

Department for Environment, Food and Rural Affairs

Triennial review of the Environment Agency and Natural England: Response form

December 2012

We are interested in hearing your views on the core questions highlighted in the discussion document. Please use this form to provide your responses to these questions. Responses can be returned to us by email (preferable) or post. We are happy to receive supplementary information, which can be submitted alongside your completed form. Full details of how to submit responses are provided below.

The closing date for responses is **4th February 2013**.

Please provide your response to each of the questions in the spaces provided (there are no restrictions on length and all boxes can be expanded). None of the questions are mandatory, however we would be grateful if you could complete all questions. Responses should be supported by strong, relevant evidence.

How to submit your response

Please send your response (alongside any other supporting information you wish to submit) by email (preferable) or post to:

- EA-NEreview@defra.gsi.gov.uk
- Triennial Review Team, Defra, Area 6D, Nobel House, 17 Smith Square, London SW1P 3JR

Confidentiality

Your response to this document may be made publicly available in whole or in part at the Department's discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means, including on the internet.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

1. Please provide your contact details

Name	Stephen Russell
Organisation / Company	Landscape Institute
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Please tick this box if you would like to receive information about the progress of the review.	<input checked="" type="checkbox"/>

2. Please provide some information about you or your organisation

If you are responding on behalf of an organisation, please send one response per organisation.

2.1 Are you responding on behalf of an organisation?	
No – I am a private individual	<input type="checkbox"/>
Yes – <i>please answer questions 2.2 and 2.3</i>	<input checked="" type="checkbox"/>
2.2 What is your organisation's name?	
<p>Landscape Institute (LI) . The LI is the royal chartered body for landscape architects. As a professional organisation and educational charity, we work to protect, conserve and enhance the natural and built environment for the public benefit. We accredit university courses and promote professional development to ensure that landscape architects deliver the highest standards of practice. We work with government to improve the planning, design and management of urban and rural landscape. Through our advocacy programmes and support to our members we champion landscape, and the landscape profession, in order to inspire great places where people want to live, work and visit.</p> <p>The LI's membership currently stands at approximately 6000 landscape planners, designers, managers and scientists, all of whom often work at the landscape-scale and have a significant interest in both the intrinsic value of nature in addition to the economic and social benefits to be gained through the protection and enhancement of ecosystem services.</p>	

2.3 What type of organisation do you work for?

Private sector	<input type="checkbox"/>
Public sector	<input type="checkbox"/>
Charity or civil society	<input checked="" type="checkbox"/>
European body/industry	<input type="checkbox"/>
Trade/business/Industry association or body	<input type="checkbox"/>
Other (please give details)	

3. Do the functions and/or form of the Environment Agency and Natural England continue to be appropriate, in terms of delivering the Government's ambition on the environment and flood and coastal risk management?

The Landscape Institute (LI) strongly believes that the functions of the Environment Agency and Natural England continue to be not only appropriate but also essential in terms of achieving sustainable forms of development. The LI and its members share many of the aims and objectives of the two organisations; to protect, conserve and enhance the natural and built environment.

The Foreword to the discussion paper, upon which this consultation is based, states the following:

- That Government is committed to high levels of environmental protection and to the effectiveness of the bodies entrusted with these obligations.
- That, though public bodies must be enabled to operate in the most effective and cost efficient way, this cannot be at the expense of the natural environment.
- That the aim should be for a healthy economy and a healthy environment, and that the two are not mutually exclusive, and that in fact a healthy environment is essential to our future prosperity.

Furthermore, the Natural Environment White Paper stated clearly that the Government intends to be the first generation to leave the natural environment of England in a better state than it inherited.

These laudable ambitions, coupled with obligations such as the European Landscape Convention, must not be undermined through the Review process, whatever the outcome. Given Natural England's important role as statutory advisor on landscape (in its broadest sense, not just designated areas) landscape expertise and capacity must not be weakened through any future restructuring that might take place following this Review.

4. What changes could be made to provide better quality outcomes for the environment, economy and society?

In your response, you may wish to consider aspects such as scope for increased collaboration; involving other organisations; alternative delivery models e.g. civil society or private sector; functions that could be performed more effectively by other organisations.

The LI welcomes Defra's invitation to explore innovative options for improvement and to debate better outcomes for the environment, economy and society. However, we are concerned that Defra's priorities seem to be focussed first on growing the economy, with human health and wellbeing missed out altogether. Defra is a public body that is responsible for the environment, food and rural affairs and the foreword quite rightly states that a "healthy environment is essential to our future prosperity".

The Foreword states that "the challenge for our public bodies must be to meet their environmental obligations while looking at innovative ways to reduce the burden that this may sometimes place on business". It is our view that this is completely the wrong way of exploring the issues debated in this Review. It is for business to accommodate and adapt to the urgent constraints that are being placed on our society by our own neglect of the natural environment. Sustainable economic growth must be interpreted correctly; to mean there will be no greater, and ideally far less, harm to the environment and to society in the future.

The LI suggests that the Review should consider a more integrated approach to delivering all environmental priorities based on the management of water resources. The last 12 months of drought, intense rainfall and flooding demonstrates that economic growth and development should not be permitted unless and until it makes a significant contribution to the sustainable management of our national water resources.

For example, the Environment Agency should have powers, similar to those of Sport England where development would lead to the loss of playing fields, to 'call in' for Ministerial decision those planning applications involving development in areas of high flood risk, coastal erosion or ground water depletion. This will significantly increase certainty for developers, landowners, insurers and the public who are all increasingly concerned about the risks to properties on flood plains, along coastlines and in areas of frequent drought.

The LI also suggests far greater use, and support for, the Landscape Character Profile work undertaken by Natural England. It is this integrated approach to our land that can inform decision making with a view to delivering the best possible outcomes for our environment, society and economy.

5. Of the range of options for reform proposed to the current delivery arrangements, which do you think are the most appropriate – if any – to achieve better quality outcomes for the environment, economy and society on a sustainable basis and why?

Scenario 1 - The Environment Agency and Natural England remain as separate organisations

In principle the LI supports Defra initiatives that are designed to reduce costs and administrative burdens. We agree that alternative arrangements have a role to play for the delivery of non-core functions such as the Walking for Health programmes. This could be achieved by creating partnerships with community organisations and charities and by creating non-technical management contracts to deliver, for example, boats and crews to

enable the Environment Agency and Natural England to monitor the marine environment.

However the Environment Agency and Natural England provide essential technical and professional knowledge and services upon which their statutory advisory, regulatory and grant making functions depend. As professionals working with the development industry, local authorities, landowners, land managers and local communities, the members of the LI also rely on the two organisations for their technical expertise, research capability and resilience response.

In terms of the land use planning process, there are clear opportunities for enhanced joint-working with local planning authorities, developers and their consultants. Pre-application discussions of emerging proposals can only be effectively progressed if there is timely technical input, including scientific expertise, from these two statutory consultees. Therefore, any alternative delivery models that lead to the loss or reduction of their (already limited) capacity to contribute effectively to the planning and development consents system would result in unacceptable delays for developers and/or unsustainable forms of development.

A positive step towards enhanced joint working was evident in Autumn 2012 with the publication of draft guidance by the Environment Agency, Natural England and the Forestry Commission, "Building a better environment: our role in development and how we can help". Though this draft was only for consultation and the final publication is yet to appear, the LI welcomed the clear, concise, collaborative approach and felt that the guidance could prove extremely helpful for developers.

The LI would welcome ongoing service improvement, increased efficiencies and swift decision making, particularly around development for business. We agree that the Environment Agency and Natural England will need to work more closely with local partners and communities and should develop new approaches and tools to support relationships with civil society organisations. However, we would suggest caution before they adopt a 'community-based' approach to decision making. The balanced professional overview of statutory national organisations which is founded on good scientific evidence, rather than on the narrowly focussed aims of local interest groups, is essential for effective landscape and land use planning and management and, consequently, sustainable development.

Scenario 2- A single delivery body

The LI places great value on the continued existence of the Environment Agency and Natural England, focussed as they are on different aspects of the natural environment, the landscape and natural resource management. Their expertise and advice is essential and we would not wish to see any of their responsibilities, as outlined in the diagram illustrating Scenario 1, being omitted or weakened in any future organisational structure.

We do however welcome the intentions of the Review to examine the interface between the Environment Agency and Natural England on land management advice, to create a more joined-up delivery and streamlined service for customers. However, English Heritage must not be left out of this discussion, as they are responsible for the conservation of historic landscape and would also benefit from greater cooperation across existing organisational boundaries.

We do not in principle dismiss the possibility of merging the two organisations at some future

point, provided all their core services and functions are retained. However, in terms of a single body we would agree with paragraph 57 of the discussion paper that "These various alternative options for reform appear to require significant and costly restructuring to the two existing bodies without correspondingly greater benefits offered".

Major restructuring and/or the creation of a new organisation would cause significant delays at a time when the Government is trying, by all possible means, to speed up the planning system. If this Review finds that merging the two organisations would be a good solution, the changes should not be implemented until the economy has recovered sufficiently to enable the transition to be properly managed and adequately funded. Otherwise customer services will be disrupted, resilience and incident response capacity will be reduced and the delivery of "business as usual" will inevitably be discontinued. That would be the worst possible outcome.

5.1 Do you have a strong preference for any of the options proposed?

<p>Scenario 1? (Significant ongoing reform but no major restructuring to current institutional structures)</p>	<input type="checkbox"/>
<p>Scenario 2? (Single environmental body)</p>	<input type="checkbox"/>
<p>An alternative? (Please explain in your response to question 6 your ideas for an alternative delivery option)</p>	<input type="checkbox"/>

6. Do you have any further suggestions for alternative delivery options which would achieve better quality outcomes for the environment, economy and society on a sustainable basis, and if so, how would they operate?

We believe there is scope for more efficient ways of working between the two agencies and in conjunction with English Heritage, the Forestry Commission and Local Authorities.

For instance in the past Ministers have used their powers to issue Guidance under the Environment Act (such as the Code of Practice on Conservation, Access and Recreation, 2000) to encourage an integrated approach towards the planning and management of the landscape. It is suggested this could be updated to re-focus on the benefits of an integrated approach between EA and NE.

At present there is too much individual working both by individuals and the organisations when much more could be delivered by co-operation not just in name but in practice through the use of landscape planning based approaches such as those being successfully delivered by the Mayor of London through the All-London Green Grid. The green infrastructure approach being utilised in London has identified the key natural infrastructure such as the

river catchments in London and provided a framework for co-operation between organisations like the Environment Agency, English Heritage, Natural England and the Greater London Authority which is not easily achieved any other way. It has enabled co-ordinated business planning which has led to jointly funded projects which reduce flood risk, provide revitalised and accessible greenspace that people need to stay healthy in urban areas. It enables a holistic and integrated approach to land and water management which is efficient, more sustainable and capable of creating greater resilience to climate change in a critical part of the country. We commend this approach to Defra as a new way of working between its agencies and local authorities

In addition to this, the LI suggests that delivery of the public agenda would be improved if there was greater clarity in what is trying to be delivered. The LI recommends that the Government looks closely at the National Character Map of England, a map that records the distinctive characteristics resulting from the impact human endeavour and businesses have had on natural systems. These residual characteristics are from a time characteristics are from a time when land was managed in a more sustainable way, before oil and natural gas dominated the food production industry.

Setting a visions for each Character Area would respect the variations in natural systems (including the water environment among many others) and could provide the framework for delivery of the multifunctional landscape we now need. Such clarity in the agenda for each place removes the need for numerous agencies and levels of the public sector, each having their own separate agendas, which can lead to confusion as to what is trying to be achieved.

It appears inevitable that the review of the Common Agricultural Policy will impact, very soon, on the results of this review of delivery agencies. If 'Greening the CAP' emerges at the scale currently being envisaged it is assumed that more emphasis on sustainable farming systems will drive public sector interventions. A crucial part of that transformation will be the reemergence of the power of the biodiversity of soils and the role of nitrogen fixing through integrated crop management. Natural England is best equipped to form the basis for driving such changes.

A good example of where sustainable farming systems are being implemented successfully can be found at the Cholderton Estate on the Hampshire/Wiltshire border:

<http://www.naturalengland.org.uk/ourwork/farming/countrysidefarmeroftheyear2012.aspx>

7. Do you have any other comments that you would like to make?

The LI strongly supported the aims of the Natural Environment White Paper. We also support the conclusions of the Regulator Business Stakeholder Workshop 2012, highlighted in the discussion document for this Review, that "we need to move away from 'development vs. conservation' and work together to consider the [natural environment] earlier in the process of development". In our view it is the primary role of the regulatory authorities to require all business and development interests and investors to play a major part in safeguarding our environmental future.

The LI is concerned that following the last major restructuring of public management of the natural environment through the amalgamation of English Nature, the Countryside Agency

and the Rural Development Agency in 2006, to form Natural England, public intervention to secure high quality multifunctional and sustainable landscapes have been severely eroded. There is concern that restructuring has had an impact on the ability of Natural England to respond to consultations on the landscape implications of policies and capital programmes. This Review should consider strengthening the role of Natural England in delivering high quality and sustainable landscapes. It must also avoid weakening Natural England's functions as an unintended consequence of any restructure it recommends.

Regardless of the outcome of this Review, it is inevitable that the Environment Agency and Natural England will be required to identify ongoing cost savings and improvements to services. Therefore it is vitally important that business interests, together with all other communities, are required to contribute their own resources to support these public bodies, in order to achieve resilient outcomes for the natural environment. Otherwise, "reducing the burden on business" will inevitably mean there will be fewer resources to deliver our international environmental obligations.

We would hope that the Review will also consider the relationship between Defra and its agencies. In securing an effective, efficient and integrated approach to service delivery, the LI believes that the Government should consider developing a clear vision for the countryside, setting out the balance between regulation, incentives and advice which would provide a framework within which the various agencies can work to deliver the vision. At the same time, individual landowners can more easily respond because there would be a single portal that advocates and integrated public agenda. It would be very helpful if that exercise also set out with clarity the role of local authorities where there is duplication, particularly in the administration of regulation by the Rural Payments Agency.