

**To: Climate and Ecological Emergency Working Group**

**Date: 20 April 2022**

**From: Adrian Tofts, Strategy, Policy & Performance Lead Specialist**

**SUBJECT: Update on Current Consultations**

**SUMMARY:** This paper summarises three current consultations for the Working Group's information and for comment as necessary.

## **1. BACKGROUND**

- 1.1. Kent County Council is currently consulting on a tree establishment strategy, 'Plan Tree'. This is described in section 2 of this report and the full document is included in Appendix 1.
- 1.2. The Department for Environment, Food and Rural Affairs (Defra) is currently consulting on two documents, on protected sites and species and on environmental targets. These are described in sections 3 and 4 of the report and links are provided to the consultation documents.

## **2. PLAN TREE – KENT COUNTY COUNCIL'S TREE ESTABLISHMENT STRATEGY 2022-2032**

- 2.1. Kent County Council (KCC) is currently consulting on 'Plan Tree: Kent County Council's Tree Establishment Strategy 2022-2032'. The consultation closes on 2 May 2022. Plan Tree is provided as **Appendix 1** to this report and can be viewed on the county council's website<sup>1</sup>.
- 2.2. Plan Tree is a high level document, setting out principles for tree establishment and some broad actions. A ten-year strategic tree planting plan and a three-year delivery plan will follow.
- 2.3. The introduction states that trees currently cover around 17 per cent of Kent; the aim of the strategy is to increase this to 19 per cent by 2050, the target recommended by the Committee on Climate Change. At the very minimum, KCC will establish 28,600 trees on its own land, a tree for every person in its workforce. KCC members will have the opportunity to establish trees within their own divisions; with a target of 350 trees per division, this will account for another 28,350 trees.

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<sup>1</sup> See: <https://letstalk.kent.gov.uk/plantree>

- 2.4. The strategy sets out the importance of trees to Kent. The county has a relatively large proportion of ancient woodland (particularly in the Kent Downs Area of Outstanding Natural Beauty) and a legacy of orchards, through Kent's history of fruit growing. The dangers of diseases are highlighted (including Ash dieback, chestnut gall wasp and sweet chestnut blight), as are the effects of climate change, invasive plants and mammal browsing.
- 2.5. Trees provide vital and multiple benefits including supporting wildlife, mitigating air pollution, reducing flood risk, improving soils, providing timber and other products and improving people's physical and mental health. It is estimated that Kent and Medway's woodlands store 367,374 tonnes of carbon dioxide a year.
- 2.6. The strategy sets out a number of objectives for tree establishment, including:
- Contributing to the county's net zero targets.
  - Reducing and reversing the trend of decline in nature and the loss of trees.
  - Tackling the multiple threats to the county's trees.
  - Delivering nature-based solutions to some of the county's challenges, including: improved soil quality and integrity; improved air quality; reductions in surface water flooding; and providing urban cooling.
  - Providing enhanced opportunities for recreation and amenity, contributing to people's health and wellbeing.
  - Addressing the decline in trees outside woodlands, including the loss of urban trees.
  - Realising the economic benefits of trees, including timber, wood products and fruit and supporting leisure businesses.
  - Increasing our knowledge and providing better protection.
- 2.7. The strategy sets out four principles for tree establishment in Kent:
1. **Better management and protection of existing stock** - preventing the loss of trees, and where this is unavoidable, ensuring trees are replaced with greater numbers than are lost.
  2. **The right tree in the right place** - following guidelines of:
    - i. The right tree;
    - ii. In the right place;
    - iii. For the right reason; and
    - iv. With the right management.
  3. **Delivering multiple benefits** - including alleviating pollution, flooding and urban heat, benefitting people's health and wellbeing, enhancing biodiversity and expanding economic benefits, developing new markets and creating jobs.
  4. **Ensuring the biosecurity of new tree stock through the application of strict standards** – using UK grown trees of known provenance.

- 2.8. A high level action plan sets out five broad actions; as noted, a delivery plan and tree planting plan are to follow. The actions are to:
1. **Deliver against the tree establishment target** - including through: working with district councils and other partners; setting annual expansion targets; working with farmers to expand the hedgerow network; and working with parish and town councils to increase urban trees. KCC will work with partners to establish a resourced Kent Plan Tree Partnership to support coordinated action.
  2. **Exemplar provision of trees on the county council's estate** – reviewing policies across KCC's estate and identifying opportunities for woodland and tree planting, as well as working with KCC highways to see whether it is feasible to increase trees along the county's roads.
  3. **Improve protection to trees in Kent** – using the county council's planning functions to protect trees and working with districts and boroughs to ensure trees are considered in local plan policies and provided within new developments.
  4. **Improve our understanding of Kent's trees** – including ensuring that ancient woodlands and veteran trees are properly mapped and natural threats understood; landowners, businesses and the local community know how they can contribute; and an information hub is created to support the work.
  5. **Developing Kent's carbon offset market for unavoidable emissions** – increase the nature-based carbon offset market and identify opportunities on the county council's estate to offset carbon to deliver investment in tree planting and management.
- 2.9. Plan Tree closes with consideration of the partners who will need to contribute and potential sources of funding. A three-year delivery plan will be drafted which will identify targets and funding for that initial period.
- 3. DEFRA – NATURE RECOVERY GREEN PAPER: PROTECTED SITES AND SPECIES**
- 3.1. The Department for Environment, Food and Rural Affairs (Defra) is currently consulting on 'Nature recovery green paper: protected sites and species'. The consultation closes on 11 May 2022. The consultation paper can be viewed on Defra's website.<sup>2</sup>
  - 3.2. The foreword by the Rt. Hon. George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, highlights that the UK is one of the most nature-depleted countries in the world. The country's departure from the EU offers the opportunity to look again at how best to protect and restore nature, and whether existing regulations and designations are sufficient to meet the Government's ambitions.
  - 3.3. The foreword emphasises the complexity of existing multiple regulatory regimes. The Secretary of State suggests that a single type of designation, with different tiers of protection, might bring more consistency and help public understanding. The paper also considers how we can make space for nature in new areas and restore nature in depleted areas, rather than just trying to arrest its decline.

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<sup>2</sup> See: [https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting\\_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf](https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper/supporting_documents/Nature%20Recovery%20Green%20Paper%20Consultation%20%20Protected%20Sites%20and%20Species.pdf)

- 3.4. The introduction highlights the new framework of environmental targets set out in the Environment Act 2021, including the objective to halt the decline in nature by 2030. The Government has also committed to protect 30 per cent of our land and sea by 2030 ('30 by 30'), and to reach net zero emissions by 2050. This will be supported by recent legislation governing agriculture and fisheries, the sustainable farming incentive and Local Nature Recovery and Landscape Recovery initiatives.
- 3.5. The 2023 Environmental Improvement Plan (EIP) will follow the green paper, and will set out the Government's approach to nature recovery and how it intends to deliver the targets in the Environment Act. Reforms to the planning system are being developed in parallel with the green paper, and the consultation states that these reforms will play a crucial role in bringing about nature's recovery.

### **Protecting wildlife sites on land and at sea**

- 3.6. This section of the consultation states that the UK's system of designated sites has developed in a piecemeal way over a number of decades, arising from UK law, EU legislation and international treaties. Important sites may be protected as Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. (Within Folkestone & Hythe district the Dungeness peninsula is covered by a number of these designations, with different and overlapping boundaries; this is illustrated on the plan in **Appendix 2**.)
- 3.7. The green paper states that the Government wishes to consolidate the protected sites regime into a simpler legal structure. A new system could do more to promote nature recovery, the paper argues, as well as respond to climate change, ensure greater consistency, promote public understanding and make it easier to adopt a strategic approach to nature recovery, looking beyond the site boundaries to the wider landscape.
- 3.8. The consultation stresses that any review of legislation relating to protected sites will maintain current levels of protection for the network as a whole and its constituent sites, and be consistent with the UK's international commitments.
- 3.9. Three options are put forward for reform:
  - A tiered approach, including the designation of 'highly protected sites', with stronger protections than currently applied to SACs and SPAs, and 'protected sites', managed for their national or international importance as SSSIs, SACs and SPAs are now.
  - Lighter touch reforms, which would streamline and merge existing site designations.
  - One single designation, with different levels of protection within the designation. This could offer scope to adapt sites more easily to accommodate the effects of climate change, where features may move into or out of a site in response to changing climatic conditions.

Similar options are put forward for marine areas.

- 3.10. A simpler and more ecologically coherent network of sites would ensure that duties and accountabilities are consistent and reside in the right place. Currently responsibilities for SSSIs lie with Natural England, whereas decisions on other designated sites are made by the Secretary of State.

- 3.11. While the existing regime may have stemmed decline, the paper argues that any new system must also look beyond designated sites and make space for nature in new areas and in wildlife corridors connecting sites. The Government intends to pursue this through creating a Nature Recovery Network with willing landowners, supported by a range of financial incentives. The consultation asks whether 'Nature Recovery Sites' could be formally identified to contribute to the network.
- 3.12. The consultation states that 'rewilding' has delivered significant successes, for example at the Knepp estate in West Sussex<sup>3</sup>; however, these approaches are not recognised by the existing regime of protections, because they rarely follow traditional conservation practices. A more flexible system is needed, as designating such sites under the current system could act as a constraint, as it would require them to be managed in conventional ways which could limit the ability of species to flourish.
- 3.13. Regarding assessment of the likely impact of proposals on designated sites, the consultation argues that the existing regimes of Habitats Regulations Assessment (HRA), Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) have become process-driven and burdensome. Decision-makers are more concerned by potential legal challenges to their decisions than by the actual impact of the proposed activity, the consultation argues. Some of these processes may have unintended consequences; for example, afforestation projects, even in areas of relatively low environmental value, are required to seek approval under the EIA regulations, which can take considerable time and resources.
- 3.14. The Government wants to reform these processes to create a clearer decision-making framework, including earlier consideration of alternative ways to implement a plan or project and clearer expectations about the evidence needed. Where impacts are unavoidable, mitigation and compensation should be planned strategically across the protected sites network. The consultation states that in simplifying processes the same high level of protection should be maintained.

### **Delivering '30 by 30'**

- 3.15. The Nature Recovery Network will increase connections between sites, by creating and restoring additional habitat, including wildlife corridors and buffers around sites. This will be key to delivering the Government's '30 by 30' pledge.
- 3.16. In order to measure which areas of land are contributing to this target, the consultation states that the Government will develop a framework based on certain criteria; areas must:
  - Have a clear purpose of conserving biodiversity (although this may not be their primary purpose).
  - Have long-term protection and management measures in place to counter loss or actively improve biodiversity.
  - Deliver measurable biodiversity improvements.
- 3.17. The consultation suggests that sites under current national and international protections would contribute to the '30 by 30' target, as would areas under conservation covenants and land within National Parks and Areas of Outstanding Natural Beauty that is actively managed for biodiversity. Public woodlands and forests

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<sup>3</sup> See: <https://knepp.co.uk/home>

could also contribute if they are managed for biodiversity, and the Government is considering introducing a new duty for landowners to protect nature and enhance biodiversity in managing woodlands.

### **Protecting species**

- 3.18. The consultation argues that, as with protections for habitats, species protections have developed in a piecemeal fashion through overlapping pieces of legislation. Protections are not always linked to a species' conservation status; for example, some invasive non-native wild birds have a similar, if not higher, level of protection than native species considered to be more vulnerable.
- 3.19. The consultation argues that the system of licensing for works which may affect protected species is complex, inconsistent and outdated, as are enforcement provisions and penalties for wildlife and poaching offences.
- 3.20. Secondary legislation could be used to modify lists of protected species to make the system more responsive to new evidence and environmental change. The consultation argues that a tiered approach to protecting species could provide clarity and complement the reform of protected sites (outlined above), reflect evidence more closely and respond to the effects of climate change on wildlife.
- 3.21. Three tiers are suggested:
  - **Tier 1 – Minimum management standards** - minimum welfare protections for wild animals, including, for example, certain prohibitions on trapping or trade.
  - **Tier 2 – Protected** – including tier 1 protections with additional, stricter controls on capture, possession, trade and disturbance.
  - **Tier 3 – Highly protected** – including tier 1 and 2 protections in addition to restrictions on the loss of habitats and dwelling places of species.

### **Delivering nature recovery**

- 3.22. This section of the consultation discusses accountability and funding. Defra is underpinned by scientific, advisory and operational expertise provided by around 30 'Arm's length bodies' (ALBs), including the Forestry Commission, Animal and Plant Health Agency, Natural England, Environment Agency, Marine Management Organisation and others. The consultation states that the regulatory landscape has become fragmented and complex and the Government wants to develop a new operating model which will reduce duplication and consolidate institutional and delivery arrangements.
- 3.23. The consultation also states that the Government is exploring how best to enable environmental regulators to recover more of the costs of regulation.
- 3.24. The final section of the consultation explores the potential for attracting more private finance to deliver nature recovery. The Government has set a target to raise at least £500 million in private finance to support nature recovery every year by 2027 in England, rising to more than £1 billion a year by 2030. A variety of funds and land management schemes are discussed which, it is argued, will help to meet these targets.

## **4. DEFRA – CONSULTATION ON ENVIRONMENTAL TARGETS**

- 4.1. The Department for Environment, Food and Rural Affairs (Defra) is currently consulting on a paper 'Consultation on environmental targets'. The consultation closes on 11 May 2022. The paper can be viewed on Defra's website.<sup>4</sup>
- 4.2. The Environment Act 2021 requires the Government to set at least one target in each of four priority areas: air; water; biodiversity; and resource efficiency and waste reduction. It also requires targets to be set for fine particulate matter and species abundance. These targets must be laid as draft Statutory Instruments by 31 October 2022 and will come into force once approved by Parliament.
- 4.3. The consultation sets out the proposed targets, which have been developed with the advice of expert groups.

### **Biodiversity**

- 4.4. The proposed biodiversity targets include measures to increase species abundance, improve the England-level Red List Index for species extinction and create or restore in excess of 500,000 hectares of habitats outside protected sites. The proposed end date for these targets is 2042, and has been set to align with the Government's 25 Year Environment Plan goals.

### **Water quality and availability**

- 4.5. The proposed water quality and availability targets include measures to: reduce pollution from abandoned mines; reduce nitrogen, phosphorus and sediment pollution from agriculture to the water environment; reduce phosphorus pollution from treated wastewater; and reduce the use of public water supply in England per head of population.
- 4.6. 2037 is proposed as the target date for these measures. Targets are expressed as percentage reductions against a baseline, with a target of 40 per cent reduction in nitrogen, phosphorus and sediment pollution from agriculture by 2037 and a target of an 80 per cent reduction in phosphorus pollution from treated wastewater by the same date. It is proposed that water demand should be reduced by 20 per cent per head of population by 2037.

### **Woodland cover**

- 4.7. The consultation proposes that a target should be set for an increase in tree canopy and woodland cover from 14.5 per cent of the total land area in England currently to 17.5 per cent by 2050.

### **Resource efficiency and waste reduction**

- 4.8. A target is proposed to reduce residual waste, measured in kilogrammes per person, by 50 per cent by 2042 from 2019 levels. There is a separate Government commitment within the 25 Year Environment Plan to eliminate avoidable plastic waste by 2042.
- 4.9. The consultation discusses how resource efficiency could be measured and further work will be done on this target area. The consultation states that this target might be expressed as a ratio of economic output (gross domestic product) to raw material consumption by material weight.

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<sup>4</sup> See: <https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/>

## **Air quality**

- 4.10. Lastly the consultation sets out two proposed targets for air quality. One is for annual mean levels of pollution to be met across England by 2040. The second target is for a reduction in the population exposed to particulate matter pollution by 35 per cent compared to a base year of 2018.

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