Select Committee on the Natural Environment and Rural Communities Act 2006

Corrected oral evidence: Natural Environment and Rural Communities Act 2006

Tuesday 5 December 2017

11.50 am

Watch the meeting

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

Evidence Session No. 22 Heard in Public Questions 185 - 196

Witnesses

I: Andrew Sells, Chairman, Natural England; Alan Law, Chief Officer for Strategy and Reform, Natural England; Dr Andy Clements, Board Member, Natural England.
Examination of witnesses
Andrew Sells, Alan Law and Dr Andy Clements.

Q185 The Chairman: Good morning and welcome to all three of you. I have the usual words of warning. You have in front of you a list of interests which have been declared by Members of the Committee. 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. Thank you for coming. Would it be a good idea to introduce yourselves and then we can make a start?

Andrew Sells: I am Andrew Sells. I am chairman of Natural England and have been in that job for four years.

Dr Andy Clements: I am Dr Andy Clements. I am a non-executive board member of Natural England. I also chair Natural England’s Science Advisory Committee.

Alan Law: I am Alan Law. I am chief officer for strategy and reform, so I am a member of the executive senior leadership team.

The Chairman: We have met you before, Mr Law, have we not?

Alan Law: Yes.

The Chairman: Of your five core objectives—biodiversity, landscape, study and education, access, and socioeconomic well-being—how do you decide where to prioritise your now scarce resources and to what degree are each of these fields represented on your board? To what extent are those decisions guided by statutory duties where there are consequences for non-fulfilment?

Andrew Sells: Before we answer that, would you, Lord Chairman, be kind enough to let me make a few introductory remarks, which will not be very long?

The Chairman: Indeed.

Andrew Sells: Thank you all very much for the opportunity to appear before you today and for what is an immense amount of work and detail you have gone into already; I am grateful to you for showing such an interest in our work.

I have read the evidence you have heard from many other witnesses and was rather encouraged by the very many complimentary remarks you have heard about us so, if I may, through you, Lord Chairman, I would like to thank those people who have appeared before you and said nice things about us.

Most people, I hope, would agree that Natural England has been a force for good and I could list, but will not, our many achievements over the years, which you will find in our written evidence. We are acutely aware
that much more must be done if we are to reverse biodiversity decline and leave the natural environment in a better place than we found it, as the Government rightly wish us to do. We want to change Natural England’s whole approach to conservation, as set out in our conservation strategy. We want to work much more with people, be less prescriptive and work on a larger scale and in partnership with others.

To make this easier, as you have heard from the Environment Agency, we have moved away from a centralised national structure to one based on having 14 area teams with co-boundaries with the Environment Agency. I regard this as one of our most important practical reforms. We have completely restructured our board, and I have sought to bring the board and the executive much closer together, sharing expertise and experience. I believe the Government’s 25-year plan will set out a path to a richer, healthier natural world, and we have been very closely involved in its formulation. I am sure we will come to many of the uncertainties facing us, the EU exit and finance being two, but they give us opportunities and I hope to demonstrate to you that we have the experience and enthusiasm to tackle these issues.

It is a very great honour, as well as a pleasure, to be the chairman of Natural England and I would like to take this opportunity, if I may, because it will be broadcast, to thank all our staff for all they do because they work very hard and have been under a lot of pressure in an era of continual change. Thank you, Lord Chairman. Alan will kick off answering your question, if he may.

**Alan Law:** If I take that from a delivery perspective, which I think is the line on which it is being posed, it is important to understand our role as part of the wider Defra group. Natural England is the delivery body and we have a model of trying to deliver integrated delivery. You have asked how we prioritise between these five areas, and our aim is to try to integrate our delivery work on the ground.

In planning terms, we go through a planning cycle each year with the department, which has a target operating model which looks at different areas of activity and prioritises spend in each of those areas and allocates spend to different organisations according to their contributions. Rather than a single budget that is handed to us with us advising on how we will spend it, we get a budget that is an aggregate of different chunks of money for different activities that have been allocated by the department.

We aggregate that up and deploy it on the ground through our 14 area teams, which Andrew has described. We will use the tools that we have available to us to best deliver the outcomes, because it is the outcomes that we are concerned about. Your question on whether the statutory purpose or a particular functional interest is most important to us misses the point; that is a clumsy way of articulating it. We try to draw that together on the ground and use the tools best available to us to deliver outcomes on the ground, be that biodiversity or landscape, but in a place we try to deliver a combination of the two. We are not driven
exhaustively by a statutory duty for one thing versus a non-statutory opportunity on the other; we are pursuing opportunities.

The Chairman: The part of my question you did not answer was the question of representation on the board.

Andrew Sells: I would like to think that the board represents and brings together the skills necessary across the breadth of our activities, to some extent enhanced by having them in the senior leadership team. The board has been chosen to represent and bring many skills, so I feel we have done that.

The Chairman: What is the process for choosing your board, as a matter of interest?

Andrew Sells: The Secretary of State makes the appointments, but the process is that we advertise, setting out the criteria we are looking for; people apply and have to go over those criteria to get an interview; and there is an interview panel—a process that is currently going on—constituted of myself, a director from Defra and an outsider, who this time is the chairman of Historic England, so we have quite a serious, heavyweight panel. We put up names to the Secretary of State of all the people over the line who meet the criteria and he or she, as it may be, makes that decision.

The Chairman: I want to pursue that angle of the independence a bit more. To what extent are you a non-departmental public body, which is what you are supposed to be?

Andrew Sells: It is quite a complicated question. There is an inherent contradiction in being a non-departmental body when you are wholly accountable to that department for the money and the way you spend it. Natural England is in quite a complicated position; we have about 500 statutory duties or responsibilities, many of which have an appeal to the Secretary of State and some straight to the High Court. On the other hand, we do a great deal of work for Defra under contract, effectively, as agent. You can understand that, if you are doing work for somebody else, they want to be very closely involved in how you do it. There is an inevitable tension. If you were to put the question slightly differently—how is the relationship with Defra?—the answer is that it is like a game of three-dimensional noughts and crosses; it goes crossways, upwards, sideways and diagonally, and each of us will have different relationships on different issues.

There is an inherent contradiction in that Cabinet Office guidelines on non-departmental bodies say that we are not part of any department, and we are not, but we work very closely with it. I think you heard evidence from Merrick Denton-Thompson last week, talking about how, in years gone by, we were very independent and, probably not very welcome, broadcasting from the north the views of Natural England. The pendulum has now swung the other way and some people might say it has swung too far, but financial pressures and some common sense have
brought the organisations, ourselves and the Environment Agency together. It makes very clear and obvious sense that we should share offices, but we do not yet share IT systems or even have the same maps as the RPA. There are a lot of ways we could be working much more closely, yet I have fought hard to make sure that we have our independence on matters where we are taking statutory decisions under the Act.

Baroness Whitaker: I understand Mr Law’s exposition on the operational way in which prioritisation works, but what is the role of the board and yourself, as the chair, in prioritisation?

Andrew Sells: We spend a lot of time discussing where to focus our efforts and set the strategic direction which the executive carries out. At the level of how we should tackle, say, licensing reform, that is regularly discussed by the board and the executive would seek to execute what we set out.

Prioritisation of expenditure is done at the board level but also very much with Defra because, as Alan was saying, we get pools of money for specific things for specific teams. I can think of conversations I have had with civil servants where I have tried to argue that there should be more money for this or that and have been told that Ministers are not very interested in this or that, and I have gone to see the Ministers and found that that is not their position. You have ministerial priorities and then us working out how, at an operational level, we can best deliver what we are charged with delivering. It is a complex set of moving parts.

Baroness Whitaker: Does Defra have to approve your broad prioritisation?

Andrew Sells: Does it have to approve it or does it tell us? I am slightly at a loss.

Alan Law: Defra will agree allocations of funds for particular activities and agree key performance indicators with us for each of those areas. If we are able to aggregate the expenditure and the way we deliver those key performance indicators in ways that enable us to do more for the environment, that is all well and good, but it is not necessarily recorded within Defra. That is where we try to make the money go as far as it can.

Q186 The Earl of Caithness: You said that Natural England is a force for good, but biodiversity has continued to decline; songbirds are in deep decline and going downhill. Where have you and the NGOs failed that you are going to be able to put right with Conservation 21? Convence us that Conservation 21 is the right way forward and how you are going to put it through and monitor it.

Andrew Sells: There is a much greater awareness of the need to tackle the problem than there was 30 years ago. I heard David Attenborough talking recently at a conference and he said that 30 years ago the conference would be attended just by bearded, sandaled eco-warriors but now it is full of bankers, politicians and landowners wanting to do their
bit. There is a much greater sense of awareness. Everybody is talking about soils now, which we must do a great deal about, but only a very small group of people were talking about that 30 years ago. We can build on the awareness of where we have got to. To his great credit, the new Secretary of State is putting the environment on the agenda and saying, “We have got to try to tackle these issues”. I think by working much more in partnership with all sorts of organisations over much larger landscapes and, with greater support, public opinion and awareness, we can reverse it. As the Environment Agency was saying, we need to move from no net loss to biodiversity to a net gain concept where we are improving things. There are lots of factors in the 25-year conservation plan, when it comes out, which give me cause for optimism.

Dr Andy Clements: Building on what Andrew has just said, Conservation 21 is very much about a new style of conservation that links with other paradigm shifts. We have heard a lot about the natural capital agenda and ecosystem services, and our approach is to ensure that those things that nature gives us for free are protected in a much more holistic way that looks at outcomes that people on the ground managing land—farmers and landowners—or indeed the NGOS also want. We have called this our “outcomes approach”, and it is an evolution of the way in which nature conservation has been done for more than 50 years. We all recall what it was like in the 1960s and 1970s when it was confrontational and adversarial, in the 1980s and 1990s when it became about seeking to manage land better and using the protected areas in that way, and now the agenda is very much about restoration and recovery of landscapes, which requires us to work at a larger scale. That is one of the differences in the approach that Conservation 21 seeks to adopt.

The way we will measure whether or not we are doing a good job is to see if we can reverse those trends of decline in wildlife. We know, through evidence, that some of those things have begun to work. For example, we have evidence at the national level that the farmland bird decline has slowed. It has not turned around, but it has slowed and the evidence is that agri-environment schemes have helped with that, so we have opportunities there. There will be a new target-setting process for after Biodiversity 2020 where the Conservation 21 strategy will work, and we want to measure how landscapes deliver stewardship outcomes. The Secretary of State thinks that is very important, as do we.

The Earl of Caithness: Your agri-environment schemes have not worked terribly well in the past. Do you think that a conservation covenant would be a better way of going forward? Given all the evidence there now is that, in order to help wildlife, we need good habitat, extra feeding at certain times of the year, and predator control, should Natural England not follow the Scottish Government’s approach and include predator control in agri-environment schemes?

Andrew Sells: To tackle the point about conservation covenants first, they are not an alternative to stewardship schemes; they would be an additional tool for us to use. I have written a bit about them and can
send you more material, if you are interested. I would like to see the Law Commission’s recommendations put into force to give us that additional tool.

I would also like to make the point about the Countryside Stewardship Scheme, which is the latest environmental scheme, that it does not work anything like as well as it should and we are working extremely hard to make it work better, which is not all entirely within our gift, but we think that we will now have the opportunity to design good schemes which work for us, are relatively simple and with a greater switch of money for the environmental benefit from basic subsidies, which is an essential part of what we seek to do.

**Alan Law:** I probably ought to push back on the assertion that agri-environment schemes have not worked. If you look at the condition of designated sites, for example, where we now have 95% in a recovering condition and about 40% in a favourable condition, that has been achieved very much over the last 10 to 15 years on the back of agri-environment schemes. If you look at the flagship reserves of many of the conservation non-governmental organisations—the RSPB, the National Trust, et cetera—a lot of their best reserves have been delivered on the back of agri-environment scheme monies. Where you have those monies, the right advice and continuity of engagement, there is no question in my mind that agri-environment schemes deliver high-quality outcomes. What you cannot do is throw the money and leave the farmer simply to try to pick up that money and deliver something with it; you need the advice and support. That has been a lesson for us.

**The Chairman:** What about the other part of the question, predator control in Scotland?

**Dr Andy Clements:** At the moment, it is clear that generalist predators are having an impact on some of our biodiversity, and there are measures in place to ensure that that is one of the things taken into account when land is managed. For example, we work with the Game & Wildlife Conservation Trust on this issue and, from my perspective as the chair of the Science Advisory Committee, we are at the stage where we need to understand exactly what measures we would need to put into place to ensure that things such as the productivity of upland waders are improved as a result of generalist predator control. Natural England is not yet in the space to be able to recommend that the control of generalist predators is a measure to be included in agri-environment schemes.

**Andrew Sells:** I did not mean to imply that environment stewardships were not vital, it is just that the current ones are not working as well as we would like them to work. I agree with Alan: they are essential to success and have been.

**Alan Law:** The only thing I would add is that there are mechanisms, where the evidence exists on the impacts of predators, for those to be considered through the licensing regime, which is a lawful mechanism
that we undertake. Where the evidence is lacking, we could not be in a
position to promote that through an agri-environment scheme.

Q187 **The Countess of Mar:** How are you balancing the move from a more
regulatory to a more relational approach and your statutory regulatory
duties?

**Alan Law:** This question implies that it is a choice between one and the
other—that you have to regulate or you engage in relationship work. It is
more how you go about doing that. I have worked in this organisation’s
predecessor bodies for 25 years. There have probably been times when
we undertook our role in a way that was perhaps more ivory tower and
prescriptive in terms of actions to be undertaken by others. We have
learned that that is not necessarily the best way to deliver outcomes, nor
the best way for those outcomes to be sustained in the long term, so we
try to work with people.

That does not mean to say that you do not do the regulation; it is about
how you do the regulation. Andrew has referred to the work that we are
doing around great crested newts. Under the old regulatory regime, we
would have gone through a licensing procedure for every single
development affecting, potentially, one newt. That was universally
regarded as a pretty ineffectual approach; it was not good for the
conservation of great crested newts, it was a very heavy burden on us in
terms of administering the licensing regime and it certainly was not well
received by those at the other end of the food chain.

What we are moving to is a system where we do the licensing regime, so
we undertake our same regulatory role, but we do so at a landscape scale
and at a plan scale with a local authority. It involves planning the habitat
provision for those great crested newts up front and using a single licence
with the local authority to enable development to proceed and contribute
to paying for that habitat creation. Previously, 80%-odd of all the money
spent on great crested newt licensing went into consultancy fees, plastic
fencing, et cetera, and very little into newt conservation. We are doing
the newt conservation and the regulation—we are fulfilling our role—but
we are doing it in a smarter way that gets better outcomes for the
environment off the back of what we do. That is what we started with
newts and there is the potential for using the same approach with other
species, and one would like to think more broadly around biodiversity
generally at a plan scale through the planning system. We have had
references to net gain, which we might come back to.

**Dr Andy Clements:** Perhaps I can also build on your question regarding
regulation. One of our duties and responsibilities is to designate protected
areas and, over the last year, we have designated two large landscape-
scale SSSIs: the West Pennine Moors and the Mid Cornwall Moors. You
may have noticed in the media that there was an announcement at the
weekend about the designation of marine protected areas by the
Government based on Natural England’s advice. The point is that the way
we designate those SSSIs is very much in line with those people who own
and manage the land.
In the case of the West Pennine Moors, maybe 220 owner-occupiers needed to be notified, made aware of it and talked to, so that they could understand what was going on, the nature of the designation and what they can and cannot do on the land. By the time it came to the board of Natural England for us to either confirm or withdraw that site, out of those 220 people, there were maybe four or five outstanding objections, most of which were then resolved by small changes to the boundary and that kind of thing. It is very much regulation working with the grain of what people would expect us to do in the sense of them being the owners and occupiers of the land.

**The Countess of Mar:** On Sunday, I watched “Countryfile”. It featured the Cleveland Way, and I found it very interesting that a group had adopted a stretch of it to maintain it. How much are you encouraging that sort of thing with public rights of way?

**Alan Law:** I will give a broader picture and then answer specifically. Our work on access, like much of our remit, we have had to contract as budgets have gone down, so we are focused at the moment on delivering that access infrastructure. We spend in the order of £1.8 million a year on maintenance of the existing access infrastructure, but we spend more on the development of the new England coastal path, which is the big flagship piece. We need to help the bodies that we work with on the ground in terms of maintaining existing infrastructure to move to a slightly different model. Those existing national trails are prime for sponsorship, and a model that is dependent simply on central government funding paying for that maintenance on the ground does not look sustainable in the current climate, so we need to work with those partnerships to get them into a different funding model.

**The Countess of Mar:** There are not any health and safety aspects that deter people from doing it, are there?

**Alan Law:** That depends.

**Baroness Whitaker:** Moving to the European context, to what extent does Natural England rely on the obligations in EU law in fulfilling its nature conservation objectives?

**Andrew Sells:** It is very important, as I am sure you understand, that all the European directives that affect us have been put into UK legislation and will remain there, but long before them we had the Bern, Bonn and Ramsar treaties, all of which will continue. So we may well have stronger environmental protections post our European exit than we have now. That is the short answer and I will hand over to the expert.

**Dr Andy Clements:** Yes, we rely on obligations in EU law and, as Andrew says, they are already transcribed into UK domestic law; for example, through the habitats regulations. When a development is proposed on a special area of conservation or special protection area for birds, we undertake those assessments under the habitats regulations now. Those regulations will remain in place after—if—we leave the
European Union. There are a number of principles that are important to maintain—the precautionary principle and the polluter pays principle—and it is already understood that those principles need to be looked after in any regime following leaving the European Union.

The issue that all of us would want us to respond to is that those EU obligations which, as we come to leave the European Union, may not apply to us directly in the future, can always be updated and improved at a European level and we would have to keep up with that and not lag behind. That would be our hope in those circumstances.

**Baroness Whitaker:** Why would we have to keep up with them?

**Dr Andy Clements:** Because this Government have enshrined the belief that those standards are high and we want to maintain those standards of environmental protection.

**Baroness Whitaker:** That is interesting. Have these obligations which, although now in our law, originated in the European Union—at least most of them—had a protective effect on the resourcing of your biodiversity work or have they been a limitation?

**Alan Law:** I would not say that they have been a limitation. Are you asking whether that has helped maintain our budgets or maintain budgets for the natural environment?

**Baroness Whitaker:** It is a good argument for them, is it not?

**Alan Law:** Absolutely, they have maintained a focus on the natural environment, so the reporting requirements in Europe on the state of protected sites and European species have driven a focus of expenditure through the department and other public bodies. I would be harder pressed to say that our budgets have been particularly protected on the back of European legislation, although clearly we are part of the picture in helping the Government deliver their obligations.

**The Chairman:** Mr Sells, you said that the Secretary of State is putting the environment on the agenda. What do you think of this new body that he is currently mooting which will adjudicate on the Government’s role; in other words, it will replace the Commission as the possible prospecting agent?

**Andrew Sells:** When I said that he is putting it on the agenda, that is supported by the fact that he has talked about public money for public good rather than subsidising farmers without necessarily any real public good, so I see a swing in that pendulum financially. As to his new body, if it enables us to do our job better and for our job to seem more important, we will definitely welcome it and participate at the consultation stage. To pick up on what Andy said, if it incorporates, as we would expect it to, the European guidelines and the principles, we will be working with those. So long as it is supportive of what we do, it will be very welcome. Obviously, nobody wants a bureaucratic monster.
To make a slightly different point, I do not know whether or not we will report to it, but it does not feel as if Natural England is either not sufficiently held to account or does not have sufficient reporting chains at the moment through Ministers to Parliament, through the Permanent Secretary’s chief accounting officer role and to Efracom, the Environmental Audit Committee and whatever. It might add another level of reporting to us, but I do not know; we shall have to wait and see how it pans out.

The Chairman: Is this a role that you had expected Natural England to do—to be independent enough to hold the Government to account?

Andrew Sells: Most of our staff are interested in delivering outcomes in the field and are experts at that and highly qualified to do that. Holding the Government to account sounds more like a regulatory role and I would not expect it to have the 2,000 experts that we have, so it sounds a somewhat different role to me.

Lord Cavendish of Furness: Has there been any evidence to suggest that management from Europe has led to adverse effects or unintended consequences? I have in mind, for instance, the management of a peat bog where the person in charge would be a peat bog expert. Could the management of that peat bog destroy the habitat, for instance, of a nightjar or some other species? The specialism seems to be rather heavy-handed and someone could be on site without a broad feel. What is the oversight of such situations?

Alan Law: With a designated site, you identify the features of interest of that site at the time of designation and a description of the favourable condition of that site is set out, which describes attributes of habitats and, potentially, populations of species, and that informs the management advice that is given around that site. On some sites there may well be different interest features that you could favour more one way or the other and there is a judgment that needs to be applied. When that gets very contentious, in the most contentious situations we could even refer that issue to NESAC—our Scientific Advisory Committee—but we would expect to explore those choices with the landowner and come to a rounded view about the management prescriptions that we would set out.

Lord Cavendish of Furness: So as an avenue in which an ornithologist, for instance, could appeal through the Scientific Advisory Committee?

Alan Law: Absolutely. I would not refer you automatically to our Scientific Advisory Committee but if there is a tension on a particular site between one interest and another, I would expect that our staff would be willing to explore and engage with it on the ground, and there is a route through to our specialists.

Lord Faulkner of Worcester: Could I take you back to the biodiversity duty imposed on you by Section 40 of the 2006 Act? We have had a remarkable number of witnesses who say that the wording of the duty, as
it affects Natural England, is far too passive and vague: you have to have regard to it, whereas, for example, in Scotland, they have a duty to further the conservation of biodiversity, and Section 6 of the Environment (Wales) Act places a duty on public authorities to seek to maintain and enhance biodiversity. Would it not be better if a similar obligation were imposed on Natural England and some effective form of reporting were put in place?

**Alan Law:** When I last gave evidence, I described to the Committee how the evidence on the pros and cons of the different regimes is rather limited. It is absolutely clear that the provisions of the duty in England, where they have been tested in planning cases—there was a case in Essex involving Buglife—are very weak. There is a stronger duty in Scotland. However, when tested in the planning process, although the wording was stronger, it did not prove to have any more bite. There is stronger wording still in Wales, but that is, as yet, untested. The jury is out on whether stronger provisions would automatically be the best solution.

There is an issue here, going back to the broader context, that it is possible for a range of bodies to undertake their functions quite lawfully in a place to comply with environmental laws but for the aggregate effect of their activities to be damaging to biodiversity. That is the state of matters. There is a question of whether you address that through a stronger general duty, through tougher specific legislation, through the planning provisions or through additional resources for conservation, and there is a range of potential answers to that.

**Lord Faulkner of Worcester:** So what is your answer?

**Alan Law:** I would give a similar answer to my colleague from the Environment Agency on the reporting duty. Having a reporting duty is generally a good way of driving resource allocation, but I would be cautious if that reporting duty meant simply that there was an additional burden for reporting from the existing resources envelope that bodies such as Natural England have.

**The Countess of Mar:** What happens when the law itself is responsible for reducing biodiversity? I am thinking of protected species such as badgers and raptors. On our own farm, 30 years ago, we had a vast assortment of wildlife and we now have four sets of buzzards and three badger setts on 100 acres and very few ground-nesting birds. We used to have skylarks and my joy was to see the first skylark in the springtime, when the warm sun was on your neck, but we do not have them any more. We have no rabbits or squirrels, which I do not mind particularly, but the buzzards are now taking lambs because they are not getting enough food. What happens when the balance of nature is disrupted by the law?

**Alan Law:** I would welcome the opportunity for one of our advisers to come to your land and see whether there is anything that we could suggest to establish balance. The nature of things is that pyramid
predators—animals at the top of the food chain—are dependent on there being a wide enough base to that food chain. If there is something out of kilter, I would look at what can be done to broaden that base rather than necessarily assume that it is the product of that at the top of the pyramid.

The Countess of Mar: Without any rabbits, how do you get more? I know rabbits breed well.

Alan Law: There are cases, which tend to be more isolated, where predators are shown to be having an effect and we operate a licensing regime to cater for those circumstances.

Lord Cavendish of Furness: The Committee is aware that Natural England sustained the funding cuts that we have talked about. How do you handle these and to what extent is Conservation 21 a response to them?

Andrew Sells: Conservation 21 is a response to the fact that what we have been seeking to achieve has not worked sufficiently, but it also represents a whole new way of working—partnerships, bringing in money and working on a larger scale. It is a big subject.

Alan Law: Our budget has gone from over £200 million in 2010 down to £80-odd million now, so a very significant reduction. We have gone through a series of steps to make savings along the way that do not impact on outcomes. We have consolidated our back-office functions into the core department, we have cut our number of offices and, as we have shrunk, we have moved a greater proportion of our staff on to front-line services, but you can do that for only so long. Conservation 21 is an attempt to say that if we still aim, as we must, to deliver our full purpose, which is about restoring biodiversity and healthy and resilient landscapes, we need to do it in a different way. It needs to involve greater reliance on partnerships and working with others and operating one-to-many and at a landscape scale rather than seeking to do one-to-one delivery on the ground across the piece.

Dr Andy Clements: To build on that, and to go back to what I said earlier in response to Lord Caithness, Conservation 21 also embraces the new approach to thinking about the environment for the future. Nowadays, the talk is about environment and economy together, and our colleagues in the Environment Agency spoke about this. We now know that a healthy economy is dependent on a healthy environment and Conservation 21 seeks to embrace that part of the paradigm, too. I talked about the natural capital agenda and ecosystem services. The ability to deliver benefit in those terms has to be at landscape scale.

In response to your previous question about nightjars and peat bogs, Alan spoke very well about the choices we have to make. One choice we want to make is to not try to garden for an individual species in this little bit here but to understand that protecting a landscape at a larger scale will deliver biodiversity on a broad front, and those ecosystem services.
Public money for public goods is another element of that. Conservation 21 is not really a response to shrinking funds but is about embracing a new way of doing things.

**Lord Cavendish of Furness:** Perish the thought that I suggested Natural England was destroying the habitat of the nightjar. Mr Sells, I hope you were as pleased as I was at the CLA when Mr Gove described you as Natural England’s “brilliant chairman”.

**Andrew Sells:** I was very nervous when he said that about what was coming next.

**Lord Cavendish of Furness:** It was a speech packed with stuff. Our remit here is to look back, but even in that same sentence, he was talking about four new—hopefully—much more streamlined offers. Quite soon we will be looking forward much more than looking back, will we not?

**Andrew Sells:** We will. Those four schemes are options in the current scheme, not new schemes, and will be much simpler. I want to build on partnership working and give you a couple of examples. What happened for many years was that this scheme over here might be an RSPB scheme and this might be a Wildlife Trust scheme, and we now have organisations working much better together. For example, only two weeks ago, we launched the Back from the Brink scheme, trying to save 20 seriously endangered species and help another 80. There are 20 organisations in that, with the funding led by the Heritage Lottery Fund of about £7 million. We have recently announced a project, Dynamic Dunes, trying to save 7,000 hectares of sand dunes in nine areas, which is between ourselves, the National Trust and the Wildlife Trust. I genuinely believe that by bringing different sources of funding in and working together and on a much bigger scale, it will make Conservation 21 work. It is not a question solely about the money being cut which has driven us to this new scheme.

**The Earl of Caithness:** This is very interesting, but a lot of the evidence that we have had from the NGOs is that they do not like Conservation 21. Why do they not like it, if it can bring these benefits?

**Alan Law:** I have read with interest some of the submissions to the Committee. There is an instinctive—and I mean that word—reaction that is based on an assumption that Conservation 21 means less regulation and that cannot be good for the environment. I did zoology at university, I did environmental impact assessment as my master’s, I have worked for the Wildfowl & Wetlands Trust, and I have been a conservationist throughout my life. I have been heavily involved in the development of that conservation strategy and I can tell you that it is not about doing less for the environment. But there is a level of distrust about it and we have yet to convince some of our NGO partners about the motives. I would challenge those who have made the statement about a lack of regulation to give examples of where that lack of regulation is borne out, because I have seen very few specifics referenced. We have regulatory
powers and we use them to object in the planning system and to designate sites. There is a concern around that.

There is also perhaps a concern that the territory that we are stepping into—moving out of a simple focus on designated sites and protected species—may be territory already occupied by other organisations. We are not trying to take that over but to join up, as Andrew said. The Heritage Lottery Fund was quite clear that it wanted to put more money into biodiversity. It had the money and recognised that it was not able to put as much money into that part of heritage as it wished to, and came to us because it wanted us to join up the sector in terms of the submissions that were being put in. The bids that Andrew referred to are for additional cash, so they are not taking money away from anybody else but are additional money into conservation.

**Dr Andy Clements**: To pick up on this point, the conservation sector as a whole—and I am part of it—is conservative with a small “c”. Change is a tricky thing for this sector and that is the nature of the beast. While some of our NGO partners are critical about Conservation 21, not all of them are. A good example would be the National Trust, which has been positive in its evidence to you about the National Nature Reserve Partnership, which is a good example of how Conservation 21 needs to work. National Nature Reserves have been too much about Natural England and not about the partnership as a whole and, working together, we can achieve much more. There are areas of the country where there are National Nature Reserves managed by Natural England, the Wildlife Trust or the RSPB more or less adjacent to one another—joining those up in the Lawton way and not being too worried about the brand, about them being Natural England’s. The National Nature Reserves are there for the nation, independent of who manages them. The Natural Trust has been very positive about our partnership approach to National Nature Reserves, which is part of Conservation 21.

**The Chairman**: To some extent, you have just answered the question I am about to ask about feet on the ground. When he was last with us, Mr Law indicated that you had an increase in front-line staff, yet we have heard a range of reports where Natural England has found it difficult to maintain relationships at a local level, not with planning committees, which we have looked into, but bodies such as local nature partnerships. How do these reports square with the intentions combined in the Conservation 21 agenda that we have been speaking about, the other statements and the positive glow you have been giving Natural England this morning?

**Andrew Sells**: Alan specifically talked of a proportion of our staff but not more numbers, just to be clear.

**Alan Law**: That is critical. When we were vested, we had around 3,000 staff and we now have around 2,000 staff.

**The Chairman**: We were specifically talking about front-line troops.
**Alan Law:** Absolutely. When we were vested, perhaps 60% of the organisation’s staff were in front-line roles. We went through a period of reorganisation where we drew back into the centre and perhaps over 50% of the organisation’s staff were in central roles. As we have contracted, we have put a greater proportion—80%—of our staff in front-line roles, and those who are in national teams are directly supporting local delivery. In proportional terms, we have the most local customer-facing profile as an organisation than we have had since we were vested. In absolute terms, we have fewer feet on the ground than we did at the start.

In terms of engaging with local partnerships, we went through a period early in the organisation’s life when we were very driven by Defra’s key performance indicators, so we were very focused on the number of agri-environment schemes that were delivered or the condition of SSSIs. That focus led to a reduction in work in partnership and we were much more driven by functional activity and, for reasons that are described in Conservation 21, we have put that into reverse; we cannot deliver everything through one-to-one activity. We have to work through partnership. The view that we are not as engaged in local partnerships as we once were is probably somewhat dated from a period of three, four or five years ago when that would have been very much the case. We are actively trying to put that into reverse.

**The Earl of Caithness:** Perhaps I might follow up on numbers. There seems to be some confusion in people’s evidence to us about the number of staff. Am I right in thinking that you now have only about 200 fewer staff than you had in 2008-09?

**Alan Law:** No, we have significantly fewer than that.

**The Earl of Caithness:** The evidence that I got from your annual reports is that in 2008-09 you had 2,423 staff and in 2016-17 you had 2,257 staff.

**Alan Law:** What is masked in those figures is that we have a large body of temporary staff who are employed with the agri-environment processing work—the work associated with payments for countryside stewardship. We can get like-for-like figures for the Committee, if that would help, which show the staffing complement between 2007 and now.

**The Countess of Mar:** We heard earlier this morning that you are sharing some of the backroom work with the Environment Agency. Does this work well?

**Alan Law:** It does. We share offices and our scale is such that having a Defra family-type office means that you get much better facilities. There are cons as well: having fewer offices means that we have fewer physical premises, so sometimes distances of travel and the numbers of people homeworking are greater, but the offices, where we have them, work very well.
Q192  **The Countess of Mar:** The Committee has heard that Natural England has largely withdrawn from making bespoke comments—despite what you said just now—on the majority of consultations with local planning authorities. Have the budget reductions had an impact on your ability to comment upon and contribute to local plans? If so, what other means have you found to fulfil your objective of conserving and enhancing the landscape?

**Alan Law:** To give a bit of context, we have always delivered more “no comment” or general responses than we have bespoke advice. We get 20,000-odd applications a year. We try to filter out the “no comments”, then filter out those which are generic and can be picked up through generic advice, and then focus our time and effort on where there is the greatest added value and benefit from our providing a bespoke response.

What we used to get was local authorities consulting us on anything within a range; if it was within five miles of an SSSI, we got the planning application and it might have had nothing to do with it. We have provided local government with some GIS tools—we call them impact risk zones—which help them filter what they consult us on so that we can remove things and save time. We then have standardised processes for filtering out and doing the “no comments”.

We have managed the volume down at a time when economic growth has meant that there is more planning activity taking place and we are trying to keep the amount of bespoke advice that we issue as constant as we can. I would be misleading you if I suggested that we had been able to deal with reductions in budgets without any effect; we have done our very best to manage that.

We are also trying—and the opportunity is there on the back of combined authorities, mayoral authorities, et cetera—to get more engaged in the strategic planning up front and reduce the number of planning applications further on down the line which may be at odds with the environment.

The last thing I should say in this area is that we introduced our chargeable advisory system—discretionary advice. From having no powers to charge five years ago, we will now bring in between £3 million and £4 million this year. This is for advisory services where developers come to us to pay for that advice. They are not required to, but they get early advice on the planning system which helps them avoid applications later on that get mired in the planning processes, so it is good for them and for us. That also helps us manage down some of our demands.

**The Countess of Mar:** That makes good sense; it is like calling in the environmental health officer before you set up a food business so as not to get caught afterwards.

**Alan Law:** Absolutely right.

Q193  **The Earl of Arran:** Leading on from that question, since you have put in my mind the abolition of things such as the RDAs, how effectively are you
able to contribute to the landscape across local authority boundaries, and have you noticed this becoming harder to influence? Does the current structure of the planning system allow you enough influence to deliver against your objective of conserving and enhancing the landscape?

**Alan Law:** All our advice is drawn against a framework of natural character areas. We have 159 character areas that describe the important features of the landscape. They are based on geology, land use and the biodiversity that becomes associated with those forms of land use. Those are physical, so they do not relate to administrative boundaries, and we use those to provide consistent advice across administrative boundaries. We have teams in place. Where there are multiple crossovers between our teams and administrative boundaries, we will have a lead team which is associated with the Cotswolds AONB, for example. We put those provisions in place.

We advise on landscape. When Natural England was formed, a lot of our landscape advice, which the Countryside Agency undertook, was undertaken at a regional level, whereas English Nature, as was, provided advice very much at the local level in the individual development plans. We have sought to bring those together, and the conservation strategy aspires to work more at a landscape scale, so we are doing more at the plan stage.

The abolition of regions has made it harder to undertake strategic planning for the environment. Regional assemblies were quite helpful when you needed to broker cross-local authority agreements. I would flag the Thames Basin Heaths in the south-east as the one policy that is remaining from the regional spatial strategy because it ran across 13 different local authorities but it related to one landscape-scale designation. Sorry, I am giving a slightly long answer.

We have the facility to engage around landscape, which we do through the strategic planning process. We have good provisions in the National Planning Policy Framework for landscape conservation in so far as they relate to protected landscapes, in particular, and the NPPF is up for review again shortly, and we will be engaging in that.

**The Chairman:** We have heard some reports that not only have you not given a higher priority to landscape—which you have more or less admitted to—but local planning authorities, because their budgets have been cut dramatically too, have abandoned landscapes, so the whole aspect of landscape within the UK political framework seems to have gone missing. Would you like to comment on that?

**Alan Law:** I do not think we have reduced our focus on landscape. We have less resource across the breadth of our remit, so there are fewer people in biodiversity and in landscape or access, so they are all affected. I would emphasise the prominence that landscape has been given in our conservation strategy. There is a challenge around pressures that we have felt at the same time as local government have been under funding pressures, so they have lost expertise. The combination of reductions
within local government and within delivery bodies such as ourselves is a challenging one, but I do not think that is unique to landscape.

**Andrew Sells:** To broaden it a little, I have read somewhere that we have lost our landscape expertise. We have not; we have very good landscape expertise, but it is very limited and there are not enough people in it, for sure. I have discovered quite a considerable backlog of people wanting to designate their part of the countryside either as an AONB or as an extension to a national park. We did a little sum and, if we were to look at everything, at the current work rate it would take us 50 years to get through the backlog of people who have asked us simply if we would look at it. Ministers have latched on to this and we have set up a new working group, currently chaired by me, with members of the board and the executive, to see how we can shorten and simplify the process without causing any legal problems and how we can look at these requests for AONB/national park extensions because a 50-year timeline is clearly not acceptable.

**Dr Andy Clements:** The other thing I would say about expertise is that the Science Advisory Committee that I mentioned previously, which I chair, has academic experts from a very broad church, so all areas of Natural England’s remit are covered by the committee’s independent experts who come to help us, including landscape experts. Quite recently, a whole meeting of the Science Advisory Committee was given over to discussing the landscape remit and work of Natural England. That committee gives us a broader range of expertise to build on the expertise we have in-house with our staff.

**Lord Faulkner of Worcester:** We have heard some very warm tributes paid to Natural England in respect of your work on the English coastal path and the national trails, and you are impressing people, such as the county councils involved and so on. There is, however, a concern that while the funding is there to create the coastal path, there may not be the funding to sustain it once it is finished. Can you comment on that, please?

**Alan Law:** In terms of forward budget commitments, we are operating to quite short timescales at the moment. We are in the 2015 spending review period, so we have indicative budgets up to 2020, when the England coastal path will be completed. I described earlier that probably our priority right now is investing in access infrastructure, of which the England coastal path is the most important and most prominent, and working with the national trails community—the England coastal path will be one of those national trails—to look at better long-term funding models. In terms of what the Treasury funding is likely to look like post 2020, we are not in a position to judge.

**Lord Faulkner of Worcester:** Is it the case that you are now discouraged from promoting things such as the coastal path because you are seen as a body that is not allowed to go actively into promotion?
Alan Law: No, that is not the case. In so far as we are constrained, it is simply that we do not have programme budgets that would support that any more. Similarly, our communications folk, in the main, now rest within the wider Defra group rather than in-house, but we are not constrained in that.

Andrew Sells: On the contrary, I have been to three or four openings of significant stretches of it and there has been national press, regional press, telly—a lot of activity, which we have encouraged, and I do not think there has been any constraint at all.

Lord Faulkner of Worcester: What will you do when you have finished the coastal path? Where will your access work go next?

The Chairman: There is a hope among some of the access bodies that you will focus on some footpath work, which has been neglected.

Alan Law: All I can say is that we have one board member who is very interested in access and has asked us for a stock-take and to explore that question. In the executive, there is quite a lot of interest in extending some of the coastal work and, in principle, in the natural capital work, we ought to be looking at access provision in urban and peri-urban areas. We will do a stock-take.

Lord Faulkner of Worcester: I am sure you will take account of the Lord Chairman's point.

Baroness Whitaker: You have not said very much so far about your social and economic well-being objective. Can you tell us how this is pursued and monitored, and what is its salience in your group of strategies and practice? Is it perhaps in tension with any of your other objectives?

Andrew Sells: I speak a lot about the evidence which is coming forward about the benefits of the open air and access to the countryside for the disabled, the mentally ill, for children and whoever, and I am extremely keen that we build on our work in it. We need to do a lot more, but we are aware of the point, for sure.

Dr Andy Clements: One of the key pieces of work that we fund is a periodic report, Monitoring Engagement in the Natural Environment (MENE), which provides us with a wealth of evidence about who is accessing the environment, what is important to them, what they are able to do there and so forth. We know from that that society is not doing as well as it could to enable the widest group of British citizens to access and enjoy the natural environment. Topically, the next meeting of the Science Advisory Committee this Thursday is devoted to the socioeconomic programme that Natural England is working on. While I cannot go ahead of that meeting, I would be very happy if the Committee wanted to have a readout from that meeting about the nature of our discussion and where that is taking our socioeconomic work.
In response to the last part of your question, I do not think there is any contradiction between the engagement part of our work and all the other aspects that Natural England undertakes. Once again, I would refer to the Conservation 21 strategy, which seeks to improve the engagement of a wider part of society in the natural environment for the future.

Baroness Whitaker: The readout you have mentioned would certainly be very helpful. You have described a lot of outputs. Do you have any handle on outcomes? It may not be up to you to measure them, but do you have any awareness of outcomes?

Dr Andy Clements: The MENE report tells us about the nature of engagement of different parts of society with the natural environment. Some of the outcomes we want would be an increase in volunteering in the natural environment, footfall on National Nature Reserves and that kind of thing to indicate that more people are engaging in a better way. We have also been interested in the health and well-being agenda and encouraging more people to use the outdoors as a green gym. Over time, we have supported that kind of work.

Alan Law: There is a parallel here to earlier questions about the Section 40 NERC duty. The legal provisions on us are relatively weak and general. We have a general duty under NERC around contributing to socioeconomic through the exercise of our functions rather than in specific term. Similarly, under the Countryside Act 1968, we have to have regard to agriculture, forestry and socioeconomic interests in rural areas. They are quite general. However, the importance of communities, business and people in the way we go about trying to deliver Conservation 21 is absolutely fundamental. On the conservation strategy, we have recently undertaken a staff survey, and the internal buy-in to that strategy is huge, given that we launched this only 18 months ago. We are getting 80%-plus buy-in to the delivery of this strategy. People are absolutely central to the implementation of it.

Baroness Whitaker: Would it help you if the duty were stronger and/or more specific?

Alan Law: I do not know. I would need to see in what way that was expressed.

Dr Andy Clements: It is an interesting question, whether engagement work is delivered better through there being some regulatory or duty function or whether it is about an approach we all adopt to engaging with people in a different and positive way. Natural England is very committed to that engagement work. I am not sure that another duty on us to do it differently would necessarily be the best way forward.

Lord Cavendish of Furness: I sense that Andrew Sells’ opening remarks deserve re-reading in respect of a change of culture. I cannot remember a time when public bodies appeared to many members of the public to be very hostile; civil life has become very uncivil, in my view. Would you agree with me that you ought to put a high premium on this
change of culture?

**Andrew Sells:** I would. We did have a reputation for seeking to protect every individual newt and every individual bat and telling people what to do all the time. I first encountered that 20-odd years ago when I was the chairman of a public company, a housebuilder, and realised what was going on. We can do better working with people to achieve outcomes and have found better ways for nature as well, so I want us to be less prescriptive and more working with people to achieve shared outcomes and—I believe we all believe this—it will be better for nature, for conservation and the environment as well. That is a signal change in what we are seeking to achieve.

Q196 **The Chairman:** That is nearly a very good note to end on, but, if you had to choose one particular recommendation for us to put in our report, what would it be?

**Andrew Sells:** I would like us to have a little more freedom to do what we think we should do and be allowed to get on with it.

**The Chairman:** A very good point. Thank you all very much for coming.