

Meeting:	Decision Session - Executive Member for Environment and Climate Emergency
Meeting date:	20 May 2025
Report of:	Director of Transport, Environment and Planning
Portfolio of:	Councillor Kent, Executive Member for Environment and Climate Emergency

Decision Report: North Yorkshire and York Local Nature Recovery Strategy, Pre-Consultation Draft

Subject of Report

1. There is a new system of spatial strategies for nature recovery, legislated for in the Environment Act 2021. These are called Local Nature Recovery Strategies (LNRS). The strategy for the Council's geography is called *North Yorkshire and York Local Nature Recovery Strategy* (referred to here as NYY-LNRS, or the Strategy). It's production is led by North Yorkshire Council (NYC), with support from the Council.
2. This report briefly sets out the process of developing the NYY-LNRS to date, to demonstrate an appropriate process has been carried out during this time.
3. The Council is about to receive final parts of a pre-consultation draft of the Strategy (the same documents are intended to be used for a public consultation). We will then be at a stage where under LNRS Regulations 2023, the Council can give our support or objections to a decision by NYC to publicly consult on the draft Strategy. This report asks for a decision on the Council's position to be delegated to Head of Strategic Planning Policy.
4. Other than the above considerations, this report does not consider details of the draft Strategy. Subject to the Council not objecting at this stage, it is intended that detailed Council comments on the draft Strategy will be provided to NYC at a later date during June. This report asks for submission of comments to be delegated to Head of Strategic Planning Policy.

Benefits and Challenges

5. The benefits and challenges concerning the recommended decisions of this report are as follows:
6. Report recommendation
 - i. The Council's decision about whether to support NYC consulting on the draft Strategy should be on LNRS Regulations 2023 grounds.
7. Pertinent regulations are:

"A supporting authority that has been provided with a consultation draft of a local nature recovery strategy under regulation 7 may raise an objection with the responsible authority about— (a)the local nature recovery strategy; or (b)the responsible authority's preparation of the local nature recovery strategy, including the extent to which the responsible authority has involved the supporting authority in that preparation. (2) An objection under paragraph (1) must— (a)be in writing; (b)give reasons for the objection; and (c)be given before the expiry of 28 days beginning with the day on which the responsible authority provided the supporting authority with the consultation draft of its local nature recovery strategy under regulation 7."
8. The Council does not yet have full documentation of the draft Strategy, so at time of the publication of this report, the 28 day consultation period has not started.
9. Report recommendation ii: The recommendation to delegate detailed comments on the Strategy are driven by the timing of this report; the timing of receipt of full documentation; the relatively short statutory consultation period; and the relatively low risks
10. Refer also to Risks & Mitigations and Options Appraisal sections

Policy Basis for Decision

11. LNRS are a new system of spatial strategies for nature, introduced in the Environment Act 2021.
12. The Environment, Local Nature Recovery Strategies, Procedure, Regulations 2023 (LNRS Regulations 2023) sets out detailed requirements for the production of an LNRS.
13. LNRS has materiality within the statutory planning function. This was clarified recently by Planning Practice Guidance February 2025.

14. In 2019 the Council declared a Climate Emergency and in 2022 published the Climate Change 10 year strategy.
15. The Council Plan 2023-27 has a key commitment to “Climate and Environment”. This commitment is about understanding and reducing our impacts on the environment. NYY-LNRS is an overarching regional strategy for delivering nature recovery. Nature recovery has a key role in achieving these key council aims.
16. In addition, the Council Plan sets out four core commitments known as EACH, with the Climate core commitment recognising we will enhance our environment for future generations to enjoy.

Financial Strategy Implications

17. There are no direct financial implications of the development of NYY-LNRS as a strategy for the Council. The lead authority, NYC produces the strategy, funded by a Defra grant, and Council participation/co-production is carried out by existing Council staffing.
18. The live phase of the NYY-LNRS as a strategy does not have a financial impact to the Council. NYC is responsible for review and monitoring.
19. The delivery of the NYY-LNRS as an instrument of change does not currently have a direct finance obligation on landowners. It is a voluntary scheme (it does not specify land use). However, it impacts the economics of land use at a high level. For instance, it is a material consideration as part of planning applications. For farming practice, in the long term there will probably be a correlation between Environmental Land Management Schemes (ELMS) delivering nature recovery and the LNRS, but this is an emerging area of policy.

Recommendation and Reasons

20. The Executive Member is asked to:

- i. Note the work that has been undertaken in relation to the North Yorkshire and York Local Nature Recovery Strategy. To also agree to delegate authority to the Head of Strategic Planning Policy to decide and action one of the following options:
 - a. to provide written consent to a public consultation on the draft North Yorkshire and York Local Nature Recovery Strategy
 - b. to object to a public consultation on the draft North Yorkshire and York Local Nature Recovery Strategy in accordance with the grounds and procedure set out in the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023
 - c. to do nothing (thereby allowing the statutory pre-consultation period to elapse)

...and to confirm to North Yorkshire Council the Council's position. This will occur before the expiry of a 28 day statutory consultation period.

Reasons:

To clarify the Council's position to North Yorkshire Council, in respect to the Council's duties and powers as set out by LNRS Regulations 2023. The current position is that council officers have worked closely with North Yorkshire Council on the emerging draft Strategy and give support to the overall format of the Strategy and process of its development and so have no objections to a public consultation. However, officers have not seen complete draft strategy documentation before the publication of this report, so require complete documentation and further time to confirm this position.

- ii. To delegate authority to the Head of Strategic Planning Policy to make any comments on behalf of the Council in response to the draft North Yorkshire and York Local Nature Recovery Strategy.

Reasons: For the efficient delivery of the Strategy.

Background

21. Government asked NYC and the Council to work closely together to produce the NYY-LNRS, as both local authority areas share a common landscape and river network that span their respective boundaries. Working across administrative boundaries ensures that nature recovery is more effective where transboundary features are present. The NYY-LNRS was also prepared in partnership with the Yorkshire Dales and North York Moors National Park Authorities and the other organisations in the advisory group.
22. Defra have appointed NYC as “responsible authority” for the strategy and the Council are appointed as “support authority”. In practice this means NYC lead on the production of the strategy.
23. NYC developed a stakeholder engagement plan during summer 2023 to establish governance (working procedures and accountability). A working group from NYC and Natural England established a governance model for the NYY-LNRS.
24. The principles of this were included at Council Executive October 2023, and governance/procedure at a Council level was also agreed. The decision included:

“...Agreed to delegate to The Executive Members for the Environment and Climate Change Emergency the necessary Member decisions for the development of the LNRS and that officers convey those decisions for consideration of NYC as statutory Authority;...confirmed that whilst not statutory Authority they wish to reserve the agreement to adopt the LNRS as a key decision...”
25. As part of this governance the Council continues to be a key member of advisory boards (at director officer level), as part of the project team (at officer level) and supporting the advisory topic groups throughout the preparation of the draft NYY-LNRS.
26. Council Executive Member for Environment and Climate Emergency has had regular update meetings.
27. Council officers have been actively involved in the determination of the list opportunities, priorities and measures required to support nature recovery across the region.
28. The Council has supported the preparation of the NYY-LNRS by attending monthly steering group meetings and regular workshops to provide local expert knowledge in relation to nature recovery priorities for habitat and species within the administrative boundary of York.

29. In addition, Council technical officers have undertaken regular reviews of supporting data used in the preparation of the NYY-LNRS (i.e. mapping and habitat/species lists) to ensure that they will achieve objectives of the NYY-LNRS and support nature recovery within the City of York.
30. Council officers have seen the emerging draft Strategy structure. It is split into five parts (excluding appendices):
 - 1) Thriving Nature in North Yorkshire and York – Non-Technical Summary
 - 2) Thriving Nature in North Yorkshire and York – Our Local Nature Recovery Strategy
 - 3) Statement of Biodiversity Priorities Part I – Description of Our Strategy Area
 - 4) Statement of Biodiversity Priorities Part II – Priorities and Measures
 - 5) The Local Habitat Map
31. Most text documentation for the pre-consultation draft Strategy was received by the Council on 31 March 2025
32. Remaining parts of the pre-consultation draft Strategy (including mapping) are anticipated to be received during week commencing 12 May 2025.
33. The Council enters a period of 28 days statutory consultation that commences on the day of receipt of full draft Strategy documentation. During this period the Council can decide to object or support NYC carrying out a public consultation on the Strategy.
34. Current provisional future timetable:
 - 1) Statutory public consultation (six weeks): June 2025
 - 2) Council return of detailed comments on the draft Strategy: June 2025
 - 3) Publication of final Strategy: October 2025

Consultation Analysis

35. A statutory six week's public consultation on the draft NYY-LNRS will be delivered by NYC on behalf of the region, currently timetabled to start in June 2025. This will be promoted by the Council and open to representations by York residents and community groups.

36. Subject to this decision, the Council will also coordinate and issue formal Council representation to NYC on the draft NYY-LNRS in June 2025.

Options Analysis and Evidential Basis

37. Report recommendation i- Support for public consultation on the draft Strategy: An alternative option would be not to support a public consultation but this was considered undesirable. The Background section describes how the Council have been fully involved and collaborated on the development of the strategy and officers have not identified significant flaws or concerns during this period. It is assessed here that NYC have also complied with LNRS Regulations 2023 with respect to general content and support authority involvement, so to object would likely fail requirements under the regulations. Also, in supporting a public consultation, this does not prevent the council making detailed comments on the Strategy.
38. Report recommendation ii- The recommendation to delegate detailed comments on the Strategy: An alternative option would be to bring comments back as part of a further Executive Member Decision Session (EMDS). However, this is made very difficult by the limited statutory consultation time, and was also considered undesirable because of the relatively low risks of the strategy and relatively limited powers the Council has in the process. The relatively long reporting process of EMDS would divert limited staff resource into further report writing and this would shorten the period of time for technical consideration and analysis.

Organisational Impact and Implications

39. The implications are as follows:
- a) Finance: There are no additional costs associated with the recommendations set out in the report.
 - b) Legal: The procedure for the consultation and publication of the Local Nature Recovery Strategy (LNRS) is set out in the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023. As a Supporting Authority the Council is provided with the opportunity to object to the consultation of the draft LNRS on the grounds set out at regulation 9 which are reproduced in the body of the report. Any objection must

be made within 28 days of receipt of the pre-consultation draft LNRS. The Council may also provide their consent to the public consultation of the draft. If the Council do nothing North Yorkshire Council may consult on the draft LNRS after 28 days have elapsed from the date of the receipt of the pre-consultation draft. If any objection is made, North Yorkshire Council can seek a determination from the Secretary of State as to whether the draft LNRS may be consulted on. There are no further rights of appeal. Any decision made by the Council or the Secretary of State may be challenged by way of judicial review.

- c) Environment and climate Action: Nature recovery is an important element of achieving the ambitions of York's Climate Change Strategy for both net zero and being climate ready. In particular, the Local Nature Recovery Strategy will support delivery of our objectives relating the natural environment: Increase tree planting; Increase carbon storage; Promote sustainable land management and; Reduce the impacts of extreme weather events and climate risks.
- d) Human Resources (HR): No implications.
- e) Procurement: No implications.
- f) Health & Wellbeing: The LNRS will contribute to nature recovery. Nature recovery will have a variety of beneficial impacts on Health & Wellbeing. For instance: direct access to nature for leisure; healthier air, land and water; improved food production.
- g) Affordability: No implications.
- h) Equalities and Human Rights: No implications.
- i) Data Protection and Privacy: No implications.
- j) Communications: Communications support will be required during public consultations.
- k) Economy. LNRS will impact the economy at a high level by its association with land use and practices. The economic affects are unquantifiable for the purposes of this report, but are intended to be beneficial in the long term, as part of an overall sustainable economy.

Risks and Mitigations

40. It is considered that it is appropriate to delegate consultation comments on this strategy to officers because of the Strategy's high level nature; also it's largely voluntary participation nature; also because of the more limited role the Council has in the production of NYY-LNRS. Overall this means the decision has a relatively low level of council risk.
41. Should the Council decide not to support the draft publication of the NYY-LNRS then the risk is delays to nature recovery, and legal considerations as set out by LNRS Regulations 2023. The Council has mitigated this risk by working closely with NYC during the emerging strategy, to ensure officers are in a position to make the positive recommendations within this report.

Wards Impacted

42. All wards are impacted by the decisions and recommendations contained within the report.

Contact details

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Background papers

None

Annexes

None