North Yorkshire County Council – written evidence (NER0081)

The House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006 was appointed by the House on 29 June 2017. The remit of the Committee is “to consider and report on the Natural Environment and Rural Communities Act 2006”. The Committee will explore the following key issues in detail and would welcome your views on any or all of the following questions. Please note that questions are not listed here in any particular order of importance.

This is a public call for written evidence to be submitted to the Committee. The deadline is 4pm on Monday 11 September 2017.

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?

Within current structures the roles of advocate, watchdog and adviser for rural communities falls to existing organisations primarily Defra, Local Enterprise Partnerships and Local Authorities. While some of the organisations cover the CRC functions the overall coverage would be strengthened by more coordination to ensure consistent high level and local policy approach. The Government’s recent Industrial Strategy consultation included little direct reference to rural issues and opportunities. In addition, the Northern Powerhouse concept and the work of Transport for the North appears to be focussed on the 6 major Northern Cities and omits a rural strand despite the Independent Economic Review highlighting the overall environment and quality of life as key drivers of the North’s economy.

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?

There is some local community engagement on local rural issues. DEFRA, the LEPs and rural Local Authorities appear to be the most suitable mechanisms for representing rural issues and there may be scope for a ‘rural forum’ in which predominantly rural LEPs and LAs can engage with DEFRA to ensure effective representation of strategic issues at a national and local level.

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?

DEFRA and BEIS are important where rural economies are concerned. An effective structure between Local Government, LEPs and DEFRA can provide representation to central Government without creating additional organisations or bureaucracies. The rural economy can be recognised and harnessed to assist in the success delivery of future economic growth throughout the Country. Future revision of the Common Agricultural Policy, developing communication and transport technologies which blur further the distinction between rural and urban, the dispersed but often significant potential of industrial activity in rural areas,
future requirements for social care in isolated places, the housing crisis all mean that Defra and other Government Departments play a central role in the way rural areas play into economic and social development in rural areas particularly in the medium to long term. Looking at the future of rural communities and their contribution to growth and change, which focusses on agriculture, industry, communications and transport, social care and local resilience and housing need provides consistent position across Government.

**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?

Natural England has a wide ranging mandate. Roles within Natural England appear to have been centralised roles and advice, for example standing advice for development control, with more emphasis on local authority ecologists to lead on responses. This has been instead of local Natural England officers being involved with planning applications, which was the case ten years ago.

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?

The remit and responsibility of Natural England is still necessary and relevant, but more resources are required to allow them to implement these, along with the authority to follow through.

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?

**Coastal Access Project**
Natural England is the driving force behind the development and establishment of the new Coastal Access rights, and the delivery of the England Coast Path. Working in partnership with local Authorities they have delivered detailed training to all staff involved in the delivery of the project. They have led site meetings with landowners as well as drop in sessions to address the concerns of all local people affected by the new legislation. The Coastal Access Project is a great example of how NE can promote better access for public good.

**National Trails**
Natural England has been a great champion of the National Trails with a fantastic team supporting the various partnerships that manage each individual trail across the county.

**Sustainability and biodiversity**
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?
The duty is often well referenced in local policies and local plans, but not necessarily well understood by the range of departments within the public bodies it refers to. It is well understood within the countryside departments of local authorities who publicise and try to implement the duty where possible. Recent polls by the Association of Local Government Ecologists (ALGE) have highlighted the continuing decline in Local Government ecologists.

The wording in Section 40 of the Act in that the duty only applies to the extent that it is consistent with the “proper exercise” of public authorities’ functions. Therefore, the duty may not apply if it is perceived to be incompatible with other, more primary functions.

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 2006 duty raised awareness of the wider list of species and habitats at risk, but it has been very reliant upon development impacts, with less focus on general activity of public bodies or knowledge of where the Section 41 species are present. It could be useful to link the Act with the findings of the Lawton Review to increase connectivity between sites, and make the Act more spatially relevant.

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?

We do not have experience with the Scottish or Welsh Duty but a change to ‘further’ biodiversity, would be in line with the national move from ‘No net loss’ to ‘net gain’ in planning that is alluded to in the Natural Environment White Paper (2011) and National Planning Policy Framework (2012).

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?

This is dependent on how EU Directives are transposed in the long term into UK law.

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 main area is accountability, and how public bodies can demonstrate that they are sufficiently having regard to or furthering biodiversity in their activities. How can public bodies measure their activities in this area meaningfully that is of benefit to local and national reporting on biodiversity?

Section 41 obligates the Secretary of State to publish lists, take “reasonably practicable” steps to “further the conservation” of the listed species/habitats and “promote the taking by others of such steps”.

2 October 2017