

Draft Natural Environment and Rural Communities Bill

Wildlife and Countryside Link's Written Evidence to the Environment, Food and Rural Affairs Committee

1. Wildlife and Countryside Link (Link) brings together voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of seven million people in the UK and manage over 398,000 hectares of land. This statement is supported by:

- Bat Conservation Trust
- British Mountaineering Council
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Council for British Archaeology
- Council for National Parks
- Campaign to Protect Rural England
- The Herpetological Conservation Trust
- National Federation of Biological Recording
- The National Trust
- Open Spaces Society
- Plantlife International
- Ponds Conservation Trust
- Ramblers' Association
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Woodland Trust
- Zoological Society of London

2. Link welcomes the publication of the Draft Natural Environment and Rural Communities Bill. Wildlife and Countryside Link's interest in the Government's Modernising Rural Delivery process is in the strengthening and renewal of both policy and delivery, bringing about real improvements in achieving environmental enhancement, public engagement and leadership. In particular, Link supports the establishment of the Integrated Agency as a powerful champion for our natural environment, recognising the importance of the need for the Agency to provide the Government with independent policy advice.

3. Link has identified a number of concerns in the Draft Bill that we believe may prevent the Government from implementing its proposals in an effective way. These are outlined in this written submission.

4. The Integrated Agency's general purpose

Link members have identified a number of concerns with specific issues within the Integrated Agency's purpose:

4.1. Landscape protection: the wording of the Agency's general purpose clause 2(2)(b) should be amended to afford a duty of protection to the landscape.

We consider this is required to ensure that the current statutory duties of the Countryside Agency to "preserve the natural beauty in England" will be transferred to the new Agency. Landscapes in England are richly diverse and represent long term interactions between natural and human factors. This diversity and cultural heritage is of great value and the Integrated Agency should be responsible for protecting as well as enhancing it. This amendment should also ensure more integrated delivery of landscape and wildlife responsibilities, which are inter-dependent.

4.2. Open air recreation: The wide definitions of "enjoyment of nature" in clause 2(2)(c), and "open air recreation" in clause 2(2)(d), may encourage inappropriate forms of recreation which would not be consistent with the conservation of the natural environment specified in the Agency's general purpose. Link would encourage the definitions of these phrases to be more clearly defined and restricted to those activities which promote quiet enjoyment.

4.3. Social and economic well being: Clause 2(2)(e) may be interpreted to cause the Agency to engage in, support or promote activities that are harmful to the natural environment, thus conflicting with the Agency's general purpose as outlined in clause 2(1). The policy statement states that the Agency should "...work with best intent to ensure that, in pursuing environmental objectives, it actively seeks to generate long term social and economic benefits alongside sustainable environmental gains..." (paragraph 23, policy statement). Link believes that the Agency should ensure that it does not engage in any activity that may lead to damage in the quality of the natural environment. Link would like to see this addressed as we believe the clause as currently outlined in 2(2)(e) may encourage a conflict of interest within the Agency's general purpose. The Integrated Agency should only contribute to social and economic well-being in ways which support the protection and enhancement of the natural environment.

5. Research function

Link is encouraged that research will be an important component of the Agency's functions, but is concerned that the research function of the Agency is currently defined too narrowly to enable the Agency to fulfil its purpose. We therefore suggest that this be broadened to include "survey and monitoring" in clause 4(a) and 4(b) to read "research, survey and monitoring" in each clause. By inserting these words it will ensure that the Agency retains English Nature's role in the gathering, management and dissemination of information.

6. Integrated agency & powers of the Secretary of State

Given the Agency's status as an independent body there may be times when the advice given by the Agency is at odds with the Government position. The Draft Bill currently contains a number of areas which Link believes require amendment in order to enable the Government to ensure the independence of the new agency.

6.1. Membership: Schedule 1, clauses 3 and 4 outline the proposed membership of the Agency. Link is concerned that these clauses contain no reference to the size of membership, with neither an upper or lower limit set.

6.2. Composition of the Board: The unlimited ability of the Secretary of State to alter the composition of the board of the Agency may compromise the Agency's independence. Link recommends that a majority of Board members should have experience and knowledge relevant to the purposes of the Agency.

- 6.3. Guidance:** Clause 15 provides no limit on guidance the Secretary of State may provide as to the exercise of its functions.
- 6.4. Directions:** Limitations on the Secretary of State's power of direction in relation to English Nature contained in S131(4) and S132(1) of the Environmental Protection Act 1990, have not been carried forward in the Bill, with clause 16 providing no limit on the powers of direction the Secretary of State has in relation to the exercise of its functions.

Wildlife and Countryside Link
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