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

12.10 pm

Watch the meeting

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

Evidence Session No. 5 Heard in Public Questions 31 - 36

Witnesses

I: Harry Bowell, Director, North, National Trust; Dr David Bullock, Head of Species and Habitat Conservation, National Trust.
Examination of witnesses

Harry Bowell and Dr David Bullock.

Q31 The Chairman: Good morning, gentlemen. Thank you both very much for coming to see us to talk about the NERC Act. You should be aware that you have in front of you a list of interests that have been declared by Members of the Committee, and the meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the Committee website, and you will have the opportunity to make corrections to that transcript where necessary, in the future.

Perhaps I could ask the first question, which is quite general. What is your general experience of working with Natural England and to what extent have the recent budget cuts in NE affected its ability to engage or to work in partnership with others, particularly with you, as a major landowner? To what extent have the cuts helped or hindered your ability to deliver against your core objectives, in combination with theirs?

Dr Bullock: Good morning, David Bullock here. In terms of our cause, which is conservation, access and engagement, Natural England’s new strategy, C21, is very closely aligned to it. It is quite easy to transpose elements of our cause alongside the strategy for Natural England, so we are pretty aligned in that respect. Yes, the cuts have had an effect on us dealing with Natural England, because we are part of a suite of environmental NGOs that are asked by Natural England to deliver on better nature, for example. Natural England is asked by Defra to deliver better nature, and sometimes the buck stops with us in terms of our resources. Sometimes we feel at one end that the budget is so cut that we are being asked to do stuff that Natural England would have done. That sits queerly with quite a lot of NGOs, including National Trust sometimes.

At the other end of the scale, we have a very good example of partnership working with Natural England through its national nature reserve strategy review, which works really well and is a genuine partnership. We benefit greatly from that, because we own or have land on a considerable number of national nature reserves in England, so the full spectrum is there.

We are looking carefully at Natural England’s new discretionary advisory service, because, from our early experience of it, we do not think the business case has properly been made for Natural England staff to be asking for money for that discretionary advisory service. We see early products of it as having an opportunity cost for Natural England staff, and sometimes the skills involved are skills that we could have employed for that particular piece of advice, so it is a mixed bag. It is a curate’s egg: good in parts.

Harry Bowell: I have nothing additional to say.

The Earl of Caithness: Natural England, as you know, has four objectives that seem, on the surface, to be contradictory in some cases.
How do you think it handles its four objectives and is it giving the right level of priority to each of those objectives?

**Harry Bowell:** We think mostly well, but there is an inherent tension between regulation and effectively being a delivery arm of Defra. There is an inherent tension in that, which we think Natural England mostly balances well. There is a question going forward, which I am sure will come later, of how those functions are aligned to a new way of organising in a post-Brexit world. That feels like quite an important point to think through.

**Dr Bullock:** We have a concern about one of the functions of Natural England, which is the monitoring of sites of special scientific interest and how that is going to be delivered in the future, given cuts to that service. It sits between regulation and delivery and has a bearing on Biodiversity 2020, some of the outcomes of which we will not necessarily be able to report on very easily if we do not have a suitable monitoring service from Natural England.

Having said that, I have just praised Natural England for revising or refreshing what is called the Natural England field unit, which is now nearly 50-strong and is delivering a great service in terms of condition assessment and lots of related specialist advice. We simply hope that that service will continue, as without it we will be really stretched in terms of knowing the condition of our SSSIs in the future.

**The Earl of Caithness:** Given your first answer to the Lord Chairman’s question, is too much being put on the partnership bodies? It is okay for the National Trust: you are a big beast, you are well funded and you can stand up for yourselves. Some of the smaller people who are affected by Natural England will not be in the position that you are. Is too much going to be put on their shoulders?

**Harry Bowell:** It is a concern. Absolutely, it is a concern. We have very little direct financial relationship, as you rightly say, in terms of our funding model, but other smaller NGOs do. I cannot report directly to you about the consequence of that and what the impact would be, but it would be a concern for us.

**The Earl of Caithness:** Could you fill that out a bit more in a letter to us, because that is quite an important point to pick up on?

**Harry Bowell:** Certainly. Can I say one thing in addition, in answer to both of the questions? I am director of the north for the National Trust, so I have a responsibility for all the trust’s work in the north of England. One of the things that we are delighted to be involved in is the Defra Pioneer, which was set up in response to the Storm Desmond event in the Lake District. We have seen a close alignment of Natural England resources and purpose with the Environment Agency and other parts of the Defra family. In particular, something I am pleased to see, which seems to be a result, is that we are getting to one point of information, regardless of which of the agencies a particular officer works for. That
could be a product of financial squeeze, but that particular way of working has some merit, we think. At the moment, it is the only one of the Pioneers that is focused specifically on water, for obvious reasons in the Lake District perhaps, but we think that that points to something quite interesting as a way of organising delivery.

**The Chairman:** We have had quite a lot of correspondence about Natural England’s lack of management of their national nature reserves and saying that the cuts seem to have badly affected them. I was just wondering whether you had any comment to make on that.

**Dr Bullock:** I represent the National Trust in the partnership, the national nature reserve strategy review, which Natural England provides the secretariat for, but it is a genuine, very inclusive working partnership. I have great confidence that the strategy we have produced collectively is making national nature reserves fit for the 21st century, in terms of conservation, science and engagement, bringing those together to make sure that national nature reserves are places where you can do experiments in the field, which are engaging and open access for people, but also the pillars of best conservation, in terms of species and habitats.

**The Chairman:** Are you saying that the complaints we have had are out of date?

**Dr Bullock:** I really think so. As major owners of national nature reserves, we have very good relationships with national nature reserve managers, whether they are from Natural England or are our own.

**Q32 The Countess of Mar:** Dr Stuart Burgess, when he was asked about the demise of the CRC, said, "Obviously, I was concerned about the loss of the rural voice, the loss of that great feeling of independent expert advice to government on rural issues and rural policy, and the loss of good evidence based reports... What has been lost is the emphasis on the more social and economic issues that I have identified, such as housing, broadband and transport. I can quite see how and why it has happened, but it has been a great loss". How do you feel that any gaps that have arisen as a result of the closure of the CRC and the rural communities policy unit should be addressed? As an add-on to that, to what extent has the loss of these two units affected the Government’s ability to address key social and economic issues, such as rural housing and rural broadband?

**Harry Bowell:** I would just preface my comments with a statement about what the National Trust is and potentially, in terms of answering this question, what it is not. We are a conservation organisation and an access organisation. What we are not is a rural campaigning organisation or a social housing organisation. We have houses and we have tenants, but that is not our primary purpose. Therefore, our observations are born out of having a large rural estate and being enmeshed in the communities, rather than speaking for the communities.
I have a few observations. One is that there has been a trend to more siloed government. Therefore, our actions when we are thinking about rural issues tend to be within silos. We might talk about farming and we might talk about economy, but we very rarely find ourselves in a conversation about the whole of society and rural areas.

My second observation is that there is no specific agency, with the demise of the Countryside Agency a long time ago, for rural issues. Therefore, those issues have defaulted to local authorities. You asked earlier about the impact of cuts. Well, we really do see the impact of cuts in local authorities both generically and, in some places, specifically. What we are particularly concerned about there is the loss of some skill set from the staff base.

I will give you one example, again from my world. Is “institution” the right word? There are institutions and mechanisms that have filled that place. I will use the example of the LEP in Cumbria. The LEP in Cumbria, which is about economic activity in Cumbria, is almost primarily focused on large industry and energy on the coast. In terms of hard economics, you might think that that is sensible. The Lake District National Park has an annual turnover from the visitor economy of about £1.3 billion but, because the infrastructure is diffuse, the LEP is not well geared to making sensible investments in that way. I suppose my short answer is yes, for what it is worth.

Q33 The Chairman: I wanted to move on to the question of the section of the NERC Act that talks about the duty “to have regard to” biodiversity. It particularly refers to local authorities and other government organisations. I just wondered whether you feel that that particular section has had any affect at all on biodiversity in England. Has the protection or the monitoring of species improved as a result or not?

Dr Bullock: We are part of an active partnership in State of Nature, which is a collection of ENGOs that track a suite of species to look at how nature is doing. Its last report, in 2016, was similar to the report in 2013, stating that about 60% of the sample of species was in decline, and some of them dramatically so. The question can be asked: has the NERC Act 2006 duty to have regard to nature had any impact on halting and reversing decline in nature? The basic answer has to be probably not because of the Act itself.

Having said that, we know that there is some evidence that good agri-environment support in the countryside can help to halt and reverse declines in species. It has not happened for farmland birds yet; they are still declining, but the decline or the rate of decline is slowing down. We have attributed that to two things: first, good actions by farmers and other land stewards, in putting hedgerows back, for example; and, secondly, general agri-environment support. There is change, but it is not necessarily related to the NERC Act.

The Chairman: In your conversations with local authorities, have you ever heard them refer to their duty of care? Does it come up?
Harry Bowell: In my working life today, no, other than when we remind them. The language, particularly in the context of cuts, is a duty to have regard, which is quite a passive duty. There is no proactive obligation, by way of contrast to the EU directives, which are much more proactive in what they require.

The Chairman: On National Trust land, what actions are you taking to conserve biodiversity? You say that nationally it is slowing down a lot. Is it increasing on National Trust land?

Dr Bullock: Not yet, but we have a big ambition for it to increase through our strategy, which was launched in 2015. It would see half of our land in “high nature” status, and would see us create 25,000 hectares of priority habitat and improve the condition of all our land for nature, all by 2025. That is five years after Biodiversity 2020 reports, and some of the outcomes of that will contribute, but we know that quite a few things will not be done by 2020. We are confident that, by 2025, we will have made a big difference in terms of our ordinary countryside, in terms of birds, bats, butterflies and wildflowers.

Baroness Whitaker: The National Trust is a pioneer of access to beautiful places and, as you say, you are also a conservation organisation. Is there any tension between promoting conservation and promoting public access? Do you think the current framework of environmental law, and the work of Natural England and its partners, strike an appropriate balance between these two objectives?

Harry Bowell: There is a tension, but we would frame it as a healthy tension. Our organisation, probably uniquely within the conservation of the natural environment, balances by Act of Parliament those two things: access and conservation. We have grown as an organisation quite profoundly. In fact, we have just announced our 5 millionth member. That growth has been on the back of a huge appetite, over the last decade and a half, to get out into the countryside. Visits to our houses are quite static and not growing massively, but visits to our countryside or our outdoors are growing incredibly profoundly, particularly on the edges of urban conurbations. One such place in my region, Dunham Massey, gets 750,000 visits a year of people coming from around Manchester. That inevitably causes some tension, but it is a manageable tension, if there is a good plan and adequate resources in place. On your question about whether the legislation helps, yes, the legislation does help. It helps particularly to understand the bits of real significance that we might want to manage people away from or put paths in, et cetera.

Baroness Whitaker: Before Dr Bullock answers, we heard evidence earlier today that, in some areas, there not only need not be a tension, but it is beneficial for the public to have access to places where conservation really matters, an experience worth having and educational.

Harry Bowell: I framed it as a tension because, with respect, you asked me whether there is a tension. In some places, yes, but our fundamental starting position is that people should be given access to beautiful places.
We have an intergenerational part to our purpose, in that we hold this amazing collection of places for the nation for ever. We can only sustain that if people are actively engaged in the care of such places. In extremis, there is tension, which is manageable, but for the most part it is absolutely to be applauded. Back to Natural England, we really applaud and are working strongly with Natural England on the England coast path, which we see will be a great achievement when it is finished. Their approach to managing that tension, which exists in some places, is really well thought through.

**The Chairman:** We have had complaints that, such is their focus on coastal access, they have abandoned any form of management of access that is not involved with the coast.

**Dr Bullock:** I would not say that is the case. We pioneered good-quality paths and footpaths in the uplands. For example, the Pennine Way was, at one time, a braided path going over lots of peatland and exposing that peatland to oxidation. We choppered in flagstones so that people and their dogs kept to that path.

**The Chairman:** That is you; I am talking about Natural England.

**Dr Bullock:** In its previous incarnation, Natural England supported that work.

**Harry Bowell:** Natural England’s promotion of access is to be applauded. I think the specific issue that you might refer to is the lack of maintenance of some local footpath networks, which is a product of local authority cuts. That is a concern, but it is not a function of Natural England.

**The Countess of Mar:** We had evidence earlier that it is not the people who are the problem; it is their dogs. How do you control dogs on National Trust land?

**Dr Bullock:** We have 200 million visits to National Trust land each year. Half of those are by dog walkers, so that is people out twice a day, probably using the same paths. We think we can turn around what is considered the adverse impact of dogs into beneficial ones, and one of the obvious beneficial ones is perhaps fewer visits to the health service, because you are walking your dog. There is a benefit to the nation that we can provide from coastal connections, coastal paths and upland paths.

On a more ecological note, innovation is what we need to think about. We have increasing deer populations in woodlands, which are preventing those woodlands from achieving a favourable condition and causing declines in woodland birds in part. Can we engage dog walkers to reroute their walks through woodlands in places, to generate a landscape of fear for deer and allow some regeneration of those woodlands? I am actively thinking about those kinds of innovative ways of bringing the dog-walking community into true engagement with conservation, as opposed to being seen as enemies of conservation.
The Countess of Mar: You have a lot of farmland and presumably sheep grazing. How do your visitors cope with their dogs? Are they instructed to keep the dogs on a lead and is that firmly adhered to?

Harry Bowell: They are instructed or asked to keep dogs on leads, as part of the Countryside Code. Is it always adhered to? No. We are a very large landowner and of course there are issues occasionally with dogs and sheep, as there are across a lot of the uplands, but they are individual cases, rather than a systemic issue.

The Earl of Caithness: Following up your answer, Dr Bullock, do you have the powers, if necessary, to close off an existing right of way to preserve something of conservation value or would powers help you to do that? It is all very well when you have a voluntary right of way; you can divert the footpath. If you have a statutory right of way, but you need that closed off for a period of time, can you do that or would you like the powers to do that?

Dr Bullock: I do not believe we have the powers to do it, but we would seek local authority support for that. An existing parallel example is where we have common land and the common land has been very severely damaged—for example, bare, exposed peat in a blanket bog. We have the rights to allow that to be restored through temporary fencing to exclude what might be causing the bare peat. I think it is called restoring the damage to the turf or something like that. We have some powers like that to restrict access where conservation is clearly failing and we need to do something about it in terms of restoration—rescue really.

Harry Bowell: I cannot think of any specific cases where we have ever thought to stop access. There are some specific cases where we might want to restrict the type of access, in particular motor vehicles and road users on public paths or BOATs. There are a few cases in the Lake District and have been in the Peak District where that has been an issue but, through traffic regulation orders and working with user groups, we seem to have got to a sensible conclusion.

The Chairman: Picking up on that particular issue, we have had a huge amount of correspondence on this, the four-wheel drive brigade versus the walkers, horses and everybody else, not only ruining the quiet enjoyment of the countryside but, as you say, scarring the countryside with ruts and so on. You sound quite relaxed about the use of TROs, the effects and the influence you can have in making them work, but am I interpreting you correctly?

Harry Bowell: I did not quite understand the question.

The Chairman: Section 6 of the NERC Act involved a compromise between the four-wheel drive brigade and those who thought they were really damaging the countryside and interfering with the quiet enjoyment of the countryside. We have had a lot of correspondence saying that this situation has not been ameliorated at all by the NERC Act, the local authorities are terrified of using traffic regulation orders, because of the
judicial review that they have been taken to, and the situation is as bad as it ever was. I am just wondering whether you want to comment on that. From what you said, you sound quite relaxed about it, but is that a misinterpretation by me?

**Harry Bowell:** I am always relaxed. I have a few specific issues in my region where I am less than relaxed.

**The Chairman:** Where is your region?

**Harry Bowell:** It is the north of England, and I have a specific live issue in the Lake District at the moment, which I am not relaxed about. The resolution is not obvious. The quiet enjoyment thing we are less relaxed about. I am not specifically bothered about the erosion impacts or the damage to the infrastructure. It is the user conflict and all that that brings that is tricky. Our starting point is that we are not an “anti” organisation. Our starting point is not to ban; it is to try to find a compromise where those different uses can be enjoyed. Generically, I am reasonably relaxed, but specifically not.

**Baroness Whitaker:** On this issue, is it a matter that people with disabilities could only have access by car to some of these places? Do those who make a frightful fuss about quiet enjoyment take that on board too? Is that something that you would take a view on?

**Harry Bowell:** It is something that we have not taken a view on so far. Access to the countryside is something that we are passionate about. Having equality of access is something that we would be passionate about. I have not heard the argument framed particularly around the use of BOATs as being access for all. It is more of a user-group conflict.

**Q36 The Earl of Arran:** How much do you worry about leaving the EU—or are you thrilled?

**Dr Bullock:** That was a nicely direct question.

**The Earl of Arran:** Do the opportunities outweigh the disadvantages?

**Dr Bullock:** I think that there are huge opportunities. Our DG over a year ago now, in response to Brexit, identified and set out how, for example in the countryside, this is an opportunity for our tenant farmers and others to receive benefits from the nation, but to deliver more targeted public goods: to produce not simply food, but a range of goods. Those could be environmental goods; they could be food; they could be flood risk alleviation; they could be good-quality soils that soak up carbon and so on. I think Brexit has given us an opportunity to see a new paradigm for farming, which is around delivery of public goods. It is absolutely a farming agenda. It is not against farming, but working for farmers into the 21st century. We see it as an opportunity.

**Harry Bowell:** Can I give a counter-voice to my very positive colleague? We see some risks as well. In particular, there is some underpinning regulation that has become fundamentally important to us. There are four
directives: the birds, habitats, water framework and the bathing water directives. We are worried about any risk to those directives and the regulatory system that comes with them.

There is a second risk that we are concerned about, which is the failure to thrash out a deal and, in particular, the impact that that would have on the farming community and their ability to sell on a global commodities market. We are clear that, in order to further our purpose, we do not do that by ourselves; we do that in tandem with a farming community that needs to be economically viable.

One of the missing things in the lexicon of Natural England’s duties is that there is very little farm business support for farmers. If you are a farmer in the dales, in my patch, you might well have someone from Natural England talking about the condition of your amazing limestone grassland, but where would you get help with thinking about how you transition your business in this world of absolute uncertainty where, as sure as eggs is eggs—if I am not mixing my metaphors—economically it will be a struggle for upland farms particularly? There does not seem to be any well thought through business advice.

The Earl of Arran: Do you not worry about the lack of the single farm payment and the possibility of farms and the land around them becoming derelict? That must be a large matter on your minds, I would have thought.

Harry Bowell: Yes.

The Earl of Arran: Do you have discussion papers out privately, in the National Trust, about what may happen or the pros and cons of leaving the EU?

Harry Bowell: They are out publicly as well. We can furnish the Committee with those.

The Earl of Arran: Are they very far advanced?

Harry Bowell: They are fairly advanced, yes.

The Earl of Arran: Would they be in the public domain or not yet?

Harry Bowell: Yes.

The Earl of Arran: Could we see copies of them, please?

Harry Bowell: Yes.

The Chairman: For farmers, particularly upland farmers, there are going to be new opportunities, as Dr Bullock was saying, but they are going to get a double whammy of no single farm payment and virtually 90% of their commodity exports are to the EU, which will then have a 50% tariff. When we start doing deals with Canada and the United States, you can bet your bottom dollar that they will want to get to our food market and farmers. I was at a meeting the other day where they thought that most
of the upland and west-country farmers will almost have to stop producing food, because they will not be able to make any money from it. This is a very scary thought. I do not think it is going to be quite that bad, but then you start working out how you are going to manage your uplands without young farmers, with the underlying business—ie the agricultural production—being a loss-making business.

**Harry Bowell:** That is the opportunity for us: to align public money with public outcomes. At the moment, we are working on a new market in slow clean water with water companies in the north. We are thinking, as David said, about multiple benefits coming from land, particularly in the uplands, which might have some quality food production, might have some carbon storage, might have slow clean water and then might have some underlying public money support. That is quite exciting, but there is an attendant risk as well. How we navigate through the next 10 years is going to be really tricky. It comes back to this point of how we sustain an ageing upland hill-farming population through the transition to this glorious new world, which we are worried about.

**The Chairman:** I remember in the early 1990s the National Trust did a survey of upland tenant farmers. I think the figures were that they had a take-home pay of £8,500 on average and were receiving subsidies of £16,000. You have to ask the question of whether they should stop farming, just take the subsidies and manage the land, because they would make more money. I do not know whether you are going to repeat that exercise, but I think it was worth while. Anyway that is probably not in our subject matter today. Thank you very much for coming in. It has been a very good evidence session. Thank you for your information.