

INQUIRY

Response Document



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Select Committee on the Natural Environment and Rural Communities Act 2006 Call for Evidence

11th September 2017

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Environmental Policy Forum
- European Network of Environmental Professionals
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- United Nations Decade on Biodiversity 2011-2020 Network

Comments from CIEEM

Rural advocacy and the Commission for Rural Communities

1. Since the closure of the Commission for Rural Communities (CRC), and subsequent winding up of the Defra Rural Communities Policy Unit, how – if at all - are the CRC’s original functions of advocate, adviser and watchdog being fulfilled?

1. No comment.

2. Are sufficient measures being taken to ensure that policies are rural-proofed at national and local levels? Who is taking the lead on policy for rural areas – and who should be taking the lead on such matters?

2. We do not believe that policies across government are subject to a sufficient degree of scrutiny as to their effects on the natural environment. Given our concerns regarding the European Union (Withdrawal) Bill and the potential for lack of scrutiny and enforcement post-Brexit, CIEEM advocates the creation of a new, independent Environment Commission to replace the role of the European Commission and European Court of Justice (see answer to Question 5).

3. What role should Defra – or other Government departments – play in co-ordinating policy for rural areas? How effectively are the interests – including social and economic interests - of rural communities being represented within the current structures of Government, and how could representation and co-ordination be improved?

3. Defra must take the lead in co-ordinating policy for rural areas. However, the environment, sustainability and the link to rural affairs do not exist in isolation, and therefore must be considered across all of government. Other departments must also be involved in decision- and policy-making, including the Department for Communities and Local Government, Department for Transport, Department for Business, Energy & Industrial Strategy, Department for Education, Department of Health, and Treasury as well. This cross-government collaboration is needed in relation to, for example, planning, housing, transport infrastructure, and funding. Again, CIEEM advocates the need for a new, independent Environment Commission to provide accountability post-Brexit.

4. Government decision- and policy-making processes must all be underpinned by science and evidence. CIEEM is a chartered body with over 5,000 professional ecologists and environmental managers whose expertise and experience present an extensive resource that is available to government on research, policy, legislation and implementation in relation to the environment. CIEEM would be happy to discuss how this could be offered.

Natural England

4. How well has Natural England fulfilled the mandate that it currently has? How well do its wide-ranging functions fit together, and does it have the appropriate powers and resources to perform these functions?

5. Natural England does have a wide-ranging set of functions, from rural payments to marine management, biodiversity conservation, protected species licensing to countryside access and recreation. We applaud Natural England and its staff for their commitment to nature conservation, however, the organisation is severely under-resourced for the range of tasks that it

is expected to deliver. Severe funding cuts during this and the last parliament have meant that Natural England is struggling to keep up with its obligations.

6. The loss of staff over this period has resulted in a draining out of skills and knowledge, an increasing reliance on standing advice and a tick-box approach which results in frustration, delays and a lack of confidence in the organisation. The solution is to build a much stronger regulator, rather than to continue to cut it until it has no value and is abolished. CIEEM and its members have seen the results of the above first-hand through delays in the licensing system and in the new innovations being implemented and proposed by Natural England.
7. Whilst innovation is necessary for progress, Natural England has been forced to implement new projects and policies at an accelerated rate that does not allow adequate time for testing or for pilot schemes to fully report. CIEEM supports Natural England's new strategic landscape approach¹ to nature conservation, but this must be delivered in a timely way and appropriately resourced.
8. CIEEM also notes that the rate of change at Natural England has had implications for others in the sector including local authorities, who have had additional pressures added to their workloads, and ecological consultants, who have struggled to keep up with the implications for their businesses of, for example, policy changes.
9. The UK government's changed approach to guidance, through abolishing departmental and agency websites and creating the new gov.uk resource, has had a detrimental impact on certainty and clarity in the sector and for the natural environment. For example, this government made the decision to no longer publish or host any form of guidance or best practice and to simply address the requirements of the legislation. This has resulted in the loss of much valuable guidance, including in relation to how public bodies should implement the biodiversity duty, which has been replaced by a simple webpage.

5. Are any changes to the remit and responsibilities of Natural England required, either as a result of Brexit or of other significant developments in the period since 2006?

10. There is still uncertainty regarding what the policy and legislative landscape will look like post-Brexit. However, the European Union (Withdrawal) Bill currently provides little in the way of scrutiny or enforcement, including for the natural environment. Partly for this reason, CIEEM is advocating the below with respect to Brexit:
 - Biodiversity 'net gain' must be central in new policies for land (e.g. CAP) and marine (e.g. CFP) management.
 - Brexit is an opportunity to restructure species and sites protections in a logical, hierarchical structure.
 - CIEEM advocates the creation of a new environmental commission to work towards new Environment Act(s).
11. Natural England has a central role to play in developing new approaches to land and marine management, specifically with regards to replacements for the Common Agricultural Policy and the Common Fisheries Policy, which we advocate must change, respectively, to payments only for public benefits and to fisheries being part of an integrated and holistic marine environment management strategy.

¹ Natural England (2016). *Conservation 21: Natural England's Conservation Strategy for the 21st Century*.

12. Natural England will also have a central role in developing a new hierarchy of protected sites and species protections. Although we understand the level of work required to undertake such a task, we foresee – if not necessarily immediately – that there will be change over time once we have left the EU and using European designations will become less relevant and the UK will start to diverge from the evolving EU legislation. To avoid this piecemeal approach CIEEM recommends using the opportunity to re-think the system.

13. CIEEM reiterates its offer of help and advice in implementing the above recommendations.

6. Do the arrangements and provisions for enabling and managing access to the countryside remain appropriate? How effective have Natural England – and other partners – been in promoting better access?

14. CIEEM has no specific comment to make here other than to say that additional resources would help in the delivery of improved access, which in itself would have wider social and economic benefits.

Sustainability and biodiversity

7. Is the duty to ‘have regard’ to biodiversity, which is contained within the Act, well understood by those bodies to whom it applies? Is any further work required to raise awareness of the duty?

15. There are differing levels of understanding of the biodiversity duty in those organisations to which it applies. In some instances this relates to whether or not the organisation has access to ecological expertise. In many instances, these bodies do unfortunately lack this expertise. Research by the Association of Local Government Ecologists (ALGE)² suggests that less than a third of local authorities have any in-house ecological expertise, meaning that the biodiversity duty is addressed by other staff such as planners. Planners are ill-qualified to make biodiversity decisions and are not competent to do so; they do not claim to be so either but the requirement falls to them due to lack of resources. This lack of ecological expertise has knock-on effects on other sectors of the economy, such as development and infrastructure, which are open to challenge later in the process and can cause delays and add costs.

16. CIEEM advocates that all local authorities should be required to employ (or contract) a competent ecologist to advise them on aspects of policy or their duty that could have impacts on the natural environment. We would be happy to give further evidence on how to develop the intelligent client function, which we have been developing alongside the Landscape Institute.

8. What has been the practical impact of the 2006 duty? Is any modification to the duty required as a result of developments in our understanding of the value of ecosystems and biodiversity since 2006?

17. It is clear from the UK’s own biodiversity indicators – and those of NGOs such as the *State of Nature* reports³ - that the UK’s biodiversity continues to decline. Therefore, the biodiversity duty is not having the desired impact. CIEEM strongly recommends that the duty on public bodies must be changed to an obligation of ‘net gain’.

² Oxford, M (2013). *Ecological Capacity and Competence in Local Planning Authorities: What is needed to deliver statutory obligations for biodiversity?* Report published by the Association of Local Government Ecologists.

³ Hayhow et al. (2016). *State of Nature 2016*. The State of Nature Partnership.

18. This government's ambition, which CIEEM applauds, is to be the first to leave the environment in a better state than they found it. If this is to be achieved there must be change. Business as usual is not working and there is an ongoing attrition of biodiversity and ecosystems. Therefore, there must be an obligation to deliver 'net gain' in order to enhance and restore biodiversity.

19. CIEEM has developed 'net gain' principles⁴ for development with CIRIA and IEMA, and is now working on the guidance to build on the principles. This work could be expanded to the wider management of the countryside through the replacement of the Common Agricultural Policy, which would include the work of public bodies.

9. How does the English duty to 'have regard' to biodiversity compare to the Scottish duty to 'further' biodiversity and the enhanced biodiversity duty introduced in Wales in 2016?

20. The duty in Scotland and Wales is better than the requirement in England, however, there is still the issue that the requirements need underpinning by the appropriate resources for delivery and implementation.

The changing context since 2006

10. Will the structures established by the Act be sufficient to ensure appropriate protection for nature and environmental standards following Brexit? Are any modifications or changes to the structures established by the Act required to address the implications of Brexit?

21. See answer to question 5.

11. Are there any further parts of the Act which are currently in force that need to be re-considered as a result of developments since 2006?

22. CIEEM supports the recommendation of the British Ecological Society that any modification to the duty should add obligations regarding natural capital and ecosystem services.

⁴ <https://www.cieem.net/biodiversity-net-gain-principles-and-guidance-for-uk-construction-and-developments>