The Landscape Institute (LI) is the royal chartered body for the landscape profession. As a professional organisation and educational charity, we work to transform and manage the built and natural environment for the public benefit. The LI represents over 5000 landscape planners, managers, scientists and designers. We champion multifunctional and sustainable landscapes in both rural and urban areas.

The Landscape profession is trained to understand the action and interaction of natural and human systems in any given location, and to manage change in the landscape in a way that simultaneously delivers a range of societal, environmental and economic benefits. A significant proportion of our members are already involved in rural affairs, such as preparing Farm Environmental Plans, Farm and Estate Management Plans, Landscape Character Assessments, and Management Plans for protected landscapes, biological quality, countryside stewardship, catchment planning and resilience to climate change.

The Landscape Institute welcomes the opportunity to present evidence to the House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006, including the role of Natural England.

1. Executive Summary

1.1 The Landscape Institute seeks to promote the ideal of integrated policy-making in which a shared physical environment provides tangible benefits to all aspects of public life. The landscape of both town and countryside is either designed or a by-product of humanities interaction with natural systems. The elements of the landscape, including the natural environment, and the potential for meeting numerous needs of the wider public, are inseparable. In our evidence, we have focused on landscape, on the role of Natural England, sustainability, biodiversity and the changing context.

1.2 We would encourage Defra to take a more strategic, corporate and holistic responsibility for integrating the multi-functional aspects of Rural Land Use and Rural Land Management. In particular the Institute recommends that the Select Committee considers the following suggestions:-

- The possibility of a new Act of Parliament or an amended NERC Act to modernise the management of the Countryside.
- The Department of Environment, Food and Rural Affairs should pass responsibility for Rural Affairs to the Department of Communities and Local Government, leaving it to concentrate on the environment and sustainable food production.
- A National Rural Land Management Policy to be prepared as the policy framework for the rural aspects of the proposed 25 Year Environment Plan.
- For that Policy to be articulated at a landscape scale, set within the National Character Map developed by Natural England for - agenda setting, public accountability and collaborative delivery across the private, public and voluntary sectors.
- A new role for Natural England to act as the single point of contact with the farming community in the delivery of the 25 Year Environment Plan, with back office support from the Department of Environment, Food and Rural Affairs, the Department’s Agencies – Environment Agency, Forestry Commission, Rural Payments Agency and local Government.
- The restoration of policy development and scientific research by Natural England.
- Natural England to be adequately equipped to respond to national and regional consultations on Landscape matters.
- Ensuring that the trade negotiations associated with Brexit do not lock the UK into policies it is unable to change such as those linked to the sustainability of food production.

2. The Natural Environment and Rural Communities Act 2006 (NERC Act)

2.1 The NERC Act followed the Government’s Rural Strategy 2004 and the review of rural services by Lord Haskin. The implementation of the Rural Strategy was a function of the English Regions and Rural Development Agencies were the focus of delivering the Strategy. The members of the Committee will be fully aware of the administrative changes that have been put in place by the last two governments, at the same time the Committee will also be fully aware of the changing circumstances following the decision to leave the European Union. As a consequence, the LI is looking forward to new and emerging opportunities when responding to the Committee’s questions.

3. Rural advocacy and the Commission for Rural Communities

Q1. 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?

3.1 The Landscape Institute very much regrets the loss of the Defra Rural Communities Policy Unit as it is not clear to our members how the essential role of "rural advocate" is being achieved within the present regime. Given the substantial changes that have occurred since 2006, in particular the loss of English Regions, the Landscape Institute questions whether the separation of the public support for rural communities from the support given to urban communities should be continued going forward? We believe that the Department of Environment, Food and Rural Affairs should be allowed to focus on its statutory responsibilities for the environment and rural land by removing the rural affairs brief for communities from its remit (we set out how this brief should be taken forward in our answer to question 3). This would enable Defra to take more strategic, corporate and holistic responsibility for integrating the multi-functional aspects of Rural Land Use and Land Management. It should be the legal decision-making body that coordinates and monitors the over-lapping and sometimes contradictory policies relating to the countryside emerging from Natural England, Forestry Commission, Environment Agency, Historic England and local authorities.

3.2 The Landscape Institute is in no doubt that Brexit will result in radical changes to the function and appearance of the countryside, potentially positive as well as possibly
damaging. 2018 will see the 50th anniversary of the Countryside Act 1968, which set up the Countryside Commission, and 2019 will be the 50th anniversary of the National Parks and Access to the Countryside Act, both pieces of visionary legislation. Select Committee members may be interested to read the English Nature/ Countryside Agency report "Agricultural landscapes: 33 years of change" to appreciate how effectively those predecessor organisations monitored the landscape impacts of farm management practices. To quote from the foreword of the 2006 report\(^1\): "First carried out in 1972, and repeated in 1983 and 1994, the New Agricultural Landscapes work gives a unique insight into the visual effects of changes in farming methods and agricultural policies over a third of a century."

**Q.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?**

4.1 In theory, Defra takes the lead on rural policy matters but the emphasis tends to shift between individual topics, from air pollution, to animal and plant health, to water supply and flooding, to waste management and environmental regulation, depending on media campaigns at the time. Their current research themes and published papers focus on climate change adaptation. There appears to be no vision for the sort of countryside we want to achieve, and no over-arching national plan or strategic policy for rural areas.

4.2 The Landscape Institute would argue that, because of Brexit, and because uncertainty is a very powerful deterrent to investment, rural communities need a robust policy framework which sets out future governance, environmental action and social development. We discuss below (question 3) the roles of DCLG and DEFRA and consider which government department is best placed to lead on rural policy matters.

**Q.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?**

5.1 Other than for National Parks, AONBs and other statutorily protected landscapes such as SPAs, SACs, RAMSAR sites, SSSIs, etc, there is no clear policy lead for the countryside in England. Landscape-scale planning was dismantled when Regional and County Planning Authorities were abolished pre-2011. The Devolved Nations are beginning to re-introduce this landscape-scale approach via new environmental/ well-being legislation\(^2\). However, with the abolition of the Countryside Commission, set up by the Countryside Act 1968, and the cancellation of past planning guidance in PPG7: "The Countryside - Environmental Quality and Economic and Social Development" (1997), there is no surviving over-arching vision for the rural landscape in England.

5.2 Natural England acts as the government’s adviser for the natural environment in England, and is a delivery body rather than a policy-making and decision-taking

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1 [http://publications.naturalengland.org.uk/file/117019](http://publications.naturalengland.org.uk/file/117019)

2 For example, the [Wellbeing of Future Generations (Wales) Act 2015](http://publications.naturalengland.org.uk/file/117019)
organisation. It is a statutory consultee to DCLG, the Planning Inspectorate (PINS) and local planning authorities who are the regulators of the national land use planning system.

5.3 In England, planning policies and decisions are required to be consistent with planning guidance in National Planning Policy Guidance (NPPF 2012)\(^3\), which introduced the imperative to achieve sustainable development.

5.4 The over-arching NPPF “Core Planning Principles” include the following:

- recognising the intrinsic character and beauty of the countryside;
- supporting thriving rural communities within it;
- supporting the transition to a low carbon future in a changing climate;
- taking full account of flood risk and coastal change;
- encouraging the reuse of existing resources, including conversion of existing buildings;
- encouraging the use of renewable resources (for example, by the development of renewable energy);
- contributing to conserving and enhancing the natural environment and reducing pollution;
- encouraging multiple benefits from the use of land in urban and rural areas;
- recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- taking account of and support local strategies to improve health, social and cultural wellbeing for all, and
- delivering sufficient community and cultural facilities and services to meet local needs

5.5 Major contributions can be made to the achievement of all these principles by effective land management practices in rural areas. However, in practice, the planning system has very little control over the management of open land in the countryside. NPPF section 3 "Supporting a prosperous rural economy" paragraph 28 explains that "planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development." Surprisingly there is no positive planning references to food production and farming as a critical ingredient to overall landuse, as part of the nation’s infrastructure.

5.6 The DCLG has become the lead responsible body for achieving sustainable development, principally in built up areas including rural towns and villages. Local authorities constantly manage the issues around rural services, those of rural transport, education, employment and social care. The Landscape Institute believes that rural affairs brief is best dealt with by DCLG and Local Government with the exception of land use and land management in rural areas, which we consider to be best serviced by DEFRA. However, over the years successive

governments have inserted a variety of duties for local government linked directly to farming such as animal health, food standards, rights of way, historic environment and biological records amongst others. Indeed, many of the Cross-Compliance conditions attached to the Single Farm Payment are associated with functions of local government.

5.7 Natural England does already operate within the context of the National Planning Policy Framework by acting as advisers to DCLG and as a statutory consultee to local planning authorities, supporting both decision-taking and policy-making functions. NPPF Section 11 "Conserving and enhancing the natural environment" paragraph 109 states that "The planning system should contribute to and enhance the natural and local environment by, for example, "recognising the wider benefits of ecosystem services". Paragraph 9 states that pursuing sustainable development must involve "moving from a net loss of bio-diversity to achieving net gains for nature". It is notable that this is the only reference to the Natural Environment White Paper 2011 in national planning guidance.

5.8 NPPF stresses that Local Plans should set out strategic priorities, including for climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. In our view, DEFRA with its agents Natural England, Forestry Commission and the Environment Agency with Historic England, is the department best able to support such policy development.

6. Natural England

Q.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?

6.1 In 2006 the NERC Act set out the general purposes of the new proposed agency –

Natural England —

(1) ‘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.

(2) Natural England’s general purpose includes—

(a) Promoting nature conservation and protecting biodiversity,
(b) Conserving and enhancing the landscape,
(c) Securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment,
(d) Promoting access to the countryside and open spaces and encouraging open-air recreation, and
(e) Contributing in other ways to social and economic well-being through management of the natural environment.’

6.2 The Natural England Corporate Plan 2014-2019⁴ explains that:

"Our general purpose 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.”

"The 2011 Natural Environment White Paper set out the most powerful policy context for our wildlife and landscapes for a generation. The White Paper is clear that a healthy natural environment is the bedrock on which our future prosperity rests and our ongoing work to protect and improve the natural environment in England has a key role to play in the growth of the UK economy."

"Our duties and powers under this general purpose are wide ranging. For example, we may undertake research, give advice to any public authority or person, and publish information about our work. All of our work is carried out under this and other environmental legislation (including European and international obligations) or at the specific request of Government. We are formally responsible to the Secretary of State for Environment, Food and Rural Affairs, who is accountable to Parliament for our activities and performance."

6.3 The Corporate Plan also advises that "our work is a significant component in the delivery of the Government’s aspirations for improving the natural environment in England as described in the Natural Environment White Paper (NEWP) of 2011." Natural England operates as a partner to other Government departments, mainly with Defra, but also with Business, Energy and Industrial Strategy (incorporating DECC in 2016) and to a limited extent with DCLG. However, in terms of economic growth and the achievement of sustainable development, Natural England appears to have very little power to influence the spatial planning system other than supporting the protection of individual designated landscapes (National Parks and AONBs) and designated wildlife sites (SSSIs, NNRs and EU designated sites) and advising public bodies about their duty to conserve biodiversity under the NERC Act.

6.4 Landscape Institute members who work on landscape policy, design and management projects in rural areas inform us that landscape, flooding and climate change issues are frequently of great concern to local landowners, residents and visitors, in parallel with the social, educational and health needs of their communities. Of particular concern to our members is the general lack of awareness, in all government departments, of issues around the long-term sustainability of our landscapes, our countryside and our soils, the essential and irreplaceable growing medium. Unfortunately, these urgent matters also only rarely seem to garner the adequate level of interest of Natural England officers, who are very often hard-pressed and under-resourced, and consequently unable to become involved in any project beyond the offer of biodiversity advice. The Institute has seen various pieces of communication relating to the assessment of planning applications by Natural England which evidence the fact that not enough attention is paid by Natural England to commenting on the impacts of development on the landscape even within nationally

important, protected, landscapes. The advice issued by Natural England in the cases which have come to our attention suggests that such matters should be referred back to the Local Authorities or internal staff at the affected National Park Authority\(^6\). We are also aware through our engagement with AONBs, that further issues exist where Natural England raises no objections in response to development proposals for sites within an AONB. Even in cases where the applicant is referred to consult the relevant AONB (which is agreed protocol), applicants see Natural England as the senior authority and follow their decision. This becomes even more of an issue because at the same time the skills associated with the landscape have been largely lost from local government. The Institute knows from a members’ survey carried out in 2011 that over 50% of Landscape Professions in the public sector have gone within the last 15 years. The exception to this observation is the very valuable work undertaken by Natural England in developing the National Character Map and its supporting text (see Para 8.3 below).

6.5 Much has happened to Natural England that has weakened its potential contribution to the environment. From the outset, there was a clear strategy for removing much of the valuable work undertaken by the Countryside Agency, in particular the responsibility for ‘conserving and enhancing the landscape’. The 2006 amalgamation of three Government Agencies – English Nature, Countryside Agency and the Rural Development Service brought immediate economies through combining support and technical services. The reductions to the staff compliment however continued two years later, almost as if the economies had not happened, and it continues today. New emphasis was given that Natural England was a delivery agent and its ability to develop policy diminished through the loss of its Policy Director and Chief Scientist posts.

**Q.4 How well do its wide-ranging functions fit together?**

7.1 The LI considers that, in terms of collaborating with other agencies that direct national policy, Natural England has insufficient authority and inadequate resources to deliver the very wide range of integrated environmental benefits that its purposes require. It has annually lost scientific expertise and funding\(^7\) to the extent that it has become unable or unwilling to formulate national policies to secure the conservation and enhancement of the landscape (one of their NERC statutory purposes). In particular, it has been unable to secure and safeguard a coherent ecological network to overcome the damaging fragmentation of habitats across the whole country.

7.2 It also appears to us that the status of Natural England has been incrementally diminished, so that it struggles to impose essential constraints on developments that will inevitably give rise to environmental damage. We fear it has less and less influence on its partners, even though it is the only government agency with the expertise to deliver effective management of the natural environment, even though it is the lead delivery body for the Government’s Biodiversity 2020 programme (building on the Natural Environment White Paper) and the invaluable MAGIC (Multi-Agency Geographic Information for the

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\(^6\) Copies of the communications can be made available at the Committee’s request.

\(^7\) According to Natural England’s annual reports, the number of permanent and fixed-term staff has reduced by around 28% between 2006 and 2017. This is in addition to a significant reduction in staff when the three original agencies were merged to form Natural England.
Countryside) database, and despite the promises of the current and preceding governments to be the first generation to leave the environment in a better state than they found it. For example, Natural England is sponsored by Defra, but Defra's policies for farm management have led to the loss of soil fertility, the despoliation of natural water courses, the degradation of groundwater quality and the extensive loss wildlife (see response to Question 10 below).

Q.4 Does it have the appropriate powers and resources to perform these functions?

8.1 The issues around landscape and rural areas that were previously the responsibility of English Nature and the Countryside Agency are of vital importance to members of the landscape profession and to our clients in the private sector - including developers of infrastructure projects, housing and employment sites - and our employers in the public sector - including planning managers, policy makers and elected Committee members. Brexit presents an opportunity for Natural England to recast their terms of reference to explicitly underline their responsibility to promote and safeguard the sustainability of all landscapes. In our view, the multi-functional value of the countryside and green infrastructure should be given prominence in Natural England's plans and programmes equivalent to, and preferably greater than, nature conservation issues.

8.2 Natural England's Corporate Plan is signed off with a statement "Natural England is here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England’s traditional landscapes are safeguarded for future generations." In delivering that role, Natural England has published landscape character assessments and profiles of each National Character Area (NCA) in order to identify and explain the unique combination of elements and features (characteristics) that make landscapes distinctive. This data is of great value to LI members as it provides baseline evidence to inform the large- and small-scale projects that enable us to plan, design, manage and monitor the impacts of development and landscape change.

8.3 However the National Character Map has huge potential in framing the agenda and delivering national policies and programmes. The map records the variations in the resulting landscapes created by human activity, over thousands of years, on natural features – topography, geology, soil types, micro-climate and wildlife. Consequently, the grouping together of places of the same basic natural features enable effective and efficient targeting of resources.

8.4 Each of the mapped Character Areas have been given a local name, consequently the National Character Map provides the framework for enabling local people to understand how public policies and programmes of investment will impact positively on their local area. Local accountability for the outcomes of public intervention could be more effectively delivered in this way.

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8.5 In future, we see an important role for Natural England to initiate research, developing policy advice and producing technical information. For example, guidance for landscape character assessments, cultural and heritage landscape assessments, landscape capacity assessments, and publishing 'toolkits' for such assessments. However, our members interaction with Natural England in the course of their work, had led us to form the view that NE currently employs fewer professional officers who are qualified to deal with landscape issues. We understand that currently there are no resources available to support this work. In our view this is short-sighted, bearing in mind the paucity of relevant guidance published by other government agencies. The limited landscape resource within Natural England is mainly a consequence of how Natural England was set up in the first place.

Q.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?

9.1 In 2006, the UK government signed up to the European Landscape Convention (ELC) which requires landscape ‘to be integrated into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as any other policies with possible direct or indirect impacts on landscape’”. This is a Treaty and not an EU Directive, therefore it is binding on all the states that signed it. The convention places landscape on an equal footing with biodiversity and cultural heritage as the context and framework for planning and managing change. It applies to all landscapes everywhere and in any condition, whether they are exceptional, designated and subject to special protection, or ordinary and degraded. It recognises the dynamic nature of landscape and places emphasis on the effective planning, designing and management of change with people in mind. It encourages all signatories to act to raise awareness of the value of landscape among all sectors of society, and of society's role in shaping it.

9.2 The LI therefore strongly supports Natural England's Corporate Plan, which is generally consistent with the purposes of the ELC, to:

- work at a landscape/larger scale to restore ecosystem function and develop ecological networks, with ‘bigger, better, more and joined’ habitat areas that will be as resilient as possible to climate change and other pressures;
- improve our understanding of the way that habitats and species contribute to landscape quality;
- promote and support more access to and engagement with the environment;
- enable people and communities to identify and act for the places and priorities that matter to them, and
- increase wider understanding of the natural environment and the benefits it brings.

However, looking at Natural England's current interventions and projects, these aspirations will demand a radical change in approach, away from the narrow precautionary approach adopted in past years and towards a vision of a highly sustainable countryside post-Brexit. Strategic outcomes that the Landscape Institute has been advocating include the following public goods:

- Secure, sustainably produced food;
- Clean water in our aquifers, rivers and seas;
- Clean air free of pollutants and airborne chemicals;
- Restored soils with natural fertility created by healthy biota;
- Sustainable rural economy with multiple outputs including food, timber and fibre, renewable energy, construction products and water supplies;
- Countryside teeming with wildlife, actively managed;
- Accessible countryside, supporting health and wellbeing for everyone;
- Resilient countryside able to survive unpredictable changes in climate;
- Biologically healthy landscapes, resilient to disease and to invasive non-native species;
- Retained and restored distinctive local variations in landscape character;
- Safeguarded and enhanced historic environment;
- Landscape that holds and slows surface water flows resulting from exceptional rainfall;
- Landscape that sequestrates carbon;
- Landscape that contributes to climate change adaptation and mitigation, including through ecosystem restoration.

9.3 The LI sees the greatest risk of developing a post-Brexit agri-environment policy as imposing a new regime without the public fully understanding the need to encourage the farming industry to transform the way it operates, and without clear environmental and social, as well as economic, benefits being seen to be delivered as a result of public investment. The opportunities for sustainable rural development are limitless, from developing farming and forestry industries with lower costs and less dependence on non-renewable resources, to choosing to support biological rather than chemical agri-research, to the creation of equitable markets for clean water and other eco-system services, and to transforming the countryside to one where ecosystems are in balance and where resilience to unpredictable changes in climatic events is significantly improved.

9.4 These are not short-term goals. In our view, the majority of these outcomes should be made the responsibility of Natural England and other agencies within Defra, and incorporated into a National Rural Land Management Policy setting the context for the forthcoming 25-year plans – integrating Environment, Food and Farming. At the same time, the LI would urge the government to fully integrate the new imperative for multi-functional outcomes as outlined above, to be achieved by positive partnerships and by the sustainable management of the countryside.

9.5 Therefore, in order to achieve the wider objective of a highly sustainable countryside post-Brexit, the Landscape Institute suggests that Natural England’s role should be expanded to coordinate all landscape-related matters into a national policy articulated at landscape scale. We believe that this Rural Land Management Policy for England is essential, to be delivered through local partnerships and producing multiple environmental outcomes.

**Q.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?**
10.1 The NERC Act 2006 has encouraged Natural England, Forestry Commission, Environment Agency, Historic England and partners such as the Woodland Trust, the Community Forests Trust and the Canal and Rivers Trust to become active in recent years promoting access to the countryside via Rights of Way, Coastal Paths, long distance footpaths and cycle ways, etc. The beneficial effects of access to open spaces and the natural environment, encouraging informal recreation, leisure activities and casual visits for fresh air, health and wellbeing, particularly for urban communities, are beginning to be better understood.

10.2 The Landscape Institute has published a Green Infrastructure guide⁹, to demonstrate that networks of landscape infrastructure, of open spaces incorporating water bodies, wildlife habitats, trees and woodland, in both urban and rural locations, make a significant contribution to social and economic well-being. We are now planning to build on this guidance by commencing a new piece of work around public health, concerned with the wellbeing of children and young people in urban and rural areas. The natural environment offers multiple opportunities for experiential learning out of doors, for imaginative play, social play, physically challenging and creative play, and for other aspects of play that are largely unavailable in confined urban settings, parks and playgrounds. In our experience, rural landscapes offer informal play and learning opportunities that allow young people to reconnect with the natural world of forest, lakes, rivers and associated wildlife, and also with food growing, harvesting and seasonal changes. The Community Forest Trust, and in particular the Mersey Forest and their "Natural Health Service"¹⁰ campaign with NHS England, ably demonstrate the physical and mental health benefits of such activities.

10.2 In light of this greater knowledge and experience, it would be helpful if Natural England could revise and update the NERC Act arrangements and provisions for access to the countryside to support essential health and educational opportunities. One of the more obvious transformation of access arrangements that needs further strategic exploration is the potential for modernising access infrastructure. The Rights of Way network is founded on direct routes from one place to another but today the demand is for circuits of different lengths and of different characteristics. We now know that offering high quality walks to everyone could have a profound effect on the health and wellbeing of everyone. Therefore, starting out on walks from villages, towns, cities, bus stations, railway stations and car parks and being able to return to those places without retracing footsteps would be of great benefit. Linking stretches of the Rights of Way network to create circuits might be the way to do it. If the Government is considering new supporting mechanisms for the farming community on a public money for public goods basis then paying for new and improved access could be part of the new agenda.

11. Sustainability and biodiversity

Q.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?

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¹⁰ http://naturalhealthservice.org.uk/wordpress/
Q.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?*

Q.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?*

11.1 The Landscape Institute is committed to ensuring that through all commissions for transforming the landscape its member’s starting point typically includes securing the biological health of every landscape. Consequently, the Landscape Profession work closely with CIEEM members for example on helping the Building Research Establishment to develop its strategic ecological framework.

12. The changing context since 2006

Q.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?*

Q.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?*

12.1 The decision to leave the European Union has created, for the first time for 50 years, an opportunity to have a new vision for the British Countryside. The quality of the countryside has defined this country in the past and today the pressures have changed, increasing population growth, a changing climate and the extreme pressures on natural resources all point to the need to develop a healthy symbiotic relationship between town and country. Our urban landscapes have a planning system but our rural landscapes have no clear policy or plan. Brexit requires the Government to decide on how the farming industry is to be supported in the future through public intervention. As negotiations with the EU evolve it is important that any trading arrangements do not lock the UK into farming policies it is unable to influence.

12.2 The Landscape Institute takes the view that actions that have been adopted to achieve the Common Agriculture Policy objectives have failed to comply with the corporate environmental policies of the European Commission. The underlying strategic direction of agricultural systems supported by the CAP, specifically intensive systems designed to stifle the power of natural systems, has been demonstrated to be financially, socially and environmentally costly and unsustainable 11. The resulting impacts vary considerably across the great variety in landscape types in this country so, for the purposes of this evidence, the Landscape Institute will draw on just one these to illustrate the potential impacts of modern agricultural processes – the chalk landscapes of Southern England.

12.3 Despite the regulatory mechanisms and the extent of public investment into farming the impacts from agriculture include:-

- The loss and impoverishment of our soils - a national asset - loss of supportive micro-organisms, loss of structure, loss of carbon, loss of water holding capacity and loss by erosion of the soil itself;
- Diffuse pollution of aquifers and rivers by nitrates and phosphates, leading to water companies having to import water to dilute drinking water by blending;
- Impacts on air quality, including extensive emissions of greenhouse gases, in particular nitrous oxide from applied nitrate fertilizers;
- Large-scale landscape management regimes that fail to slow down rainfall released into urban areas, leading to unnecessary flooding, often exacerbated by over-grazing and monoculture;
- The unnecessary destruction of habitats and species through the application of herbicides, fungicides, insecticides and slug pellets;
- The erosion of the nation’s historic environment such as the continuing ploughing of Scheduled and Unscheduled Ancient Monument sites;
- The loss of on-farm skilled labour resulting in farm woodlands being unmanaged and not contributing to the economy or environment;
- The loss of the distinctive variety in the landscape that defines this country and has always been highly valued as a priceless resource for tourism.

12.4 In contrast to this list of negative impacts the Landscape Institute can offer the Select Committee, as evidence, an example of arable and mixed farming on shallow chalk soils which recognises the power of natural systems as a central component of the business plan of the farm\(^\text{12}\).

12.5 The Cholderton Estate on the Hampshire/Wiltshire border is a 2,500 acre estate with a private water company, two dairy herds and a large arable holding. This thriving agricultural business relies on the biological diversity of its soils and an integrated crop management system to fix airborne nitrogen for the sustainable production of healthy food. No chemical based controls or stimulants are used on this estate, which unfortunately has to spend £30,000 a year on removing nitrates that have migrated laterally through the aquifer from neighbouring estates. The result is a productive agricultural estate with an outstanding landscape that is teaming with wildlife\(^\text{13}\). For example, as a result of their integrated crop management approach, Cholderton supports a total of 18 species, out of the total 23 species, of British Bumble Bee.

12.6 The impacts of modern agriculture have largely passed un-noticed by the general public and despite extensive public investment in support of farming the public remain unclear about what the investment is achieving. The exception to this might apply to the protected landscapes of National Parks and Areas of Outstanding Natural Beauty the administrations of which do incorporate locally elected members of local government as well as national appointees. Both nationally protected landscapes are subject to statutory

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\(^{12}\) [http://www.cholderton-estate.co.uk/fp.php?id=648]
\(^{13}\) [http://www.cholderton-estate.co.uk/fp.php?id=649]
prepared Management Plans however there is no obligation on any level of government to implement the plans. The bulk of public funding in support of managing the countryside is held by a variety of government agencies such as Natural England, Environment Agency, Forestry Commission and the Rural Payments Agency.

Proposition for Restructuring Public Intervention into Farming following Brexit.

13.1 The Landscape Institute recommends to the House of Lords Select Committee that the Natural Environment and Rural Communities Act is revised or replaced in order to transform the way the British countryside is managed to secure an agricultural system that follows the principles of sustainability, delivers a multi-functional countryside to benefit the whole of society and ensures that public investment is fully accounted for. The new legislative mechanism to ensure a rebalance of regulation over incentives to develop a more collaborative relationship with the farming community in contrast to the current system where the threat of disallowance from the EU has created divide.

13.2 The Institute recommends that the Government prepare a National Rural Land Management Policy as the basis of the proposed delivery plan – The 25 Year Environment Plan. For rural areas, the Environment Plan is fully integrated with any future Food and Farming strategy. For the Policy and Plan to be articulated at a Landscape Scale making use of the existing protected landscapes and remaining Character Areas (or multiple of them). The existing Statutory Management Plans for protected landscapes to be modernised to set out the national policies and local policies. For the remaining Character Areas new Management Plans are pulled together to articulate the national policies for the area.

13.3 These Landscape scale Management Plans forming the brief for individual Farm Plans (prepared by the farmer) being the mechanism for a contract between the farmer and the state for the delivery of public goods set out above in paragraph 9.2. Central to the Landscape Institute’s recommendation is the need to harness the power of natural systems in support of sustainable food production as opposed to a system that stifles natural systems that is widely practiced at the moment. A critical ambition is to see the legacy of Brexit as the restoration of UK soils and this will take many years to fulfil. It is recommended that the same level of funding of £3.5 Billion per year is invested over the plan period of 25 years to be applied to all rural farms. It is also recommended that the investment is made on a per hectare basis, paid bi-annually. Investment will continue where the farmer is already delivering the public goods but funding for the remainder of the farming community will only be available where a binding commitment is given to transform to the sustainable food production processes and the provision of public goods.

13.4 We recommend a change to the administrative systems making the best use of Natural England’s field staff. These staff to be the single point of contact between the farmer and the public sector, with back office support from the Environment Agency, Forestry Commission, English Heritage and local government. The responsibility for being accountable for the expenditure of public funds to be shared between the farmer and the field staff.

13.5 Outside of the protected landscapes with their own administrative organisation it is
suggested that the Government encourage Local Joint Advisory Committees to be set up to advise on the preparation of the Management Plan for the area to be signed off by the Secretary of State for DEFRA. They would also monitor delivery via the Farm Plans. These Committees would be the start of DEFRA programmes being locally accountable. Any modification of Joint Committees can be achieved through the annual Local Government Act. It is recommended that a modern Joint Committee includes elected members from the relevant local authorities, representatives from the farming community – NFU and CLA, Wildlife Trusts, Council for the Protection of Rural England and others, all with full voting rights. Such an approach should also stimulate voluntary support to the delivery of public goods through research and innovation.

13.6 In the long term the Government might like to consider devolving powers and programme funding by agreement to Joint Advisory Committees in line with the clause in the NERC Act that enables such delegation to happen.

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