Bat Conservation Trust – written evidence (NER0061)

The Bat Conservation Trust welcomes the opportunity to provide evidence to the House of Lords Select Committee “to consider and report on the Natural Environment and Rural Communities Act 2006”. Our response is limited to questions 4 and 5.

Natural England

4. How well has Natural England fulfilled the mandate that it currently has? How well do its wide-ranging functions fit together, and does it have the appropriate powers and resources to perform these functions?

4.1 Natural England’s Purpose

4.1.1 Natural England’s general purpose set out under the Natural Environment and Rural Communities (NERC) Act 2006 is “to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development”.

4.1.2 Natural England has a wide range of functions that support this general purpose and other obligations arising from other statutory instruments. Notwithstanding the response made by Wildlife Countryside Link which we support, we are unable to comment widely as to how well their functions fit to help deliver sustainable development and whether sustainable development is indeed being achieved; however, we can offer as a good example, one way in which Natural England has worked with Bat Conservation Trust and volunteers to help householders deal with the problems around bats.

4.1.3 Under the Wildlife & Countryside Act 1981 (as amended) an owner or occupier of a domestic property is obliged to contact Natural England to seek their advice in reasonable time before carrying out any activity that might impact on bats so that they can receive appropriate advice before undertaking such activities. However, Natural England’s duty to provide advice under NERC 2006, is limited in extent. Section 4 Natural Environment and Rural Communities Act 2006 says that Natural England may give advice and not must give advice.

4.1.4 Since 2004, Natural England has provided a Bat Advice Service using a network of volunteers to visit householders. This enables the Bat Conservation Trust as managers of this

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1 s10(5). A person shall not be entitled to rely on the defence provided by subsection (2) or (3)(c) as respects anything done in relation to a bat otherwise than in the living area of a dwelling house unless he had notified the [F2conservation body][F3for the area in which the house is situated or, as the case may be, the act is to take place] of the proposed action or operation and allowed them a reasonable time to advise him as to whether it should be carried out and, if so, the method to be used.

2 Natural Environment and Rural Communities Act 2006 section 4 “Natural England may give advice to any person on any matter relating to its general purpose—
(a)at the request of that person, or
(b)if Natural England thinks it appropriate to do so, on its own initiative.”
service (on behalf of Natural England) to provide site-specific advice and assistance. It provides much needed help to Natural England staff who would themselves otherwise have to provide that advice. The numbers of calls received each year have increased as householders have become more aware of their responsibilities: in 2016\(^3\), for example, Bat Conservation Trust received 14,781 enquiries of which 12,182 were dealt with by Helpline staff and 2,266 were handled by the Out of Hours service. For England, the Helpline dealt with 4,943 roost enquiries on behalf of Natural England, which resulted in 1,410 roost visits to provide further advice. The Helpline also provides vital advice about the small risk of rabies to enquirers who may come into contact with bats, and this helps to minimise the risk of a rabies incident by advising enquirers about safe ways to contain bats. The Bat Conservation Trust Helpline is often the first point of contact for members of the public and bat workers reporting allegations of criminal offences involving bats. Feedback from the public has shown that the Helpline service is highly valued and welcomed.

4.1.5 It is of concern that with ongoing budget constraints it is hard to comprehend how Natural England can continue to provide effective advice without compromising its duty to ensure that the natural environment is conserved. Any reduction in this service could lead to adverse impacts on bats which may only be detected once bat populations have decreased. This would set back all the good work and advances that UK Government and DEFRA has put in place since 1981. It is anticipated there would be a more immediate backlash from roost owners who feel unsupported.

4.1.6 Natural England will need to rely more heavily on working with its partners to help fill any gaps and we anticipate that Natural England’s Bat Advice Service will become ever more important over the coming years and that this service will require continued financial investment from Natural England.

4.2 Skills and experience lost
4.2.1 As a consequence of on-going austerity measures imposed by the UK Government there have been large cuts to Natural England’s budget. By 2020 this is estimated to be 27% and with this a reduction in head count of 20%. A reduction in experienced and skilled staff now dealing with extremely heavy workloads and under severe pressure are typically causes of low morale.

4.2.1 David Webster (then Natural England Chief Executive Officer) in an interview in 2014 admitted that the staff losses damaged Natural England’s expertise and skills. “Inevitably, you can’t have 500-plus people leave the organisation without losing experience,” he said, “and what you’ve got to bear in mind is clearly those type of schemes are more attractive to people who’ve got lots of experience who are closer to retirement. But inevitably, that’s where the funding took us.”

4.2.2 This means it will have a “significantly reduced national capacity”. Fewer experienced and skilled staff dealing with extremely heavy workloads and under pressure to make bigger compromises are typically causes of low morale. The skills and dedication of Natural England staff remain a massively valuable resource that should be valued. That skill only comes with time and is not easy to replace and is dangerous to lose.

4.2.3 The resource issues that Natural England face have led them to seek more ways of increasing their income through charging for services such as pre-application advice. Some staff have reported that “We are here to be ecologists not consultants. Our staff resource will be increasingly focused on work where there is a financial incentive rather than a conservation concern.”

4.3 Operational changes
4.3.1 There has also been a drive within Natural England to change the way it operates. Whilst radical change may have become necessary this cannot be without consideration of the impacts of these proposed changes on the core role of Natural England to protect England’s special habitats and species.

4.3.2 Innovative approaches have been developed by the Natural England team charged with this task and this necessitates a very high standard of internal communication with the species and habitat specialists within the organisation. In the rush to bring about change, this important internal consultation must not be overlooked.

4.4 Not fit for purpose IT systems making streamlining initiatives falter
4.4.1 We are aware that there are ongoing delays experienced in Natural England processes, such as licensing, and as a result, clean sheet alternatives being sought. The reason for the slow or failing processes are not always inherent within the processes themselves but are caused by their IT systems being no longer fit-for-purpose. These IT systems have been modified to keep them operational but are no longer capable of producing the outputs needed nor in a timely manner.

4.4.2 There is a more cost effective and relevant solution to hand. An investment in IT would see significant improvements and in the long (and indeed medium/short) term would be much more cost effective than throwing out an overall process when it is the IT that is deficient.

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?

5.1.1 It is not possible to predict what changes to the remit and responsibilities of Natural England should be as a result of Brexit until it is clear on the outcome of Brexit negotiations with the EU, and the result of the passage of the EU (Withdrawal) Bill.
5.1.2 We would suggest the following changes to Natural England’s remit:

- Natural England’s purpose should be brought into alignment with that in Wales under The Well-being of Future Generations Act 2015\(^4\) which requires each public body to carry out sustainable development and the Environment (Wales) Act 2016\(^5\) which is to pursue sustainable management of natural resources.
- Natural England’s duty under section 4 Natural Environment and Rural Communities Act 2006 should be strengthened from *may* provide to *must* provide advice.
- Natural England IT systems need to be better resourced.

I trust that you will find our comments of use. Should you wish to explore any of these further then please do not hesitate to contact to me.

Kit Stoner
Joint Chief Executive Officer

*11 September 2017*

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\(^4\) Well-being of Future Generations Act 2015 section 3 (1) Each public body must carry out sustainable development

\(^5\) Environment (Wales) Act 2016 section 5(2) The Body must—
(a) pursue sustainable management of natural resources in relation to Wales, and
(b) apply the principles of sustainable management of natural resources, in the exercise of its functions, so far as consistent with their proper exercise.