

Tuesday, 21 November 2023

Report of the Leader of the Council

Leader of the Council

Nature Recovery Declaration

Not Exempt

Purpose

To declare that nature is in crisis and to commit to the recovery of nature across the Borough and wider Staffordshire.

Recommendations

It is recommended that:

- 1) the Borough Council makes a Nature Recovery Declaration, Appendix 1.

Nature Recovery Declaration - background

As a point of fact, we are experiencing a nature crisis. Data confirms that 41 per cent of wild species in decline nationally, and 15 per cent facing extinction.

Government has made legally binding commitments to end these declines and for nature to recover. This is important for nature's own sake and for all the things that we rely on nature for, like clean water and food production. For nature to recover, targeted, co-ordinated and collaborative action will be required.

The Environment Act 2021 seeks to address the state of nature in the UK, seeking to halt its decline and offer a 'net gain' of biodiversity towards nature recovery by 2050. A further target is to reverse the decline in species abundance by the end of 2030.

Committing to nature's recovery, through a Nature Recovery Declaration, would obligate the council to undertake targeted actions which make a real difference to nature locally, and ensure that Tamworth Borough Council makes a positive contribution to the Local Nature Recovery Strategy and the Nature Recovery Network, by embedding nature recovery across Council policy and all work areas.

Nature Recovery is expected to address the 4 key principles of the Lawson Report (2010):

- There must be more space given to wildlife.
- Existing wildlife spaces must be expanded.
- The quality of existing wildlife spaces should be improved by better habitat management.
- The connectivity between wildlife spaces must be enhanced.

Bodies including the Wildlife Trust and Staffordshire Sustainability Board (SSB), are keen for local authorities to make a commitment to nature's recovery by implementing a Nature Recovery Declaration. Both bodies are strongly encouraging partners to take action on the ecological crisis. Some Authorities within Staffordshire have already made declarations, with all boroughs and districts expected to make declarations this year with the new focus on Local Nature Recovery Strategies.

Local Nature Recovery Strategy

Each Local Nature Recovery Strategy will agree priorities for nature recovery and propose actions in the locations where it would make a particular contribution to achieving those priorities. The Secretary of State for Environment, Food and Rural Affairs has appointed 48 responsible authorities to lead on preparing a Local Nature Recovery Strategy for their area, which for Staffordshire is the County Council.

Each local nature recovery strategy will be specific and tailored to its area. The responsible authorities and people involved in preparing a strategy can choose how they want it to look, but every strategy must contain:

1. A local habitat map.
2. A written statement of biodiversity priorities.

When adopted, the Local Nature Recovery Strategy will both guide local policy at District and Borough level in Staffordshire and take account of local priorities in partnership with local bodies. The County Council held their first meeting relating to the delivery of their Local Nature Recovery Strategy in September.

It is anticipated that most responsible authorities will take 12 to 18 months to prepare and publish their strategy. By March 2025 Local Nature Recovery Strategies should be in place across the whole of England.

Responsible authorities will then be required to review progress periodically and to update their strategy to reflect what has been done and where more action is needed.

As part of The Wildlife Trust's work on a 'Nature Recovery Network', Tamworth Borough council commissioned Staffordshire Wildlife Trust to complete a Nature Recovery Network map of the Borough in 2021, see Appendix 2, which outlines the current situation and opportunities for nature recovery and enhancement across the borough and places us in a strong position for supporting nature recovery requirements.

Biodiversity Net Gain

Action taken for biodiversity will contribute to the achievement of national goals and targets on biodiversity. The Environmental Improvement Plan published in January 2023, sets out government plans for significantly improving the natural environment.

To reverse biodiversity decline and bolster resilience to climate change, scientists warn that we must protect at least 30% of our lands, rivers, lakes, and wetlands by 2030. The United Nations Biodiversity Conference (COP15) in December 2022 resulted in the adoption of the Global Biodiversity Framework (GBF), which includes the '30 by 30' target to protect 30% of our land and seas for nature's recovery by 2030. The UK Government has committed to the 30 by 30 target.

By 2030, the government has committed to:

- halt the decline in species abundance
- protect 30% of UK land

By 2042, the government has committed to:

- increase species abundance by at least 10% from 2030, surpassing 2022 levels
- restore or create at least 500,000 ha of a range of wildlife rich habitats
- reduce the risk of species extinction
- restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term

Of particular relevance to the Borough Council is biodiversity net gain (BNG) which is an approach to development or land management that aims to leave the natural environment in a measurably better state than it was beforehand. The Borough Council's Local Plan policy EN4 seeks to protect and enhance biodiversity and has been used since adoption in 2016 to improve biodiversity and protect important habitats. That said, the Local Plan Review will address BNG further and in line with new regulatory requirements.

Whilst BNG is part of the Borough Council's vocabulary already, the target for legal requirement, as a consequence of the Environment Act 2021, is November 2023.

Future development projects (apart from exempt developments) will need to achieve a 10% biodiversity net gain. This is expected to be required from:

- January 2024 for Town and Country Planning Act 1990 (TCPA) projects not falling under the small sites definition.
- April 2024 for TCPA small sites
 - Residential small sites will have either:
 - 1 to 9 dwellings on sites of less than one hectare
 - an unknown number of dwellings on sites of less than 0.5 hectares
 - Non-residential small sites will have either:
 - less than 1,000 square metres of floor space
 - a site area of less than one hectare
- the end of 2025 for Planning Act 2008 (Nationally Significant Infrastructure Projects)

Road Verges

Across the UK there are around 300,000 miles of road verge, which, if managed for wildlife while keeping road safety in mind, can provide a huge network of corridors and refuges for nature. Road verges are home to almost half of the UK's wildflower species (that's 720 different flowers!).

Tree planting

UK woodlands cover approximately 13% of land area and are estimated to soak up around 21 million tonnes of carbon dioxide a year. Tree-planting is a fantastic natural solution to help tackle climate change – and it's great for wildlife and people too. However, it is really important to ensure that new woodland creation is planned carefully to make sure it's in the right place and not planted over the top of other valuable habitats like peatland or grassland, as this can lead to the release of carbon, rather than the opposite. The type of woodland is also important, with mixed native woodland better for climate change and wildlife than plantations of single tree species.

Protecting peatlands

Peatlands are carbon-rich wetlands which occupy 3% of the global land surface and 12% of UK land area. In a natural condition, peatlands have a net cooling effect on climate, reduce flood risk, and support biodiversity. They provide important nesting and feeding grounds for many wading birds, as well as important habitats for rare insects and plants.

In England, peat-based compost will be banned from sale to amateur gardeners but will still be available for use in the professional horticulture market (eg. as a growing medium for nursery grown plants) until 2030. In order to protect peatlands around the globe, Staffordshire Wildlife Trust is encouraging all local authorities to go peat free in their Nature Recovery Declaration

Nature-based solutions to climate change

The natural environment can play an important part in tackling climate change, as all healthy natural habitats absorb and store atmospheric carbon (not just trees!) In order to establish the potential of the local authority landholding to support efforts to tackle climate change, Staffordshire Wildlife Trust would suggest carrying out a carbon audit. This will show what management interventions could be introduced to increase carbon sequestration and storage too.

Access to Nature

Evidence shows that a thriving, wildlife-rich environment benefits both physical and mental health. People with nature on their doorstep are more active, mentally resilient and have better all-round health. Staffordshire Wildlife Trust suggest improving access using Natural England's Green Infrastructure Guidance as part of Tamworth's declaration.

The declaration is set out in Appendix 1, broken down into the various topics set out in the report.

Options Considered

Do nothing. Not approving and making a Nature Recovery Declaration, will result in Tamworth Borough Council not making progress against the objectives of the Staffordshire Sustainability Board (SSB) or the Environment Act 2021.

Resource Implications

There are no direct financial implications associated with making a Nature Recovery Declaration. However, responding to the nature crisis, which has been articulated within this report, may have financial implications which would be dependent on the mitigating activities chosen and carried out. Any such new financial implications would be subject to the usual annual budget setting (policy change) approval process.

Much of the commitment arising from the nature recovery declaration is aligned with the requirements of the Environment Act 2021, the requirement to work towards net zero and other strategies such as biodiversity net gain, and the expected actions arising from the implementation of the Local Nature Recovery Strategies.

It is important to identify a Portfolio and officer lead within the authority to drive the agenda forwards.

Monitoring and scrutiny will be required to keep delivery on track.

Legal/Risk Implications Background

Making a Nature Recovery Declaration will put the council in a stronger position to understand and fulfil the full requirements and legal obligations of the Environment Act 2021, some of which come into force in November 2023. Without a declaration the Borough Council will be open to challenge due to lack of action. Tamworth's reputation as a responsible authority who take ecological matters seriously is jeopardised.

By making a Nature Recovery Declaration, the Borough Council will actively work to create, restore, and enhance the boroughs local wildlife, which will positively impact the environment and respond to the climate and nature crisis. Staying ahead and involved with the collaborative work from the Staffordshire Sustainability Board (SSB) can lead to bigger/better environmental outcomes.

All public authorities have a duty to conserve and enhance biodiversity and must “have regard” to relevant local nature recovery strategies in the process.

Equalities Implications

The most vulnerable to the climate crisis will benefit from nature recovery.

Environment and Sustainability Implications (including climate change)

A Nature Recovery Declaration is intended to develop and build on the work already being undertaken by the council and increase collaboration with other authorities of the Staffordshire Sustainability Board with regards to the climate and nature crisis.

The Declaration will help focus on the important commitments to the environment by helping create more, bigger, better, and joined up habitats. Investing in nature recovery and nature based solutions will also help alleviate and resolve impacts of Climate Change.

Background Information

Through amendments to the Town and Country Planning Act 1990, the Environment Act 2021 requires all planning permissions in England to be granted subject to a new general pre-commencement condition that require approval of a Biodiversity Gain Plan.

The Planning Authority can only approve the Biodiversity Gain Plan if the biodiversity value attributable to a development exceeds the pre-development biodiversity of onsite habitat by 10% which, for the purposes of legislation is known as the ‘biodiversity gain objective’. The Biodiversity Gain Plan must include the steps taken to achieve the ‘biodiversity gain objective’.

Once delivered the biodiversity works must be maintained for period of 30 years.

Onsite enhancements must be secured by planning condition, Section 106 obligation or a conservation covenant. Offsite enhancements must be secured under either a Section 106 obligation or a conservation covenant.

Biodiversity credits are a means of providing biodiversity offsetting. Similar to providing off-site BNG, offsetting is where a developer provides BNG off-site, by paying an offset provider to do this for them. Biodiversity units are sold by the offset provider at an approximate price of £20000 per biodiversity unit. habitat banks are free to set offsite costs at whatever level they wish – the ‘spatial multiplier’ will add 25% to the cost for out of borough purchases. It is understood that neighbouring authority Lichfield District Council are currently charging £26,000 per credit on their own land.

As a largely urban area we only have limited opportunity within our boundary to consider this action. Work is ongoing within the planning team to identify our green spaces to look at what opportunities exist.

UK gov cost for offsets = **£42,000 each and 2 must be purchased for each credit required** <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices> .

The mitigation hierarchy of avoidance, mitigation, and compensation for biodiversity loss applies. The preference is for improvement works to be delivered either on or off site. All possible alternative solutions should to be approached before the use of biodiversity credits are considered.

Delivery of BNG through the planning system is being worked upon by the planning team. In preparation are changes to the planning validation requirements, working collaboratively with The Wildlife Trust to understand BNG metrics and ecological assessments for applications eligible for BNG, and changes to report writing and legal agreements are underway. The team will be ready by November 2023 for the first round of applications eligible. It should be noted that an assessment of sites to determine the number that would have been eligible to provide an indication of the scale of the requirement within the Borough, is provided in the table below.

Analysis of the last three years planning applications shows:

	2020- 2021	2021- 2022	2022- 2023
Total applications	130	476	366
Require full BNG requirement	15	6	7
Subject to Small Sites Metric	37	33	22
Total number of applications subject to BNG requirements	52	39	29
Small site, residential	24	15	15
Small site, non-residential (commercial /civic)	13	12	17
Larger site, residential	8	2	3
Larger site, non-residential (commercial / Civic)	7	4	4

Of particular note is the potential for the Borough Council to put forwards its own land to contribute to off-site BNG and this potential should be explored further by the Assets Team/Open Spaces team.

Report Author

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List of Background Papers

- <https://www.gov.uk/government/publications/environmental-improvement-plan/environmental-improvement-plan-2023-executive-summary>
- <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>
- <https://www.wildlifetrusts.org/nature-health-and-wild-wellbeing#evidence>

Appendices

- Appendix 1: Nature Recovery Declaration
- Appendix 2: Tamworth Nature Recovery Network Map

Declaration:

Tamworth Borough Council recognise that:

- Nature is in long-term decline, and the requirement to take action to halt and reverse this is urgent;
- Nature provides us with vital support systems, and severe declines in biodiversity are undermining nature's productivity and adaptability, posing excessive uncertainty for our economies and wellbeing;
- A thriving natural environment underpins a healthy, happy, prosperous society;
- The impacts of climate change are driving nature's decline, while restoring nature provides a wide variety of cost-effective benefits to mitigate and adapt to the impacts of climate change.
- Many of our areas of work across the Borough have an impact on nature, and we have responsibilities to make decisions to protect and enhance it.
- That the 'Bigger, Better, More and Joined-up' principles of the 2010 Lawton Report – 'Making Space for Nature' - should be followed to help rebuild nature:

Tamworth Borough Council will:

Putting Nature into Recovery:

1. Create and implement an evidence-based Local Nature Recovery Action Plan for Tamworth that will support the Stoke and Staffordshire Local Nature Recovery Strategy (LNRS), when available, in collaboration with partners.

The Tamworth Action Plan will include short and long-term targets for putting nature into recovery over a specified timeframe, and reports on progress will be published on an annual basis.

2. Embed nature's recovery into all strategic plans and policy areas, not just those directly related to the environment. Use the council's Nature Recovery Network map to inform strategic plans and policy areas, and to help guide development and land allocation decisions. Ensure the Nature Recovery Network map is embedded within the authority's Local Plan, ensuring that there are dedicated, joined-up spaces for nature as well as housing, industrial areas and other land uses.'
3. Ensure local nature recovery is well understood across the authority and complements other relevant plans and strategies. Provide training and resources for councillors and council employees about the ecological emergency.

Biodiversity Net Gain:

4. To ensure that Biodiversity Net Gain (BNG) legislation delivers real benefits for nature, the council will develop a locally-specific BNG policy which requires developers to take into account the Local Nature Recovery Strategy and the Local Nature Recovery Action Plan for Tamworth when selecting locations and delivering both on- and offsite BNG.'

30 by 30:

5. Seek to manage at least 30% of council-owned greenspace for the benefit of wildlife by 2030.

Protected and Designated Landscapes:

6. Produce a monitoring plan for all council-managed protected and designated nature sites, eg. SSSIs, LNRs and LWSs, with a view to achieving favourable condition status by 2030.

Road Verges

7. After satisfying safety and visibility priorities and the Highway Code, develop highways verge cutting regimes that maximise potential for biodiversity, carbon storage and sequestration.

Tree-planting

8. Formulate a tree policy and strategy which is underpinned by Nature Recovery Network mapping across the local authority area, pursuing a “right tree, right place” approach.

Protecting Peatlands

9. Consider the adoption of a peat-free policy for all council contracts and supplies.

Nature Based Solutions

10. Carry out a carbon audit of local authority sites to establish how carbon storage and sequestration can be improved.

Access to Nature

11. Improve access to good quality natural spaces for Tamworth Borough residents by following Natural England’s Green Infrastructure Framework.’

Communications

12. Begin sharing joint nature-based communications created by Staffordshire Wildlife Trust.
13. Demonstrate leadership by championing Nature Recovery and supporting and educating residents as well as the local business and communities to take action to put nature into recovery.

Responsibility and Governance

14. That the Leader of the Council is responsible for ensuring the delivery of the declaration.
15. Appoint the Assistant Director Operations and Leisure as the Lead Officer for coordinating council operations in relation to local nature recovery.
16. That the Infrastructure Safety and Growth Scrutiny Committee monitor the Local Nature Recovery Action Plan.
17. Work closely with Staffordshire County Council and other local partners to form a Staffordshire-wide Local Nature Recovery Partnership.