



# Nature Check 2013

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An analysis of  
the Government's  
natural environment  
commitments

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November 2013

Wildlife and  
Countryside





# Executive summary

*Nature Check 2013* is an analysis of the Government's delivery against its natural environment commitments. The report builds on *Nature Check 2011* and *2012*, and finds that although some policies are delivering positive results, the Government's delivery for the natural environment over the last year has remained static. There has been no step change in leadership or delivery for the natural environment.

We know that nature is in crisis. The evidence shows us long- and short-term declines in our wildlife and natural places, which translates into a crisis for people too, because the environment is the foundation of our lives and livelihoods. It is a source of great joy and fulfilment for many millions of people across the country, and we must therefore work together to conserve the environment for future generations, secure a sustainable economy and meet our international commitments.

This crisis is harder to turn around with each year of delay or ineffectual action. In order for the Government to improve its overall performance for the natural environment over the next year, Link recommends that it should:

- 1.** Demonstrate its commitment to the natural environment by providing strong leadership and a clarity of purpose that will reverse the catastrophic decline in wildlife and reconnect people with nature.
- 2.** Enable the statutory nature conservation bodies to fulfil their critical role as champions of nature, by allowing them a voice in developing public policy consistent with their expertise, while properly funding their functions and not imposing a growth duty.
- 3.** Enforce the rules and regulations that protect our environmental public goods, whether domestic or European in origin.

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# Introduction

‘This green and pleasant land’ is a description of our country that has resonated with its inhabitants for a very long time. Pride in what we now call our ‘natural heritage’ is something we very largely share across the country: over 90% of us believe that the countryside is a national treasure and that we should improve the condition of the natural environment for future generations.<sup>1</sup>

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***“Over 90% of us believe that the countryside is a national treasure and that we should improve the condition of the natural environment for future generations”***

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It is clear that we rely on the natural environment for our material wellbeing. For example, our wetlands provide flood control to the value of £350 million every year.<sup>2</sup> But the refreshment and relaxation that the natural environment provides is also – and has always been – vitally important to our social and spiritual wellbeing. Its continuing power speaks across the years, as in John Clare’s evocative description: ‘There is a charm in nature felt and seen / in every season of the varied year, / In winter’s frost, in spring’s reviving green, / ’tis everywhere.’ Even in periods of ‘material’ stress this remains true. In 2010, at one of the lowest points of the economic downturn, nearly three quarters of people were worried about environmental issues, and said that the recession had not changed their level of concern. In 2013, people still do not think the environment is less important than economic growth.<sup>3</sup>

However, our green and pleasant land, and its much-loved plants and animals, are under significant threat. More than half of all UK species, such as the marsh fritillary, water vole and the cornflower, are declining in the long-term, along with wonderful habitats like lowland meadows.<sup>4</sup> And we know that climate change will exacerbate many of these problems. For example, major floods increase the levels of all pollutants – domestic, agricultural and industrial – entering our rivers and lakes.<sup>5</sup> In the short-term (between 2000 and 2010), there has been an 18% decline in the indicator that

tracks 155 priority species – those that are of most conservation concern.<sup>6</sup> Without thriving biodiversity and resilient ecosystems, our children will not be able to marvel at wonderful British species like the tansy beetle, lady’s slipper orchid and the cirl bunting.

In spite of this crisis for nature, and all who depend on it, the politics of the natural environment have been in stasis for the past year. Our wildlife and landscapes – and the services they provide – are still regarded as secondary to economic growth, rather than a fundamental prerequisite of economic success. In the foreword to the 2013 Mid-Term Review the Prime Minister and the Deputy Prime Minister said that they have ‘not baulked at the tough decisions needed to secure Britain’s future.’<sup>7</sup> But they have baulked at providing the leadership that will secure our future prosperity and wellbeing by protecting and improving our natural environment and natural resources. The Mid-Term Review itself makes no reference to the state of British nature. Independent expert advisors to the Government have delivered a consistent message: ‘Economic growth must be [environmentally] sustainable – otherwise it will not be sustained.’<sup>8</sup> But this message does not appear to have been taken on board.

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***“Economic growth must be [environmentally] sustainable”***

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Departmental business plans also fail to demonstrate a commitment to nature. The business plan for the Department for Environment, Food and Rural Affairs (Defra) has lost the commitments to ‘integrate the value of nature into policy development’ and to support Local Nature Partnerships. Of the department’s 24 headline actions, only one is dedicated to biodiversity (‘Set the strategic direction on conservation and biodiversity at home and abroad’). Similarly, the 2013 business plan for the Department of Communities and Local Government contains not a single reference to the environment or nature, despite the fact that ‘support and incentivise local sustainable growth’

# Introduction

is its first headline action.<sup>9</sup> Financial support for nature is also insufficient. Defra's budgets have continued to suffer some of the worst cuts: the 2013 spending review took the department's budget down to £1.6 billion for 2015/16, nearly half of its 2010 value in real terms.

The picture, of course, is not all gloom. The Government has made some welcome decisions when it has drawn on appropriate expertise and effectively engaged stakeholders, as recommended in *Nature Check 2012*. For example, we have seen effective action on Ash dieback, a robust UK position on reform of the Common Fisheries Policy and the development of a Cross-Departmental Task Force to combat illegal wildlife trafficking. The Environment Secretary's preference for modulating the maximum 15% of Common Agricultural Policy funds from direct payments into the public goods delivered by the Rural Development Fund has also been very welcome.

After three and a half years in power, only one in four of the public think that the Government is doing enough to protect our landscapes and wildlife.<sup>10</sup> With a General Election on the horizon, the Government has widely failed to rise to the challenge of protecting what so many hold so dear. We must now see a real step change in the Government's approach to nature.

# Summary

## Results

In 2013, we have rated 12 of 25 of the commitments the Government has made to the natural environment as amber, with nine red and four green (see pages 6–9). The vast majority of the commitments have received the same traffic light rating as in 2012. Of those rated last year only 10% have improved, but 20% have worsened. If we look at the commitments that have remained within the same traffic light, four are improving while three are falling behind. The red ratings are also rising faster in 2013, and they are also greater in absolute numbers.

**“Compared with 2012, the red ratings are rising faster in 2013, and they are also greater in absolute numbers”**

Where ratings have changed, for better or for worse, this has a close relationship to whether the Government has adhered to our 2012 recommendations: ‘to consistently use appropriate expertise and effective stakeholder engagement’; and ‘to implement programmes with the appropriate monitoring, use of evidence, funding, environmental governance and political support.’

### Green ratings = good progress

#### Four commitments

The Government has continued to take a strong stance on commercial whaling and the selling of ivory, and its work on endangered species such as rhinos, tigers and other Asian big cats is also very positive. This leadership at an international level is greatly welcomed, and must now be translated into domestic action on cetaceans and illegal wildlife trade.

We are very pleased to rate the Government’s work on the Common Fisheries Policy as green, thanks to its position on overfishing, discards and supporting the achievement of maximum sustain-

able yield. The Government’s work on ash dieback has also earned that commitment a green rating; the Government should learn from its delivery of that policy when taking action in other areas.

### Amber ratings = moderate progress

#### Twelve commitments

The commitments around the water and agriculture industries have been rated amber, but they are moving in the right direction. Their development depends on the final shape of the Water Bill on the one hand, and delivering the maximum 15% modulation of Common Agricultural Policy funds on the other. There have been welcome recent developments on wildlife trafficking, though we are concerned at the lack of committed long-term funding for the National Wildlife Crime Unit.

The remaining swathe of amber commitments, from reforming the water industry to illegal logging, is unchanged since 2012. Many of these have not achieved a green rating because of uncertainty over the outcome of pending legislation or regulation, or delays in implementation or funding. The potential to improve these ratings is considerable.

### Red ratings = failing

#### Nine commitments

The commitment to implement *Biodiversity 2020* and build natural capital has been rated red; this is of extreme concern. Unless leadership is shown and resources found within the next year, the Biodiversity Strategy’s targets for 2020 are likely to be derailed, which would be disastrous. Similarly, the commitment on Marine Conservation Zones will see a maximum of 31 sites designated this year. This will not form the ecologically coherent network that the Government has committed to, and will therefore not provide the protection our marine environment requires. However, the opportunities to improve these ratings are also considerable.

# Summary

The Government's stance on the Common Agricultural Policy has been progressive, but the commitments on the Macdonald Task Force and food production have been rated as red, due to their failure to lead farmers away from unsustainable practices and their unrelenting focus on deregulation. The Government's commitment to farm animal welfare has also fallen foul of its focus on 'sustainable intensification', which has failed to recognise or address animal welfare needs.

Generally speaking, the right national policies are in place for the Green Belt, Sites of Special Scientific Interest (SSSIs) and other environmental protections, but we have significant concerns over whether the right action is being taken. Degrading this network of sites would be an extremely damaging outcome for wildlife and people, and is not necessary to achieve economic growth and social wellbeing.

## Methodology

*Nature Check 2013* has introduced a number of new government commitments into its assessment to respond to the changing policy context, whilst maintaining comparability with previous reports.

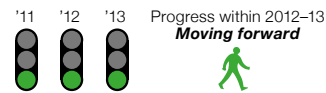
***“The trend is for a prioritisation of policies that promote a form of economic growth that fails to understand or incorporate environmental costs, benefits and limits”***

We have included six new commitments in this year's report: the relationship between nature and public health and wellbeing; the Macdonald Task Force; jointly addressing food production and environmental enhancement; improving water quality; ash dieback and the Tree Health and Plant Biosecurity Task Force; and safeguarding internationally endangered species. While some of these new commitments are very welcome, the overall trend across government is a continued

prioritisation of policies that promote a form of economic growth that fails to understand or incorporate environmental costs, benefits and limits.

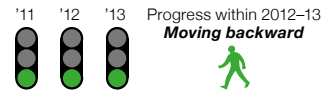
## Commitments 2013

*Traffic lights indicate the progress the Government's commitments to the natural environment have made over the past three years (2011–13).*



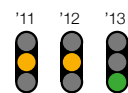
**‘We will press for a ban on ivory sales.’**

*Consistent, progressive engagement in supporting protection of elephants and rhinos, and other endangered animals, has been excellent.*



**‘We will oppose the resumption of commercial whaling.’**

*Opposition to commercial whaling overseas and leadership at the International Whaling Commission has been consistent, but more domestic protection of cetaceans is needed.*



**‘We will negotiate reform of the EU Common Fisheries Policy to support sustainable fish stocks, a prosperous fishing industry and a healthy marine environment.’**

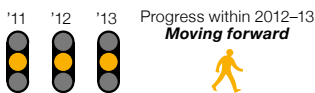
*A strong position on Common Fisheries Policy reform and early attention to the interaction between fisheries and seabird bycatch in UK waters – in response to the EU Seabird Plan of Action – has had a significant impact in this area.*





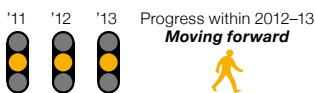
**'We will implement the Ash Dieback Control Strategy and consider the findings from the Tree Health and Plant Biosecurity Expert Taskforce.'**

*The response to ash dieback was timely and included effective engagement with stakeholders; some recommendations of the Tree Health and Plant Biosecurity Task Force have been swiftly implemented.*



**'We will reform the water industry to enhance competition and improve conservation.'**

*Retail competition is promoted in the Water Bill, but wildlife and habitats are in danger from upstream competition, water trading provisions, the omission of a timetable for abstraction reform and changes to Ofwat's duties.*



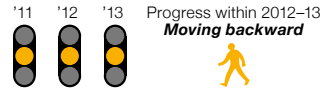
**'Influence reform in Europe to support [a] strong, sustainable agricultural ... [industry].'**

*A robust position has been taken on Common Agricultural Policy reform, including the Environment Secretary's stated wish to undertake maximum modulation, though this is weakened by the position on the EU budget and neonicotinoids.*



**'We will implement EU regulations to prevent the trade in illegal logging.'**

*Good implementation of the EU timber regulations has been somewhat undermined by a lack of transparency around UK procurement.*



**'We will tackle the smuggling and illegal trade of wildlife through our new Border Police Force.'**

*Committed long-term funding for the National Wildlife Crime Unit is lacking, along with the necessary drive and resources to tackle wildlife crime nationwide.*



**'We are committed to introducing the right of coastal access under the Marine and Coastal Access Act 2009.'**

*Despite progress on the coastal path, thinking around its funding and the timeframe for completion has been too short-term.*



**'Protect and enhance our urban and natural environment to improve public health and wellbeing.'**

*Improvements to rights of way legislation need to be backed up with access infrastructure and support for Local Nature Partnerships to engage with the health and wellbeing agenda.*



**'Improve water quality.'**

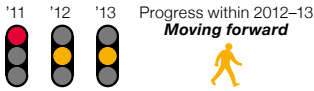
*The Catchment Based Approach is promising, but there are concerns over its ability to deliver environmental outcomes in the long-term; outside of this Approach, action must be taken to address all sources of pollution.*



**'We will take action to tackle the illegal trafficking of protected or endangered wildlife species.'**

*The establishment of the illegal wildlife trade Task Force, amongst other work, should have a positive impact in this area.*

# Summary



**‘We will plant a million trees by 2015 and put English forestry on a more sustainable footing, building on the report by the Independent Panel on Forestry.’**

*Support for the Independent Panel on Forestry’s report and the Forestry and Woodland Policy Statement is positive, but uncertainty remains around the new public forest estate management organisation and Forest Services.*



**‘We will create a presumption in favour of sustainable development in the planning system.’**

*Local Plans have taken longer than expected to put in place and, in their absence, the interpretation of the National Planning Policy Framework has not always correctly balanced economic, environmental and social needs.*



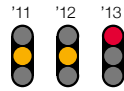
**‘Continue our radical reform of the planning system to give neighbourhoods much greater ability to shape the places in which they live.’**

*Neighbourhood Plans are being made across the country, but have received variable support from local authorities; transparency around the weight given to the Plans is also a concern.*



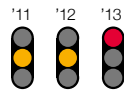
**‘[We] will seek to introduce primary legislation at the earliest opportunity to ... ban travelling circuses from using performing wild animals.’**

*The introduction of a draft Bill is very welcome, though the licensing regime that was introduced is inadequate and inappropriate.*



**‘We will implement the Biodiversity Strategy and build natural capital through Local Nature Partnerships.’**

*Synergies between delivery mechanisms and programmes for specific species are being pursued, but the Biodiversity Strategy is underfunded and behind schedule, and partners – including Local Nature Partnerships – are insufficiently supported to deliver against it.*



**‘We will maintain the Green Belt, Sites of Special Scientific Interest and other environmental protections, and create a new designation – similar to SSSIs – to protect green areas of particular importance to local communities.’**

*Protection for these designations under new planning policy is uncertain, with increasing indications that such protections are not a priority.*



**‘Implement recommendations from the Habitats and Wild Birds Directives Implementation Review.’**

*Implementation of the recommendations risks weakening compliance with the Directives.*



**‘We will promote high standards of farm animal welfare.’**

*Little progress has been made overall, particularly in relation to the continued support for intensive dairy farming.*



**'Implement recommendations from the Macdonald Task Force's review of farming regulations to reduce burdens and increase responsibility.'**

*Support for an unrelentingly deregulatory approach to farming is damaging – in particular around removal of key EU legislation – and will harm environmental protection and animal welfare.*



**'Deliver a new framework for achieving the dual objectives of increasing food production and enhancing the environment.'**

*This area has suffered from a lack of leadership and a failure to build on the outcomes of the green food project in a cross-sector manner, or to tackle greenhouse gases from agriculture.*



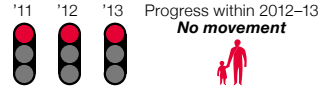
**'We will take forward the findings of the Pitt Review to improve our flood defences, and prevent unnecessary building in areas of high flood risk.'**

*The Government has consistently failed to align flood defence work with other policy areas, and potentially dangerous misconceptions over the role of desilting and dredging threaten to damage river ecosystems.*



**'We will implement a carefully managed and science-led policy of badger control as part of a balanced package of measures to control bovine TB and to support the cattle industry.'**

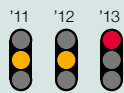
*The policy being implemented is neither balanced nor science-led, especially with regard to the relative lack of resources being directed to sustainable disease control measures, such as badger vaccination.*



**'We will designate Marine Conservation Zones in 2013 and reduce the regulatory burden of marine licensing while maintaining a high level of protection of the marine environment.'**

*The proposed network will not be ecologically coherent, although other areas – including improving protection for European Marine Sites from damaging fishing activities – have seen progress.*

# 1. Nature and access to nature



## 'We will implement the Biodiversity Strategy and build natural capital through Local Nature Partnerships.'

*Synergies between delivery mechanisms and programmes for specific species are being pursued, but the Biodiversity Strategy is underfunded and behind schedule, and partners – including Local Nature Partnerships – are insufficiently supported to deliver against it.*



## 'Implement recommendations from the Habitats and Wild Birds Directives Implementation Review.'

*Implementation of the recommendations risks weakening compliance with the Directives.*



## 'We are committed to introducing the right of coastal access under the Marine and Coastal Access Act 2009.'

*Despite progress on the coastal path, thinking around its funding and the timeframe for completion has been too short-term.*



## 'Protect and enhance our urban and natural environment to improve public health and wellbeing.'

*Improvements to rights of way legislation need to be backed up with access infrastructure and support for Local Nature Partnerships to engage with the health and wellbeing agenda.*

## **We will implement the Biodiversity Strategy and build natural capital through local nature partnerships<sup>11</sup>**

**1.1** | The Government's Biodiversity Strategy is neglected, underfunded and behind schedule.<sup>12</sup> Without the step change in support for species recovery and ecosystem restoration that the Strategy outlines – and which is also so important to people – it will not be possible to build natural capital. It is therefore critical that *Biodiversity 2020* becomes a high priority for the Government. As it stands, this commitment receives a red rating.

***"The Government's Biodiversity Strategy is neglected, underfunded and behind schedule"***

**1.2** | Nature is in crisis: 60% of species are in decline and, of those, half are declining strongly.<sup>13</sup> The National Ecosystem Assessment showed that the natural environment provides many essential public goods: the value of insect pollination to agriculture (conservatively estimated at £430 million/year) and the health and wellbeing benefits of experiencing nature (£30 billion/year) are just two examples.<sup>14</sup> A new study of two thirds of our National Nature Reserves has shown that, over and above their benefits to biodiversity and access to nature, they supported 679 full time jobs and brought £23 million into their local economies in 2011/12.<sup>15</sup>

***"We are responsible for handing on to future generations a planet that is rich in wildlife"***

Since we are responsible for handing on to future generations a planet that is rich in wildlife, the protection and restoration of the natural environment should be a high priority for governments of any political hue. International commitments to reverse the decline of threatened species and restore damaged habitats need to be met, and *Biodiversity*

2020 must therefore be used to catalyse the protection and enhancement of our species and habitats.

**1.3** | As we reported in 2012, the governance structures for delivering *Biodiversity 2020* are in place and have the right composition.<sup>16</sup> But, although implementation is underway, progress in some areas has been slow and some of the outcomes in the Strategy will not be met at the present rate of progress.<sup>17</sup> For example, progress towards increasing the extent of priority habitat by 200,000 hectares by 2020 is significantly behind trajectory.<sup>18</sup> And although this outcome includes a commitment to ‘no net loss of priority habitat’, there is currently no recording of habitat loss that would show whether or not this has been achieved.

**1.4** | The Government introduced two new mechanisms in its Natural Environment White Paper, *The Natural Choice* – Nature Improvement Areas (NIAs) and Local Nature Partnerships (LNPs) – which were designed to support the creation of a resilient ecological network, deliver local biodiversity protection and enhancement, and build natural capital. These goals should in turn be underpinning the delivery of *Biodiversity 2020*. NIAs and LNPs, which were welcomed by non-governmental organisations (NGOs), must therefore be resourced to deliver against *Biodiversity 2020* and integrated into the delivery of other environmental objectives. LNPs, in particular, have not received the support or resources that would allow them to fulfil the critical role they have been given by Defra.

**1.5** | LNPs have a strategic role in delivering *Biodiversity 2020*, similar to Local Enterprise Partnerships’ (LEPs) role in supporting local economic growth. Each of the 39 LEPs has received £250,000 each year until 2015 for development of their Strategic Economic Plan and strategies for their use of European Structural and Investment Funds; they will also be given a further £250,000 each over 2013/14 to support core capacity. By contrast, the 48 LNPs have been given a shared, one-off £1 million capacity building fund. Subsequently, they have not been given the authority, funding or information to deliver against *Biodiversity 2020* and really make a difference on the ground.

**1.6** | For LNPs to make a difference they must be championed by Ministers across the Government and sufficiently resourced. Defra and the Department for Business, Innovation and Skills need to support LNPs and LEPs to work together on LEP strategies. Defra needs to identify and facilitate the exchange of best practice between LNPs and make them aware of relevant policy and legal hooks within the planning system, such as the duty to cooperate and the policies in the National Planning Policy Framework. Defra must also ensure that they receive information on priority species and habitats, local National Character Areas and key research and project outcomes.<sup>19</sup>

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**“LNPs must be championed by Ministers across the Government”**

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**1.7** | LNPs and NIAs are, of course, not the only potential delivery mechanisms for *Biodiversity 2020*, as Defra has recognised: ‘concerted effort from all parties is needed if we are to halt overall biodiversity loss.’<sup>20</sup> NGOs, for example, are already working to deliver the outcomes of the Strategy, but Defra needs to incentivise and secure such commitments from all potential private, public and voluntary sector partners. In the context of an 11% funding cut at Natural England and 30% at Defra since 2010, along with a blanket government ‘ban’ on communications spend, effective communication around *Biodiversity 2020* still has not happened. But commitments from partners must be supported by framework that allows them to understand, engage with and report against the Strategy.

**1.8** | Natural England’s *Biodiversity 2020* programme has yet to be replicated to the same degree in most other statutory environment bodies; the Environment Agency has made good progress, but has suffered funding cuts to its biodiversity work. Other government departments, such as the Department for Communities and Local Government and the Department for Transport, should deliver for biodiversity through their infrastructure and planning work, but they are not doing so in a coordinated fashion. For example, we note that

# 1. Nature and access to nature

national infrastructure projects, such as High Speed 2, make no mention of their potential impacts on the aspirations of *Biodiversity 2020*.

**1.9** | More broadly, it will not be possible to deliver a recovery of our cherished natural environment without the advice and support of Natural England, the Government's statutory expert on the natural environment. Link has therefore noted with concern the continued erosion of Natural England's role. The Natural England Framework and the Natural England Autumn Statement Improvement Plan put the organisation at the service of the Government's general 'aims and priorities', rather than allowing it to fulfil its statutory role as an independent

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***"It will not be possible to deliver a recovery of our cherished natural environment without the advice and support of Natural England"***

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champion of the natural environment. In addition, the draft Deregulation Bill removes the necessity for Natural England to provide advice on changes to existing environmental regulations. If the public is to have confidence that the natural environment is being conserved and enhanced for future generations, it needs to know that an independent agency exists that is free from political interference or requirements to boost short-term economic growth. The Government should demonstrate its commitment to this approach by putting Natural England's advice to government into the public domain, in line with the examples set by the Office for Budget Responsibility and the Committee on Climate Change.

**1.10** | One of the objectives in *Biodiversity 2020* is to avoid further species extinctions in England. Given that species like the hen harrier and triangular club-rush are on the verge of human-induced extinction, and that other species are in rapid decline, we welcome the announcement that Natural England will be committing over £995,000 to the Species Recovery Programme in 2013–14.<sup>21</sup> This programme provides targeted conservation

action that is vital to the survival of species on the edge that need targeted, not generalised action, and is run in partnership with a wide range of organisations. However, it is clear that there are far more than the 56 priority species covered by this funding that are in urgent need of targeted action. This funding must be enhanced in future years if we are to address the needs of England's priority species, and Natural England will need to work with the Environment Agency, the Forestry Commission, the Ministry of Defence and NGOs to plan their contribution to this essential work.

**1.11** | Support for priority species should also be usefully aided by the identification of overlap between different delivery mechanisms, which has demonstrated how species support can be integrated into habitat and landscape-scale conservation, locally-led initiatives and policy implementation plans.<sup>22</sup> For example, the Water Framework Directive supports the recovery of 12% of priority species, including the freshwater pearl mussel, and woodland management schemes are supporting recovery of 20% of such species, like the lesser spotted woodpecker. These approaches should now be widely supported across government, to achieve outcomes as efficiently as possible.

**1.12** | Alongside the priority species which we need to protect, the UK also hosts a wide variety of dangerous invasive non-native species (INNS). *Biodiversity 2020* recognised the impact that INNS have on biodiversity and the damage they cause, conservatively estimated at £40.6 million.<sup>23</sup>

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***"Defra should be decisive and robust where there is evidence of ecological harm"***

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The ban on the sale of five of the most destructive invasive non-native aquatic plant species was therefore very welcome. However, it is disappointing that the ban has been delayed for a year and will only come into force in April 2014. Defra should be decisive and robust where there is evidence of ecological harm.

**1.13** | The European Commission is currently considering an EU Regulation on the prevention and management of invasive species. We will be looking to the UK to show leadership that ensures the adoption of a strong and effective Regulation.

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**“The proportion of GDP spent on biodiversity should, at the very least, not decrease over the term of Biodiversity 2020”**

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**1.14** | We recognise that biodiversity conservation needs to be delivered efficiently and cost effectively, but still those biodiversity outcomes must be achieved. Yet public sector funding for biodiversity work in England fell by 7% between 2009/10 and 2011/12,<sup>24</sup> and UK-wide public expenditure on biodiversity as a proportion of Gross Domestic Product (GDP) declined from 0.034% to 0.031% between 2009/10 and 2010/11.<sup>25</sup> Since a significant proportion of biodiversity action will continue to be dependent on public sector funding, at least in the short-term, we advocate that the proportion of GDP spent on biodiversity should, at the very least, not decrease over the term of *Biodiversity 2020*. If we are to achieve the step change necessary to secure *Biodiversity 2020*'s outcomes this proportion will very likely need to increase.

**1.15** | To turn the progress on *Biodiversity 2020* around the Government urgently needs to: maintain, at the very least, the proportion of GDP spent on biodiversity; provide the resources and incentives to enable public, private and voluntary sector partners to deliver against the Strategy; exploit synergies between biodiversity and other policy areas, such as agri-environment schemes and invasive species; put monitoring and surveillance systems in place to identify where objectives are being met; and ensure that all guidance from Defra relating to Natural England clearly articulates Natural England's role as an independent champion for nature, whose primary purpose is to conserve and enhance the natural environment.

## **Implement recommendations from the Habitats and Wild Birds Directives Implementation Review<sup>26</sup>**

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**1.16** | The stated purpose of the Habitats and Wild Birds Directives Implementation Review was ‘to find out how to do things better, more simply, and more efficiently without compromising the founding objectives of the Directives.’<sup>27</sup> Whilst we acknowledge that the majority of the Review's measures have been completed or are ongoing, we do not believe that their implementation has led to better delivery of the Directives. Indeed, in some areas they risk having the opposite effect: both weakening proper implementation of the Directives and increasing risk and uncertainty around consenting. This commitment therefore continues to receive a red rating.

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**“In some areas the Review's measures risk weakening proper implementation of the Directives and increasing risk and uncertainty around consenting”**

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**1.17** | The Directives bring us very significant benefits and are worth protecting. Indeed, they should be a source of pride. In addition to their primary purpose of conserving species and habitats they provide a range of valuable ecosystem services. Blanket bog, for example, which makes up one fifth of all sites protected for their habitats under EU law, provides large quantities of naturally high quality drinking water and sequesters carbon from the atmosphere.<sup>28</sup> In 2012, the UK's annual emissions stood at 570 megatonnes of CO<sub>2</sub> equivalent.<sup>29</sup> Peat soils across the UK, such as blanket bog, are thought to contain at least 3,121 megatonnes of carbon – i.e. more than five years of UK emissions.<sup>30</sup>

**1.18** | Defra has highlighted the work of the new Major Infrastructure and Environment Unit (MIEU) as an example of the Review's positive work. However, the Unit has notably failed to do what developers and NGOs alike were calling for, which

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is to provide certainty on difficult strategic issues. For example, they should be providing a clear and robust decision-making framework for offshore wind developments.

**1.19** | In relation to guidance, we are concerned that the Government's effort to streamline new guidance on the application of Article 6(4) of the Habitats Directive will lead to poorer implementation of the Directives. For example, the guidance fails to state that the 'public interest' of a plan or project must be both 'imperative' and 'overriding'. Disconnecting these terms means that the Government is choosing to interpret that a plan or project meets the Imperative Reasons of Overriding Public Interest (IROPI) test if there is simply a public interest element, which is a lower threshold than that set by the Directives. Furthermore, the guidance fails to make it clear that local, and often regional, public interest is not sufficient to meet the IROPI test: the Directive enshrines the need to conserve Europe's natural heritage at a 'community level' (i.e. across the EU). Finally, sections of the guidance substantially depart from the relevant EU guidance and may therefore undermine the consistent application of the Habitats Directive and lead to considerable uncertainty, investor risk and risk of challenge.

**1.20** | We also have significant concerns around the draft 'overarching' guidance on the application of the Birds and Habitats Directives, which was subject to consultation in early 2013, but has yet to be published. The consultation stated that the draft guidance 'does not seek to change the current approach on how the legislation is implemented in England.'<sup>31</sup> But we are concerned that in places the guidance, as currently drafted, does in fact risk changing that approach. This is in conflict with both existing UK and EU guidance, and risks compounding the issues identified above in relation to the Article 6(4) guidance.<sup>32</sup>

**1.21** | One area of the Review's work which has achieved some limited progress is the new Marine Evidence Group. Some work has been commissioned and delivered to review and interpret the available evidence, but to date the group has

failed to tackle some of the key evidence gaps or questions around the impact of development on the marine environment. While work to address the scale of the potential threats from offshore wind deployment is urgently needed, some of the work has raised more questions than it has answered. Bird collision risk and avoidance rate monitoring proposed under the Offshore Renewables Joint Industry Programme is welcome, but has yet to commence and limited take-up looks set to severely limit its value.

**1.22** | Finally, despite noting that it is too soon to say whether the Review has had an effect, Defra has published figures suggesting that the Review, which was completed in March 2012, *has* had a positive effect. Defra notes that in 2012 98% of all planning consultations and 97% of Habitats Directives cases were dealt with within statutory timetables, and that customer satisfaction was up 4% to 94% in May 2013, compared with January 2013.<sup>33</sup> Interestingly, these figures suggest that the requirements of the Directives were already well managed before the Review, and are not a brake on economic development.

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***“Defra's figures suggest that the requirements of the Directives were already well managed before the Review, and are not a brake on economic development”***

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**1.23** | To achieve an improved rating next year, the Government needs to ensure that its guidance relating to the Habitats and Wild Birds Directives is in line with relevant EU guidance, and the MIEU needs to start providing certainty for all parties on difficult strategic issues.



## **We are committed to introducing the right of coastal access under the Marine and Coastal Access Act 2009<sup>34</sup>**

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**1.24** | This commitment continues to receive an amber rating. The coastal path and its associated margin of open access land will together practically deliver the right to coastal access. However, while the path is progressing, the timetable for its completion has recently been pushed to beyond 2019, despite its manifest benefits and the low cost of its creation. Ministers have also decided not to make an Order applying the right of access to the coast of the Isle of Wight, further indicating their lack of commitment to the project.

**1.25** | Natural England has opened one section of the path, with its associated margin of land for open-air recreation on foot, and a further two sections are set to be opened to the public in spring 2014. These new sections of the path will bring economic and access benefits to millions. In addition, the scheduled review of the Coastal Access Scheme will introduce some useful reforms of the process.<sup>35</sup> These should allow the path to be created more quickly, whilst retaining the existing approach, including the ‘spreading room’ that is important for recreational activities like rock climbing.

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***“The Wales Coast Path was walked by 2.8 million people in 2012, bringing in an additional £16 million to the Welsh economy”***

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**1.26** | However, the Defra Ministers have recently indicated that the path will not be completed by the planned delivery date of 2019, as it is no longer a spending priority.<sup>36</sup> This is short-sighted given the very low cost of creating the path (£239,000 between 2012 and 2015) in relation to its considerable likely economic benefits.<sup>37</sup> The Wales Coast Path – opened in May 2012 – was walked by 2.8 million people that year, bringing in an additional £16 million to the Welsh economy, creating jobs and bolstering

Wales’ reputation as a major tourist destination.<sup>38</sup> Coastal paths also provide access to nature, which Defra is prioritising through the Natural Connections Demonstration Project and its proposed successors.<sup>39</sup> Furthermore, the areas of open access (coastal margin) associated with the path benefit land managers by reducing the impact of occupiers’ liability legislation.

**1.27** | In order to do better on this commitment, the Government simply needs to recommit funding to the path and set out a reasonable timescale for its completion.

## **Protect and enhance our urban and natural environment to improve public health and wellbeing<sup>40</sup>**

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**1.28** | The clear links between the natural environment and health and wellbeing demonstrate the multiple benefits of environmental improvement. The Government has made some efforts to encourage LNPs and NIAs to make and exploit these links, and has improved legislation on rights of way. This commitment therefore receives an amber rating.

**1.29** | The benefits to health and wellbeing of the natural environment are well known. Those who live within 500m of accessible green space are 24% more likely to meet recommended levels of physical activity, potentially reducing morbidity and mortality rates.<sup>41</sup> A recent report found that a park in Portsmouth may be providing potential savings of £910,000 to the NHS as a result of improved health associated with outdoor recreation and improvements in environmental quality.<sup>42</sup>

**1.30** | The Government has made a welcome improvement to rights of way legislation in the draft Deregulation Bill, which will simplify the process for putting paths on the ‘definitive map’ of rights of way, thus protecting them for future walkers. The Bill’s provisions have followed the consensus established by the Stakeholder Working Group on unrecorded rights of way, which will

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continue to be consulted as the Bill makes its way through Parliament. This work has provided a positive example of where Government has listened to stakeholders and thus achieved a widely-supported outcome.

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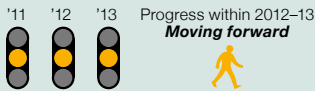
***“The improvements to rights of way legislation have provided a positive example of where Government has listened to stakeholders and thus achieved a widely-supported outcome”***

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**1.31** | The Government must support these positive steps by continuing to recognise the crucial role that the nation’s recreational access network – including public rights of way, open access land and National Trails – plays in unlocking many of the benefits of the natural environment. The health benefits derived from contact with nature are dependent on maintaining high quality natural assets *and* the means to access them.

**1.32** | To further support the beneficial links between health and the environment, and to improve this rating, Defra could facilitate links between LNPs and Health and Wellbeing Boards, as suggested at the LNP Ministerial event in February 2013. Currently, these additional benefits do not universally appear in information provided to LNPs or NIAs, and the lack of resourcing may, as noted above, constrain the action that LNPs can take.

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### 'Influence reform in Europe to support [a] strong, sustainable agricultural ... [industry].'

*A robust position has been taken on Common Agricultural Policy reform, including the Environment Secretary's stated wish to undertake maximum modulation, though this is weakened by the position on the EU budget and neonicotinoids.*



### 'Implement recommendations from the Macdonald Task Force's review of farming regulations to reduce burdens and increase responsibility.'

*Support for an unrelentingly deregulatory approach to farming is damaging – in particular around removal of key EU legislation – and will harm environmental protection and animal welfare.*



### 'Deliver a new framework for achieving the dual objectives of increasing food production and enhancing the environment.'

*This area has suffered from a lack of leadership and a failure to build on the outcomes of the green food project in a cross-sector manner, or to tackle greenhouse gases from agriculture.*

## Influence reform in Europe to support [a] strong, sustainable agricultural ... [industry]<sup>43</sup>

**2.1** | We commend the Environment Secretary for maintaining a robust 'public money for public goods' position during negotiations to reform the Common Agriculture Policy (CAP) in Brussels. However, the final political agreement has delivered a CAP that will continue to fail to protect and enhance wildlife and the natural environment from 2014–2020. The Government's staunch support for a reduced EU budget prevented it from robustly defending the CAP's Rural Development Pillar from disproportionate cuts and facilitated the continuation of a disproportionately low Rural Development allocation for the UK. Nevertheless, Defra's preference for transferring the highest possible amount from Pillar I (direct payments) into Pillar II (rural development), which delivers enhanced public benefits, is very welcome. In this overall context, the commitment must continue to receive an amber rating.

**2.2** | During CAP negotiations, Defra pushed hard to secure maximum flexibility in the implementation of new 'greening' requirements attached to a proportion of Pillar I payments. This flexibility could facilitate a more ambitious approach to greening in England. For example, it could be used to ensure a basic but widespread level of habitat provision for pollinators and other wildlife in the wider countryside. Defra must therefore ensure that this flexibility is used to implement the greening requirements in a way which clearly improves the level of environmental public goods secured from Pillar I payments in England. The greening requirements should also lead to an enhanced baseline upon which more targeted Pillar II schemes can operate. There is a clear role for Defra to demonstrate leadership in this area and not participate in a 'race to the bottom'.

**2.3** | Defra's negotiating position is also likely to have contributed to the general watering down of core greening proposals, as flexibility was prioritised over the detail of the measures themselves. For example, over a third of all EU agricultural land

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will now be exempt from Ecological Focus Areas,<sup>44</sup> and the ploughing and reseeded of permanent pasture will be allowed. This means that this latter measure is fundamentally flawed from a soil-carbon and biodiversity perspective.

**2.4** | Farmers and land managers in receipt of direct payments – and some rural development payments – must comply with a set of standards known as cross compliance. This system forms a basic but crucial part of the CAP’s environmental architecture. However, the 2013 CAP reform failed to address the system’s inherent weaknesses, removed key existing elements (for example, articles from the Birds and Habitats Directives) and rejected the inclusion of new, highly relevant requirements. For example, the Government opposed the inclusion of the Water Framework Directive, the Sustainable Use of Pesticides Directive and a new measure to protect wetlands and carbon rich soils without offering a viable alternative to delivering their objectives through the CAP. This was extremely disappointing, and in direct opposition to the Government’s stated support for the ‘public money for public goods’ principle. The £1.6 billion paid out in direct payments each year in England will, as a result, fail to achieve greater value for money.<sup>45</sup>

**2.5** | Defra must choose to transfer the maximum 15% from Pillar I to Pillar II in order to rebalance the UK’s Pillar II allocation in relation to Pillar I, and to mitigate the Government’s failure to protect Pillar II from disproportionate cuts during EU Budget negotiations. Since the ratio between Pillar I and II is around 9:1, compared to the European average of 3:1, a 15% transfer would also bring the UK countries, including England, up to the EU average in this respect.

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**“Defra must choose to transfer the maximum 15% from Pillar I to Pillar II”**

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**2.6** | Transfers between the Pillars are widely supported. The Government’s Natural Capital Committee recently stated that ‘redirecting this

expenditure [on direct income support] towards incentivising farmers to produce the things that the market will not provide ... – the public and environmental goods – could increase wellbeing and potentially have knock-on impacts for the wider economy.’<sup>46</sup> In addition, a major new independent study has concluded that spending CAP funds on improving access to attractive countryside, protecting wildlife and cutting greenhouse gases could produce annual benefits of over £18 billion, for a loss of less than £0.5 billion in UK agricultural production.<sup>47</sup> As Ministers have said, ‘Rewarding farmers for the environmental goods they provide is a much better use of taxpayers’ money than providing income support.’<sup>48</sup>

**2.7** | Pillar II funding should be used to boost investment in well-designed and effective agri-environment schemes in the new Rural Development Programme for England (RDPE). Agri-environment schemes deliver clear environmental, social and economic benefits, notably the majority of the funding for designated sites, priority species and habitats and the maintenance of beautiful and important landscapes and historic environment features in the wider countryside. In fact, agri-environment schemes deliver for nearly half of all priority species, including for example the lesser butterfly-orchid, and therefore play a vital role in meeting the Government’s domestic and international environmental obligations.

**2.8** | The Independent Panel on Forestry recommended that ‘Government and other woodland owners... give as many people as possible ready access to trees and woodlands for health and well-being benefits [by] planting trees and woodlands closer to people and incentivising more access to existing woodlands.’<sup>49</sup> Provision for woodland support should therefore also be recognised under the new RDPE.

**2.9** | Agri-environment schemes also generate real benefits for local rural economies, underpinning much of our countryside’s tourism and recreation and providing vital income streams to thousands of farmers.<sup>50</sup> These schemes, in combination with other Pillar II measures, will also become critical

in helping farmers to diversify and transform their businesses into sustainable and resilient concerns. Indeed, there is a clear economic case for transferring money from Pillar I to Pillar II simply in terms of the financial commitments from existing agri-environment agreements (and those entered into in 2014). In England these are projected to be over £2 billion, some £260 million more than the entire UK allocation.

**2.10** | It was disappointing that Defra chose not to launch a formal consultation on CAP earlier. This has limited the consultation window, and thus reduced stakeholders' ability to feed into decisions, in particular around the RDPE, that will have serious consequences for land management up to 2020. Defra have therefore not given themselves the best chance to develop a robust and well-supported final programme.

**2.11** | Defra's performance in other areas of policy also causes concern. Despite strong and growing evidence of harm to bees and other pollinators, the UK Government has resisted attempts at EU level to restrict the use of certain neonicotinoid insecticides.<sup>51</sup> The UK was one of a minority of Member States to vote against European Commission proposals, justifying its position by citing a study carried out by scientists from the Food and Environment Research Agency that was later discredited.<sup>52</sup> This apparent disregard for sound science, and a tendency to prioritise short-term economic considerations over the long-term sustainability of farming, is extremely worrying. This concern is shared by MPs, who recently reported that 'Defra seems to be taking an extraordinarily complacent approach to protecting bees.'<sup>53</sup>

**2.12** | The Government can support a stronger, more sustainable agricultural industry by modulating the maximum amount from Pillar I to Pillar II, and ensuring that Pillar I funds are attached to ambitious greening requirements. The Government will also need to put in place a robust RDPE that gives high quality agri-environment schemes a central role, and take action to protect pollinators. Action in these areas will support a better rating on agriculture issues in 2014.

## **Implement recommendations from the Macdonald Task Force's review of farming regulations to reduce burdens and increase responsibility<sup>54</sup>**

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**2.13** | The Macdonald Task Force was set up to advise government on how to reduce regulatory burdens on farmers and food processors. The Government stated that the Task Force's review would not lead to a weakening of protection for the natural environment, but it seems that that commitment has not been upheld. Given the costs of environmental damage from agriculture in the UK, estimated to be as high as £4 billion per year, the ongoing focus on deregulation in the farming sector is deeply worrying.<sup>55</sup> This commitment therefore receives a red rating.

**2.14** | Regulation is an essential tool for protecting the natural environment and allowing the UK to meet its legal obligations under EU Directives. Such regulations also therefore play a vital role in the protection and enhancement of the natural capital upon which our long-term prosperity and wellbeing ultimately depend. Defra's own regulatory assessment indicates that the wider social and environmental benefits of regulation often substantially outweigh the costs to business and regulators: biodiversity-related regulations have a benefit to cost ratio of almost 9:1.<sup>56</sup>

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***“Regulation is essential for protecting the natural environment and allowing the UK to meet its legal obligations”***

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**2.15** | The Government is pushing ahead with 'earned recognition' for farm assurance scheme members as part of its deregulatory approach, despite insufficient evidence to support the early introduction of this mechanism. Recent Defra-funded research examining farm assurance scheme membership and compliance provided no evidence for the 'read across' principle in relation to environmental requirements.<sup>57 58</sup>

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Indeed, some key requirements, such as those relating to nitrate pollution, were omitted from the analysis. The research also showed that assurance scheme membership was not found to improve compliance with other environmental requirements.

**2.16** | Pressure to remove regulation simply because it is not convenient for some business interests in the short-term is unacceptable. It is very concerning, for example, that the ‘one year on’ progress report on implementation of the Task Force’s recommendations included a call for the removal of the Nitrates Directive, a cornerstone of EU water quality protection. Similarly, some animal welfare provisions may not be easy for all, but are still entirely justified by the necessary protection they provide to livestock. In the case of farm animal welfare, the continuing success of welfare-focused initiatives is tangible evidence of the value to UK farming businesses of differentiation of their products on the basis of higher animal welfare.<sup>59</sup>

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**“Pressure to remove regulation simply because it is not convenient for some business interests in the short-term is unacceptable”**

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**2.17** | Despite the Government’s preference for the use of alternatives to regulation, there is very little evidence to suggest that voluntary approaches deliver genuine environmental improvements in the agricultural sector. Voluntary initiatives specifically relating to animal welfare can contribute to upholding acceptable standards, but these initiatives are often disparate, inconsistent and uncoordinated and they cannot therefore replace government oversight. Whilst the Campaign for the Farmed Environment has certainly raised awareness among farmers about the best way to optimise environmental benefit from land management options, it did not meet its original objectives.

**2.18** | In order to achieve an improved rating for this commitment in 2014, the presumption that regulation should only be used as a last resort needs to be replaced with a presumption in favour

of what works, backed up by more effective implementation and enforcement of legislation.<sup>60</sup>

 **Deliver a new framework for achieving the dual objectives of increasing food production and enhancing the environment<sup>61</sup>**

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**2.19** | *The Natural Choice* acknowledges that ‘food increases must be achieved sustainably in order to protect the ecosystem services (such as pollination and the water cycle) on which food production relies’.<sup>62</sup> Despite this, the Government is failing to provide leadership to support farmers to move away from unsustainable practices, and this commitment therefore receives a red rating.

**2.20** | It is worth restating that there is currently no shortage of food within the UK. Indeed, we throw away 8.3 million tonnes of food each year.<sup>63</sup> But there is little evidence that the Government is taking steps to promote sustainability in the current agricultural system so that we can produce sufficient food and enhance the environment to meet the needs of future generations. Focusing on increased production in the short-term will not deliver a more sustainable approach, nor necessarily benefit economic growth or food affordability. The new agri-tech strategy, for example, could result in the prioritisation of work that embeds the current unsustainable approach to farming instead of moving the industry to a more sustainable model.<sup>64</sup>

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**“Any growth in food production must take place within environmental limits”**

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**2.21** | The green food project brought together interest groups from farming and the voluntary sector to tackle difficult questions. Unfortunately, the membership of the steering group was insufficiently broad and there was a lack of strong leadership from the Government, resulting in an industry bias. Nevertheless, the final report

included some useful recommendations on potential win-wins and necessary trade-offs.<sup>65</sup> In particular, the geographic sub-group produced a series of recommendations around optimising the delivery of ecosystem services, responding to and influencing the drivers of change and improving understanding. The key message was that any growth in production must take place within environmental limits, and that these limits (and thus the most appropriate future land use) will vary from place to place. The subgroup working on sustainable consumption has generated potentially useful guidance on sustainable diets and a follow-up report was published in July 2013. Disappointingly, however, the overall political momentum seems to have waned, and work is now being taken forward in a more traditional siloed manner that fails to capitalise on previous efforts made by all concerned.

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***“Without further abatement agricultural emissions will account for an unsustainable share of allowed emissions in 2050”***

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**2.22** | The current government approach to reducing greenhouse gas (GHG) emissions from agriculture, based on an industry-led initiative (the Greenhouse Gas Action Plan), continues to be a cause for concern. Giving responsibility to industry means the necessary leadership and strategic oversight is absent, and action that is not aligned with an ecosystems framework. For example, insufficient attention is being given to protecting existing carbon stores, the importance of sensitive land management, avoiding negative co-effects and trade-offs or aiding adaptation to climate change as part of a sustainable mitigation strategy.

**2.23** | The 2012 Defra review of progress in reducing GHG emissions from English agriculture failed to recognise the pressing need for a robust, transparent monitoring framework or clear measurable objectives for the Action Plan. It is unclear how the Action Plan’s ‘enhancing productivity’ approach translates into specific

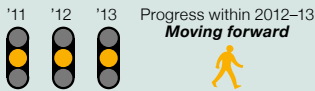
mitigation measures, especially since one of the Plan’s stated ‘principles of engagement’ is ‘that production efficiency gains should be the focus of activity, and that domestic production should not be compromised in the face of food security concerns on imports.’<sup>66</sup> By contrast, the Committee on Climate Change has concluded that, without further abatement beyond current ambitions, agricultural emissions will account for an unsustainable share of allowed emissions in 2050.<sup>67</sup> It is therefore essential that total emissions from English agriculture are reduced.

**2.24** | The positions of departments other than Defra are also highly relevant to farmland and rural areas. The Department for Business, Innovation and Skills (BIS) is leading the Government’s work on the Growth Programme in England, which will use European Structural and Investment Funds – including a proportion of the Rural Development budget – to facilitate locally driven ‘growth projects’ between 2014–2020, led by Local Enterprise Partnerships (LEPs). Whilst LEPs are being strongly encouraged by government to engage with local interests, there is no requirement for them to do so. As noted above, BIS and Defra should work together to ensure that LEPs and LNPs collaborate on LEP strategies to spend Growth Programme Funds. This will help to ensure that the Growth Programme does not adversely impact on the environment and secures win-wins wherever possible.

**2.25** | Another area where a proper consideration of evidence and a precautionary approach will be needed is Genetically Modified (GM) crops. The Environment Secretary has expressed strong support for reducing regulatory and financial ‘barriers’ to commercial GM crops.<sup>68</sup> But the pursuit of GM solutions must not involve a weakening of policies which are designed to protect the environment, and must not damage the livelihoods of non-GM farmers or detract from existing, sustainable alternatives to the challenges facing farming.

**2.26** | In order to secure improvements in this area in 2014, the Government needs to reinvigorate the green food project and put in place a robust plan to reduce agricultural GHG emissions.

# 3. Freshwater



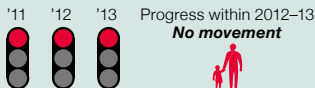
## 'We will reform the water industry to enhance competition and improve conservation.'

*Retail competition is promoted in the Water Bill, but wildlife and habitats are in danger from upstream competition, water trading provisions, the omission of a timetable for abstraction reform and changes to Ofwat's duties.*



## 'Improve water quality.'

*The Catchment Based Approach is promising, but there are concerns over its ability to deliver environmental outcomes in the long-term; outside of this Approach, action must be taken to address all sources of pollution.*



## 'We will take forward the findings of the Pitt Review to improve our flood defences, and prevent unnecessary building in areas of high flood risk.'

*The Government has consistently failed to align flood defence work with other policy areas, and potentially dangerous misconceptions over the role of desilting and dredging threaten to damage river ecosystems.*

## **We will reform the water industry to enhance competition and improve conservation<sup>69</sup>**

**3.1** | The Government's reform of the water industry is taking place through the 2013 Water Bill. Following useful pre-legislative scrutiny, a number of welcome amendments have been made to the Bill. As a result, we believe that this commitment reflects a better designed policy and one that is on track in the current parliamentary timetable. However, given the failure to include a legislative timetable for abstraction reform, the introduction of water trading and the weak drafting of the resilience duty, this commitment remains amber.

**3.2** | The pre-legislative scrutiny of the Bill by the Environment, Food and Rural Affairs Select Committee was thorough and useful. The Committee's report recommended that Ofwat – the water regulator – be given a primary sustainable development duty and that greater clarity and urgency should be introduced around abstraction reform.<sup>70</sup> The revised Bill does include a number of welcome changes, namely: the ending of compensation payments to water companies for changes in their abstraction licences; a measure giving water companies responsibility for supply pipes (which will enable them to address leakage more effectively); greater clarity over the role of water companies in delivering sustainable drainage systems (SuDS); and a statutory underpinning for the Strategic Policy Statement to Ofwat, which is a strong statement of the water industry's environmental obligations and the benefits of working with nature. The Statement notes, for example, that 'habitats ... on water company land [offer] scope for innovative management approaches with multiple benefits for biodiversity and water quality and availability.'<sup>71</sup>

**3.3** | However, the Bill has failed to include a legislative timetable for abstraction reform, which is urgently needed to put our water use on a sustainable footing, especially given the potential for increasingly dry summers due to climate



change.<sup>72</sup> It is true that the Bill has been amended to include a new ‘resilience’ duty for Ofwat, but at this stage the duty is poorly drafted. It focuses on managing the environment as a risk to water supply or sewage disposal rather than directing the industry to consider and manage its impacts on the wider environment. As it stands, the duty will undermine conservation not only of water but of the species and habitats which make up our precious water environment. The Bill should instead make Ofwat’s existing sustainable development duty into a primary duty, following the successful precedent set by the electricity and gas regulator Ofgem.

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***“A legislative timetable for abstraction reform is urgently needed to put our water use on a sustainable footing”***

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**3.4** | The Bill should also take the opportunity to address the division of rivers into ‘Main River’ and ‘Ordinary Watercourse.’ The distinction means that they have different levels of protection and different responsible authorities, and thus that sensitive habitats and species found in Ordinary Watercourses have considerably less protection than their counterparts on Main River. Moreover, the patchwork of different administrative regimes and bylaws that define what may or may not require consenting is complex and confusing for those who wish to undertake work on the ground. Instead, a consistent, risk-based approach to regulating watercourse management and modification should be introduced. This would clarify the situation around watercourse management and modification for those undertaking work, while offering better protection to the environment.

**3.5** | On the competition aspects of the Bill, upstream competition (the market for raw water and sewage) and powers to introduce water trading are designed to encourage the trading of water and effluent *ahead* of the abstraction licensing reforms promised by the Government. This means there will be no safeguards to prevent the reactivation of licences in sensitive areas that are currently

unused, nor will there be controls on the diversion of sewage effluent in catchments where it makes up a significant element of base flow. The Environment Agency estimates that 18% of catchments are over-licensed, but that at present water companies leave 40% of the water they could abstract in the environment.<sup>73</sup> If every licence was used to its full extent, we would therefore see significant damage to the environment, and so upstream competition presents a significant environmental risk.

**3.6** | The need to reform abstraction is widely accepted. The current system allows the vast majority of abstractors to take a fixed volume of water, regardless of how much is actually available. Thus, during dry periods, abstractors can remove the water that the environment needs in order to function, causing more rivers to dry out and leading to more fish kills and degraded habitats. The Environment Agency estimates that 15% of rivers are over-abstracted for this reason, and a further 18% would be if every licence was fully utilised.<sup>74</sup> The current abstraction system, designed in the 1960s, is not able to balance the needs of the environment and abstractors in the context of a changing climate, an increasing population and rising demand for water. The options for reform are either to make improvements to the current system, or to move to a ‘water shares’ approach where each abstractor is allocated a proportion of the water that can be abstracted *without* causing environmental damage. The latter approach would make a much clearer link between people’s water use and the environment, and would also be more flexible.

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***“The current review of water pricing has seen Defra provide very useful guidance around protecting the water environment”***

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**3.7** | The five-yearly review of water pricing is a key opportunity for the Government to guide water companies towards more sustainable outcomes. The current review, ‘PR14’, has seen Defra provide very useful guidance around protecting the water

## 3. Freshwater

environment, which promotes some environmentally beneficial solutions to water resources issues.<sup>75</sup> Unfortunately, however, it seems that much of the water industry has failed to grasp the opportunities provided by this supportive policy environment.

**3.8** | The Government needs to give more emphasis to improving conservation in its reform of the Water Bill, by giving Ofwat duties that are fit for purpose in the context of environmental limits and taking meaningful steps towards abstraction reform that will protect the water environment. If it does so, it will achieve an improved rating in 2014.

### Improve water quality<sup>76</sup>

**3.9** | The roll-out of the Catchment Based Approach to freshwater management and conservation is an exciting opportunity to implement catchment scale water management and improve the health of our rivers. It could generate a coordinated approach to tackling water quality problems at a catchment scale, though there are concerns around the Approach's ability to deliver environmental outcomes effectively in the long-term. More generally, variable compliance with the Water Framework Directive (WFD) and the Priority Substances Directive has led to patchy delivery of water quality improvements, particularly with respect to tackling over-abstraction and diffuse pollution from both agriculture and the urban environment. Overall, this commitment receives an amber rating.

**3.10** | Chalk rivers and streams provide an excellent example of why we should be doing more to improve water quality. England has around 80% of all the chalk streams and rivers in the world and therefore has a special responsibility to protect and conserve them. But of the 161 chalk streams and rivers across the country only four have been given strong protection via the Habitats Directive, namely the Hampshire Avon, Itchen, Wensum and Lambourn. Moreover, the condition of these four rivers is poor and they are not currently meeting

targets laid down in the WFD. Despite recognising the pressures (predominately over-abstraction and consequent low flows, which lead to poor dilution of effluents and nutrients, and siltation of the river bed), there has been little action or political will to improve these unique habitats.

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***“England has around 80% of all the chalk streams and rivers in the world and therefore has a special responsibility to protect and conserve them”***

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**3.11** | The catchment management pilots were set up to test approaches to engaging a wide group of stakeholders in action for the water environment, and to inform the rollout of a Catchment Based Approach. The evaluation of the pilots found that improved skills in collaborative working led to better relationships with more partners, an improved and more accessible evidence base and, ultimately, more cost-effective action for the environment.<sup>77</sup> Unfortunately, environmental outcomes themselves were not monitored during the pilots. To be proven successful, the Catchment Based Approach will need to test its delivery for environmental outcomes, and the cost-effectiveness of that delivery. It will also need clear objectives that align with the WFD and so shape forthcoming River Basin Management Plans. The catchment groups will also need to operate fairly, with clear governance structures underpinned by support from the statutory agencies and adequate funding. At present, Link is very concerned that current and future cuts to Defra budgets will constrain effective delivery.

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***“The Catchment Based Approach will need clear objectives that align with the WFD”***

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**3.12** | The establishment of the National Catchment Steering Group, which will support the catchment partnerships, is to be welcomed. Active engagement in the group from Defra, the Environment Agency and Natural England, as well as from key stakeholders, is essential if it is to succeed.

**3.13** | The WFD and the Priority Substances Directive provide critical support to improving the quality of our freshwater. However, compliance with Directives is variable. For example, only 27% of our rivers meet the objective of Good Ecological Status, as required by the WFD. The agriculture sector has been attributed a very high number of the ‘Reasons for Failure’ to reach those WFD objectives, and the Environment Agency’s independent survey of catchments found one to two issues per kilometre surveyed, many of agricultural origin.<sup>78</sup> Yet in 2012 only 184 farms were prosecuted for non-compliance with water-course protection obligations. Cross compliance for farmers’ Single Farm Payment is supposed to check adherence with environmental legislation, such as WFD, but only 1% of farms are visited each year.

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**“Only 27% of our rivers have Good Ecological Status”**

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**3.14** | WFD enforcement is lamentable because criteria for follow-up and prosecution focus resources on big events, rather than preventing the smaller, cumulative impacts which can lead to death by a thousand cuts. The Catchment Based Approach could offer more insights into sources and mitigation of pollution, but it is not clear that the Approach will – on its own – be sufficient to address the very significant diffuse agricultural pollution problems we face.

**3.15** | Hazardous chemicals can also have a range of negative effects on our wildlife, from acute toxicity through to endocrine disruption and other chronic impacts that affect species survival.<sup>79</sup> In order to tackle these effects, the Government needs to fully implement the Priority Substances Directive, work to control hazardous chemicals at source and identify emerging pollutants – including pharmaceuticals – for future regulation. There is also potential to develop innovative new wastewater treatment methods, including ‘natural’ systems that could treat water at lower cost and with lower carbon emissions.

**3.16** | On a positive note, we welcome the revised flow standards for the new Good Practice Guidance on hydropower. These new standards mean that new hydropower schemes wishing to increase abstraction beyond an environmentally protective baseline must show that they will not prevent WFD targets from being met. They must also not adversely impact protected sites or species, and they must show that they will maintain and improve fisheries and fish passage. Nonetheless, we remain concerned as to impacts, especially on head waters and weir pools, and the lack of evidence and monitoring underpinning the Environment Agency’s decisions in these areas.

**3.17** | To achieve an improved rating on water quality in 2014, the Government will need to ensure that steps are being taken to achieve WFD objectives across the board, including tackling agricultural, urban and water sector pollutants.



**We will take forward the findings of the Pitt Review to improve our flood defence and prevent unnecessary building in areas of high flood risk<sup>80</sup>**

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**3.18** | In 2012, we reported that the organisation and funding of flood risk management and its alignment with other policy areas – including biodiversity – were poor. Little has changed since then. Building on floodplains has not stopped, flood management is not consistent with the WFD and the requirement for inclusion of new SuDS in developments as a condition for connection to main drains is still delayed. This commitment therefore continues to receive a red rating.

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**“Building in areas of flood risk has not only continued but has increased”**

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**3.19** | Flooding is becoming ever more frequent and the Committee on Climate Change has this year said that ‘it is likely that the pattern of extreme

## 3. Freshwater

events seen in recent years will become the new normal.<sup>81</sup> Defra has made efforts to protect flood defence spending but, at the same time, building in areas of flood risk has not only continued but has increased: 560 residential planning units were built in England and Wales in 2012/13 *against* Environment Agency advice, an increase on the numbers from both 2010/11 and 2011/12.<sup>82</sup> This is not a new problem; the Climate Change Adaptation Sub Committee has identified a trend in increased development since 2001 despite successive policy interventions.<sup>83</sup>

**3.20** | Furthermore, given that two thirds of the flooding experienced in 2007 was caused by surface water, it is very disappointing that the implementation of SuDS has been so delayed, and that there is still no clear direction from government on retrofitting priority areas for SuDS.

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***“The watercourse maintenance pilots will pose a significant and avoidable threat to the natural environment”***

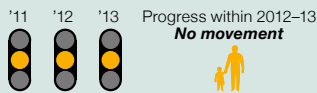
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**3.21** | A new initiative this year, developed in response to the rural flooding experienced in 2012, is a 12-month pilot examining the deregulation of watercourse maintenance on landowners’ ability to reduce flood risk and improve land drainage. However, evidence produced on behalf of the Environment Agency demonstrates that there is little evidence that dredging will reduce flood risk. While the depth and duration of flooding may have been reduced during 2012, in hotspots like the Somerset Levels and Moors, it would not have been prevented. Moreover, the costs of carrying out such works have been shown to far outweigh the benefits, irrespective of environmental impacts.<sup>84</sup>

**3.22** | The development of natural flood alleviation is an area where the Government’s performance has been consistently poor. In order to improve this rating in 2014, the Government needs to substantially reduce building on floodplains and enact outstanding legislative provisions that will enable the widespread development of SuDS. It also needs to explore

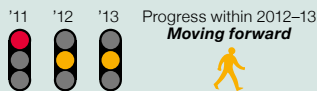
alternatives to simply allowing more desilting, such as: better awareness of catchment issues and management amongst farmers and land-owners; better soil management to decrease the need for desilting; and an improved consenting process.

## 4. Forestry



### **'We will implement EU regulations to prevent the trade in illegal logging.'**

*Good implementation of the EU timber regulations has been somewhat undermined by a lack of transparency around UK procurement.*



### **'We will plant a million trees by 2015 and put English forestry on a more sustainable footing, building on the report by the Independent Panel on Forestry.'**

*Support for the Independent Panel on Forestry's report and the Forestry and Woodland Policy Statement is positive, but uncertainty remains around the new public forest estate management organisation and Forest Services.*

### **We will implement EU regulations to prevent the trade in illegal logging<sup>85</sup>**

**4.1** | The EU Timber Regulation (EUTR) came into force in March 2013, and the UK is working hard to implement the legislation. However, given the uncertainty around the Government's own procurement standards, this commitment has been rated amber.

**4.2** | The EUTR was the result of a multi-year effort that started with the adoption of the EU Action Plan for Forest Law Enforcement, Governance and Trade in 2003. The EUTR regulates the placement of timber and timber products in the EU market to ensure that no illegal timber is traded within the EU. The primary provisions require Member States to monitor for compliance and to introduce appropriate penalties for non-compliance.

**4.3** | Different EU Member States are at different stages of implementation of the EUTR. This poses serious risks, as the legislation is only as strong

as the weakest country. Furthermore, the legislation does not include the full spectrum of wood and paper products, leaving significant loopholes that still allow some illegally harvested timber and timber products to be traded in the EU.

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### ***"The UK is one of the few countries that has implemented the EU Timber Regulation and has the wherewithal to enforce it"***

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**4.4** | The UK is one of the few countries that has implemented the Regulation and possesses the wherewithal to enforce it. The Government has introduced guidance on the due diligence that companies importing timber are required to undertake, along with a set of parameters for operators to follow. Moreover, the UK industry is making good progress in taking the necessary steps to comply with the Regulation, especially those companies that are members of the Global Forest Trade Network (GFTN).

**4.5** | However, uncertainty remains among companies on how to be legally compliant, and the Government itself has not disclosed, or possibly does not have, information on the implementation of its own timber procurement policy. It is therefore unclear if the Government is ensuring that no products from illegal or unsustainable sources are imported or procured. The Government must introduce transparency around its own procurement if this rating is to see improvement in 2014.

### **We will plant a million trees by 2015 and put English forestry on a more sustainable footing, building on the report by the Independent Panel on Forestry<sup>86</sup>**

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**4.6** | The Government has made a welcome commitment to build on the Independent Panel on Forestry's report and the Forestry and Woodland

## 4. Forestry

Policy Statement. However, proposals for the form and function of the new public forest estate management organisation (PFE MO), and continued uncertainty around the outcome of the review of Forest Services, means that the Government has not yet put English forestry on a more sustainable footing. This commitment therefore retains its amber rating.

**4.7** | The draft mission and objectives for the new PFE MO and arrangements for governance and funding, published in August 2013, give some cause for concern. The development of the PFE MO must recognise and commit to maximising the outstanding value of the PFE, in terms of its existing and potential wildlife and public value. Public interest in woods remains strong, with a steadily rising number of visits to woodlands and forests each year, including 357 million in 2012/13.<sup>87</sup> The new organisation's remit must be based on the widely supported recommendations of the Independent Panel on Forestry, in line with which the new body should be an 'exemplar' in ancient woodland and open habitat restoration, wildlife conservation, provision of access and public engagement.<sup>88</sup> We also strongly recommend that the public forest estate remains Forestry Stewardship Council-certified. In terms of its relationship with stakeholders and other bodies, a Duty to Cooperate will be important to ensure the new body helps enhance wildlife and access both on and off the estate.

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***“The public forest estate management organisation must recognise and commit to maximising the outstanding wildlife and public value of the estate”***

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**4.8** | Whilst we recognise that income generation will be important for the new organisation, this must be explicitly identified as a means of delivering more public and wildlife value, rather than as an equal – and thus competing – end in itself. Sufficient central Government funding must be provided to allow the new body to focus on enhancing land, public and wildlife value, rather than funding shortfalls.

**4.9** | The Big Tree Plant, the Government's initiative to encourage community-led tree planting (especially in urban areas) is on course to achieve its target of one million trees by 2015; half a million trees will have been planted by the end of the 2013/14 tree planting season.

**4.10** | Overall, however, the Government appears to have taken little new action towards achieving the Independent Panel on Forestry's nature recommendations. In particular, those recommendations around the integration of policy and delivery mechanisms for woods, trees and forests with the creation of a more coherent and resilient ecological network. This is particularly disappointing, given that 60% of all woodland species are decreasing.<sup>89</sup> The extent of priority open habitat creation, woodland creation and the area of ancient woodland restoration should be used as important measures of progress against this commitment in the future.

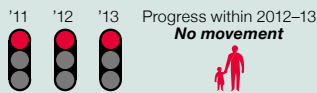
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***“The Government appears to have taken little new action towards achieving the Independent Panel on Forestry's nature recommendations”***

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**4.11** | In order to achieve a higher rating in this area in 2014, the Government will need to develop a PFE MO which will maximise the wildlife and public value of our public forests and woods, in line with the recommendations of the Independent Panel on Forestry. As in other areas, it will also need to replace the presumption that regulation should only be used as a last resort with a presumption in favour of what works, backed up by more effective implementation and enforcement of legislation.

# 5. Plant and animal health



**'We will implement a carefully managed and science-led policy of badger control as part of a balanced package of measures to control bovine TB and to support the cattle industry.'**

*The policy being implemented is neither balanced nor science-led, especially with regard to the relative lack of resources being directed to sustainable disease control measures, such as badger vaccination.*



**'We will implement the Ash Dieback Control Strategy and consider the findings from the Tree Health and Plant Biosecurity Expert Taskforce.'**

*The response to ash dieback was timely and included effective engagement with stakeholders; some recommendations of the Tree Health and Plant Biosecurity Task Force have been swiftly implemented.*

**We will implement a carefully managed and science-led policy of badger control as part of a balanced package of measures to control bovine TB and to support the cattle industry<sup>90</sup>**

**5.1** | Our assessment of the Government's action on this commitment is unchanged since 2012: we do not believe its policy is science-led, nor do we believe that the Government is using a 'balanced' package of measures. For these reasons, this commitment continues to receive a red rating.

**5.2** | We recognise that bTB in cattle is a serious problem in the UK, with the infection causing significant hardship within the farming community, largely because of compulsory slaughter requirements and the restrictions on trading. Nonetheless, killing badgers is a costly distraction from the development of a more rigorous, effective and publicly acceptable approach to the control of bovine tuberculosis (bTB) in cattle. Defra should be guided by the best available scientific evidence and advice and reconsider its policy of badger culling.

***"Killing badgers is a costly distraction from the development of a more rigorous, effective and publicly acceptable approach to the control of bovine tuberculosis"***

**5.3** | Scientific research suggests that badger culling will not significantly reduce the incidence or prevalence of bTB in cattle. It is estimated that culling will produce a reduction of approximately 16% in new herd incidence within cull zones after nine years, but only if the cull is effective and highly coordinated.<sup>91</sup> Culling may even exacerbate the spread of the disease by disrupting and scattering badgers.<sup>92</sup> Furthermore, independent experts question the accuracy of the methodology being used to assess badger populations within pilot cull zones, on which the minimum and maximum numbers of badgers to be killed were based.<sup>93</sup>

## 5. Plant and animal health

The population estimates for the two pilot culls have changed dramatically twice over the last two years without Defra giving any convincing explanation. Inaccuracies here could lead to local extinction of badger populations.

**5.4** | Concerns over the divergence of the pilot culls from the Government's own scientific advice have been heightened by Defra's backing for the duration of the pilots to be extended.<sup>94</sup> One of the key criteria for an effective cull was whether 70% of badgers in the cull zone could be killed in a six week period.<sup>95</sup> Neither pilot achieved this level of culling in the allotted six week period, despite two years of planning. This suggests that the pilots, and their approach of shooting free running badgers, have failed. The reason for restricting the pilots to six weeks was to reduce the risk of perturbation of the badger population and spreading bTB. Extending the pilots by at least three weeks risks increasing the levels of bTB in cattle.

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***“The provision of detailed information on the Government's bovine tuberculosis policy is essential for public confidence”***

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**5.5** | Defra's lack of transparency is a cause of great concern. The criteria and methodology for determining humaneness, and information on the risk assessments carried out to assess the threat the pilot culls might pose to public safety, have been withheld. In the latter case, Defra has withheld information on the risk assessments, which were carried out by the National Farmers Union and the Animal Health Veterinary Laboratories Agency under the Environmental Information Regulations, on the grounds that disclosure of the information would threaten public safety.<sup>96</sup> Yet without transparency it is impossible to judge whether these assessments are likely to yield robust and credible outcomes.

**5.6** | The provision of detailed information on all aspects of the Government's bTB policy is essential for public confidence. The public need to be assured that the policy is evidence-based and has not been unduly influenced by those with vested

interests. The Government should generate and make available credible information on which future policy can be based. This is especially important for a government that committed to ‘throw open the doors of public bodies, to enable the public to hold politicians and public bodies to account.’<sup>97</sup>

**5.7** | In order to achieve a balanced, cost-effective and publicly acceptable package of measures, and a higher rating in 2014, the Government should move away from a misconceived focus on culling badgers and instead focus on:

- Tackling the transmission of the disease between cattle (e.g. through tighter cattle movement restrictions)
- Improving the testing and detection of the disease in cattle herds
- Minimising the spread of the disease in the badger population through vaccination of badgers
- Implementing biosecurity measures to separate badgers from cattle in and around farm buildings<sup>98</sup>
- Increasing immunity to the disease through the vaccination of cattle and high standards of cattle welfare.<sup>99</sup>



**We will implement the Ash Dieback Control Strategy and consider the findings from the Tree Health and Plant Biosecurity Expert Taskforce<sup>100</sup>**

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**5.8** | During the past year, Defra has made plant health and biosecurity one of its top four departmental priorities, against a backdrop of burgeoning public concern about ash dieback (*Chalara fraxinea*). The Government's response to ash dieback was timely, and has included effective stakeholder engagement in developing a robust action plan. For these reasons, alongside the promising findings of the Tree Health and Plant Biosecurity Task Force, this commitment receives a green rating.

**5.9** | The Chalara Management Plan was published in March 2013 and prepared with substantial stakeholder engagement.<sup>101</sup> It has four key objectives:



slowing the spread of Chalara; developing resistance; encouraging public engagement in surveillance and action; and supporting economic and environmental resilience. Government action has generally been focused, appropriate and consultative. For example, grants have been made available for ash removal from woodland and restocking with other species, and resistance trials have been established. Further work on non-woodland trees, making the connections with action to develop long-term woodland resilience and taking a similar stakeholder-focused approach with other tree diseases, are amongst the future priorities.

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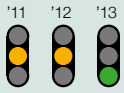
***“The Government’s response to ash dieback was timely, and has included effective stakeholder engagement to develop a robust action plan”***

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**5.10** | The Government has also responded rapidly to the findings of the Tree Health and Biosecurity Task Force, published in May 2013. Two months after publication, Defra had already moved to implement the first two recommendations by initiating a comprehensive risk register of plant diseases and advertising for a new Chief Plant Health Officer. The department has also funded new research into the epidemiology of other key diseases such as acute oak decline. Establishment of a new risk register, and engaging stakeholders in its ongoing monitoring and review, will hopefully improve prioritisation for action and identify risks and appropriate responses at an earlier stage.

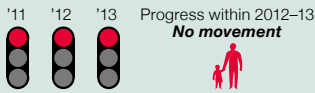
**5.11** | In order to see yet greater achievement here in 2014, we look forward to action on other findings from the Tree Health and Biosecurity Task Force and a continuation of the inclusive approach to tackling ash dieback and other plant health issues.

# 6. Marine environment



**'We will negotiate reform of the EU Common Fisheries Policy to support sustainable fish stocks, a prosperous fishing industry and a healthy marine environment.'**

*A strong position on Common Fisheries Policy reform and early attention to the interaction between fisheries and seabird bycatch in UK waters – in response to the EU Seabird Plan of Action – has had a significant impact in this area.*



**'We will designate Marine Conservation Zones in 2013 and reduce the regulatory burden of marine licensing while maintaining a high level of protection of the marine environment.'**

*The proposed network will not be ecologically coherent, although other areas – including improving protection for European Marine Sites from damaging fishing activities – have seen progress.*

**We will negotiate reform of the EU Common Fisheries Policy to support sustainable fish stocks, a prosperous fishing industry and a healthy marine environment<sup>102</sup>**

**6.1** | The Government pressed hard for reform of the Common Fisheries Policy (CFP), including a positive position on reducing overfishing, discards and other bycatch, and supporting the achievement of maximum sustainable yield (MSY). This commitment therefore merits a green rating.

**6.2** | In May 2013, a landmark European deal that sets a target to halt overfishing and ban discards was agreed. The deal sanctions a more sustainable CFP which will take effect at the start of 2014. The reformed CFP has the potential to transform Europe's fishing sector into a more sustainable industry, which pursues a more ecosystem-based approach. For the first time, the CFP requires nations to apply environmental, social and economic criteria to allocate fishing opportunities and to 'endeavour' to provide incentives for those fishing in the most environmentally responsible way. This new element could favour small scale operators, who generally have a lighter environmental footprint. The new deal also requires the fishing industry to comply with the target of attaining MSY, by 2015 where possible, by catching no more than a given fish stock can replace over a given time period.

***"The reformed CFP has the potential to transform Europe's fishing sector into a more sustainable industry"***

**6.3** | A phased ban will gradually eliminate the discarding of commercial fish, starting with mackerel and other pelagic (surface-dwelling) species from 1 January 2015. From January 2016, this will extend to demersal (bottom-dwelling) species, and it will apply to all fish by 2019. Pilot trials by UK vessels in key demersal fisheries are already showing major progress in using gear designed to enhance selectivity.

**6.4** | The UK Government has been a strong supporter of the new EU Seabird Plan of Action for reducing bycatch of seabirds in fishing gear. Although this support is not shared by most other EU Member States, the UK has begun to implement the Action Plan by identifying the most at-risk areas and the most significant interactions between seabirds and different fishing gears.

**6.5** | In order to build on this progress in 2014 the Government must capitalise on the advances made through CFP reform, creating a legal framework to promote a truly sustainable fishing industry, promoting incentives for the most environmentally friendly fishing activities and working with fisheries to minimise bycatch in hotspot areas. It should also continue to invest in data gathering on fishing activity and fish stocks to ensure appropriate quota and fish stock management. Finally, the Joint Nature Conservation Committee's (JNCC) initiative to assess the bycatch risk posed by fishing gears to seabirds in UK waters should be completed and evaluated.



**We will designate MCZs in 2013 and reduce the regulatory burden of marine licensing while maintaining a high level of protection of the marine environment<sup>103</sup>**

**6.6** | The Government has made some limited progress in protecting the marine environment. But successes have been offset by slower than anticipated progress in completing an ecologically coherent network of protected areas, which would ensure the long-term future of marine habitats and species. Unfortunately, the Government has moved away from the Coalition Agreement's focus on 'effective' implementation of the conservation measures in the Marine and Coastal Access Act 2009. The result is that the Government's main marine commitment again receives a red rating.

**6.7** | The Government announced in December 2012 that a maximum of only 31 out of the

recommended 127 Marine Conservation Zones (MCZs) would be put forward for designation.<sup>104</sup> This will not be sufficient to make up the ecologically coherent network which is vital to the future of our seas – a point highlighted in a public letter from 86 leading scientists.<sup>105</sup> Indeed, the 31 English MCZs put forward so far do not protect some of our best-known and best-loved sealife. Mobile species such as whales, dolphins, porpoises, basking sharks and seabirds will not be protected by the MCZ network.

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**“Current MCZ proposals will not make up the ecologically coherent network which is vital to the future of our seas”**

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**6.8** | The Government has faced criticism from the Science and Technology Select Committee over its handling of MCZ designation. The Committee noted: delays in the overall process; the fact that the Government moved the goalposts with regard to evidence; a lack of clarity over what an ecologically coherent network will look like if the Government does not adhere to its advisers' *Ecological Network Guidance*; and the need for a clear statement of management measures and their discussion amongst affected communities.<sup>106</sup> Worryingly, there is now concern that the management of future sites could be voluntary. This would be an expensive and time consuming process, and would offer no legal redress against offenders who ignore voluntary codes.

**6.9** | The Government is currently developing the monitoring programmes needed for the Marine Strategy Framework Directive (MSFD) and will be holding a public consultation towards the end of the year. One area of MSFD monitoring which we are concerned about is the fact that it will be heavily reliant on the data from the next major seabird census, which is therefore desperately needed by 2015; the last such survey took place in 2000. Worryingly, however, this census is under serious threat from a lack of government support, specifically insufficient capacity within the JNCC to carry out the preparatory work.

## 6. Marine environment

**6.10** | On a positive note, significant progress has been made in protecting European Marine Sites from damaging fishing activity. Defra's new approach to European Marine Sites, announced in August 2012, is on course to implement radical changes to the management of fisheries in all such sites by the end of 2016, and the most damaging fishery operations within Special Areas of Conservation will be banned by the end of 2013.

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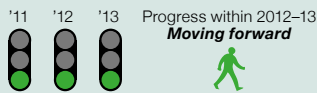
***“Defra’s new approach to European Marine Sites is on course to implement radical changes to the management of fisheries”***

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**6.11** | In relation to *Biodiversity 2020*, the process for producing marine plans is on track.<sup>107</sup> The Marine Management Organisation (MMO) has consulted on the first marine plans for the East England inshore and offshore regions, and has taken steps to engage with stakeholders. However, there is concern that the marine planning process in England has started to move away from the ecosystem approach towards a development-focused position, since the process has centred on offshore wind and aggregates as drivers for economic growth. Other concerns, including the needs of biodiversity, have been fitted around this primary aim.

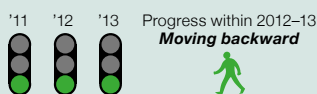
**6.12** | This marine commitment has received very negative ratings over the past three years. In order to move forward in 2014, the Government needs to publish a timetable for future tranches of MCZs to complete an ecologically coherent and well-managed network of Marine Protected Areas. The network needs to be representative, and thus needs to include protection for mobile species. Defra should also be clearer on what further evidence – and in what format – it requires for MCZs.

# 7. Protection of animals



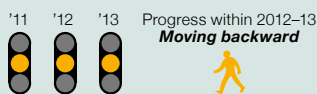
## 'We will press for a ban on ivory sales.'

*Consistent, progressive engagement in supporting protection of elephants and rhinos, and other endangered animals, has been excellent.*



## 'We will oppose the resumption of commercial whaling.'

*Opposition to commercial whaling overseas and leadership at the International Whaling Commission has been consistent, but more domestic protection of cetaceans is needed.*



## 'We will tackle the smuggling and illegal trade of wildlife through our new Border Police Force.'

*Committed long-term funding for the National Wildlife Crime Unit is lacking, along with the necessary drive and resources to tackle wildlife crime nationwide.*



## 'We will take action to tackle the illegal trafficking of protected or endangered wildlife species.'

*The establishment of the illegal wildlife trade Task Force, amongst other work, should have a positive impact in this area.*



## '[We] will seek to introduce primary legislation at the earliest opportunity to ... ban travelling circuses from using performing wild animals.'

*The introduction of a draft Bill is very welcome, though the licensing regime that was introduced is inadequate and inappropriate.*



## 'We will promote high standards of farm animal welfare.'

*Little progress has been made overall, particularly in relation to the continued support for intensive dairy farming.*

## We will press for a ban on ivory sales<sup>108</sup>

**7.1** | The UK continues to have a strong position on the ivory trade. At the 16th meeting of the Conference of the Parties (CoP16) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Government helped to secure significant measures to address the poaching crisis facing elephants. This commitment therefore receives a green rating.

**7.2** | The UK was involved in the 64th meeting of the CITES Standing Committee, at which the eight 'primary concern' countries were directed to submit national ivory action plans to the CITES Secretariat, as a mechanism for reducing illegal trade in ivory.

It is important that the use and review of these ivory action plans by the CITES Parties is a transparent process.

***"The Government has helped to secure significant measures to address the poaching crisis facing elephants"***

**7.3** | The UK also sits on the CITES Standing Committee Working Group involved in the development of a Decision-Making Mechanism for a process of trade in ivory, which outlines the criteria necessary to engage in future trade. It is welcome that the UK is pushing for a highly precautionary approach in the development of these criteria.

## 7. Protection of animals

**7.4** | In addition to the UK's strong stance on tackling ivory trafficking, it is playing a leading role in addressing the illegal trade in rhinoceros horn, specifically by continuing to chair the CITES Standing Committee Rhino Working Group. Strong Decisions were made in this area at CoP16 through the Working Group and, as Chair, the UK now needs to ensure robust implementation of all aspects of the Decisions. The UK has also been pushing for stronger protection of tigers and other Asian big cats from illegal trade, and supported CoP16 Decisions to review efforts to combat illegal trade and end trade in parts and products of captive-bred tigers.<sup>109</sup>

**7.5** | In 2014, we would like to see the Government making broader links between its good work on ivory and its domestic work on illegal wildlife trade (see 7.10–7.15).

### We will oppose the resumption of commercial whaling<sup>110</sup>

**7.6** | The Government has maintained a consistent opposition to the whaling activities of Japan, Norway and Iceland and therefore receives a high green rating for this commitment. However, despite the Government's strong international record, concerns remain over the lack of protection for cetaceans in UK waters and possible cuts to Defra resources for both international and domestic cetacean work.

**7.7** | The International Whaling Commission (IWC) now meets biennially rather than annually, and the UK has been proactively engaged in ensuring that intersessional work to address global environmental threats to cetaceans is progressed. The UK's delegation of scientists played a leading role in the IWC's latest meeting of the Scientific Committee, contributing to the workshop on marine debris and hosting a workshop on whale entanglement that brought together experts from around the world. The UK also took a lead in reviewing the IWC's work on welfare to enhance its effectiveness and

the range of welfare issues addressed. And it participated in the IWC's review of its operational effectiveness and potential cost saving measures, and in the strategic review of the work of the Conservation Committee.

**7.8** | The UK has continued to put diplomatic pressure on Iceland, as well as Norway and Japan, with respect to their whaling operations. The Government also took a firm position on Greenland's self-imposed aboriginal subsistence whaling quotas, and is working with the EU and IWC members to address this problem.

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***“The UK has continued to put diplomatic pressure on Iceland, Norway and Japan with respect to their whaling operations”***

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**7.9** | In order to further improve its work in this area, we would welcome a greater commitment to domestic protection of cetaceans alongside the UK's strong international position on commercial whaling.

### We will tackle the smuggling and illegal trade in wildlife through our new Border Police Force<sup>111</sup>

**7.10** | Whilst the Government is doing good work in tackling illegal wildlife trade on the international stage, there has been a lack of sufficient, committed resource for addressing wildlife crime domestically. This commitment therefore receives an amber rating.

**7.11** | It is essential that the Government provides long-term funding for the National Wildlife Crime Unit (NWCU) beyond March 2014. We acknowledge that the Comprehensive Spending Review's 10% cut in Defra's budget will limit what can be funded, and that other key government departments have also experienced budgetary restrictions. But the NWCU is highly effective, vital for tackling cross-border and organised wildlife crime and has very

low running costs. Year by year funding does not provide the security to retain expert staff, invest in more effective systems or allow forward planning.

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***“The Government must provide long-term funding for the National Wildlife Crime Unit”***

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**7.12** | Statutory bodies must also commit to finding full funding for the Metropolitan Police Wildlife Crime Unit after funding from the World Society for the Protection of Animals ends in April 2014. As stated in the Environmental Audit Committee (EAC) report on wildlife crime, ‘it is clearly important that wildlife crime law enforcement is maintained in the UK, because the UK must have its own house in order if it is to provide effective international leadership and set standards in this field.’<sup>112</sup>

**7.13** | The Government’s response to the EAC’s report on wildlife crime was disappointing with regard to domestic issues, since it rejected many of the Committee’s recommendations.<sup>113</sup> In addition to failing to commit to long-term funding for the NWCU, the Government rejected recommendations to tighten controls on poisons used to kill birds of prey, strengthen the recording of wildlife crime data and review the Crown Prosecution Service’s performance on prosecuting wildlife crime. It is also of concern that the review of the Control of Trade in Endangered Species (Enforcement) Regulations (COTES) – which the Committee recommended – has been significantly delayed.

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***“Central government should be doing far more to ensure the drive and resources to tackle wildlife crime are in place”***

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**7.14** | In its response to the EAC, the Government stated that it ‘hopes that police commissioners will respond to concerns raised by their electorates asking them to prioritise the enforcement of wildlife crime.’<sup>114</sup> Several Police and Crime Commissioners (PCCs), most notably those in Derbyshire and Bedfordshire, have indeed committed to tackling

wildlife crime in their constabularies. Nevertheless, responsibility for wildlife crime cannot be completely devolved to individual PCCs. Central government should be doing far more to ensure the drive and resources to tackle wildlife crime are in place across the country.

**7.15** | In order to achieve a better rating here in 2014, the Government must provide long-term funding for the NWCU and the Metropolitan Police Wildlife Crime Unit. The Government should also continue to actively support PCCs, and ensure that the new National Crime Agency recognises the serious and organised nature of many wildlife crimes and builds strong communication and joint working procedures with the NWCU.

 **We will take action to tackle the illegal trafficking of protected or endangered wildlife species**<sup>115</sup>

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**7.16** | In 2013, the UK Government set up a Task Force ‘to build a cross government international approach to tackling the illegal wildlife trade,’ and hosted an international conference with HRH The Prince of Wales.<sup>116</sup> These initiatives are very welcome, though their success will depend on action by government departments in addition to Defra. At the time of writing, the Task Force was newly formed and the cross-government plan for such action was in development. Given that the work is at an early stage, this commitment receives an amber rating.

**7.17** | Addressing illegal wildlife trade is essential. Not only in terms of conservation, but also as a critical governance issue that poses an increasing threat to national security globally. At a UK level it is encouraging that membership of the Task Force includes several key government departments including Defra, the Foreign and Commonwealth Office, the Home Office and the Department for International Development. We look forward to strong commitment and action from all of these departments.

## 7. Protection of animals

**7.18** | In May 2013, the Government's Task Force and HRH The Prince of Wales hosted a conference with 22 governments, multilateral organisations and NGOs to call for action to combat illegal wildlife trafficking. In his speech at the conference the Environment Secretary said, 'There is no doubt that the organised level of ruthless criminality that we're up against will require strong international cooperation and leadership ... the UK is committed to developing the tools and generating the international drive to help us safeguard these species.'<sup>117</sup> This event will be followed by a London Conference in February 2014, where senior government representatives will be invited to agree cross-government commitments to address wildlife trafficking.

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***"The G8 leaders' Communiqué acknowledged the need for governments to address illicit wildlife trafficking"***

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**7.19** | Other positive steps taken in 2013 include the G8 leaders' Communiqué, which acknowledged the need for governments to address illicit wildlife trafficking; the Communiqué was published following the most recent G8 Summit, which was chaired by the UK.<sup>118</sup> The UK was also supportive of the resolution adopted at the meeting of the UN Commission on Crime Prevention and Criminal Justice in April 2013, which called for improved legislation and enforcement mechanisms to combat wildlife crime at national and international levels. The Foreign Secretary spoke strongly on tackling wildlife trafficking at a high-level side event to the UN General Assembly, supporting calls for an Assembly resolution, a UN special representative and a 'Friends of' group on this issue.

**7.20** | To achieve a higher rating for this area in 2014, the Government needs to put in place an agreed, cross-departmental action plan for the new Task Force on illegal wildlife trade, and ensure that the February 2014 Conference generates robust, lasting commitments to address wildlife trafficking.

**[We] will seek to introduce primary legislation at the earliest opportunity to ... ban travelling circuses from using performing wild animals<sup>119</sup>**

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**7.21** | In April 2013, the Government published the draft Wild Animals in Circuses Bill, which would ban the use of wild animals in travelling circuses in England from December 2015.<sup>120</sup> The publication of this bill, which provides a timetable for the ban, means that this commitment has moved from a red to an amber rating. This commitment has not been afforded a higher rating because it has taken so long to get to this stage, and because of the inadequate and inappropriate licensing regime that was introduced in January 2013.

**7.22** | To ensure that the Bill is effective, it should not be restricted to any wild animal that 'performs or is exhibited', as this would still permit wild animals to tour with a circus and be subjected to the welfare issues associated with circus life. The legislation should define the term 'travelling circus' to ensure that it is not left open for interpretation, and powers of seizure should extend to illegally used wild animals.

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***"The Bill should not be restricted to any wild animal that 'performs or is exhibited'"***

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**7.23** | The Environment, Food and Rural Affairs Select Committee published its Wild Animals in Circuses pre-legislative scrutiny report in July 2013.<sup>121</sup> The report was hugely disappointing and recommends 'watering down' the draft legislation to allow most wild animals to continue being used in travelling circuses, including almost all those currently used, such as camels, zebra and snakes. The Government response, published in October 2013, rightly rejected this recommendation and reaffirmed its intention to put in place legislation to ban the use of all wild animals in travelling circuses.

**7.24** | The tabling of an effective Bill in parliament would improve the rating for this commitment in 2014.



## **We will promote high standards of farm animal welfare**<sup>122</sup>

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**7.25** | We recognise that the Government has previously taken positive steps to ensure implementation of the conventional battery cage ban and that there has been some other recent support for welfare, such as unilateral reduction in the EU maximum permitted stocking density for broiler chickens. But the Government's continued support for sustainable intensification, and its failure to improve welfare standards in other areas, have meant that this commitment must receive a red rating.<sup>123</sup>

**7.26** | Defra's consultation on moving from statutory farm animal welfare codes to guidance led by the livestock industry, published in June 2013, could have serious consequences for animal welfare. We are concerned that it could signal an effective abrogation of appropriate responsibility for safeguarding the welfare of farm animals.

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### ***“Moving from statutory farm animal welfare codes to industry guidance could have severe consequences”***

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**7.27** | Intensive farming, or sustainable intensification, is entrenched in the UK food production system and the Government seems unwilling to acknowledge the associated welfare and environmental issues. There is growing rhetoric amongst Ministers that the type of farming system is not important as long as there is good stockmanship and overall husbandry.<sup>124</sup> But in fact intensive systems are not, by definition, able to meet the welfare needs of each individual, even with good stockmanship. For example, intensive pig farming results in the large majority of piglets in the UK having their tails docked to reduce the risk of tail biting when they are older. Any system that does not allow animals to express normal behaviour does not meet the 'Five Freedoms' set out by the Government's own Farm Animal Welfare Committee, and the Committee has advised that

sustainable intensification should not promote production at any cost.<sup>125</sup> The concept and practice of sustainability must include the welfare of farm animals; livestock agriculture cannot therefore be considered sustainable if an animal's life is not worth living.<sup>126</sup>

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### ***“Intensive farming systems are not able to meet the welfare needs of each animal”***

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**7.28** | There is also growing concern around the need to use antibiotics to support intensive farming systems, which can contribute to the rise in antibiotic resistance in animals and humans. It is a concern that, unless addressed, could represent a risk to livestock and public health.<sup>127</sup> Similarly, intensive farming can create a huge amount of animal waste that can negatively affect biodiversity, if not appropriately disposed of, by contributing to polluting rivers, killing fish and wildlife and creating dead zones in the sea.

**7.29** | We also note and support a move towards applying outcome-based animal welfare measures (such as levels of lameness in broiler chickens). Validated outcome-based measures are very useful, as they serve to assess the welfare state of animals more directly. They can lead to better understanding of the benefits or otherwise of providing certain resources (such as housing, space, feed, veterinary care and management practices). However, they do not provide a full picture of all aspects of animals' lives and wellbeing. They are therefore most effective when combined with key resource requirements relating to the animals' environments and management, which are identified, through research, as meeting their physical and behavioural needs.

**7.30** | The UK continues to ship live animals overseas, despite overwhelming public opposition and scientific and practical evidence of the risks to animal welfare posed by long distance transport.<sup>128</sup> Enforcement in the UK has been tightened to some degree, but there is no effective mechanism in place to ensure that animal welfare laws are being complied with once the animals have left UK

## 7. Protection of animals

shores. Due to an Act dating from 1847, it is not possible for individual ports to ban live animal shipments overseas, as demonstrated by the Ramsgate case.<sup>129</sup> As the Government will not introduce an amendment to the Act, ports are not legally entitled to decide whether to ban the trade.

**7.31** | Similarly, the Government has declined to apply additional provisions under the forthcoming EU Welfare of Animals at the Time of Killing Regulation. Additional requirements, such as the introduction of effective CCTV monitoring systems in abattoirs, could help to identify and address important welfare problems. A significant minority of abattoirs now utilise CCTV voluntarily and practical evidence of their usefulness, acceptance by the slaughter industry and commercial viability has been communicated to the Government, whose decision not to introduce them is therefore very disappointing.

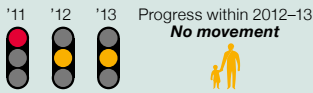
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***“The UK continues to trade live animals overseas, despite overwhelming public opposition”***

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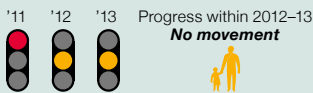
**7.32** | In 2014 the Government will need to recognise and take measures to address the impact of intensive farming systems and ‘sustainable intensification’ on animal welfare, and ensure that effective oversight of farm animal welfare is maintained, in order to improve its rating in this area.

# 8. Land use planning



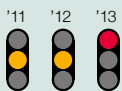
## **‘We will create a presumption in favour of sustainable development in the planning system.’**

*Local Plans have taken longer than expected to put in place and, in their absence, the interpretation of the National Planning Policy Framework has not always correctly balanced economic, environmental and social needs.*



## **‘Continue our radical reform of the planning system to give neighbourhoods much greater ability to shape the places in which they live.’**

*Neighbourhood Plans are being made across the country, but have received variable support from local authorities; transparency around the weight given to the Plans is also a concern.*



## **‘We will maintain the Green Belt, Sites of Special Scientific Interest and other environmental protections, and create a new designation – similar to SSSIs – to protect green areas of particular importance to local communities.’**

*Protection for these designations under new planning policy is uncertain, with increasing indications that such protections are not a priority.*

## **We will create a presumption in favour of sustainable development in the planning system<sup>130</sup>**

**8.1** | It is far from clear whether the presumption in favour of sustainable development – or the wider National Planning Policy Framework (NPPF) – is delivering for the natural environment and communities. Where Local Plans are absent, decisions made based on the NPPF have not always provided the appropriate balance of economic, environmental and social needs. This commitment is at best stalled, and seems to have slipped backwards since 2012. Nonetheless, it remains amber for 2013.

**“There is a lack of parity in the application of planning commitments on the natural environment compared with, for example, those for allocating land for housing”**

**8.2** | Looking at the available evidence, we are concerned that there is a lack of parity in the application of planning commitments on the natural environment compared with, for example, those for allocating land for housing. Policies concerning the five year land supply for housing, ‘development viability’ and ‘objective need’ have been interpreted with a slant towards development regardless of the environmental cost, to the exclusion of other concerns, in particular allocating greenfield land; this approach will not deliver sustainable development.<sup>131</sup> We absolutely recognise the need for more and better housing, but they must be the right houses in the right places, with access to a high quality natural environment. We should remember that, for example, green infrastructure improves the quality of our lives by providing health benefits, generating employment and promoting food production, as well as catalysing growth by attracting inward investment and increased visitor spend, and saving environmental costs (for example, by reducing diffuse pollution).<sup>132</sup>

**8.3** | We are concerned that the Growth and Infrastructure Act also weakens appropriate protections

for green spaces and protected landscapes, in the name of speeding up development. Pressure on already stretched planning departments will likely be exacerbated by Section 1 of the Act, which requires at least 30% of major applications to local planning authorities (LPAs) to be determined within 13 weeks. This policy risks degrading the quality of decision-making in LPAs, and could encourage an emphasis on quantity over quality. It also fails to recognise that longer time-frames are often negotiated where development proposals are complex, which shows good practice by both developers and planners.

**8.4** | Local Plans have taken much longer to put in place than the 12 month transitional period that LPAs were given; analysis suggests that over 40% of local authorities still do not have up to date adopted plans.<sup>133</sup> Where no up to date Local Plan is in place, the development plan carries less weight in planning decisions and the plan-led system can be undermined by speculative and appealed development. In these cases the NPPF's policies – including those on the natural environment – will be applied. But a growing number of decisions suggest that the presumption in favour of sustainable development is being used to prioritise allocating greenfield land for housing over the environment and local aspirations for development. For example, over 30 major planning applications for new housing have been allowed at appeal on sites in the countryside since the publication of the NPPF, usually justified by this presumption and based on a facile exercise of prioritising benefits over harm.<sup>134</sup>

**8.5** | Similarly, a growing number of cases where the Government has allowed large-scale development on Best and Most Versatile (BMV) agricultural land are coming to light. The NPPF states that LPAs should '[safeguard] the long-term potential of best and most versatile agricultural land', and this is echoed by *The Natural Choice*: 'we want the planning system to ... protect our best and most versatile agricultural land.'<sup>135</sup> Yet since the beginning of 2013, at least 765 dwellings have been permitted on BMV land across four separate sites in Gloucestershire, Lancashire, Oxfordshire and

Somerset, 290 of which have been permitted by the Communities Secretary at appeal (on top of a further 115 dwellings on two sites in 2012); no action has been taken to call in the other decisions for national review. This is of particular concern because the loss of especially productive agricultural land often involves the sealing of soils and loss of valuable hedgerows, as well as increasing pressure for intensive forms of land management elsewhere in the wider countryside.

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***“The loss of especially productive agricultural land often involves the sealing of soils and loss of valuable hedgerows”***

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**8.6** | We are also concerned that local communities have been disempowered by the NPPF. The application of the Framework has tended to lead to decisions that favour development over the views of local people who are, in fact, most likely to be concerned about the protection of the natural environment.<sup>136</sup>

**8.7** | In August 2013, the Government published a beta, or draft, version of the new online suite of planning practice guidance. This guidance should support 'the purpose of planning', which is 'to help achieve sustainable development.'<sup>137</sup> It is too early to say how effective the new guidance will be in that regard, since it is still to be finalised following comment from stakeholders. However, we are concerned that the references to 'prematurity' (which sets out how much weight can be given to emerging Local and Neighbourhood Plans) could undermine the plan-led system. The guidance should clearly state that major planning proposals can be turned down if they are contrary to a published draft 'preferred option' plan for which the date of the later public examination stage has been set.


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***“References to ‘prematurity’ in the planning practice guidance could undermine the plan-led system”***

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**8.8** | We note with concern that the *Planning practice guidance on onshore oil and gas* and the *Planning practice guidance for renewable energy* were published in advance of the wider suite of new guidance without any stakeholder consultation. Given the importance of these two pieces of guidance, and the Taylor Review recommendation that all new guidance should be consulted on, this is very disappointing.<sup>138</sup> We are specifically concerned that the guidance on onshore oil and gas makes no mention of: the precautionary principle; the extra protection afforded to designated landscapes or the major development test; water resources or water scarcity; nor the need – as laid out in the NPPF – for planning to ‘secure radical reductions in greenhouse gas emissions.’<sup>139</sup> We are also concerned that the Government has tried to limit the ability of local authorities to consider alternatives.<sup>140</sup>

**8.9** | Link believes that the adoption of up to date Local Plans by every LPA will help to deliver better planning, as will the introduction of an effective suite of planning practice guidance. But for the NPPF to create sustainable development, and thus for the rating of this commitment to improve in 2014, the lack of specialist expertise on the natural environment within LPAs and their confusion over the operation of the Duty to Cooperate must be addressed. LPAs also need to give more weight to environmental and social policies, as supported by the NPPF, instead of being swayed by the narrow national focus on economic growth.

 **Continue our radical reform of the planning system to give neighbourhoods much greater ability to shape the places in which they live**<sup>141</sup>

**8.10** | Since 2012, a considerable number of Neighbourhood Plans have been brought forward, although only four have been passed at examination so far. At the same time, they are being somewhat undermined by inconsistent support from LPAs.

The rating of this commitment has therefore improved since 2012, but remains amber overall.

**8.11** | Since the Localism Act became law in November 2011, four Neighbourhood Plans have been made, although many more are on the way. This is very positive, and demonstrates the desire of local communities to engage in shaping their local areas. The plans have been supported by some short-term central government funding.

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***“The practical support and encouragement that Neighbourhood Plans have received from LPAs has been very variable”***

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**8.12** | However, the practical support and encouragement that Neighbourhood Plans have received from LPAs has been very variable, and this has had an impact on their development. Some advice is available to those wishing to develop Neighbourhood Plans, but this is limited to specific issues and by availability of funding from the Department for Communities and Local Government.

**8.13** | Attempts to streamline the planning system are of course to be welcomed, so long as they improve its effectiveness, but they must also be proportionate. The information available to communities concerning planning proposals, and thus their ability to engage effectively in local planning, should not be needlessly curtailed. For example, the fact that LPAs are no longer required to give reasons for approval of planning decisions undermines the transparency of the planning process, and is contrary to the intentions of the Aarhus Convention. Equally, the proposal to simplify the information required to support planning applications could reduce the ability of local communities to engage with the process.

**8.14** | In order to improve this rating in 2014, the Government needs to encourage LPAs to be transparent in their decision-making and to consistently support communities to engage in the planning process.

# 8. Land use planning

 **We will maintain the Green Belt, Sites of Special Scientific Interest and other environmental protections, and create a new designation – similar to SSSIs – to protect green areas of particular importance to communities**<sup>142</sup>

**8.15** | Generally speaking, the right national planning policies are in place. But Ministers' repeated assurances, especially on Green Belt protection, are not being backed up by the right action. SSSI designations are, so far, being respected in planning decisions, but worrying evidence is coming to light of damage to Local Wildlife Sites and take-up of the new Local Green Space designation is certainly not widespread. Although it is in many cases too early to see impacts in the environment, we believe that the Government is failing to achieve this commitment across the board, and it therefore receives a red rating.

**8.16** | In addition to their primary purposes,<sup>143</sup> Green Belts provide or significantly contribute to a range of ecosystem services, including healthy lifestyles and mitigation against and adaptation to climate change.<sup>144</sup> The Government has taken some steps to affirm its commitment to the Green Belt, including revoking regional strategy policies calling for large scale development in the Green Belt, and stating that, in making planning decisions, 'the single issue of unmet demand' for new housing is unlikely to outweigh harm to the Green Belt.<sup>145</sup>

***“Local authorities are coming under increased, and unnecessary, pressure to release Green Belt land for housing”***

**8.17** | However, the Duty to Cooperate has not to date proved a sufficiently robust means of maintaining Green Belts as a strategic policy for protecting the countryside and managing growth around large urban areas. The financial support

for urban regeneration formerly provided by Regional Development Agencies has also been lost. Local authorities are therefore coming under increased, and unnecessary, pressure to release Green Belt land to meet identified housing requirements. Proposals in forthcoming Local Plans add up to nearly 150,000 dwellings on Green Belt land. This is a near doubling of proposed development in 12 months and is virtually the same as in the former regional strategies.<sup>146</sup> Many of these proposals are in areas, such as the North East and Yorkshire, where there are less environmentally damaging alternatives such as regeneration within existing towns and cities.

**8.18** | National Parks and Areas of Outstanding Natural Beauty (AONBs) are often referred to as the jewels in England's crown. They are landscapes of the highest quality, covering almost 25% of England. Yet these landscapes are under threat from proposed regulatory changes that would remove the need for planning permission for the conversion of agricultural buildings to housing, as well as poor interpretations of the NPPF.

***“National Parks and AONBs are under threat from proposed regulatory changes”***

**8.19** | The NPPF makes it clear that planning permission should be refused for major developments in National Parks and AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. This is known as the 'major development test'. In practice, both National Parks and AONBs continue to be under threat from inappropriate developments, some resulting from national policies, for example a national road strategy, and some resulting from local conditions, such as a lack of five year land supply for housing. Local Wildlife Sites, a critical component in the ecological network, are also coming under increased pressure.

**8.20** | Our overall view of environmental protection under the new planning regime is influenced by the following recent major planning cases.

**8.21** | In June 2013, Dover District Council approved a development of 521 houses partly within the Kent Downs AONB on the grounds that it may help regenerate the economy. However, there was insufficient evidence to show that the development would meet the ‘major development test’ in the NPPF. Requests were made to the Communities Secretary to call in the application but he refused, in contravention of the Government’s own policy on development in designated areas. Similarly, Cherkley Court, near Leatherhead in Surrey, is a proposed ‘major development’ in a protected landscape. If it went ahead it would affect a Local Wildlife Site and priority habitat (chalk grassland) in the Green Belt, and is adjacent to the Surrey Hills AONB. Nonetheless, the planning application for a country club and golf course was not called in by the Communities Secretary, despite clearly being contrary to both local and national planning policies: the local authority had not properly considered whether there were ‘very special circumstances’ justifying inappropriate development in the Green Belt.<sup>147</sup> The proposal was successfully challenged at judicial review, although appeal of that decision is now under consideration.

**8.22** | In August 2013, Lapland UK was given the go-ahead by the planning committee at Bracknell Forest Council to turn a beautiful area of Swinley Forest into a ‘winter wonderland’ theme park, for a temporary three-year period. The development was granted permission despite unanimous local opposition and without the completion of an Environmental Impact Assessment. Although the park will only be open for two months a year, its construction will have severe and irreversible consequences for the unspoilt beauty and tranquillity of the forest and nearby countryside.

**8.23** | Oaken Wood is a 32 hectare ancient – and therefore irreplaceable – woodland that has now been lost to an application for the extension of a quarry in Kent. Ancient woodland only covers 2% of land in the UK and the NPPF states that ‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland ... unless the need for, and benefits of, the

development in that location clearly outweigh the loss.’<sup>148</sup> We do not believe that the need for the development outweighs the loss in this case and that, in deciding to allow the development the Communities Secretary failed to find the right balance between the two. Oaken Wood is also designated as a Local Wildlife Site because it is home to a number of threatened species, including dormice. The quarry extension was opposed not just by established NGOs, but by the local community, who describe the place as ‘a delightful, peaceful wood.’<sup>149</sup>

**8.24** | The Local Green Space (LGS) designation has only been used in a very small number of cases so far. If local authorities and communities are to make use of the new designation adequate guidance will be essential. The new planning practice guidance on LGS would benefit from more information on what an ‘extensive tract of land’ may be. We understand that it is difficult to qualify due to local variations, but the lack of steer may mean that local authorities are wary of using the designation. There is also a lack of clarity about how the LGS designation sits alongside existing local designations such as Areas of Great Landscape Value.

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***“Any new system of biodiversity offsetting must ensure adherence to the mitigation hierarchy”***

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**8.25** | The Government is currently considering whether to implement a biodiversity offsetting scheme, to both assess potential harm to biodiversity from a development and calculate and deliver any necessary compensation, or offsetting. Developers will have to follow the ‘mitigation hierarchy’ – i.e. they must first have tried to avoid and mitigate harm before undertaking compensation. A more systematic approach to assessing potential harm to biodiversity could bring conservation benefits, but also has significant attendant risks. Any new system must ensure adherence to the mitigation hierarchy, and it must be mandatory for developers, transparently regulated and applicable

## 8. Land use planning

to all new residential and commercial developments. However, it must not override pre-existing protection provided through legislation, including planning protections around Green Belt, SSSIs, protected landscapes (including National Parks and AONBs) and protected species. It will also require adequate planning and ecological capacity within local authorities, including capacity for authorities to independently verify assessments made for offsetting. Finally, the metric to determine what offset is required must be robust, include social considerations and act as a disincentive to harm. A development proposal which is judged to be inappropriate and unnecessary for other reasons will not be made acceptable by offsetting.

**8.26** | In order to regain a better rating in this area, the Government needs to use its planning policy guidance and decisions called in by the Communities Secretary to ensure that protection and enhancement of the natural environment is more firmly embedded, in line with relevant policies in the NPPF.



# Conclusion

*Nature Check 2013* finds that the Government's performance against its commitments to the natural environment has been largely static. We recognise that good decisions have been made over the past year, for example around the Common Fisheries Policy and the Government's plans to tackle the illegal trade in wildlife. We also applaud the approach taken to ash dieback and the continuing international leadership to protect endangered wildlife. However, as in our 2012 report, we have identified a lack of the consistent leadership that would spearhead effective environmental action, and a failure to understand and act upon evidence to develop effective policy. Instead, environmental policies appear to be free-floating, with little coherent application across government, moving wherever political currents take them.

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**“Government progress on commitments to the natural environment has been largely static”**

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We know that nature is in crisis. The evidence shows us long- and short-term declines in our wildlife and natural places, which translates into a crisis for people too, because the environment is the foundation of our lives and livelihoods. It is a source of great joy and fulfilment for many millions of people across the country, and we must therefore work together to conserve the environment for future generations, secure a sustainable economy and meet our international commitments.

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**“Declines in our wildlife and natural places represent a crisis for people too”**

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But across government decisions are still more likely to harm nature than to support it. The failure of wider government to understand the positive relationship between the economy and the environment is behind many poor proposals and much of the lack of implementation. For example, vital environmental and animal welfare regulations are coming under increasing pressure from those

within government who believe that removing these important safeguards will help the economy to grow. Equally, the proposed ‘growth duty’ on environmental regulators threatens to damage protection for nature by conflicting with regulators’ existing primary purposes.

The mistaken belief that environmental protection, regulation and economic growth cannot go hand in hand must be abandoned, together with the focus on short-term gains as opposed to long-term sustainability. Instead, more attention should be paid to the evidence, which shows that environmental regulation has a benefit to cost ratio of at least 2:1, and that for biodiversity-related regulations this ratio is almost 9:1.<sup>150</sup>

Currently, the resources allocated to the natural environment are declining, which is eroding capacity at every level, from central to local government and statutory bodies. Left unaddressed, this will undermine our ability to realise the ambition of *The Natural Choice and Biodiversity 2020*. As it stands, *Biodiversity 2020* is a casualty of the Government's short-term approach, and its failure to achieve a step change in delivery for the natural environment.

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**“Environmental regulation has a benefit to cost ratio of at least 2:1”**

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*Nature Check* has always measured the Government against its own stated commitments to the natural environment. These have varied over time as the Government has amended its programme and as the overall policy context has changed. As the General Election looms, we will now start looking at the scope of these commitments and asking, are they fit for purpose?

As this report highlights, the state of the natural environment is deteriorating at a disturbing rate. Every new government will therefore need to be greener than the last in order to halt and reverse that change, and to prevent future deterioration by reconnecting people with nature. Governments

will need to build on progress, which may well mean spending more money, and more efficiently, to support our natural heritage.

Above all, we need the Prime Minister and the Deputy Prime Minister to lead from the front, ensuring that the environment, which is a major contributor to our health and well-being and a key contributor to our economy, is protected and enhanced despite the competing pressures that the Government faces. The emerging focus on resilience is vital to supporting sustainable development, and also for dealing with future threats, principally in the form of climate change. Sustainable development, including environmental resilience and working within environmental limits, will need to be at the heart of everything that government does.

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***“Above all, we need the Prime Minister and the Deputy Prime Minister to lead from the front”***

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In order to improve its overall performance for the natural environment before the next General Election, Link recommends that the Government should:

1. Demonstrate its commitment to the natural environment by providing strong leadership and a clarity of purpose that will reverse the catastrophic decline in wildlife and reconnect people with nature.
2. Enable the statutory nature conservation bodies to fulfil their critical role as champions of nature, by allowing them a voice in developing public policy consistent with their expertise, while properly funding their functions and not imposing a growth duty.
3. Enforce the rules and regulations that protect our environmental public goods, whether domestic or European in origin.

In publishing its Natural Environment White Paper, *The Natural Choice*, the Government laid out its ambition to leave the environment in a better state than it found it. With bold and positive action now, as outlined in this report, we believe that the ambition to restore, protect and properly value our natural world can still be achieved.

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# Wildlife and Countryside Link

Wildlife and Countryside Link (Link) is a coalition of voluntary organisations concerned with the conservation and protection of wildlife, countryside and the marine environment. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

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