Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: Natural Environment and Rural Communities Act 2006

Tuesday 17 October 2017
12 pm

Watch the meeting

Members present: Lord Cameron of Dillington (The Chairman); The Earl of Arran; Baroness Byford; The Earl of Caithness; Viscount Chandos; Lord Faulkner of Worcester; The Countess of Mar; Baroness Parminter; Baroness Whitaker; Baroness Scott of Needham Market.

Evidence Session No. 7 Heard in Public Questions 48 - 58

Witnesses

I: Christopher Price, Director of Policy and Advice, Country Land and Business Association; Guy Smith, Vice-President, National Farmers’ Union.
Examination of witnesses

Christopher Price and Guy Smith.

Q48 The Chairman: Thank you very much, Mr Price and Mr Smith, for coming to see us. It is very good of you to come and help us in our deliberations. 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. I should probably declare an interest as a member of both the CLA and the NFU, before we even start.

Do either of you want to give any introductory remarks or do you want to go straight into questions? Do you want to say who you are and your experience?

Guy Smith: I have no great introduction. I am vice-president of the National Farmers’ Union and I farm in Essex, where there are some farmers in the parish, despite what Mr Bonner might have thought.

Christopher Price: I am director of policy and advice at the CLA. I am a lawyer by background. I have been with the organisation since 2002 in a variety of different roles.

Q49 The Chairman: Okay, thank you both very much. My first question is this: do the Government as a whole have a coherent rural vision?

Guy Smith: Yes and no. It is a very good question and I am very pleased that this Committee is looking at this at this time. In my experience, the vice-president of the NFU gets a good trawl across Whitehall. I am in to BEIS to talk about broadband, DCLG to talk about planning, DCMS to talk about broadband, the Home Office to talk about labour and rural crime. I do not often get to the Treasury, which is always a frustration, and of course my first port of call is Defra, which we know picks up most of the issues I am interested in.

Sometimes you find joined-up thinking and coherence across departments. I always remember going into the Department for Work and Pensions to talk to the Secretary of State about farmers’ access to rat poison. I am not sure the Secretary of State thought he was going into politics to discuss such mighty matters, but it is an important one for our members. It was strange that it was being picked up there, but there was an understanding of the impact on agriculture coming back from Defra, so sometimes it works.

Sometimes you feel that it is not joined up enough and some issues fall between departments rather than being picked up between them. As Tim has just gone through—I am sorry to bang on about Brexit; often it is a stamina job for the British population to engage with this challenge, but it is extremely important to my members—we will be the industry most impacted by Brexit going forward. We have had 45 years of policy being
devised and constructed in Brussels, often despite the desires of the British Government, rather than because of their desires. Then it has been implemented and delivered in Whitehall, primarily through what was then the Ministry of Agriculture, Fisheries and Food, and then Defra and its agencies, Natural England and the RPA.

Now we are on the cusp of a complete change, whereby policy will be devised within Whitehall, not just delivered. Rather than the Treasury just handing its money to Brussels and seeing it washed back out, it will have to decide what level of funding it wants to give to rural areas and agriculture, so we live in very interesting times.

With the right decisions made over the next two years, I am convinced this is an opportunity. We could see a flowering of our rural areas and our farmers. We could be producing more of our food needs from our own resources. However, with the wrong policies and with things not being thought through, we could simply end up importing more of our food from other parts of the world where standards—let us not say they are worse—are different.

Christopher Price: In answer to your specific question, no, the Government do not have a clear vision. First of all, I query whether they should be expected to have a clear vision of rural policy per se. You can get into an awful mess having debates about what rural is or is not and what comes within it. That is all very gratifying from an intellectual perspective, but it does not really move things on. I suggest that it makes more sense to think of the whole variety of closely connected areas of activity. The Government should have a vision on the full range of those things.

As Guy Smith has said, rural areas and the countryside are probably the area of government activity most directly affected by Brexit. Agricultural policy, environmental policy, water policy and climate policy are all European competencies. There are concerns. The Government have been reasonably clear about what they want from some elements of agricultural policy and perhaps rather clearer on environmental policy, particularly in the last few months. But people who live and work in the countryside are entitled to have a much stronger steer on the direction of travel so they can start preparing for whatever the future may hold for them.

The Chairman: Touching on the Commission for Rural Communities for a moment, I am sure you both remember it well. Was it an effective organisation? Should it be replaced? What did it do well? What did it do less well?

Christopher Price: It produced The State of the Countryside reports, which as Tim Bonner said were an extremely useful source of data. There were a few other reports that were of use. In terms of its function as a rural advocate, regrettably it was limited. From our perspective, we are very lucky to have our own department in Defra. When I speak to my equivalents in other member states, they say how lucky we are to have a
department that deals with both farming and environment, rather than having two departments squabbling. But an awful lot happens in the countryside that is outwith Defra’s scope. We have talked about planning and broadband already. It is about how you influence those departments.

To my mind, the way it works is by Defra having input into those departments. With the best will in the world, other attempts at rural proofing or rural advocacy have not really had any great effect, because those departments can ignore them. They have their own priorities; they think of Defra as being there for the countryside, so they do not really engage.

When things work it is because someone in Defra knows whom to speak to in the other department. At ministerial level, there was a Minister in the closing days of the Labour Government called Jane Kennedy, who I thought got it. She was very good at phoning up her equivalents elsewhere and saying, “No, this needs sorting”. At the official level, you find it with people who have worked in other departments and who have contacts. They can almost call in favours. It is that sort of thing that works.

We are supportive of what the current Government are doing in appointing Lord Gardiner as rural ambassador, with a reasonably well structured and funded team behind him that does the spade work to support him in his role. It seems to us that is the way to go ahead rather than some of the things that have been tried and not worked that well in the past.

Guy Smith: I agree. I read Mr Burgess’s recent evidence to you. He made a very good account of himself. He was a good champion of rural areas and he had an important role in that respect. I know that my members in the uplands liked his initiative to look at that area, which is very important.

On the downside, it was a very thinly resourced role with very few staff. The danger is that there is an element of nominalism: the Government think they have covered that off because they have created a post. I accept what Christopher says about Lord Gardiner being an effective champion.

My other concern with Mr Burgess’s evidence was that there tends to be a presumption: “Agriculture is already well covered, is it not?” I understand where that comes from. It comes from the old CAP culture that is embedded in our membership of the European Union. We are about to embark on a very different world where I am not sure we can assume agriculture is well covered because we will no longer be members of the European Union.

The Chairman: What did you think of Tim Bonner’s view that rural proofing perhaps could be done from the Cabinet Office rather than from Defra? You would thereby have a more senior position from which to influence other departments.
Guy Smith: It is a good idea. That is where it should come from. It should come from the top of government. I agree with you.

Christopher Price: I would query whether it would get the right priority. In practice, the Cabinet Office will spend its time thinking about a lot of other things. One of the attractions of the current approach is that you have a Minister whose principal job is to do that. He has a team behind him who can help him with the evidence and find him a way around Whitehall. I suspect that will work better.

The Earl of Caithness: You have rather answered my question, but I want to follow up from the Chairman and pick up the point about putting rural proofing into the Cabinet Office.

I advocated putting the internet and social media into the Cabinet Office, because again that covers every aspect of our lives, whether you are in the rural or the urban area. It is such an important area. The Government rejected that on the very good grounds that if a Minister is directly responsible you get far more result at the end of the day. Otherwise, you have to feed everything into the Cabinet Office, the Cabinet Office becomes a massive, bureaucratic organisation and it all fails. Here you are as Secretary of State for Defra. What are you going to do to improve rural proofing?

Guy Smith: Picking up the specific example of broadband and internet coverage, which—you are right—is a very important issue, my industry, farming, is on the brink of a technical revolution. It could be transformed by the use of things like, would you believe, boluses that will sit in a sheep’s stomach and report the temperature of the sheep back to the farmer through the internet. There is no end to the exciting possibilities.

However, it needs to be backed up by broadband. At the moment, it is picked up by DCMS. Would it be better picked up by the Cabinet Office? That may be so. One weakness we find with broadband is that there is a failure to understand the rural context. For instance, when broadband speed is assessed, it is done to the point of the cabinet. That is the broadband cabinet, not the one in No. 10, I should add. The presumption is that once it has got to the cabinet it is quickly out to users.

But that is an urban understanding of broadband. It fails to understand that in a rural setting the distance from the cabinet to the end user, particularly to the farmer, is considerably greater. We would argue that there is an urban metric used to understand the provision of broadband, and you need a rural voice in there to understand it. At the moment, we do not see that in DCMS.

As to whether it could come from the Cabinet Office, which has a greater view of this, that would be a good challenge. I would like to think, yes, it

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1 While recently serving on the House of Lords Communications Committee, during their inquiry and report ‘Growing up with the internet’ (2nd Report of Session 2016-17). Published 21 March 2017 - HL Paper 130.
could. It would also give priority to what has to be one of the most fundamental challenges in front of government today: making sure that all our citizens are properly engaged and have good broadband and cell phone provision. That is the way you function in this modern society, whether we like it or not.

**Christopher Price:** Most of the problems with rural policy, particularly the socioeconomic aspects of rural policy, are to do with sparsity. You have people who are a long way away from other people and settlements. Essentially, it comes down to a matter of costs. It is about whether someone has the clout to persuade people in other departments that they should be allocating part of their budget to providing universal coverage of whatever it is: broadband, mobile and other things. They have to have the detailed knowledge to explain why that extra expenditure is required.

To my mind, that is better done by someone at ministerial level with the data behind him or her rather than just having someone with an anodyne, generalist mandate to make sure things are okay in rural areas. That is why I favour the current situation, certainly over those that have been tried before.

**The Earl of Caithness:** Chairman, I ought to have declared my interest not as a member but having worked very closely over many, many years with both organisations.

**Q51 Baroness Byford:** May I also declare my interests in both organisations and make a similar comment?

The questions I have for you today are not directly farming questions, but slightly reflective ones. The NERC Act, as we remember, abolished the Countryside Agency. Some responsibilities were passed on to the RDAs, which in turn have been closed down. My first questions to you both is this: does that matter now? Has that gap been filled? What is happening? I would like to have a supplementary after you have had a go at those.

**Christopher Price:** We are getting there. The attraction of the RDAs was that they provided universal coverage of the country; there was no empty space. They had proper rules of governance, so they were required to take into account a whole range of issues that came up within their areas. That meant it was relatively easy for us to represent—I am not sure if this is the right word—minority interests, to have our voice heard and to engage.

When the LEPs were set up, which was a much more bottom-up approach, we and other rural organisations had difficulty getting our voices heard. Quite often they were set up by the economic development department of the local authority, which called in people from Business Link and chambers of commerce, who did not really have any understanding or recognition of the importance of rural business or the countryside, and did not know who to speak to.
It was terribly hard to get engagement for quite some time. I am pleased that in recent years that has changed quite a lot. Most LEPs now have rural or farming members on their boards and are addressing rural and farming issues. But it has taken a long time to get back to the reasonably satisfactory state of affairs we used to have.

We have a range of other people in the same space as well. National park authorities are trying to take some of that role for themselves. LNPs are trying to act as a counterbalance to LEPs, which makes things all a bit messy and uncertain. So much of this depends on volunteering. There are only a certain number of people with the right abilities who are willing to put the time in to make sure these sorts of structures work, whereas with something that is dealt with by officials, as the RDAs were, they kind of have to do it.

Baroness Byford: But you would not replace them.

Christopher Price: No.

Baroness Byford: You wish to see something more structured.

Christopher Price: Yes. We are getting there now, but it has taken a long time to get there.

Baroness Byford: Are the LEPs developing into that?

Christopher Price: They are, yes, now they have been given more in the way of powers, direct budgets and things.

Guy Smith: I would agree with what Christopher said. Can I pick up one role of the Countryside Agency? It may seem very trivial, but I am going to suggest it is not. You may remember this. This is how the countryside code was promoted. I do not know whether Lord Cameron did the voiceovers, but it was very effective. It at least made an effort to get people to think about people visiting the countryside.

One of the biggest issues that comes over my desk as vice-president of the National Farmers’ Union is rural crime. It fundamentally impacts on my members’ enjoyment of life. Issues such as fly-tipping, stock worrying and hare coursing are probably more important issues to them on a day-to-day basis than Brexit is. They want me to take action on these issues.

Obviously, dealing with rural crime is multilayered: it goes from parish, to district, to county councils and county policing. Baroness Byford, you know this story. It goes right up to national government in terms of sentencing policy. How we deal with that is a big challenge, but one key part of this is education. The Countryside Agency recognised that. It was proactive in wanting to educate visitors to the countryside. “Keep your dog on a lead. Be mindful of going into fields where there are cattle and young stock”. There was a really important role there about understanding that.
As a Government, if you are going to encourage access to the countryside through the CROW Act—or, as we see now, through coastal access—we as a farming community are comfortable with it, as long as it involves people acting responsibly when they arrive. Alongside those initiatives, you need an element of education so that people who visit the countryside understand the environment they are in and they understand how, maybe innocently, they can interrupt or interfere with farmers going around the challenge of producing food.

The Countryside Agency had a good educational role in the countryside code, which now seems to be forgotten. I do not see it being picked up anywhere else—not by Natural England or regionally.

Baroness Byford: One of the things we have talked about is bringing together the three elements: the farming, the environment and the social community. Some of these very rural areas need to be helped to develop their own rural economy. I know we have spoken about broadband being essential to that, but is there anything else you would add that would boost the growth of jobs in rural areas? I am not looking at farming jobs.

Christopher Price: There are two things. The first is the planning system. We have a rather cumbersome, baroque and unclear planning system. If it is going to work, it needs to be properly funded, and it is not. The number of worthwhile developments that do not happen because people are frightened of working their way through the planning system is significant, which is a ridiculous state of affairs. It is one of the things on which the CLA has lobbied for as long as I have been involved.

To give an example, take something as straightforward as the conversion of redundant barns to residential or commercial use. Everyone recognised it was a good idea. The Government issued some guidance encouraging planning authorities to allow it. That did not happen. We collected the evidence and went back. After a while, some permitted development rights are granted, but local authorities in certain areas seem to go out of their way to frustrate that happening. We go back to the Minister and get more guidance, and eventually it starts to come through, but it is just an absurd state of affairs that it takes so much to convert your barn into a holiday home or whatever.

The other issue is how we generally support people in marginal farming areas. In many cases, they are never going to earn a living as pure farmers; it is just pie in the sky to pretend otherwise. In certain areas they will not be able to deliver huge environmental benefits either. For example, if you are a commoner, you have very little capacity—because you do not have the legal interest—to deliver things. Nevertheless, those people underpin what happens in their areas.

The IEEP, the Institute for European Environmental Policy, produced a very good report about public goods in the rural sector a few years ago. That identified rural vitality as being a public good that was worthy of support. Certainly we would be sympathetic to that approach: you find mechanisms for supporting people not because of what they do
particularly but because of their role in underpinning wider rural life as a pump primer for other things.

The Chairman: Are you talking about training farmers? If, as you say, with the departure of the single farm payment and so on, farming is going to become more precarious—certain farmers will not be able to survive producing food, and some farmers will not be able to produce an environment, which is the other sort of marketable commodity they may have—should there be a body that helps them find some sort of diversified income?

Christopher Price: I am not sure whether it is a body. A whole range of interventions are required. Part of it is teaching business skills: how to manage cash flow, how to navigate your way through various systems, such as grant funding for converting buildings. A whole range of things will be needed, not just one entity or one funding stream.

Guy Smith: Again, I would agree with that. I would probably add transport, given the state of our rural roads. I have never known it so bad. I cannot give you any comprehensive evidence to prove that fact; I can just give you my anecdotal response, travelling the length and breadth of the land.

As vice-president of the NFU and as someone who has raised three children, public transport does not give them a social life. Things like that affect the quality of life for people who live in rural areas and should not be forgotten. Our Government are charged with many things, but transport, moving around the place, is important.

Baroness Parminter: The NERC Act gave four core objectives to Natural England. How successful has it been in delivering those four objectives? What impact has the significant reduction in funding had on its ability to do that?

Christopher Price: I have two points to make at the start. Natural England has a fairly limited specific remit. Its general purpose is to provide or promote—I forget the word—various environmental goods. Its ability to deal with economic and social issues is only insofar as it helps promote the general purpose, so there is a limitation there already. A lot of the other legislation it works under is similarly caveated. The extent to which it can take non-environmental factors into account is quite closely constrained. That comes up time and time again.

When it was first created, it assumed quite a strong advocacy role. You could come to events in this building and over the road probably on a monthly basis and hear the head honchos of Natural England complaining about the Minister of the day. That was not a particularly constructive or useful role to have taken on, and it was a big improvement when things moved on and it became more embedded within the Defra family, as the phrase goes.

In recent years, it has got much more receptive to the needs of farmers and other rural land managers. It is taking a long time, but it takes a
long time for these things to change, in the same way it took a long while for the Environment Agency to change and become more receptive when Lord Smith took over. It is happening in the little things: the change in the treatment of great crested newts is something that people from all sides have welcomed. We end up with people, if not pleased to have newts on their land, at least recognising that they are not a problem in the way that they were. Hopefully that agenda will go on in other ways.

In terms of funding cuts, yes, it clearly has had them. To date, we would not say that has had a huge knock-on effect on its ability to deliver its functions in most regards. It is pretty easy to get access to senior people and discuss things if you want to. As we have already heard, there have been major problems with the delivery of Countryside Stewardship in recent months, which has been pretty awful. To what extent that is the fault of the system and to what extent it is the fault of the amount of resource devoted to the delivery of the system is a bit hard to work out, but there are certainly concerns there.

**Guy Smith:** This is the issue I tend to get most involved with, with Natural England: the delivery of the Countryside Stewardship scheme. Let us remind ourselves that the UK has been a trailblazer in ag-environment schemes. 10 years ago, over 70% of farmers were actively involved in ag-environment schemes. It was one of our great successes. We are very keen that this cultural link carries on and that farmers recognise the importance of being proactive countryside managers and delivering landscape and biodiversity, utilising Countryside Stewardship-type schemes to do so.

Our concern is that it has now faltered. As we understand it, the ambition of Countryside Stewardship was to pick up half of the people who were coming out of the old ELS/HLS schemes we had. Some 26,000 farmers had come out of those schemes because they had ended their natural life of five to 10-year agreements. The idea was that 13,000 would go back into the Countryside Stewardship schemes on the higher or mid tier. Only half—between 6,000 and 7,000—have managed to do that.

The reasons for that are complex, but I am afraid it is largely due to poor delivery. Payments have not been made on time. Farmers have a lack of confidence in it. Packs go out with the wrong details of the farm, so the farmer gets fed up with the red tape overload. The rural land register simply does not reflect the actual ownership on the ground. You frequently get told you own a field that actually belongs to your neighbour, or your neighbour now owns a field that you thought belonged to you.

The reason for this is bad or dysfunctional IT, which must be addressed. We feel that Natural England is stretched as a delivery body. That needs to be addressed as well. This is really important for my members going forward, because they want to take up these ag-environment schemes, as they have done in the past, but for a number of reasons they are just not doing it.
At the end of the day, farmer uptake is the critical metric as to whether these schemes will succeed. That is what you must look at to understand whether it is a success. If it is not a success, there are question marks over Natural England in its performance so far, and it must continue to be assessed because of that.

Looking forward, if we expect, as some people have suggested we should do, that we deliver far more for the environment through agricultural policy, presumably Natural England will remain the key delivery arm. Rather than running away with greater expectations of that agency, we need to look at its current performance first. We need to get that right before we start loading the cart.

**Q53 Baroness Scott of Needham Market:** You have just touched on the point I was going to make. There seems to be a broad consensus as to the delivery of these public goods, of which landscape and biodiversity are an important part. One assumes that the policy framework will be developed by Defra, but I am also assuming—as it looks as though you are—that the delivery, the measurement and therefore the responsibility for clearing payment is going to be done by Natural England. I do not know. I wanted to ask you to comment on that.

**Christopher Price:** The first stage is to work out what we want from the new policy. Virtually everyone is talking about public payments for public goods, plus some support for productive and profitable farming alongside that. It is not just a matter of coming up with a new policy and fitting it in with the existing structures, though. I cannot believe we are not going to have a review of governance systems going forward as well. As to whether Natural England with its current role is the right body take that forward, quite frankly I would doubt it.

**Baroness Scott of Needham Market:** As it is currently constituted, is it able to deliver?

**Christopher Price:** It is certainly having problems with Countryside Stewardship at the moment. We have to query what the problems are. How much is it the fault of the design? There were problems in the design process. I am sure Guy would agree that the sector was not consulted nearly as much as it should have been or has been in the past when the system was being devised, which is part of the problem.

It is more important to work out what we want from post-Brexit agricultural land use policy and then decide the institutions that are required to deliver it, rather than starting at the other end and thinking, “How should we tweak the governance in the light of what may happen?”

**Q54 Baroness Byford:** In your written evidence, Mr Smith, one particular bit says that Natural England has to compete with the Rural Payments Agency on delivering the basic payments scheme. In what way do you mean? How much data is shared? Is it possible to cut down the amount of different requests one seems to get from the different bits to complete these forms?
Guy Smith: As you know, Baroness Byford, there has to be a close working environment between Natural England and the RPA to deliver Countryside Stewardship, partly because the RPA has control of the RLR and partly because it is the payment mechanism. You get your money from the RPA, so there clearly is an element of dysfunctionality between those two agencies that must be healed, and rapidly.

Can I just say something about my concern? There is some political shorthand flying around in these Brexit-charged times that everything that was possibly wrong was the fault of the European Union and those damn bureaucrats in Brussels. It is true: it was difficult to a certain extent to deliver some of these schemes because of overcomplexity drawn from the European Court of Auditors and this fear of disallowance that is strongly felt, particularly in Defra.

However, with new schemes using taxpayers’ money in a post-Brexit world, the idea that there will be no rules and money will be thrown at farmers, who will just have to roughly produce a page of A4 to prove themselves, is nonsense. It is public money; it will continue to have to be audited. Taxpayers will expect proof that it delivers good value and the like.

We will continue to have these demands about it being accountable and audited. The idea that everything will be a lot simpler once we are free of these dastardly Europeans and their dreadful bureaucratic mechanisms is a little whimsical. It does not ground down into the detail that aspects of the RPA and Natural England have not worked because of bad management within Whitehall. The RPA computer said no in March 2015, because it did not work. No one in Brussels told Whitehall to buy that package and then not make it work properly. It was constructed purely within this square mile.

Baroness Byford: If I might come back on that, I hope I did not suggest in my question that I was putting the blame on Europe, because there is no suggestion of that. My question really was this: is it not possible in the future to have a simpler scheme where data will be shared? Some of the complexities and difficulties that have been experienced over these last recent years could surely be overcome. That was my real question.

Guy Smith: I am sorry. I was not trying to put words in your mouth and imply you were saying that. You know very well from many conversations we have had that I would not dare do that. It is being said at quite senior levels of government. There is an assumption that once we leave the European Union everything will get a lot simpler. I do not buy that. The Treasury will still put a lot of demands in place to make sure money is spent correctly.

However, there quite clearly are opportunities for simpler schemes. Natural England complains to me that Brussels makes it do what it calls “man-to-man marking”, whereby everything it does has to be written down. Maybe some things will get simpler, and we should see that as an opportunity to make these schemes more farmer-friendly. I agree, but let
us not overlook some fundamental problems that need fixing now, while we are still in the European Union.

**Lord Faulkner of Worcester:** I found that a very refreshing answer, if I may say so. I do not know whether my colleagues also did. It is still in the post-EU world that I need to ask you a question on environmental protection. It is fair to say that in recent times the environmental protection that has been taken into account in things like the NERC Act has been on the assumption that we will remain members of the EU. Now, as it appears possible that we shall cease to be members of the EU, what should go in the place of the EU-type legislation on environmental protection?

**Christopher Price:** In the first instance, yes, you are right: the EU has had an important role in encouraging us to do the right thing, but do not start from the assumption that the only reason we have done the right thing is because of the EU. The UK has been pretty good on a whole range of measures in taking the initiative, and indeed taking the initiative to Europe to enforce things. We have a pretty good track record on a lot of this, but we will lose the sanction of the Commission and the European Court of Justice.

In the CLA, we have spent a lot of time looking at how some of those structures could be replaced. First of all, we will need to have a comprehensive review of governance generally for the reasons Baroness Scott suggested. It may be that some new institutions are needed. We already have judicial review, which we have seen to be quite effective in terms of the air quality litigation recently.

There were some pretty despicable cuts to public funding for that sort of litigation recently, on which the Government were defeated in the courts last month, which was a relief. It was unfortunate that the Government thought it appropriate to cut funding for those things in those circumstances.

In looking at how these things are done in other jurisdictions, one possibility we have been looking at that seems particularly attractive is having enhanced ombudsman-type roles. I know we do not often look to Hungary as a model of good governance for lots of things, but in Hungary there is an ombudsman who is responsible to the Hungarian parliament and whose job is to protect environmental considerations.

He—it is a he—has quite wide powers to intervene, produce reports and, particularly, to injunct government to stop it proceeding down a route that he thinks is hostile to the natural environment. That has quite a lot to commend it and may be worth looking into.

**Lord Faulkner of Worcester:** Australia has one, too.

**Christopher Price:** Australia has a very similar approach, yes. Another approach that might be attractive is giving legal personality to certain features. New Zealand has given certain rivers—this includes the Whanganui river—legal personality and appointed people to be their
guardians in the same way you appoint guardians to children who are vulnerable. The job of those people is to protect their interests. I see there is some attractiveness there. There are a variety of things to do alongside the straightforward creation of some new institution.

**Guy Smith:** In the enormity of the challenge that is leaving the European Union, through the withdrawal Bill we expect to see things such as the habitats directive and the water framework directive cut and pasted into British law, which will be the immediate post-2019 environment. It is quite clear there are some operational issues. If you lack the EU institutions that used to run those directives, you need British equivalents. That is a job in hand. Again, I would agree with Christopher.

There is a good deal of detail, sheer grinding hard work, to think through as to how our governance is going to work with this EU legislation brought into British law. From then on, we have the opportunity to make it more relevant and suitable to the British topography, our climate and our natural resources. Again, that may be seen as an opportunity rather than a threat.

**Q56 The Chairman:** If either of your two organisations had the necessary funding to take a judicial review, would you enter into that with equanimity?

**Guy Smith:** I do not want to sit here and threaten the British Government with legal review. That is unfriendly talk, but we have a very well-oiled machine, as you know, which can take all sorts of legal action if we feel it is in the interests of our members. Judicial review is one of the points in our armoury.

**Christopher Price:** This was what was so important about the recent litigation. The Aarhus convention says that you should have a cap on the amount of legal fees a losing party in environmental litigation has to pay if they lose. It is £5,000 for individuals and £10,000 for a corporate entity. The Government recently proposed removing that cap, which would have made it impossible for organisations like ours to litigate on a regular basis. Thankfully, they lost that case in court. It was a pretty unhelpful and pretty despicable thing to do at a time like this when there is so much concern about these issues.

**The Chairman:** I will ask you both the same question I asked Mr Bonner: ought Natural England to become more independent of government than it currently is?

**Christopher Price:** It is difficult to consider this incrementally. We need to work out what the new policy is like, and then what governance we need to make it work. Even at that stage, it is unlikely that we could have something that was as close to government as Natural England is. There needs to be something that can make a stand for environmental concerns. It has to give government a bit of a soft nudge if need be, or litigate if things get too bad.
Guy Smith: There was a political desire—you do not hear it so much now—that Natural England should be a champion of the natural environment. I am not sure that is appropriate. An accountable department should be a champion, a patron or a sponsor of the environment and of agriculture. A body like Natural England should concentrate on being a delivery arm, delivering the wills, policies, desire and vision of the elected politicians in charge of the department.

The Earl of Caithness: Can I follow that up? Is Natural England adequately funded for its present role?

Guy Smith: No.

The Earl of Caithness: As Secretary of State, what would you increase the budget to?

Guy Smith: I would make it more than it is now. I am sorry. As Tim Bonner suffered with mathematical challenges, I will do the same. I do not have a clear figure in my head. All I know is that we see it as a stretched organisation struggling to fulfil the remit it is given, and the remit it is given will increase going forward.

Christopher Price: As with so many parts of government, decide what you want it to do and then resource it. So often it seems those decisions are taken separately. It is what we see with the planning system the whole time. We have an incredibly baroque planning system with bells and whistles, but we cannot afford to administer it. It is similar with Natural England’s responsibility.

In all this, I would not forget the role of NGOs and civil society, which have a significant part to play in keeping the pressure on from different perspectives. In a way, we are quite lucky in the rural sector, in that we have so many NGOs without any one having a position of dominance, which you find in certain other sectors. There is fairer bargaining between the different players in the space.

Baroness Scott of Needham Market: In a complete change of subject, we have had a lot of submissions in our evidence from groups who are concerned about the use of public rights of way by mechanical vehicles. I chaired the rights of way committee in Suffolk for many years, so this has been something I have lived with for the best part of 30 years.

From your perspectives as national bodies, could you say whether this is a widespread problem, and therefore there is a legislative solution to it, or a localised one and one of local decision-making and policy?

Christopher Price: When what became the NERC Act was going through, we probably spent as much time on that aspect of what it covered as anything else apart from the functions of Natural England. It was a huge thing. As you can imagine, many of our members are troubled by the irresponsible use of 4x4s, et cetera.
Part 6 of the Act went a long way in improving things. I think most people would say there was a sea change as a result, but it did not go quite far enough, particularly with MPVs on UCRs, where it was decided not to regulate that. In response, a lot of the more responsible local authorities have been making traffic regulation orders to try to deal with the problem, but they are expensive and local authorities do not have enough resources either.

Also, they can be contested, which means litigation, which only adds to the cost. We would suggest making an amendment to Section 67 of the Act to ensure that UCRs are treated in the same ways as other roads and that you cannot take MPVs up and down them.

**Guy Smith:** As we said in our evidence, we feel the provisions in the Act are there, but they could be strengthened to make them more effective. I would go back to the general issue of access to the countryside. This will always be a tension for the farming community, for whom the countryside is their factory floor. It is not like buying a factory on an industrial estate and putting a big fence around it. You do not have ramblers walking through the middle of a quarry, but you have ramblers walking through the middle of your factory floor.

Farmers welcome responsible countryside users and in some instances they benefit from them through rural tourism. However, it is the irresponsible visitors to the countryside who can make the life of the farmer hell. There are no simple answers to that. It is partly cultural; it is partly education; it is partly about bringing in new laws and the like. It is a big issue.

**Baroness Scott of Needham Market:** Could I just do one further bit of probing on that? One of the problems is about incompatibility. It is not just about the vehicles and the farmers; it is about the fact that—particularly in heavy clay, as in the place I live—use by 4x4s means that horse riders or walkers cannot use the route. The motor lobby always used to say, “We are users of the countryside too. Why should we not be able to use these roads?” There is always a tension there. I wonder whether there is any more that could be done to provide informal access to motorised vehicles in the countryside without impinging on rights of way. You are the land managers.

**Christopher Price:** Your report is right, in that it is a bit unreasonable for us who live and work in the countryside to say we want society to support us by providing an income, and then say, “People cannot come into it”. But you do not want the volume of people coming into it to upset what we value it for in the first place. There is a balance to be achieved. It is going to be decided at a variety of levels. Yes, legislation has a role to play in this. Having that legislation enforced is also important, which takes you down to the local authority level straightaway. In certain areas, voluntary arrangements can work pretty well, assuming good will on both sides. Unfortunately, you can get an element of ideology on both sides, which serves to frustrate these things. Yes, you can go so far, but in the end it is legislation that is enforced.
Guy Smith: It would be very difficult to see a voluntary scheme working. I know farmers who offer off-roading.

Baroness Scott of Needham Market: That is what I meant.

Guy Smith: That is paid for. You can pretend to be Jeremy Clarkson for a day, and you pay for the privilege. It is controlled and both landowner and customer are happy with it. Once you have a non-transactional relationship that involves trust and understanding on behalf of the landowner and whoever is going to turn up with a 4x4, I have some doubts.

The Chairman: Thank you very much. I have one final question: what one recommendation would you like to see made in our final report?

Guy Smith: It is a good question to finish on. It would be the need for evidence-based policy-making: for proper studies and inquiries to be undertaken so people and politicians understand the impacts of their policies on rural areas and agriculture.

Looking at broadband or the running of the Countryside Stewardship scheme, one thing we have learned is that it is very difficult to find out what is happening on the ground. I am very grateful that I have a very good team at NFU HQ, which can take professional survey work. They phone up our members. Once they have convinced them they are not selling PPI, they can get on to asking them how it feels on the ground. We have found that invaluable. I would go as far as to say that we are a prime finder of this sort of intelligence, but government should be doing this.

Government needs to find out what is happening on the ground. It is no good saying, “You have good broadband speed through to your local cabinet; therefore, you are okay”. You have to go and ask the person sitting in the farm office, “Does it work? Is the technology you can have on your farm limited because you are just not getting the bandwidth the Government think you are getting?”

My key demand would be for evidence-based policy-making: understanding the needs of the rural agricultural community, backed up by comprehensive surveys done in robust methodological ways.

The Chairman: Would this include, say, a research-commissioning body inside Defra with its own budget? How would you manage that?

Guy Smith: That would be one way. I fully accept that these things are not cheap, but what is the point of devising a policy where you are not sure what the outcome is? I go back to this point: we live in a time where good decision-making, good governance and good policy can reap endless dividends for rural areas and agriculture. To make sure they have been sense-tested, that they are understood and that there are not any unforeseen consequences, you need to understand the lie of the land, where your policies will land.
Christopher Price: There are two elements to it. First of all, government needs to better recognise the full range of benefits the countryside can provide. It is not just food, although food production underpins most things that happen in the countryside, but also biodiversity, amenity, flood management, carbon storage and a wonderful landscape. All these things need to be properly incentivised and the obstacles to their delivery removed so far as that is appropriate.

Once the full range of services is recognised, set out a clear vision for how they are going to be delivered and promoted, so those of us who live and work in the countryside know where we stand in the long term. That will remove some of the uncertainty that is around at the moment.

The Chairman: Thank you both very much. It has been a very helpful evidence session.