Lincolnshire Wildlife Trust – written evidence (NER0064)

Introduction to Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust is one of a national family of 47 Wildlife Trusts, and is a membership based charitable organisation with over 28,000 members, around 70 staff and 100 nature reserves, with the following vision and mission.

LWT Vision:
Lincolnshire and the neighbouring sea and estuaries to be rich in wildlife for the benefit of all.

LWT Mission:
To safeguard wildlife in Lincolnshire and in the neighbouring sea and estuaries by:
• protecting existing wild places as reservoirs of biodiversity;
• restoring and creating wildlife habitats;
• sharing this vision with others, particularly relevant decision makers;
• encouraging more people to enjoy Lincolnshire’s natural environment and to understand the need to conserve it;
• promoting research projects which lead to a better understanding and appreciation of the natural world.

Rural advocacy and the Commission for Rural Communities

1. Since the closure of the Commission for Rural Communities (CRC), and subsequent winding up of the Defra Rural Communities Policy Unit, how – if at all - are the CRC’s original functions of advocate, adviser and watchdog being fulfilled?

2. Are sufficient measures being taken to ensure that policies are rural-proofed at national and local levels? Who is taking the lead on policy for rural areas – and who should be taking the lead on such matters?

3. What role should Defra – or other Government departments – play in co-ordinating policy for rural areas? How effectively are the interests – including social and economic interests - of rural communities being represented within the current structures of Government, and how could representation and co-ordination be improved?

The Lincolnshire Wildlife Trust covers the historic county of Lincolnshire from the Humber to The Wash which is a highly rural area interspersed with some larger conurbations (e.g. Lincoln, Scunthorpe, Grantham) and smaller market towns (e.g. Sleaford, Horncastle, Spalding). In England 18% of the population live in rural areas, that is in towns of less than 10,000 people, in villages, hamlets or isolated dwellings. In Lincolnshire the figure is 48%. Some parts meet the ‘Rural-80’ definition i.e. 80% of the population live in a rural area, such as the district of South Holland. Other parts score highly on the Indices of Deprivation, particularly in the coastal zone. Therefore, Lincolnshire Wildlife Trust conducts its day to day work in a mainly rural context.
It is noticeable that in recent years, there has been a ‘squeeze’ on rural public services that help deliver our Vision and Mission (set out above). For example, the Trust has been an active member of the RDPE Leader programmes across the county in the past and currently, and the staffing of these programmes and support to applicants has noticeably decreased. The Trust recognises that Lincolnshire County Council is providing the best service they can at present within the budget constraints they have to operate. The guidance for this is set by Defra, as are other guidance and application processes for various rural funding streams with limited access to reach face to face support with on the ground people who understood the local rural context. This probably reflects that the ‘Rural Policy Team’ of Defra is relatively small, and centralised, further impacted undoubtedly by the need to service the European exit processes. The Trust appreciates the efforts of Lord Gardiner as the rural ambassador and the Defra Team, but without the Commission and/or a clear statutory body for rural issues then the focus is lost against the backdrop of urban issues and growth, and where rural specific funding streams do exist, they are not wholly accessible due to the lack of people on the ground to support often complex application processes.

It should be noted that within the Lincolnshire context, the Greater Lincolnshire Local Enterprise Partnership (GLLEP) and Greater Lincolnshire Nature Partnership (GLNP) do work at highlighting rural issues for the area at a national level, which the Trust participates in and appreciates these bodies being existence. These two types of devolved organisations require better central resourcing in rural areas from Defra. Particularly to maximise the opportunity of the natural environment underpinning the social and economic well-being of this rural county, where multiple benefits from a landscape scale delivery for people and wildlife can be secured better within the right rural policy framework that is well resourced.

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?

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?

6. Do the arrangements and provisions for enabling and managing access to the countryside remain appropriate? How effective have Natural England – and other partners – been in promoting better access?

The Trust work across a series of areas that Natural England is involved in and/or lead, these include:

- Agri-environment advice and working with local land owners
- Agri-environment applicant for Countryside Stewardship and previous schemes as a land and livestock owner & manager
- Coastal access and delivery of the ECP
- Greater Lincolnshire Nature Partnership that includes the local environmental record centre and biodiversity action plan
- Landscape scale approach through NE Focus Areas and Trust’s Living Landscapes – ecosystem services and connectivity
- Marine Protected Area designation and trying to achieve the ‘blue belt’ and securing proactive management of risks to those sites
- National Nature Reserves joint management
- Planning: forward and development control on land and at sea
- Research and monitoring: building the evidence base of the natural environment, change, green-blue infrastructure and natural capital
- Securing external funding through joint bids and project delivery

The Trust would firstly like to recognise both the local and national expertise and experience of the staff of Natural England across land and sea, and their dedication even in trying times.

However, the endless excessive budget cuts, pressure from central Government to resource the ‘Brexit’ process and pressures to facilitate income generation as an organisation and other similar political pressures, has hamstrung the organisation in its ability to meet the functions as set out in the NERC Act and for ‘wild England’. The NERC Act states Natural England’s general purpose 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”. This view is clearly evidenced by Government bodies own reports and the NGO-sector’s State of Nature Report (2016). This shows that since 1970, 56% of species declined with 53% declining since 2002.

Examples 1: resource constraint impacts locally
- Lincolnshire creates a GVA per capita in agriculture of £30,600 against a UK figure of only £18,300. The GLLEP’s Agri-Food Sector Plan 2014-2020, estimates that the food chain contributes over £2.5bn in GVA to the GLLEP economy and this rises to £3.4bn if food retail and catering are included. With the farming industry therefore being critical to the socio-economic welfare of Lincolnshire and also critical to ensuring that wildlife within Lincolnshire is sustained and enhanced then it is highly alarming that Natural England East Midlands Team can only manage to resource 3 part-time advisers supporting land managers to understand and apply for Higher Tier under Countryside Stewardship. There are no advisers for mid-tier just a ‘call centre hub’. The new application and online systems are hard for even a technically minded individual to follow, let alone a hard pushed small-scale farmer running a business. This highly limited support alongside a highly complex application process has seen drastic drop-out rates in agri-environment schemes across Lincolnshire. In 2016, there were only 2 applications for Higher Tier out of 37 Higher Level Schemes that expired, and only 15 went on to request Mid-tier packs. This does not bode well for wildlife connectivity across Lincolnshire and also in terms of consolidating public resource investment of the past, is a highly poor outcome.
- The Trust has taken on the role of managing for Natural England the Saltfleetby National Nature Reserve. This is a cost effective arrangement for Natural England and helps us all work towards a landscape scale approach to coastal Lincolnshire where an innovative super-NNR will hopefully result alongside a Heritage Coast designation working with the Local Authorities. The issue being this is agreed through an annual agreement, as Natural England cannot commit beyond a year. This causes medium-term operational management issues for the Trust, which reduces the positive potential impact for biodiversity.

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1 http://www.wildlifetrusts.org/stateofnature16
Natural England has not attended the GLNP quarterly Steering Group meetings for over two years. Their representation on other partnerships is sporadic also due to resource constraints including where highly innovative approaches to multi-sector, multi-benefits are materialising where you would hope Natural England would be a leading voice and funder. An example being the South Lincolnshire Water Partnership which has been invited by Defra to submit a case study to be included in the 25 Year Environment Plan.

Examples 2: resource constraint and political change impacts
Natural England working in partnership and across a landscape scale has been reduced, as evidenced by:

- The Lawton Review in 2010 recommended ‘more, bigger, better, joined’, but there is little to no clear terrestrial programme of a review of designations for new or existing sites: notifications, renotifications and denotifications.
- Natural England was due to take forward tranche 3 of the Marine Conservation Zone designation programme with JNCC resulting in a Defra consultation early in 2017. This still has not occurred even though in 2016 environmental NGOs were only given a 6+ week window to turn round a sudden new ask to provide evidence on mobile species to meet wholly new criteria system. Even more worryingly, a new timetable is still not clear.
- Many existing Marine Protected Areas still do not have a baseline condition assessment in place based on a scientifically robust monitoring programme. Along with many not having conservation advice packages in place for Relevant Authorities and those who wish to take forward positive measures for marine nature conservation and management. There was a comprehensive programme for both of these elements, but these have been reduced and/or pushed back over time due to budget constraints.
- East Midlands Team identified the first round of Focus Areas in 2016 for taking forward a landscape scale outcomes approach, with a second round due in 2017 including for the Lincolnshire Fens. This has not materialised.
- Natural England now only responds on spatial planning matters if SSSIs or European sites are likely to be impacted by a development, not Local Wildlife Sites. This neglects the Lawton principles, commitments under Biodiversity 2020 and Nagoya agreement, as Local Wildlife Sites and significant developments not within or adjacent to any ‘designated’ site have the potential to deplete the natural capital of an area.
- Furthermore, due to the drive of generating income within NE to try and fill the budget gaps, a ‘Discretionary Advice Service’ has been introduced. The principle of engaging early with developers to get the development right from the outset, is a sound one, and Natural England should do this, but it should not be constrained by charging if it is the right thing to do for the natural environment and nor should it be at the expense of responding to wider forward and development control planning to ensure biodiversity is taken into account. The Trust is a great supporter of this proactive approach to pre-development, and has fully participated in the South Humber ecological mitigation planning process that has seen true innovation between planning authorities, environmental bodies and statutory agencies. Natural England has also participated and this approach should be applauded, but as a statutory body for biodiversity they also need to ensure this is not at the cost of delivering their regulatory duties.
- The Trust also has concerns with the change in approach by Natural England towards European Protected Species and the resourcing of the related licensing team. The principle of looking at a spatially coherent population of a species and undertaking forward planning for development and front loaded mitigation/compensation at that scale
is sound in principle. But again lessons need to be learnt from this approach, such as ‘Great Crested Newt Woking Pilot’, before mass roll out across the country. This has not been the case and therefore a nation that should be proud to be the stronghold for Great Crested Newt across Europe, may actually deplete the viability of the species nationally and internationally.

Examples 3: resource constraints and sudden changes in approach
The Trust understands the need for an efficient and effective public sector that maximises the resources for all, but this should not result in what seemingly feels like ‘knee-jerk’ reactions to save money in the short-term at the cost of long-term needs. This is particularly pertinent to developing and maintaining a meaningful evidence base that can illustrate the value of nature, the impacts of positive management & development and how the world is changing and how we need to adapt natural environment management to ensure we halt the overall decline in biodiversity.

In April 2016, Natural England ended its long-standing Memoranda of Agreements with Local Environmental Records Centres (LERCs) with limited notice. These are not-for-profit organisations that collect, collate and manage information on the natural environment for a defined geographic area. LERCs support and collaborate with a network of local experts to ensure information is robust, and make information products and services accessible to a range of audiences including decision-makers, developers, the public, and researchers. Significantly, they also provide the crucial local support and validation for the many UK recorders, who entrust and share their data – much of which is then made available through open source platforms like the NBN Atlas. This network of recorders is highly cost-effective, as many do it as volunteers at no cost as trained citizen scientists.

In a joint statement issued by Natural England and the Association of Local Environmental Records Centres (ALERC), the main reasons for taking this decision ‘is Natural England’s drive for open data. This means that the limited resources available to them have to be spent accessing data that conforms to this policy and can no longer contribute to funding the agreements with LERCs. In addition, Natural England’s evidence budget is significantly less than it was eight years ago, so they have had to make difficult spending choices’. The statement goes on to say ‘Natural England recognise that ending these MoAs will mean that they are not able to access or use much of the high resolution and verified data provided by LERCs.’

This is a short-term gain with a long-term impact that sends the wrong message to people on the ground that collect evidence on biodiversity often free of charge. It also sends the wrong message to the wider public bodies covered by this Act that have a duty to biodiversity. In that, the national agency for biodiversity does not support the maintenance of the evidence base for local biodiversity and Local Wildlife Sites that have to be taken into account in the planning process. This is a lack of leadership, and if improvements were required, then Natural England needed to participate not pull out at very short notice. The Trust now questions how Natural England fulfils its legal responsibilities under the NERC biodiversity duty and the Wildlife and Countryside Act 1981; and the validity of the evidence on which it bases its decision making. In contrast to Natural England, the Environment Agency has recognised that this local data remains vital in delivering its duties and has continued to support its agreements with LERCs. The

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2 https://nbnatlas.org/
Trust in Greater Lincolnshire continue to value this service so much so that we host the LERC and support the recorders of Lincolnshire, Natural England should be doing the same, and locally I know some staff feel this is the case and this solely reflects resource constraints and a national decision.

Natural England and the future in regards to NERC Act
Natural England has the ability to fulfil its remit under the NERC Act based on expertise and experience of the staff on land and at sea, but it needs to be resourced in a manner that enables this and allows for a long-term approach to wildlife and nature conservation based on sound evidence and not subject to political changes.

Natural England is an executive non-departmental public body, and the Hampton Principles have been incorporated into the objectives of the organisation including “Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection”3. The Trust believes that a healthy, wildlife-rich natural environment is not only valuable in its own right, but is fundamentally important for human health, wellbeing, personal development and prosperity. Ultimately, it is the foundation on which our economy is built and provides economic benefits in many forms including reducing public expenditure on flood risk management, water quality improvements, soil management and restoration. Within Greater Lincolnshire this is particularly the case when much of its economy and projected growth is based on farming, tourism and manufacturing goods relating to the environment. Given the perilous state of nature in England, we need an organisation which has greater independence from central Government, not bound by principles that potentially undermine their core purpose and one that is able to advise, develop, deliver and critically comment on policy in a public arena.

The Trust believes that ambitious goals and spatial plans for nature’s recovery and environmental improvement post-Brexit are required. The Trust in Lincolnshire is not alone in this thinking, as is illustrated in briefings produced by the Greater Lincolnshire Local Enterprise Partnership and the Greater Lincolnshire Nature Partnership. The 25 Year Environment Plan could provide this and a further step forward would be to introduce a framework Environment Act that would be most effective in meeting clear objectives for nature’s recovery and the needs of business, farmers, landowners, local communities and others.

Natural England needs to be adequately resourced and empowered to deliver on its general purpose as set out in the NERC Act. It needs to implement strategic landscape thinking across the organisation and outwith – both in policy and action on the ground. The Trust would like statutory strategic plans for an area which describe the attributes required for a healthy, resilient natural environment. Only through an integrated approach can we hope to reverse the downward trend in biodiversity.

Sustainability and biodiversity

3 https://publications.parliament.uk/pa/cm201213/cmselect/cmspeak/1069/106911.htm
7. **Is the duty to ‘have regard’ to biodiversity, which is contained within the Act, well understood by those bodies to whom it applies? Is any further work required to raise awareness of the duty?**

8. **What has been the practical impact of the 2006 duty? Is any modification to the duty required as a result of developments in our understanding of the value of ecosystems and biodiversity since 2006?**

The Trust believes that the level of understanding and awareness varies significantly amongst local authorities and public bodies and that further work is required to raise awareness. The Trust provides regular training to public bodies to fill a void in this knowledge gap, most recently evidenced by a training event held at South Kesteven District Council offices where over 40 local authority participants from across the county attended. Surely it is not the role of the charitable sector to inform the statutory sector of their duties, but this is necessary on a regular basis due to current staff turnover, which the Trust believes reflects the ongoing public sector cuts and workloads of overloaded planning authorities. It is also noticeable that many of the local authorities now have a much reduced in house ecological resource, based on the increased number of queries we are asked by them on the basics.

It is also critical for their planning role as set out within National Planning Policy Framework (NPPF) that local authorities, as well as to meet their biodiversity duty under NERC Act, continue to support their Local Environmental Record Centre. Further public sector cuts will jeopardise this.

One possible cost effective solution to this would be for Defra to core resource Local Nature Partnerships to deliver training/awareness raising on the NERC Act at a locally relevant spatial scale for all public bodies.

The Trust considers that the greatest practical impact of the duty has been in us using it to secure support for biodiversity partnership approach for the Greater Lincolnshire Nature Partnership, Local Environmental Record Centre and in responding to forward and development control planning consultations. There has been a noticeable change in some public bodies, such as the Internal Drainage Boards, in consistently supporting and engaging in biodiversity related partnerships, programmes of works and projects, which in part may reflect the NERC Act. The Act has been particularly useful in responding to forward planning consultations, such as Local and Mineral Plans to ensure biodiversity is given due regard. The section 41 list is also useful in helping public bodies prioritise habitats and species in regards to planning.

However, disappointingly, the NERC duty is not taken seriously enough and has had limited practical impact considering biodiversity still is in decline. Whilst it may be understood, we believe it is not well or consistently applied. An organisation can suggest that it has adhered to the duty and still proceed with significant environmental damage without fear of any recourse or penalty.

The 25 Year Environment Plan currently being produced by Defra could be an opportunity to integrate the duty into decision making for all Government departments. It is also fundamentally important that decision makers have access to high quality, locally-derived
data on Section 41 habitats and species, and so the need for Local Environmental Records Centres is key to ensuring the Act is dispensed effectively.

9. How does the English duty to ‘have regard’ to biodiversity compare to the Scottish duty to ‘further’ biodiversity and the enhanced biodiversity duty introduced in Wales in 2016?

No comment.

The changing context since 2006

10. Will the structures established by the Act be sufficient to ensure appropriate protection for nature and environmental standards following Brexit? Are any modifications or changes to the structures established by the Act required to address the implications of Brexit?

11. Are there any further parts of the Act which are currently in force that need to be re-considered as a result of developments since 2006?

The Act itself is not necessarily insufficient, but reducing public resource, lack of political will and lack of enforcement of the Act do reduce its potential positive impacts for the appropriate protection and enhancement of the natural environment and addressing rural issues.

The 25 Year Environment Plan currently being produced by Defra could be an opportunity to integrate the duty into decision making for all Government departments and public bodies.

The Trust believes that, if further pressures are brought to bear on the natural environment as a result of Brexit or any other political or economic forces, then changes in some format – either to the Act itself or in how it is enforced – will be required in order to ensure that the public bodies do ‘have regard’ for biodiversity and that the Government’s commitments and aspirations for the natural environment have a chance of being achieved. This could be through introducing a framework Environment Act that would be most effective in meeting clear objectives for nature’s recovery and the needs of business, farmers, landowners, local communities and others.

11 September 2017