Norfolk County Council – written evidence (NER0042)

Norfolk County Council Response to Call for Evidence
Select Committee on the Natural Environment and Rural Communities Act 2006

Natural England

4.1 How well has Natural England fulfilled the mandate that it currently has?

The role of Natural England (NE) in overseeing the application of the biodiversity duty within the NERC Act 2006 where a public authority has a duty to have regard to conserving biodiversity as part of their policy or decision making has been ineffective. This is largely because the duty is weak and not clearly defined and is therefore difficult to implement. It has not been able to halt the decline in species or habitats and the targets have been consistently postponed as the deadlines approach.

In March 2015 NE ended funding for Local Environmental Records Centres (LERCs) removing access to a third of the species data they were currently able to use for decision making, monitoring and reporting. This affects the ability of the organisation to actively monitor or report on the application of the NERC Act and on achievement of targets such as those under Biodiversity 2020. The termination of the funding was enacted against a stated aim to move to using only data that is Open. However there has been no action by NE to recognise the need to support collection of high quality data (in the way that organisations such as LERCs do) or how a move to Open Data can be maintained sustainably in the long-term.

NE does not adequately represent its landscape role within the planning process. Instead, it comments on biodiversity and refers applications to the AONB team for comments on landscape, using a standardised letter. However, NE is the statutory consultee so:

- Our opinion can be seen to carry less weight than NE

If NE register no objection to impacts of development on biodiversity (only), then this is taken as NE approval of all aspects of the application. If we have problems with the landscape impacts, we’re immediately fighting an uphill battle

4.2 How well do its wide-ranging functions fit together?

There is an understandable tension between encouraging people to enjoy the countryside and protecting sensitive sites and endangered species. NE has responsibilities for both which can create difficulties for organisations delivering services and projects on the ground. Whilst individuals give good advice and are helpful, there is not good communication between departments. Some examples of poor coordination are:

When establishing Stretch 2 of the England Coast Path in East Norfolk, agreement was made between NE and Norfolk County Council for the route to pass a designated site and NE responsible officers asked for mitigation measures to be introduced. NCC delivered the route but have had to apply 5 times for Habitat Regulations consent to NE to get this signed off. This has caused a delay of nearly 2 years in delivery and has proven to be very costly in staff time and resources. NE officers do not have an agreed criteria for Habitat Regulations that is applied to countryside access and consequently it varies from officer to officers, from
area to area depending on officers discussed. Officers do not stick to the regulation and advertised Habitat Regulations guidelines and timescales. When delivering access improvements as part of the HLF Breaking New Ground landscape partnership project, there were unreasonable delays in getting a response from Natural England regarding environment permissions for work to be done. These were sometimes as much as 6 months before a reply was received. This put the project delivery under a high risk category as the funding was time limited – despite a staff member from Natural England being on the Breaking New Ground project board and it being on a Public Right of Way.

There is an inconsistency in approach and lack of coordination which affects the way Natural England works with partners such as Norfolk County Council. Recently the local office of Natural England in Norwich has been developing a State of the North Norfolk Coast report and the team responsible did not consult the Norfolk Coast Area of Outstanding Natural Beauty team or any other officer from the Environment Team during development of the project or its scope or to check if it duplicates existing work or if these local representatives might be better placed to deliver it than NE. However, it is noted that they are now involving the AONB team in the implementation.

NE does not adequately fulfil its landscape role within the planning process. Instead, it comments on biodiversity and refers applications to the AONB for comments on landscape, using a very standard phrase. However, NE is the statutory consultee so:

- Our opinion can be seen to carry less weight than theirs would
- If they register no objection to impacts of development on biodiversity (only), then this is taken as NE approval of all aspects of the application. If we have problems with the landscape impacts, we’re immediately fighting an uphill battle.

We welcome the reintroduction of a local NE team which is a positive move and we already feel better connected with them than we have in many years. We are striving for more collaboration, particularly on planning issues – and prior to submission of any opinion. This contrasts with many years when we have felt very disconnected with NE.

Norfolk County Council has been working on a Recreational Impact project with all seven District Councils designed to address this issue and coordinate a more effective approach to managing access whilst protecting Natura 2000 and other designated sites particularly in the context of significant housing growth in the future. Natural England has been invited to participate but has taken no active part.

Natural England administers the Countryside Stewardship schemes locally which involve determining local priorities and working with the County Council biodiversity and environment teams. Commons and the management of common land is particularly important to Norfolk and on this issue we have been able to work effectively with the local office to ensure they continue to be well managed and protected.

Since the creation of Natural England, we have provided historic environment consultations for and detailed advice on agri-environment scheme applications (Higher Level Stewardship and more recently Countryside Stewardship). This cooperation has resulted in significant
benefit for Norfolk’s historic environment, including the repair and restoration of historic buildings, the removal of archaeological sites from cultivation, the effective management of archaeological earthworks and a number of designated heritage assets coming off the Heritage at Risk register. Overall, Natural England estimates our support has resulted in the investment of £6-7 million in the Norfolk’s rural economy. However, more could have been achieved if Natural England’s local team had not decided to delete their Historic Environment Adviser post in 2009. The loss of this post resulted in Natural England’s agri-environment staff receiving less specialist input than before and reduced their ability to effectively meet the objectives of Environmental Stewardship. Since the introduction of Countryside Stewardship (a ‘digital by default’ scheme with annual application windows), limitations on Natural England’s resources have resulted in the level of direct contact between Natural England staff and Norfolk County Council’s historic environment team dropping, resulting in significantly reduced scope for setting-up successful capital works projects.

The decision by the NE Evidence Team to cease support for organisations such as LERCs and move to using only Open data has closed access to other teams that rely on access to high quality data. New approaches to work such as Great Crested newt licencing are affected by this lack of access to data.

4.3 Does it have the appropriate powers and resources to perform these functions?

As financial resources are reduced it has become increasingly difficult for Natural England to perform effectively. Their assets appear to have been stripped down to a level where they are struggling to function.

An example was when notification was given to National Trails managers that their funding was to be significantly reduced with only a couple of months’ notice. The Trails had already committed budgets for the year based on previous agreements including staff contracts in place and it was not possible for them to make such a drastic reduction at short notice. They appealed the notification but no-one in Natural England was able to make a decision to defer the reduction so it could be managed efficiently and it was referred to DEFRA creating considerable delays and uncertainty about the future.

In the past Natural England officers have commissioned good research and published valuable official guidance but much of it is no longer supported. For example the guidance on Green Infrastructure which was last updated in 2011 and the guidance on Habitat Assessment Plans which is out of date for England so authorities in England have to refer to the Welsh guidance.

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

NA
Do the arrangements and provisions for enabling and managing access to the countryside remain appropriate? How effective has Natural England — and other partners — been in promoting better access?

Natural England resources to support Local Access Forums (LAFS) and the development of Rights of Way Improvement Plans (ROWIPs) have been cut, with the withdrawal of regional support and only one national meeting a year. Most LAF members are volunteers with a lot of enthusiasm and interest in access, but limited technical knowledge and they need good professional support. The County Council gives officer support for local issues but is also undergoing cuts in resources and needs good support and guidance from Natural England Access officers on regional and national issues. The County Council is currently reviewing its ROWIP but there is no updated guidance for England and we are having to adapt the Welsh guidance.

The role of Natural England promoting better access is ambiguous — although described in the Act as “promoting access to the countryside and open spaces and encouraging open-air recreation”, it is not mentioned as part of their role on the government rights of way and access website. In our experience they do not have the resources for promotion and therefore see their role as an enabling one — for example they have worked hard establishing the England Coast Path in Norfolk which is a complex task requiring difficult negotiations with land-owners and taking into account the impact on Sites of Special Scientific Interest. They have then negotiated an agreement with the County Council to establish the route on the ground — once established however they then hand over responsibility for promotion to the County Council. They have provided some resource for maintenance but there is none for promotion beyond the basic signage.

Natural England supports the England National Trails including the Peddars Way and North Norfolk Coast Path and the England Coast Path is part of this family of trails. Again there is some resource for maintenance but not promotion and the website is now managed by Walk England and paid for by the Trails. The National Trails are applying to Visit England and their Discover England Fund for support to promote the trails nationally and each Trail works with their tourism Destination Management Organisations to raise external funding for local promotion.

Natural England has however supported some excellent work to demonstrate the value of the natural environment called The Monitor of Engagement with the Natural Environment (MENE) — an annual survey funded by Natural England, with support from Defra and the Forestry Commission.
The survey collects information about the ways that people engage with the natural environment such as visiting the countryside, enjoying green spaces in towns and cities, watching wildlife and volunteering to help protect the natural environment. Data from the MENE survey is included in the Public Health Outcomes Framework indicator 1.16 results. This provides information on the percentage of people using outdoor places for health or exercise reasons and helps inform local government public health expenditure. The County Council finds this research invaluable particularly to demonstrate economic value and the health benefits of engaging with the natural environment and uses it in policy and strategy documents as well as supporting funding applications.

**Sustainability and biodiversity**

Without access to all available high quality information on species, habitats and sites such as Local Wildlife Sites, NE are unable to effectively provide advice to developers or planners. They are also unable to monitor or report on the effectiveness of policies aimed at protecting and enhancing biodiversity. Principles such as net gain that are intended to be enacted through the National Planning Policy Framework (paragraph 109) will be pretty much impossible for NE to monitor without adequate access to information. If they are to rely on others to undertake this work on their behalf then their needs to be a recognition of the need to support the biodiversity data community.

Coordinated response on behalf of the Environment Team at Norfolk County Council (with a remit which includes biodiversity, access, the Norfolk Coast AONB, natural and historic environment).

John Jones
Head of Environment

11 September 2017