Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: Natural Environment and Rural Communities Act 2006

Tuesday 10 October 2017

11.05 am

Watch the meeting

Members present: Lord Cameron of Dillington (The Chairman); Earl of Arran; Baroness Byford; Earl of Caithness; Lord Faulkner of Worcester; Countess of Mar; Baroness Whitaker.

Evidence Session No. 4 Heard in Public Questions 25 - 30

Witnesses

I: Nick Johannsen, Director, Kent Downs AONB Unit; Dr Nigel Stone, Former Chief Executive, Exmoor National Park Authority.
Examination of witnesses

Nick Johannsen and Dr Nigel Stone.

Q25 **The Chairman:** Good morning, gentlemen. Thank you very much for coming to see us and for volunteering, if that is the right word, to give evidence to us today. You have in front of you a list of interests that have been declared by members of the Committee. The meeting is being broadcast live, via the parliamentary website, and a transcript of the meeting will be taken and published on the Committee website. You will have the opportunity to make corrections to that transcript where necessary. Thank you very much. I do not know whether either of you wants to introduce yourself for the record and say anything, by way of general introduction, that is unlikely to come up in the questions, but please feel free to do so.

**Dr Nigel Stone:** I am Nigel Stone. I retired at the end of March as chief executive of Exmoor National Park Authority, so I am not here in any official guise; I am here with a personal interest, particularly from that experience. I was 17 years at Exmoor, so I have that experience.

I currently still chair the South West Uplands Network, which brings together farming and environmental interests in Dartmoor, Exmoor and Bodmin Moor. I have been doing some research on farmer attitudes to funding after Brexit, focused on Exmoor farmers, with the University of Exeter Centre for Rural Policy Research, so I have kept my involvement.

**Nick Johannsen:** Good morning. I am Nick Johannsen; I am the director at the Kent Downs Area of Outstanding Natural Beauty. I will do my utmost to try to speak for other AONBs as well. Thank you for forwarding some questions. I have been speaking to my colleagues across the AONBs in England to try to generate a series of answers that come from a group of AONBs, not just from Kent Downs’ perspective, but I may need to draw on Kent Downs’ examples.

**The Chairman:** Thank you very much. Perhaps I could start with the first question, which is to ask you about your general experience of working with Natural England and the extent to which the budget cuts for Natural England have affected its ability to engage in work or partnership, or even deliver its core objectives, as far as the landscape side of it is concerned.

**Nick Johannsen:** With regards to my experience, I have worked as a Director of an area of outstanding natural beauty with Natural England since its inception. To begin with, it was our funding partner. Since then that has been moved to Defra. I also worked with the predecessor organisations, the Countryside Agency, Countryside Commission and English Nature.

To start with, it is worth saying that we see Natural England as taking a really important and significant role in supporting all the objectives that the NERC Act seeks of it. We see all those objectives as being very
important but, as you point out, there have been significant cuts, which I understand are 60% of the funding and 50% of the staff. In speaking to my colleagues, I think the response to that is mixed. We have seen a loss of many staff, we have seen a loss of experience, but we still see good partnership work going on and there are examples brought to my attention where work is going on very well.

We think, with regards to the landscape, access, education and understanding, perhaps with the exception of the coast path on access, there has been a reduction in focus. The focus has been more on the biodiversity function. That is seen across the board.

More specifically at an individual AONB level, we have the Joint Advisory Committees of the local authorities, which provide overarching governance and direction. The Countryside and Rights of Way Act places responsibilities on all local authorities with areas in the AONBs. There are simply fewer Natural England staff attending those. Sometimes there is less seniority. A national champion banging the drum for a nationally important landscape is so vital for health, well-being, the economy—all the amazing attributes of these AONBs. Perhaps there is a move to being a little too local. It is important to have a national advocate being clear, when there is a local debate, that this is a national landscape and a national asset. That kind of engagement is really important.

I talked a bit about access. Early on in Natural England’s days, we saw some really innovative and good work going on around the access issue. Again, that has declined with the access focus on the England coast path. We have seen proposed reductions to National Trail funding and that kind of thing. In the early days, there was some really good, innovative access, engagement and education work, and we have seen a decline in that.

**Dr Nigel Stone:** My experience is very similar. It was not that long ago when Natural England was very proactive at the regional level within England at bringing people and partners together, right across its remit. We appreciated the ability to make a contribution towards that. In more recent times, they have had to focus effort and resources at the local level on biodiversity and particularly the administration of agri-environment schemes. I understand there are real challenges there too, particularly with the new countryside stewardship, IT problems and so on.

The other more recent contact, just before I left and ongoing, has been the England coast path, part of which goes through Exmoor. On those very specific topics, where they clearly have a statutory function, they are doing their best to implement that and doing it very effectively. We might come on to boundaries later, but my colleagues up in the north, with the lakes and dales extensions, were very positive about the role that Natural England played in delivering the very complex job of extending those two national parks.
There were other things that they had much more influence on in the past. In particular, I was very involved in the local enterprise partnership for Devon and Somerset. In the past, they would have had an engagement with that kind of body, but it is quite a modest or almost non-existent engagement now. They are involved in the South West Uplands Network, so we have an officer from Natural England who contributes to those discussions. That again is useful, because we need that insight into what the thinking is in government and in Defra, as well as in Natural England.

I would just echo the point that Nick made about innovation and risk. It seems there is no capacity now for innovation and risk unless it is focused on a very specific action around biodiversity conservation. We will touch on some of the elements later when we talk about the social and economic well-being aspects, but in the past we would have backing if the national parks were taking some innovative approaches to that. There is really nobody now to talk to about new approaches. It has had a significant impact.

**Lord Faulkner of Worcester:** What you are both saying is consistent with quite a lot of the written evidence that we have already received. For example, one AONB has said that, as a result of significant staff downsizing at Natural England, it has lost much of its landscape expertise that it had inherited from the Countryside Agency. “The retention of wildlife staff appears to be at the expense of landscape staff”. Would you agree with that? Do you think enough priority is given to both those objectives: landscape conservation and biodiversity?

**Dr Nigel Stone:** It is very interesting that it talks about landscape. “Landscape” appears a lot, but it usually has the word “scale” after it. Landscape scale is a different thing from landscape. They are talking about resilient landscapes for biodiversity and wildlife, which is an important aspect. I am not detracting from that, but it is not the same as an appreciation of landscape. They certainly have a very small team focusing on landscape, as I understand it. I believe a lot of their effort has been on High Speed 2 rail and its impact. That affects their capacity to engage more widely, despite the considerable pressures on the wider countryside.

The other thing is the feeling that the majority of Natural England’s staff probably do not feel very qualified to talk about landscape. There is that notion of aesthetics that comes into a discussion about landscape, and they feel they are starting to get on to unsafe ground there even though, among landscape professionals, there is a clear worked-out approach to how one monitors quality and landscape change.

**Lord Faulkner of Worcester:** Do they not have access to the right levels of expertise, even if they are not directly employed?

**Dr Nigel Stone:** It is a capacity issue. I do not have the same confidence that I would get engagement on landscape impact now as I would have done in the past.
Nick Johannsen: I completely agree with the points made. There is this issue of being clear about the difference between landscape operating at a scale, which is often about doing biodiversity work at a larger scale in response to the science, and taking a landscape approach, which is an integrated approach of all the components that make up landscape, including biodiversity of course. Biodiversity is a component of landscape character and quality.

There are two points I would add. The recent conservation strategy is written with an understanding of landscape. Natural England also took forward national character area work, which is written with an understanding of landscape. Nigel’s point is about confidence and the understanding of that across the board. Inevitably there are people who work on and whose experience is in the needs of a particular plant or bird at a species level. The point that there are hard-nosed ways to discuss, describe and ensure that landscape is treated properly is perhaps misunderstood. With biodiversity you can count the number of birds or how many plants. That feels more scientific and rigorous, but there are rigorous ways to deal with landscape matters. As Nigel said, they can be deployed.

The Countess of Mar: This question is specifically for Mr Johannsen. Is Natural England able to fulfil its duty to provide advice on planning applications and developments within the AONBs? Are its responses to planning consultations informed by local knowledge and understanding? We have had evidence that people feel that Natural England does not have enough feet on the ground and that, very often, it will only intervene in a planning application if it is something to do with crested newts or bats, and not much else. What is your impression?

Nick Johannsen: I do not think it is that simple. Crested newts are always mentioned, are they not? In opening, from a protected landscape perspective, it is not just within the protected landscape that planning issues matter, but also within their setting. That has been worked through in guidance and in planning decisions. I am probably not saying anything that you are not fully aware of, but planning is an important lever to achieve conservation enhancement of the landscape. Planning really matters.

We try to engage, as do the parks differently, in policy and development management advice. Both of those areas are really important. Again, there is a mixed response, but the overwhelming experience is that there is less advice being provided and, quite often, there is a reliance on standing advice. That is much less informed. There is a central planning hub.

This is about capacity. We understand this and we have enormous sympathy for these issues. Natural England are trying to respond in the best way they can, but there are a lot of planning applications going on and a lot of policies to influence. Standing advice is a helpful way to do that, but they do not have that local knowledge. Standing advice might have been supplied in cases where we are talking about quite significant
development proposals. Our experience, and the experience across the AONBs, is that advice is more freely provided in respect of nature conservation and less so with regards to landscape.

However, where landscape advice is provided, our experience is that it is done well and Natural England can be very influential with regards to landscape. Where they provide advice, it is good and is based on site visits and local knowledge. There is an ability organisationally to do that. The problem is one of capacity and feeding in.

There is a point that several of my colleagues asked me to make, which is a slightly technical one. Natural England is the statutory adviser on landscape. AONB partnerships and units are not statutory advisers; we provide advice, but Natural England’s advice is valued over ours. There can be confusion where advice is given such as: “No objection on biodiversity matters and please refer to the local AONB unit for landscape matters”. That can be taken in a hurried, pressurised planning department as “no objection”. That can be misunderstood and can potentially undermine the AONB unit’s advice, which is after all non-statutory. It is quite a technical point about how standing advice is offered, but it can really matter in terms of how Natural England’s advice is understood by planning officers and members.

Q26 The Chairman: I was going to turn now to the duty in the NERC Act to have regard to biodiversity, which largely applies to local authorities. I was just wondering whether it has had any effect on the level of biodiversity in England and how effectively local authorities and other public authorities, including national park authorities, have discharged this duty.

Dr Nigel Stone: That is a very interesting question. I do not think anybody is looking, are they? Nobody is monitoring it or looking for examples. The aspiration and intention are clear and positive, but how do they come into practice? I think the question was particularly asked around national park authorities. Well, national park authorities already have a duty around conservation of natural beauty, wildlife and cultural heritage. Basically, the national park authorities are very actively engaged, often with Natural England, around biodiversity conservation as part of their statutory role.

The Chairman: Do you have to report on measurements and factors of biodiversity within your national parks? You are really saying that no one is measuring, no one is looking and no one is questioning what local authorities are doing. Therefore, they are ignoring it.

Dr Nigel Stone: The condition of SSSIs is probably the closest you will come to monitoring the state of biodiversity, and that is not a particular duty on national parks or national park authorities; it is something Natural England does across the piece. As far as I am aware, it is pretty rare for local authorities to be challenged under this duty. I do not know if you have any examples.
**Nick Johannsen:** No, I think you are right. The point you made, Lord Chairman, was about whether it is measured. Duties are interesting things. I remember sitting with a QC in a public inquiry who saw the CROW Act duty and his eyes lit up, thinking, “This is positive. This is about making positive change. It is not about thinking about what we might do and discarding it”. Duties can be applied differently, but they can also be seen as passive and something that might be discarded quite easily. I understand that the Countryside Agency were considering how they might monitor the CROW Act duty for AONBs, and then we moved to Natural England and things changed. I am not saying that Natural England were not considering that but, if there were a monitoring regime against a duty, it might be taken more seriously.

The duty is potentially very powerful. It is across statutory undertakers, across government and across public bodies. If all those organisations took it seriously and acted positively against the duty, it could achieve a massive change. Our experience from trying to act positively with the duty for AONBs is that you can do good things on the back of a duty, but it needs consistent energy and consistent drive, reminding people of the duty and seeing positive ways to try to deliver that. Whether there is capacity to do that is an absolutely moot point. There are very good examples of documents evidencing how duties can be applied positively.

**Baroness Whitaker:** Do you think local authorities get biodiversity easily enough? They are beset by other pressures: housebuilding, infrastructure building. It is not an easy balance to strike. Do you think they have clear enough guidance about how to strike that balance?

**Dr Nigel Stone:** In my personal view, I do not think they give it much regard at all. I am seeing it all over. We are not talking about a major pressure point being Somerset and Devon, but in developments right across Somerset and Devon I see what are classified as brownfield sites. Because they have not had any active management, very often they become little islands of biodiversity by default, but they are not designated in any way. That wider countryside and those little rough patches are being completely annihilated by new development, completely scorched earth, clearing everything, way beyond what you would need to clear. Then everything ends up in a big pile being set alight to, in the middle of a barren patch, before they start building houses on it. I do not think very much regard is given at all.

There is paranoia about whether there might have been a few dormice there that somebody knows about, or some newts or bats. Then they will do what is required. They often will ask for bat surveys and those kinds of things but, ultimately, unless it is a particular protected species, the wider biodiversity richness within our landscape is often sacrificed in the name of more houses or whatever it may be.

In my view, you can develop in a way that integrates biodiversity and, in fact, look for win-wins. I had all those arguments at the local enterprise partnership about trying to link a green infrastructure plan with what I used to call their grey infrastructure plan. They had all the grey
infrastructure going in, all the roads and the buildings, but let us put a bit
of green infrastructure in at the same time. It was an uphill struggle to
get them seeing that. You can tell I am fairly passionate about this. I do
not think there is a great deal of regard for biodiversity in practice.

The Countess of Mar: I am interested in the words “duty to have regard
to” in a completely different judicial context. There was a requirement;
there was a duty to have regard to, and this was interpreted as, “Yes, I
have looked at it and I am going to do nothing about it”. They have had
regard to it, but they are going to do nothing about it. Does this term
need strengthening in order to give it proper effect, as has been done in
Wales and Scotland?

Dr Nigel Stone: It is interesting. One could probably do that. Again, it is
that notion of being challenged. Ultimately, if you have mentioned it in
your report and seen nothing of significance, if they say, “There is
nothing particularly rare on this site”, you do not have to pay it much
attention beyond that. You have had regard. If you have a “requirement
to further”, it might be a way of trying to get that green alongside the
grey, in terms of saying, “We are still looking to do a development in this
area, but we will look at ways to enhance, not just replace, the
biodiversity that is here”.

Nick Johannsen: May I just add to the points made, with which I agree?
It feels quite passive and relatively easily disregarded. Monitoring and
measuring would help, but a stronger duty would also help. If there is a
consideration of other duties, one might consider the other duties,
particularly with AONBs and national parks, because they have the same
potentially passive interpretation.

The Chairman: You are specifically talking about landscape here, I
presume, in terms of other duties.

Nick Johannsen: Under the CROW Act, there is a duty in Section 85 to
have regard to the purposes of areas of outstanding natural beauty.
Nigel, help me on the national park provision.

Dr Nigel Stone: It goes right back to the National Parks and Access to
the Countryside Act, where there is a duty to have regard to national
park purposes. At various times, there was a perception that that was
pretty weak. In other words, you could say, “We have thought about it”,
particularly in terms of development affecting the setting of a National
Park. It might be something just outside the park that could have a big
impact inside. You ought to have regard to that impact. Sometimes that
was done, but not always.

Q27 Baroness Whitaker: Mr Johannsen, you referred to a reduction in focus
on public access by Natural England. I would like to ask specifically
whether the current framework of environmental law and the work of
Natural England and its partners strike the right balance between public
access and promoting conservation. I ask that in the context that we are
the fifth largest economy in the world, but we are very far from being the
fifth healthiest, the fifth with the most well-being or the fifth happiest, yet we arguably have one of the most beautiful landscapes in the world, which could obviously enhance health and well-being.

**Nick Johannsen:** I am entirely with you on those points.

**Baroness Whitaker:** How is it working out?

**Nick Johannsen:** I am assuming the question is about biodiversity conservation with regards to access. We are talking about that part of conservation. There is an important point, which you sort of made, that access to the natural environment is a really important component of its future conservation and enhancement. If people do not recognise and value these places, if they have not experienced them, often at a young age—and it matters that it is a young age, the science tells us—you will never 'get it'. You will never have that health and well-being, so it really is important to promote access.

**Baroness Whitaker:** Do you mean that there need not be a tension?

**Nick Johannsen:** Apologies, I am coming to that. That said, there are occasions where there is tension between access, conservation of the components of landscape and biodiversity conservation. The protected landscapes are very sensitive, and high-levels of access activities can impact on that. Species and habitats are often very sensitive to the impact of access, so there is a tension at play. The wider point is that it matters that people have access to natural places.

My understanding of the environmental law framework is pretty much around the habitat species regulations and Sites of Special Scientific Interest. I understand that those are the places where environmental law might be brought to bear, with regard to conflicts about access. I am not aware of others. There is experience, not my direct experience, of habitat regulations recognising that a new development will create new access and that will have an impact, and significant new investments being made to mitigate that impact.

That can be quite effective, but I understand that it is only in those places that there is a legal framework to deal with the tension between access and conservation. Elsewhere, it is generally a management arrangement between landowners, land managers, organisations like mine and Natural England, local access authorities, public rights of way teams and that kind of stuff. Often those tensions are recognised, but they are managed outside the framework of law in a practical way to try to address the issues.

A point I would like to make, which you raised, is that we are moving into a different place. From a south-east perspective, the trajectory of growth is quite astonishing. London adds a Birmingham every 10 years. I have some figures that the London city region, which we are thinking about conceptually, is due to grow from 12 million to 20 million in 25 years, in the period of the environment plan. By 2031, my own county will have 21% more houses and 17% more people. That is currently, and in
advance of the consultation on *Planning for the Right Homes in the Right Places*, which uplifts those substantially.

As we look ahead, we need to think really hard and have arrangements. There are problems between access and conservation but, with the sheer trajectory of growth, we need to look harder at how we balance those matters, and how we invest in landscape and conservation to provide the health, well-being and quality of life that these places offer, given this extraordinary growth trajectory. It is going to be hard to deal with, and it will be really important to get our biodiversity areas and our fine landscapes—all our landscapes—properly conserved and enhanced.

**The Chairman:** If you say that it is about management arrangements, possibly outside the structure of the law, have either of you ever run access training for land managers? I am totally with you on that. I think you can create access without disturbing other land operations in any form, whatever they may be, if you manage the access. You need to think about it and work it out. I just wonder whether you have ever been involved. To get this step change that you talk about in the south-east, that is going to be more and more important.

**Nick Johannsen:** Yes, I agree on a practical level, not necessarily through training, but through practical investments in landscape management and engagement. The Kent Downs have this extraordinary landscape with major urban areas all around it. There are well over 1 million people within a kilometre of our boundary, and parts of the AONB have really difficult urban fringe matters. We have had to engage with quite hard measures, involving police and seizure of vehicles. We have an innovative partnership called Securing the Landscape, which is landowners, police and communities engaging to overcome illegal and inappropriate access. Landowners had withdrawn from land management; people had withdrawn from accessing the countryside for pleasure, other than the pleasure of tearing around in a 4x4. By intervening, we have made a step change there, but it is a lot of money, effort and engagement. To do it well, you need resource and time.

**Baroness Whitaker:** This is just a quick supplementary: should more be done by the state?

**Nick Johannsen:** Yes.

**Baroness Whitaker:** We can explore that later.

**Dr Nigel Stone:** Very briefly, there are lots of good examples of national nature reserves and those kinds of places with high biodiversity value, where you have well managed access. People have visual access and that obviously enhances their enjoyment greatly. People like to see wildlife when it is there. One of my little things is that it is not the people necessarily but the dogs they bring with them that are the issue. It is managing access but maintaining that, so that people can still enjoy having their dogs with them, but containing those dogs in some way. There is a lovely bit of saltmarsh on the coast of Exmoor, which has
access almost willy-nilly. People wandering around is one thing, but dogs are chasing around the saltmarsh, putting up the birds and everything else. Unfettered and uncontrolled access means it should be managed better. There is definitely a tension.

I am not sure and do not have any examples but, in relation to the England coast path—and I guess they also have experience of this in Wales—there must be some places where access is being provided that was not there before. It would be interesting to know whether the right level of consideration is given to biodiversity impacts as that project is being unwound.

**Nick Johannsen:** I can help. The England coast path is a really good example of how Natural England can deliver access. On the coast there are many areas that have high biodiversity and landscape value, and I know that very serious consideration is being given to that matter. Also with regard to the England coast path, we need to look to its future maintenance. While it is being created, there are more questions about how it is going to be maintained to the very high standards of the National Trails. There are quite a lot of questions around that.

**The Earl of Caithness:** Following up your answer to Baroness Whitaker’s supplementary, could you write to us as to why you think the state ought to be more involved, the reasons for it and how that would actually work? That would be helpful.

Following up Dr Stone’s point on dogs, let us take an extreme example. I was in Richmond Park at the weekend, and I would not want to be a deer in Richmond Park at the moment for the crass behaviour of individuals, dogs and children. Do you have the power to prevent access to rights of way for periods, in order to regenerate or preserve species, at the moment, or would you like that power?

**Dr Nigel Stone:** In the majority of cases, dogs are intended to be under close control. That is what the law says and it is a very difficult thing to enforce.

**The Earl of Caithness:** It can ban them: ban the people.

**Dr Nigel Stone:** There is a hierarchy of people’s attachment. You can probably stop their children doing something, but you cannot stop their dogs doing something. People get very passionate. There are examples around the country of beaches that are dog-free in the summer, and that is often controversial. I do not think it is the right approach to try to ban dogs. It is much more about doing one’s best to ensure that people are keeping them on a long lead; even that is better than no lead whatsoever.

**The Earl of Caithness:** Can you also let us know what percentage of non-urban land in England is either national park or area of outstanding natural beauty? That would be helpful. My question is really about Section 99 of the NERC Act. Has that made any difference in the way that
you designate statuses for AONBs or national parks?

**Dr Nigel Stone:** That particular section was brought in when there had been a claim during the designation of the New Forest National Park. The claim was made by an estate that their land could not be regarded as natural, because it was essentially a man-modified or managed landscape. This clause has very effectively headed off a similar challenge subsequently. I am not aware of any similar challenge in relation to South Downs or the two extensions in the lakes and dales. I do not know whether it applied in the same way to AONBs.

**Nick Johannsen:** I think Section 99 pertained to national parks, but we rely on previously the Countryside Agency’s and now Natural England’s guidance with regards to what is included in “natural beauty”. We agree with the guidance. It is very clear that it includes a wide variety, including human and cultural influences, as part of natural beauty. That goes back to the intent of the original 1949 Act, actually.

**Baroness Byford:** Can I make two observations and then ask my question? Can I go back to the question of dogs on leads? When we took the Bill through, and several of us around the table took that through and it became an Act, one of the biggest problems was to try to get the Government of the day to accept that dogs needed to be on short leads, let alone long leads, particularly in the breeding season. That is still relevant, but the biggest worry is that people put them on a lead to start with and then slip them anyway. Of course, “My dog always comes back”, but the dog does not. Dogs are still a huge problem.

Can I then ask you a second thing? We have been talking about “having regard to”. Do you think that we need to look at the legislation as it is and alter it in a way that would be more helpful than it is currently in “having regard to”? Then I will come on to my other question.

**Dr Nigel Stone:** The suggestion was made to seek a duty to further biodiversity, conservation or whatever.

**Baroness Byford:** Do you think a regulation or a direction would help local authorities and people like you to fulfil it better?

**Dr Nigel Stone:** If local authorities felt that someone was taking an interest in it, starting to monitor it and ask for examples where they had proactively had regard to, without any need for legislation, that would be a good start. Part of the problem is, with all the other demands, unless they feel that is something they are potentially going to be asked about or taken to task over, it will be one of those things that just lapse.

**Nick Johannsen:** To follow up my previous point, if duties are being looked at, it would be helpful to include duties to have regards to AONB and national park purposes, as well as biodiversity. Strengthening the duty would have an effect, because otherwise you rely on something that feels passive. It need not be passive, but it feels passive and it relies on agencies, Natural England and others, to be very active in ensuring the duty is adhered to. It would feel more of a ‘stick’ than it currently feels
like. Inevitably, organisations have to make judgments about how they respond to their many duties.

**Baroness Byford:** Could I pose three things? We have talked about the lack of resources. We have talked about the lack of local knowledge and the reduction in staff, so the question as it stands is very important. Are the current arrangements for designating or amending boundaries of AONBs or national parks appropriate, and does Natural England provide the appropriate level of leadership and oversight to a boundary review process, in the circumstances?

**Nick Johannsen:** To be clear, Kent Downs AONB is not seeking a boundary review, but several of my friends in other areas of outstanding natural beauty, as you may well be aware, are actively seeking boundary reviews and extensions. I do not think anyone is seeking a reduction in area. The view is that the arrangements are appropriate and it is proper to have a really rigorous approach to boundary review. However, the timescale is far too long. My colleagues in Dedham Vale and in Suffolk Coast and Heaths have been waiting 20 years since they first asked.

To be positive, they have said, “We are really keen to help”. There is a shared endeavour to extend the boundaries in those AONBs, and in Surrey Hills and some others. Natural England has the list. Their simple case is that they are saying, “We are here to help”. The local partnership is happy to provide resources, time, effort and expertise to try to make the actual rigorous process happen more quickly. I can supply the Committee with a note that Dedham Vale and Suffolk Coast and Heaths have provided, which basically makes an offer saying, “Let us not diminish the rigour. We need a rigorous process, but perhaps we can support Natural England”, because the point you make is around the allocation of resources.

It is a lengthy, expensive and properly rigorous approach that needs to be taken. You cannot do that if you do not have the money to do it. They recognise that there is an issue, and whether you get boundary reviews only when they can be afforded is a wider question, but they are saying, “We are here to help. We can provide landscape evidence of the quality that Natural England would need in order to make a decision”. There is an offer for help.

**Baroness Byford:** It is really quite surprising, is it not? You said that they have been waiting 20 years. Natural England was not in being then and there was more money around then. The question has to be: what was making the delay then and what is now?

**Nick Johannsen:** It has always been expensive to take that forward. I guess a judgment is made as to how important this activity is against other activities. Do you want to invest in boundary reviews or conservation enhancement? That is probably a question for Natural England rather than me.
**Dr Nigel Stone:** I reiterate, from the experience in the lakes and dales, that they were very complimentary about the role Natural England played in getting through the extension. Of course, not that long ago the South Downs National Park was established as well. As Nick has said, it is a rigorous process that takes a lot of time, because it requires a lot of public engagement. Personally, I would not want to see that process weakened. It has the effect of saying, because it is such an in-depth process, it does not necessarily happen as often as it may. Cases like this one are delayed because there is no resource to do it.

**Baroness Byford:** Could I please apologise to the two gentlemen? I have to go. Thank you.

**Q29 The Earl of Arran:** When Lord Haskins appeared in front of us as a witness, he said his impression was that “a huge gap has appeared since the rural communities policy unit and the CRC’s advocacy unit disappeared. With them went any basic interest that Defra might have had in the agenda that we were trying to develop”. My question to you is: how serious are these gaps and how do we deal with them?

**Dr Nigel Stone:** How long do we have, Chairman?

**The Earl of Arran:** Prioritise maybe.

**Dr Nigel Stone:** For me, this is a huge loss. I have felt very frustrated over the last six or seven years in relation to trying to influence policy where, usually totally inadvertently, a national policy is having an impact particularly on the more diverse and sparse local communities. It is not necessarily intended at all, but it has a big impact in those local areas. I will give one example.

The Growth and Infrastructure Bill would have had the unintended consequence of removing one of the main policy instruments for achieving affordable housing in local communities, which is a rural exceptions sites approach. It basically had a clause that would enable development on a small scale alongside settlements. It was only the national parks giving evidence to the Bill Committee that got that issue addressed. The Government, to give them their due, made an amendment and that was changed.

Even now, there are things such as the notion of not requiring affordable housing on sites of fewer than 10 homes. Many developments in small communities providing housing are of that kind of scale. It seems to me that there is just nobody there now being that kind of rural concern to government. The notion that there are lots of rural constituencies, which of course there are, is okay, but there probably is no constituency without a major town or two in it. That is where people are. That is where a lot of the attention is. Issues relating to the more remote and sparsely populated countryside do not necessarily get heard or represented.

As for rural proofing, I am going to be a bit unkind to Defra here, but they did not even do it themselves. They went to ‘digital by default’ in terms of service delivery before most other departments, when most of
their customers do not have broadband, a mobile signal or even much prospect of getting it. You can probably tell I feel pretty strongly about this. There really needs to be far more focus given to the often unintended consequences of policy, as I said earlier, when people do not have that local perspective.

It is very difficult for civil servants to give that perspective. It has to be people living and working in those communities, and that is where the CRC played its role. It brought together people who really understood how rural communities tick. I am sure there are lots of people in the House of Lords and House of Commons who have a pretty good idea. Nevertheless, trying to get that influence on policy so that some of these adverse consequences do not take place is really important.

**The Earl of Arran:** I feel that you fear for its being able to be done. You have presented the problems, and the solutions ain’t easy.

**Dr Nigel Stone:** At the moment, it is a small department trying to influence bigger departments. Ultimately, if you want to bring about influence you need leadership, one imagines that, if the question is asked in Cabinet: “What about the impact on rural communities?” or “Where is your impact statement on rural communities?” that would have impact. The trouble now is that, without the CRC or something like it, there is no body to go to.

This is a personal comment again, but I feel that the removal of the CRC also means that a lot of data is not being collated. Often the Government do not know the impact of the policy; they are not collecting data on small communities in the way that was done.

I will go on to mention Natural England and say they have been made spineless. They have basically been put in a position in which they are not really encouraged or allowed even to provide any constructive criticism. There is no constructive challenge either on Natural England’s side or, because of the absence of CRC, on the rural side, I feel.

**The Earl of Arran:** It is rather similar to the removal of MAFF. I expect no comment.

**The Chairman:** I would not worry; most of the people around the table will share your enthusiasms. I have one more question, which is slightly unfair, because you have not been warned about it. If you feel you would prefer to come back to me with a written answer, feel free. Part 6 of the NERC Act was supposed to resolve some of the tensions between motorised traffic and those who believe that such traffic mars the quiet enjoyment of the countryside or even scars the landscape. I just wondered whether you felt that Part 6 had succeeded in any way. If not, what do you believe should be done?

**Dr Nigel Stone:** For those who are not keen on motorised traffic on some of the more rural routes, it has succeeded. Those who say they have a right to use them are clearly frustrated by the reclassification. They have to go through a process to establish vehicle rights and, given
the resources in local authorities, I cannot bear to think how long the waiting list is for considering these appeals for byways open to all traffic. In some cases, it was a helpful move in trying to draw a line, but the lack of resource in local government to deal with a backlog of claims means that it has almost become a static thing now. I am probably not the right person to ask but, if you are somebody who enjoys that kind of green laning, I am sure you would feel very frustrated by that reclassification.

**Nick Johannsen:** I will take the invitation to provide more information in written form, but this is a really significant matter in Kent, where there is some good work and some good ideas. Hopefully we can provide you with helpful advice on that matter.

**The Chairman:** Have you ever used a traffic regulation order successfully?

**Nick Johannsen:** Yes.

**Baroness Whitaker:** If you are inviting a letter, could I add on to it what more the state could do in this regard?

**Nick Johannsen:** Yes.

**The Chairman:** Thank you both very much indeed for coming in to see us. It was a very good evidence session. Thank you.