

Individual Decision



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The attached report will be taken as Individual Portfolio Member Decision on:

Friday 22 November 2024

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Berkshire Local Nature Recovery Strategy (LNRS) – Consultation Draft

Committee considering report:	Individual Executive Member Decisions
Date of Committee:	22 November 2024
Portfolio Member:	Councillor Stuart Gourley
Report Author:	Elise Kinderman
Forward Plan Ref:	ID4636

1 Purpose of the Report

1.1 To outline the current consultation on the Berkshire Local Nature Recovery Strategy (LNRS) (links to the documents are contained in Appendix A). The report sets out that the Council is supportive of the main elements of the strategy. There were several concerns about the readiness of the draft document for consultation (as set out in Appendix B). However, subject to the corrective actions committed to in Appendix C being undertaken, the Council is content for the consultation to proceed.

2 Recommendation

2.1 That the Council responds to the Responsible Authority for the Berkshire Local Nature Recovery Strategy (Royal Borough of Windsor and Maidenhead) that it is content for the public consultation to proceed, subject to the corrective actions committed to in Appendix C being undertaken (proposed response in Appendix D).

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The Government has provided funding to 48 ‘Responsible Authorities’ for the preparation of Local Nature Recovery Strategies. The Responsible Authority for the Berkshire LNRS is the Royal Borough of Windsor & Maidenhead (RBWM) who are responsible for the preparation of the strategy. No additional need of funding for the preparation of the strategy has been identified.

Human Resource:	The LNRS is being prepared by RBWM. It is anticipated that existing staff resource will be utilised being involved in the production of the LNRS.			
Legal:	The LNRS is required to be produced under the Environment Act 2021. No legal issues have been identified.			
Risk Management:	<p>Possible risks include:</p> <p>Information on the LNRS not being disseminated effectively leading to non-engagement with stakeholders - RBWM is leading the preparation of the LNRS and WBC will communicate progress through relevant communication channels. Consultation periods can be included on the WBC consultation webpage.</p> <p>WBC interests not suitably included in the LNRS - WBC is fully engaged in the LNRS process through being included on the steering group, and through local authority networks, which should act to mitigate this risk.</p>			
Property:	No property implications identified.			
Policy:	<p>The Consultation Draft Berkshire Local Nature Recovery Strategy identifies priority areas/actions for biodiversity efforts to be delivered, in relation to the duty to provide net gains for biodiversity identified in the NPPF, and impending mandatory Biodiversity Net Gain. Nutrient Neutrality will also be a consideration of the LNRS.</p> <p>The strategy specifically relates to the following policies in the submitted Local Plan: SP10 - Green Infrastructure, SP11 – Biodiversity and Geodiversity, and will assist in progressing key parts of West Berkshire’s Environment Strategy and accompanying Delivery Plan.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		No impact on equalities identified
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		No impact on equalities identified
Environmental Impact:	X			Identification of priority areas/actions for biodiversity efforts to be delivered will positively impact on the environment including supporting carbon sequestration.
Health Impact:	X			Improving the environment/biodiversity will have consequential positive benefits for health (e.g. air quality, mental health and wellbeing, physical activity).
ICT Impact:		X		No ICT implications identified.
Digital Services Impact:		X		No digital services implications identified.
Council Strategy Priorities:	X			Council Strategy 2023 – 2027 priority area – tackling the climate and ecological emergency. The LNRS will directly positively influence this priority.
Core Business:		X		No significant impacts on the rights of data subjects identified. RBWM will be undertaking the necessary public consultation.

Data Impact:		X		No significant impacts on the rights of data subjects identified. RBWM will be undertaking the necessary public consultation.
Consultation and Engagement:	<p>Introductory webinars to introduce the LNRS and outline the anticipated progress were held from 19th September – 5th October 2023.</p> <p>A survey on how participants wished to be involved in the production of the strategy was undertaken in Dec 23 – Jan 24.</p> <p>Stakeholder and landowner engagement workshops were run March/April 2024.</p> <p>Further survey on priorities for nature recovery undertaken March/April 2024.</p> <p>Consultation with Supporting Authorities due Oct/Nov 24 and March/April 25.</p> <p>Public consultation on the draft LNRS due Jan 2025 – Feb 2025.</p>			

4 Executive Summary

- 4.1 [Local Nature Recovery Strategies](#) are a system of spatial strategies for nature and environmental improvement required by law under the [Environment Act 2021](#).
- 4.2 The main purpose of the strategies is to identify locations to create or improve habitat most likely to provide the greatest benefit for nature and the wider environment.
- 4.3 The Royal Borough of Windsor and Maidenhead (RBWM) is responsible for producing the Berkshire LNRS (termed ‘Responsible Authority’). The Supporting Authorities (SAs) include Bracknell Forest Council, Reading Borough Council, Slough Borough Council, West Berkshire Council, and Wokingham Borough Council. Natural England is also defined as a supporting authority under the [Local Nature Recovery Strategy Regulations](#).
- 4.4 The draft LNRS has now been prepared and the RBWM are now embarking on several rounds of consultation before the LNRS is finalised (publication scheduled for June 2025).
- 4.5 The current period of consultation for Supporting Authorities is on the consultation draft version of the LNRS, (prior to public consultation) and closes on 23rd November 2024. The Responsible Authority must invite comments from the Supporting Authorities on the consultation draft version of the LNRS. The [Local Nature Recovery Strategy Regulations](#) also specify a period of 28 days within which supporting authorities can

raise an objection to the consultation draft version of the LNRS. Links to the consultation draft version of the LNRS documents are included at Appendix A.

- 4.6 At this stage, RBWM are not seeking comments on the detail of the Draft LNRS, just whether or not Supporting Authorities they are content for the public consultation to proceed. All of the SAs have been strongly encouraged by RBWM to submit comments about the detail of the draft LNRS as responses during the 6-week public consultation window between January to mid-February 2025.
- 4.7 The consultation responses that have been requested by Royal Borough of Windsor and Maidenhead on the pre-consultation draft LNRS include:
- a. “Happy for the LNRS to go for public Consultation”
 - b. No written response after 28-days (according to the regulations) is assumed to be equivalent to (a)
 - c. or, “Object to the LNRS going to consultation”. This must be given in writing to the RA within 28-days from receiving the draft documents and must give reasons which are specified within the [regulations](#).
- 4.8 The Council is supportive of the main elements of the LNRS. Officers had several concerns about the readiness of the draft document for consultation (as set out in Appendix B). However, subject to the corrective actions committed to in Appendix C being undertaken, the Council is content for the consultation to proceed (proposed response in Appendix D).
- 4.9 Information in the Appendices is to be treated **confidentially** as it relates to a consultation that has not yet been approved to proceed. The RBWM approval process will take place in December, with public consultation due to commence in January 2025.

5 Supporting Information

Introduction

- 5.2 [Local Nature Recovery Strategies](#) are a system of spatial strategies for nature and environmental improvement required by law under the [Environment Act 2021](#). Each Local Nature Recovery Strategy (LNRS) must:
- agree priorities for nature’s recovery and propose actions where they would make a particular contribution to achieving those priorities;
 - map the most valuable existing areas for nature; and
 - map specific proposals for creating or improving habitat for nature and wider environmental goals.
- 5.1 The Berkshire LNRS has been in production since April 2023. West Berkshire Council has been represented on the steering group, which has met every two months to progress the production of the LNRS.
- 5.2 A series of workshops and public consultation events were undertaken in Spring 2024, and have been used to inform the production of the priorities for nature recovery in the Berkshire LNRS.

- 5.3 Supporting Authorities are now being consulted on the consultation draft version of the LNRS. This is the version of the LNRS that the Responsible Authority (Royal Borough of Windsor & Maidenhead) considers is ready for public consultation.

Background

- 5.4 The following consultation schedule for the draft/final LNRS has been prepared by RBWM to inform the consultation process going forward and through to publication.

Process	Start date	End date
DEFRA panel	14.10.24	22.10.24
SAs to comment on pre consultation LNRS	14.10.24	23.11.24
RA cabinet	01.12.24	01.01.25
Public consultation	02.01.24	15.02.25
RA to review public consultation	16.02.25	14.03.25
SAs to approve LNRS	15.03.25	30.04.25
RA cabinet	01.05.2025	31.05.2025
Publication of LNRS	01.06.25	30.06.25

- 5.5 The [Local Nature Recovery Strategy Regulations](#) specify two periods of formal consultation for supporting authorities in the production of and LNRS. The first is when the Responsible Authority must present a consultation draft and invite comments from all Supporting Authorities.
- 5.6 Regulation 7 of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023 requires Responsible Authorities to provide all Supporting Authorities of the Local Nature Recovery Strategy with the draft strategy it considers ready to consult on under regulation 12 (“the consultation draft”) and request their comments.
- 5.7 At this stage, a Supporting Authority may (within 28 days) raise an objection (‘pre-consultation objection’) to the Responsible Authority regarding the content or preparation of the LNRS. The responsible authority then may not proceed with public consultation until the Secretary of State has confirmed that the consultation may proceed (which may be subject to such conditions as the SoS sees fit). It has been confirmed by RBWM that the statutory 28-day period will conclude at the end of the consultation period (i.e. 23rd November).
- 5.8 The current period of consultation on the LNRS (prior to public consultation taking place) corresponds to the period 14th Oct – 23rd Nov 2024 in the preceding table. At this stage, RBWM have requested that Supporting Authorities do not provide comments on the detail of the Draft LNRS, just whether or not they are content for the public consultation to proceed. All of the SAs have been encouraged to submit comments about the detail of the draft LNRS as responses during the 6-week public consultation window between January to mid-February 2025.

- 5.9 The consultation responses that have been requested by Royal Borough of Windsor and Maidenhead on the consultation draft LNRS include:
- d. “Happy for the LNRS to go for public Consultation”
 - e. No written response after 28-days (according to the regulations) is assumed to be equivalent to (a)
 - f. or, “Object to the LNRS going to consultation”. This must be given in writing to the RA within 28-days from receiving the draft documents and must give reasons which are specified within the [regulations](#).

6 Proposals

- 6.1 West Berkshire Council officers are broadly content with key parts of the strategy, such as the list of priorities and measures for conserving and enhancing biodiversity and the description of the area and opportunities for biodiversity in Berkshire. These cover the key areas we would expect to see included.
- 6.2 Officers initially had several concerns about the readiness of the draft document for consultation (as set out in Appendix B). Following communication of these concerns to the Responsible Authority, they have been incorporated into a schedule of feedback for incorporation into the LNRS, which has been committed to by the Responsible Authority. This is in line with the approach taken by the other Berkshire Supporting Authorities and the Responsible Authority has included feedback from all Supporting Authorities in the schedule.
- 6.3 It is considered that subject to these corrective actions being undertaken prior to the public consultation commencing, the Berkshire Local Nature Recovery Strategy should proceed to public consultation as scheduled.
- 6.4 It is recommended that the Council responds to the Responsible Authority for the Berkshire Local Nature Recovery Strategy (Royal Borough of Windsor and Maidenhead) that it is content for the public consultation to proceed, subject to the corrective actions committed to in Appendix C being undertaken (proposed response in Appendix D).

7 Options for consideration

- 7.1 Comments and feedback could also be given to the Responsible Authority during the public consultation in Jan/Feb 2025. However, it is considered that the form and content of the Local Nature Recovery Strategy will be much improved for public consultation by the collective feedback of the supporting authorities, allowing stakeholders to engage more meaningfully with the LNRS.

8 Conclusion

- 8.1 the Council is supportive of the main elements of the strategy. There were several initial concerns about the readiness of the draft document for consultation (as set out in Appendix B). However, subject to the corrective actions committed to in Appendix C being undertaken, the Council is content for the consultation to proceed (proposed response in Appendix D).

8.2 It is recommended that the Council responds to the Responsible Authority for the Berkshire Local Nature Recovery Strategy (Royal Borough of Windsor and Maidenhead) that it is content for the public consultation to proceed, subject to the corrective actions committed to in Appendix C being undertaken (proposed response in Appendix D).

9 Appendices

9.1 Appendix A – CONFIDENTIAL Links to consultation draft Local Nature Recovery Strategy

9.2 Appendix B – CONFIDENTIAL Initial comments on the consultation draft Local Nature Recovery Strategy

9.3 Appendix C – CONFIDENTIAL Schedule of Feedback for Incorporation into the Local Nature Recovery Strategy

Appendix D – CONFIDENTIAL Proposed Response to consultation draft Local Nature Recovery Strategy

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees or Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Elise Kinderman
Job Title: Team Leader - Place
Tel No: 01635 519814
E-mail: elise.kinderman1@westberks.gov.uk
