator Fund, making awards of between £1,000 - £9,999 (small grants) and £10,000 - £100,000 (large grants) to community and voluntary organisations, to create and enhance the biodiversity in the area with an emphasis on improving pollinator habitats and to raise awareness and empower communities to take action to address the ecological emergency. In the first funding round 13 community led schemes were supported. These ranged from inner-city schemes such as Heart of BS13's Bee S13 Pollinator Project with planting, safari walks and living roof and green walls, through to school field rewilding and outdoor classrooms and Sodbury Town Council's Wildflower Meadow, turning common ground into a four-acre wildflower meadow to build insect pathways and habitat stepping-stones, supported by charity Buglife.

4.4 Partnership Power to connect People with Nature

Natural England's 2016 study found that one in nine children had not visited a park, forest or natural environment in the previous year. Just 56% of under-16s from ethnic minority households visited the natural environment at least once a week, compared to 74% from white households. The Friends of the Earth research in the introduction to this section showed that people living in more deprived areas have poorer access to green space and nature.

In addressing the inequalities of access to nature, an emerging agenda is asking whether and **how the 'greening' of cities may actually reinforce inequalities** or lead to new forms of social exclusion.

Uneven development and patchy investment in green spaces and nature can exacerbate the problem. Inclusive governance needs to address the power inequalities and ensure that nature-based solutions are developed that genuinely meet local people's needs and aspirations and are not imposed on them. Issues of safety and security, fears about rent rises if an area is 'gentrified' or 'greened up' and attitudes to nature, greenspace, choice of planting and trees and space for other activities are all important issues to be addressed.

Many of the enabling aspects to helping people engage with nature are delivered by charities and voluntary groups or community enterprises. These can include social prescribing schemes, green gyms, walking groups and 'Friends of…' groups. Local authorities can support, grant funds and commission these groups, including a focus on minoritised communities and people from diverse backgrounds to access the countryside and green spaces.

For equitable access to nature, careers in the environmental sector need to become attractive to a wider range of people. The environment sector is one of the least ethnically diverse in the UK. Just 4.81% of professionals identify as Black, Asian or from other minority ethnic groups, compared to 12.64% across all UK professions[138].

While some organisations are working to address the lack of ethnic diversity, Full Colour research for Wildlife and Countryside Link[139] shows that 84% of organisations, while willing to act, lack direction. Only 4% of organisations have a plan and are regularly implementing it. This is a challenge local authorities can help address through education, training and inclusive procurement practices.

137 Community Pollinator Fund - West of England Combined Authority
138 WCL_Changing_the_world_from_within_October_2022.pdf
139 WCL_Changing_the_world_from_within_October_2022.pdf

Thames21 and **Enfield Council**[140] are working with the community to restore the borough's rivers while boosting people's physical and mental health. They are working together to create new woodlands and wetlands and providing exciting volunteering opportunities out in nature. The partnership is longstanding and has benefited from multiple sources of funding, including from Defra, the Environment Agency, Greater London Authority and National Lottery Heritage Fund. Currently the partnership is funded as part of the government's new Landscape Recovery Scheme. The partnership is responsible for London's largest reforestation project, restoring Enfield Chase and Salmon's Brook. As well as planting 100,000 trees, this reforestation project has created new wetlands and ponds to slow down rainwater before it enters Salmon's Brook, reducing the risk of flooding downstream and reducing river pollution by filtering out pollution from nearby farms.

Volunteers at Turkey Brook, Thames21

Green Social Prescribing[141] has been funded for seven NHS pilots. The programme's objectives were to look at how to increase use and connection to the natural environment through referral to green and/or blue social prescribing services within communities to address health inequalities and improve mental health. In Greater Manchester, 1,082 people have taken part, with clear benefits to mental and physical health, as well as improved ongoing connection to nature. A partnership of NHS, GMCA and voluntary and green sector organisations developed Green Social Prescribing across the city-region. The scheme is on-going but requires greater funding.

Islington's Parks for Health[142] programme includes accessible activities for people with disabilities, dementia, children with disabilities and several sensory gardens. The Parks for Health Strategy, co-developed with **Camden Council** is embedded into the Health and Social Care services and has the aim of reducing inequalities and improving residents health.

Signatories of the model **Motion for the Ocean**[143], a declaration made by nearly 20 local councils and organisations, pledges to ensure the Local Nature Recovery Strategy strives to support ocean recovery, and to grow ocean literacy and marine citizenship - ensuring all pupils are given the chance to experience the ocean first-hand before leaving primary school and to promote equitable access to the ocean through physical and digital experiences for all residents. Councils including Plymouth City Council, Portsmouth City Council, Devon County Council, North Norfolk District Council, North Devon District Council, Torridge District Council, Teignbridge District Council, South Tyneside Council and Blackpool Council and the Local Government Association (LGA) have all declared a Motion for the Ocean.

140 Restoring Enfield's Rivers - Thames21
141 New sites to test how connecting people with nature can improve mental health - GOV.UK
142 Parks for Health | Islington Council
143 Motion for the Ocean – LGA Coastal SIG

Connecting People with Nature: Barriers

1. **Green space inequality:** 10 million people (1 in 5) live in areas with little green space, particularly affecting minoritised communities and people in areas of deprivation

2. **Transport access to nature:** Lack of public transport options to access green space and nature, linked to an absence of bus links between rural and urban areas

3. **Underfunding:** Underfunding over decades for wildlife charities and groups can hold back community schemes to get people into nature and volunteering schemes, because long-term funding is needed to coordinate volunteer workforces

4. **Lack of prioritisation:** Funding cuts and prioritisation of core services such as adult and children's social care saw significant cuts to countryside services teams, wardens and rangers, who play a key role in helping people access country parks and managing wider access issues

5. **Urban delivery:** There is a perception that BNG schemes or funding will be difficult to deliver in city and urban areas and may be redirected to more urban fringes or rural areas. This would exacerbate inequalities in access to green space and miss opportunities for co-benefits for health and climate adaptation through cooling and flood risk reduction

6. **Lack of diversity:** Lack of diversity within the environmental sector workforce.

Nature Conclusions:

5. Nature Conclusions

There is significant scope for local authorities to play a strong role in nature conservation and recovery. They already have demanding duties and wide-ranging powers to protect existing sites for wildlife, improve wildlife sites and create or enable new sites for nature. They have direct powers over the 4% of England's land which is owned by local authorities. However, they currently have very little power over the 69% of England's land which is farmed, beyond their planning powers. Local authorities also have a statutory role in enabling access through public rights of way and other powers to ensure people can access nature and learn more about it in order to protect it. Local authorities have been delivering nature and environmental policies and projects for many years. As with action on climate change, there are leading local authorities highlighted in the case studies in this report, and by PAS in its Nature Recovery Library.[144] However, due to the lack of baseline and monitoring, it really is not possible to see where such policies have made a material difference in nature recovery. Ideally LNRS and related reporting will achieve this but it could be too slow.

And despite legislated duties and powers, and some improvements in practices over time, nature is suffering an extinction crisis.

Protection for nature is currently too fragile, and is often overridden by development. This is compounded by a complexity of responsibilities across different organisations, historic under funding, prioritisation of housing and other forms of development, and overworked Planning teams and Highways departments - many local authorities simply do not have the capacity, capability, or resources to stand up for nature or plan it into their services. This, in combination with decades of farming practices which have made nature protection the exception rather than the norm, pollution and climate impacts, has put intolerable pressure on the natural environment.

Nature protection and enhancement is not given the weight in decisions that it should be given. The failure is in the delivery policies and implementation, not in the duties and targets.

If urgent action to reverse nature decline is not taken soon, there could be little left to recover, as habitats and species could be too diminished.

The Environment Act 2021 and Environment Improvement Plan should revitalise and raise the priority of Nature Recovery across England – but it needs to be implemented coherently, promptly, with resources and based on data and monitoring. It should create long-term policy and a stable investment environment. Barriers identified by local authorities include policy confusion and delays in forthcoming policy, guidance and funding schemes; the lack of an overarching Land Use Framework with clarity needed over the relationship between LNRS and Planning Policy. Data and monitoring need to be clearly outlined at the start of the LNRS and BNG processes, with clarity on reporting by local authorities. As seen in all the sectors in the main **Powers in Place** handbook, local authorities are hampered by stretched resources, lack of capacity and the need for new skills in order to deliver. **For this they need proper, non-competitive, long-term funding, provided within a framework that aligns national, regional and local delivery and that complements actions for climate change mitigation, adaptation and food production.**

There are important lessons to be learned from the climate mitigation experience, whereby stop-start and fragmented policy has meant that committed local authorities must work extra-hard to deliver change. **This should not be repeated for Nature Recovery.**

144 Examples of local authorities delivering nature recovery activities

5.1 UK100 Top 3 Recommendations

1. **Consistency for Nature:** Government should roll out clear, coherent and connected policies and financial incentives to provide a strong investment case for developers, landowners and farmers to prioritise nature recovery alongside cutting emissions. The Local Nature Recovery Strategy (LNRS) should guide biodiversity and environmental land management schemes. Local authorities should have a clear governance role. This must be underpinned by robust, consistent data which is locally relevant, accessible and properly resourced.

2. **Priority for Nature:** Nature recovery needs to be as strong in the implementation as it is in the duties, targets and strategies. National and local delivery policies need to strengthen the weight given to nature protection in the planning system, and throughout all other policy and spending areas. Alongside this, strong local political and corporate leadership to prioritise the Biodiversity Duty by Elected Members and Senior Directors can and should empower and support officers in delivering Nature Recovery.

3. **Funding for Nature:** Fully fund Nature Recovery delivery capacity in lead local authorities for LNRS, and district councils responsible for implementing Biodiversity Net Gain (BNG), including expansion of staff teams with long-term funding, and investment in training programmes on Nature Recovery for all local authority staff and elected Members, akin to Carbon Literacy Training. Everyone needs to be able to speak 'Nature Recovery' – not just ecology specialists. This funding should be available to all local authorities and should not be competitively allocated.

Key supporting policy, frameworks and resources are required from national government to underpin local authority powers:

Policy and governance

- **Provide clear governance for nature recovery**, especially between planning and LNRS
- **Maintain the Duty to Cooperate in planning policy** so that habitat areas across borders can be protected and enhanced
- **National Infrastructure projects should not override nature recovery** and should not take place on protected sites – there should be a presumption of protection
- National policy-makers should engage and communicate specifically with local authorities so that their role is clear and they can plan for implementation – policy making in an iterative form is resource-intensive for local authorities and generates uncertainty
- **A Land Use framework is needed** – local authorities must be part of devising this
- **Government departments should align or cooperate on planning policy**, infrastructure planning and delivery and nature policy – i.e. Defra, DLUHC, DfT and DESNZ.

Funding and Finance

- **Provide non-competitive funding** for all local authorities to deliver nature recovery schemes, including schemes that provide multiple outcomes
- **Incentives must be aligned and provide long-term certainty** to farmers, landowners, local authorities and investors
- **Properly fund enforcement agencies**, Natural England and the Environment Agency
- Fund and support Local Nature Partnerships which have a government-approved role yet which are patchy and inconsistent
- A very **strong boost for skills needs to be resourced**, beyond the welcome PAS planning focused programme currently underway
- **Training and resource sharing on delivering BNG** in city and urban settings is important to avoid BNG funds leaking away from the people who need greater access to green space
- Training, support and sharing case studies is required to assist local authorities in building business cases for nature based solutions. This should include co-benefits data, so that local authorities are not pressured to sell or rent land for its highest value without capturing the environmental, adaptation, health and carbon benefits of using land for nature.

Data and Monitoring

- **Provide clarity on how national targets will translate to local areas**
- **Environmental monitoring should inform the development of LNRS** – however data is hard to find and varies across local levels – high quality clear data is required
- **Local environmental records centres should be 100% resourced and funded** to enable monitoring, data gathering and data sharing to ensure government targets and policy are appropriately delivered, assessed, reviewed, revised and enhanced
- **Local environmental monitoring** should be linked to local plan monitoring (as should carbon emissions/carbon targets).

Appendix:

Appendix 1. Definitions

Statutory Protected Sites[145]

(note: these are under review and possible simplification – see Key Strategies above) – **these sites are often described as "Protected sites", "Designated Sites" or "Habitat Sites".**

Sites of Special Scientific Interest (SSSIs "Triple SI's"): designated under the **Wildlife & Countryside Act 1981** where they support habitats and/or species of national importance. SSSIs represent our best sites for wildlife and geology. The natural wildlife and geological features of SSSI's are irreplaceable parts of our national heritage. These are protected in order to preserve their importance, and to prevent damage and development.

Two categories **often known as "European Sites":**

- **Special Areas of Conservation** (SACs): designated where they support internationally important habitats and/or species listed in the EC Habitats Directive.
- **Special Protection Areas** (SPAs): designated under the European 'Birds Directive 1979 – areas identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries.

Ramsar sites: designated under The Ramsar Convention – an international agreement signed in Ramsar, Iran, in 1971, which provides for the conservation and good use of **wetlands**. The UK Government ratified the Convention and designated the first Ramsar sites in 1976.

National Nature Reserves (NNRs) designated under the **Wildlife & Countryside Act 1981**. Owned by or managed through agreements with Natural England.

Local Nature Reserves (LNRs) designated by local authorities under the **National Parks and Access to the Countryside Act 1949** and described in more detail in Section 8.2.3.1 above.

Non-Statutory Sites

The sites below are non-statutory – so are selected differently. Statutory sites are a representative sample of sites that meet assigned criteria – not all the sites that exist. Whereas Local Wildlife Sites are comprehensive and cover as many sites as needed, over 35,000, and provide wildlife refuges for most of the UK's fauna and flora through their connecting and buffering qualities. They complement other site networks and play a significant role in meeting biodiversity targets. **These local sites should be recognised in the Local Plan.**

Local Wildlife Sites - several different terms are used to describe Local Wildlife Sites:

- Sites of Importance for Nature Conservation (SINCs)
- Sites of Nature Conservation Importance (SNCIs)
- County Wildlife Sites
- "Local Sites".

145 Protected areas | The Wildlife Trusts

Local Wildlife Sites are selected locally by Wildlife Trusts, local authority officials and other local wildlife conservation groups for their 'substantive nature conservation value'. They vary in size and shape from small ponds and copses and linear features such as hedgerows, road verges and water courses, to much larger areas of habitat such as ancient woodlands, heaths, wetlands and grassland. They support both locally and nationally threatened wildlife, and many sites will contain habitats and species that are priorities under the county or UK Biodiversity Action Plans (BAP).

Environmental Principles Binding on Ministers and Policy Makers

The Environmental Principles Policy Statement[146] is binding on Ministers and policy makers. These principles are based on international benchmarks and the UK is committed to them through international instruments and processes.

The first principle (in bold) is overarching and relevant to any policy-making:

- **integration principle** – ***policy-makers should look for opportunities to embed environmental protection into policy***
- prevention principle – *environmental damage should be prevented, this includes CO2 emissions, biodiversity loss and pollution*
- rectification at source principle – *this requires the policy maker to understand the actual/potential environmental damage and its source, and try to rectify it at the source*
- polluter pays principle - *the costs of pollution should be borne by those causing it, rather than the person who suffers the effects of the resulting environmental damage, or the wider community*
- precautionary principle - *where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*

Definitions of Nature Recovery & Environmental Terms

Access Land - also known as Open Access Land – which can be accessed without sticking to paths; it includes mountains, moors, heaths and downs that are privately owned. It also includes common land registered with the local authority and some land around the England Coast Path. It is accessed under the 'Right to Roam' or 'Freedom to Roam'.

Agroforestry - combining agriculture with trees and hedges; growing crops or grazing animals alongside growing trees (see also Silvopasture).

Ancient Woodland - areas of woodland that have persisted since 1600 in England, Wales and Northern Ireland, and 1750 in Scotland. The dates are because that is when fairly accurate mapping began. Ancient woodland has been undisturbed for hundreds of years and supports complex ecosystems and species.

Canopy Cover - the layer of leaves, branches, and tree stems that cover the ground. Forest Research recommends that if a minimum standard is set then 20% tree canopy cover (or 15% for coastal areas) is an appropriate level.

Ecosystem Services - benefits provided by the natural environment that benefit people. These come in four types: provisioning (food, water, wood etc); regulating (climate, flood reduction, water purification, pollination etc); cultural (recreation, spiritual, artistic) and supporting (photosynthesis, water cycle, nutrient cycling – that support all life).

146 Environmental principles policy statement - GOV.UK

Eutrophication – the effect on a water course from nutrient pollution whereby certain plants grow and disrupt the natural processes which impacts wildlife.

Excepted Land – areas of private land within areas of Access Land that cannot be accessed apart from by public rights of way. This could include land for crops, houses and buildings, gardens, quarries etc.

Green Infrastructure - a network of multi-functional green and blue spaces and other natural features, urban and rural, which can deliver a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Green and Blue Space - Green space describes parks, woodlands, fields and countryside while blue space means rivers, canals, lakes and sea.

Irreplaceable Habitat - would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Marine Conservation Zones - protect species and habitats of national importance and are designated under the Marine and Coastal Access Act 2009. There are currently 91 designated MCZs

Marine Protected Areas (MPA) - There are over 175 MPAs in English waters, these include European marine sites (EMS) and marine conservation zones (MCZ). EMS collectively describes special areas of conservation (SAC) and special protection areas (SPA) that are covered by tidal waters. They protect some of the most important marine and coastal habitats and species of European importance. EMSs are designated, in England, under the Conservation of Habitats and Species Regulations 2017 and the Offshore Marine Habitats and Species Regulations 2017

Natural Flood Management - Managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts. NFM takes inspiration from nature, catching and detaining storm water where it falls, increasing 'roughness' across all parts of the catchment, to reduce flood risk.

Nature Based Solutions - actions to protect, conserve, restore, sustainably use and manage natural or modified land, freshwater, coastal and marine ecosystems, which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services and resilience and biodiversity benefits (this is the UN definition).

Nutrient Neutrality - development achieves nutrient neutrality when the nutrient load created through additional wastewater (including surface water) from the development is mitigated. By designing development alongside suitable mitigation measures, additional nutrient loads can often be avoided or mitigated. This approach is called 'nutrient neutrality'. It essentially allows developments to be permitted without impacting on the condition of protected sites.[147]

Nutrient Pollution - nutrients (phosphates and nitrogen) enter the water courses – mainly from agricultural sources including slurry and from sewage releases.

Paludiculture – farming on high water tables or rewetted peat. It enables the land to be farmed while reducing emissions from peat.

147 Nutrient Neutrality FAQs | Local Government Association

Peatland Code - a voluntary certification standard, independently verified, for upland peat[148]

Regenerative Farming – farming that improves the environment, principally through regenerating the soil, use of low-till (reducing disturbance to the soil), keeping crops in the soil (i.e. no bare soil), cover crops and crop rotation including grazing rotation. These farm systems are designed to work in harmony with nature, while also maintaining and improving economic viability.

Rewilding - protecting an environment and returning it to its natural state. This could include reintroducing species or re-wiggling a river among other things. It aims to enable thriving economies alongside thriving nature.

Riparian Planting - planting trees alongside rivers and watercourses (riparian means at the edges of the river or wetlands).

Section 41 List - list of habitats and species of principal importance in England which includes 56 habitats and 943 species first identified as priority habitats and species in the UK Biodiversity Action Plan (UK BAP).

Silvopasture – integrating trees and pasture for grazing and forage which enables animals to be farmed, alongside sequestering carbon in trees and soils.

SuDS - Sustainable drainage systems - designed to manage stormwater locally (as close its source as possible), to mimic natural drainage and encourage its infiltration (soaking into the ground), attenuation (storing water and releasing it slowly) and passive treatment (allowing natural processes to break down pollutants). SuDS measures can include green roofs, permeable pavements, swales and ditches, retention ponds and wetlands. They reduce flood risk and can be designed to benefit nature.

Veteran Tree - A veteran tree is a tree of particular interest because of its age, size, condition and history. Veteran trees have a large trunk for their species, along with other characteristics including large cavities and decay holes, fungi growing on the trunk, and character in its shape and form. These trees are important biologically, culturally, and aesthetically. They contribute a huge amount to the conservation of forest biodiversity and come with rich cultural and historical value. Individual trees are often prominent in the landscape, marking historic boundaries or locations.

Woodland Carbon Code – an independently verified quality assurance standard for woodland creation projects in the UK, backed by the government and forest industry, it forms the basis for Woodland Carbon Guarantee auctions (that pay farmers and landowners for afforestation) and is used by the Forestry Commission[149].

148 Introduction to the Peatland Code
149 UK Woodland Carbon Code