

# Nature's Recovery in England

The role of Defra's  
arm's length bodies

Find out more





Barn swallow  
Malcolm Hunt (rspb-images.com)

## Key recommendations

At a time when the planet is experiencing a nature and climate emergency, effective environmental regulators with a long-term focus on conserving and enhancing species and habitats is absolutely vital.

### Our key headlines to the UK Government include:

- **Change for change's sake is a big mistake** – in our experience, the upheaval and lost focus from merging distinct functioning bodies can be catastrophic. It leads to a loss of staff and resources being spread to paper-thin levels, distracting from delivery. Ultimately, nature loses out.
- **Nature needs a champion** – more than ever we need a distinct body whose primary purpose is to think, speak and act for nature. A critical friend of the government who can scrutinise the actions ministers take and give advice, free from political interference.
- **Nature needs the best we can offer** – we recommend empowering and better resourcing the existing agencies. In situations where responsibilities fall between different agencies, we need greater clarity on roles and responsibilities, a clear set of mutual objectives, and the opportunity to share skills and experience.

## Introduction

The term 'arm's length body' (ALB) is used to cover a wide range of public bodies distanced from government so that they are able to provide specialist expertise, and challenge government and others to ensure that standards are maintained. Earlier in 2022, Defra's Nature Recovery Green Paper<sup>1</sup> proposed to explore options for the future structure of Defra's arm's length bodies, the outcome of which could have huge implications for nature conservation in England.

### We warn against making structural change for change's sake.

Major institutional reform will be costly in both money and time. At a time when the planet is experiencing a nature and climate emergency, and with the United Kingdom identified as one of the most nature depleted countries in the world<sup>2</sup>, this is not the time to divert focus away from delivery. If the UK Government is to meet its target to halt the decline in species abundance in England by 2030, we can't afford to spend five of those discussing and implementing ALB reform – there simply won't be time left to pull nature back from the brink.

### Government must empower the existing agencies to deliver a restored natural environment.

The evidence is clear that investing in nature will improve health and equality AND boost the economy<sup>3</sup>. A healthy natural environment supplies us with a multitude of life-supporting and life-enhancing benefits – for example the production of food and clean water, natural flood prevention, climate regulation, and benefits to human health and wellbeing. Defra's agencies' critical role in conserving and enhancing our natural environment will only be possible if they are sufficiently resourced; independent; expert; and empowered to use their powers.

This report sets out our views on how Natural England, the Environment Agency, the Forestry Commission and the Marine Management Organisation can and should work in order for UK Government's plans to recover nature in England to be successful.

# Principles for nature conservation governance

Any functional or operational changes to Defra's arm's length bodies must only be decided after a comprehensive and transparent process, and within the context of the following principles.

**Defra's ALBs must:**

## 1. Be independent from government

Strong independence is essential for any ALB to give advice free from political interference, and effectively use its powers to enforce regulation and hold all to account. Without independence from government these bodies will be unable to scrutinise progress. A clear, transparent and supportive relationship with government is also essential.

## 2. Champion nature

With England's nature declining at a rapid rate (13% of species in England are threatened with extinction from Great Britain<sup>4</sup>), more than ever we need a distinct body whose primary purpose is to think, speak and act for nature.

## 3. Be aligned around the same goal

Any ALB playing a critical role in achieving the government's natural environment ambitions must have a legal duty to recover nature. This will allow these agencies to work better together and minimise conflict.

## 4. Be clear on their responsibilities

Clarity on the roles and responsibilities of each agency is crucial. This is particularly important in landscapes where leadership and responsibility falls between different agencies.

## 5. Have access to in-house ecological expertise

UK Government must invest in developing ecological expertise within these agencies to ensure that strong evidence underpins government policy. This should include an understanding of the complex relationships within ecosystems and how human pressures are acting on these.

## 6. Have access to sufficient funding

Government must properly fund these agencies, with budgets aligned to each organisation's core statutory functions, including nature's recovery. Given the right mechanisms, private funding can support non-statutory functions.

## 7. Be transparent

A clear and transparent process for fulfilment of duties, requirements and decision making is vital. Agencies must be required to report to government on progress against delivery targets, and these reports must be publicly accessible.

## 8. Be held accountable

There must be mechanisms for holding ALBs accountable. This should be in the form of parliamentary scrutiny by, for example, select committees; and when it comes to delivery of their key responsibilities, accountability to the Secretary of State for the Environment, Food and Rural Affairs (Defra). The Office for Environmental Protection also has an important role to play in holding public bodies – including ALBs – to account.

## 9. Focus on their key functions

Defra's agencies should focus on regulation and enforcement; research and monitoring; provision of advice; scrutiny and public reporting; delivery of resources; and provision of responsible public access to nature. While they also have an important role to play in convening, this should not be prioritised at the expense of their core functions.

## 10. Work with external partners

Ongoing and transparent engagement with external partners and the general public is key to building the evidence base and ensuring joint understanding of both challenges and solutions.

It is in the context of, and addition to these principles that we discuss specific recommendations for four key arm's length bodies.



Global day of action, protest groups  
Nick.Hawkes (rspb-images.com)

# Natural England

Natural England (NE) is the statutory adviser on the natural environment to the government, helping develop laws, policies, and plans. It regulates work affecting protected species and sites; is a statutory consultee for proposed development on protected sites; and provides technical advice on environmental farm schemes.

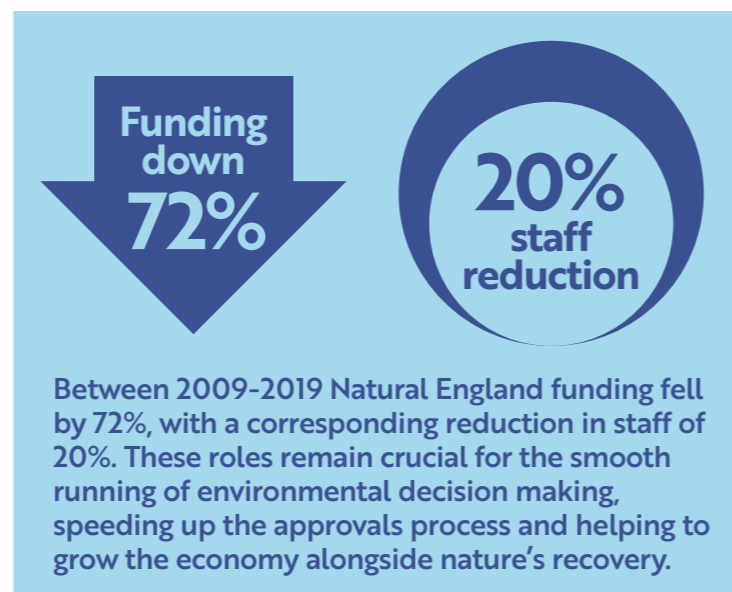
At a time when the planet is experiencing a nature and climate emergency, the existence of a regulator that is independent from government and has a clear focus on enhancing and conserving the natural environment<sup>5</sup> is vital. This will ensure that evidence-based nature conservation advice is part of all government considerations, but only – and this is critical - if that advice is respected and fully taken account of.

Natural England plays a vital role in protecting biodiversity and our most important habitats, and in providing benefits to people's health and wellbeing by promoting and advising on responsible access to the nature that it protects. This is thanks to its passionate, knowledgeable and capable staff.

However, although intended to be an independent champion for wildlife, in 2018 outgoing chair Andrew Sells confirmed that NE has “lost its independence”<sup>6</sup>. Reductions in funding, a restriction of their independence, and a prioritisation of resources toward non-regulatory functions have affected the agency's ability to challenge the work of other public bodies and government departments where necessary to protect nature.

## Recommendations

**1. True independence:** As recommended by the House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006 in their 2018 inquiry<sup>7</sup>, Government must “take steps to enable Natural England to operate with the appropriate degree of independence”. For example, through returning to NE power over their own website and press functions, ensuring they have a platform on which to speak out.



**2. Increased funding:** In 2020 the Unchecked UK campaign reported that Natural England funding fell by 72% between 2009-2019, with a corresponding reduction in staff of 20%, seriously undermining their effectiveness<sup>8</sup>. While there has been an introduction of new roles since – for example the establishment of a species recovery team in their strategy function – this fails to compensate for past reductions.

**3. Evidence-based advice:** NE's capability to use science and operational evidence in all of their advice and decision making is key to the delivery of their duties. More must be done to build NE's in-house ecological expertise and capacity to collate the evidence base.

**4. Reprioritisation of resources:** Significant improvement could be made by reprioritising resources in NE, allowing them to properly undertake their core functions including monitoring, enforcement, SSSI protection and planning casework. We know that regulation is good value for money and generally supported by business<sup>9</sup> as providing a level playing field - fulfilling their regulatory functions should be NE's primary focus.

**5. Place-based staff:** Resources should be focused on local expertise and long-term on-the-ground relationships. Place-based staff who know the local sites, places and people are essential in order to provide advice and support to landowners and managers, monitor sites, and engage with casework. We therefore recommend moving away from the “regional hubs” model and reprioritising resources for local delivery.

## The importance of NE local relationships in delivering nature's recovery High Helbeck<sup>10</sup>

The value of place-based staff is clearly demonstrated by NE's Cumbria Area team, who since NE's formation have been working at High Helbeck in the North Pennines. The team's land management advisors have ensured a continuity of relationship between themselves and successive generations of land managers, who trust that those advisors have a deep knowledge and understanding of that land and how it has changed over time, as well as the complexities of the land management. This in turn allows for honest and respectful conversations, even over quite difficult topics, and has led to delivery of some ambitious projects involving land managers, NE staff and other partners working together.

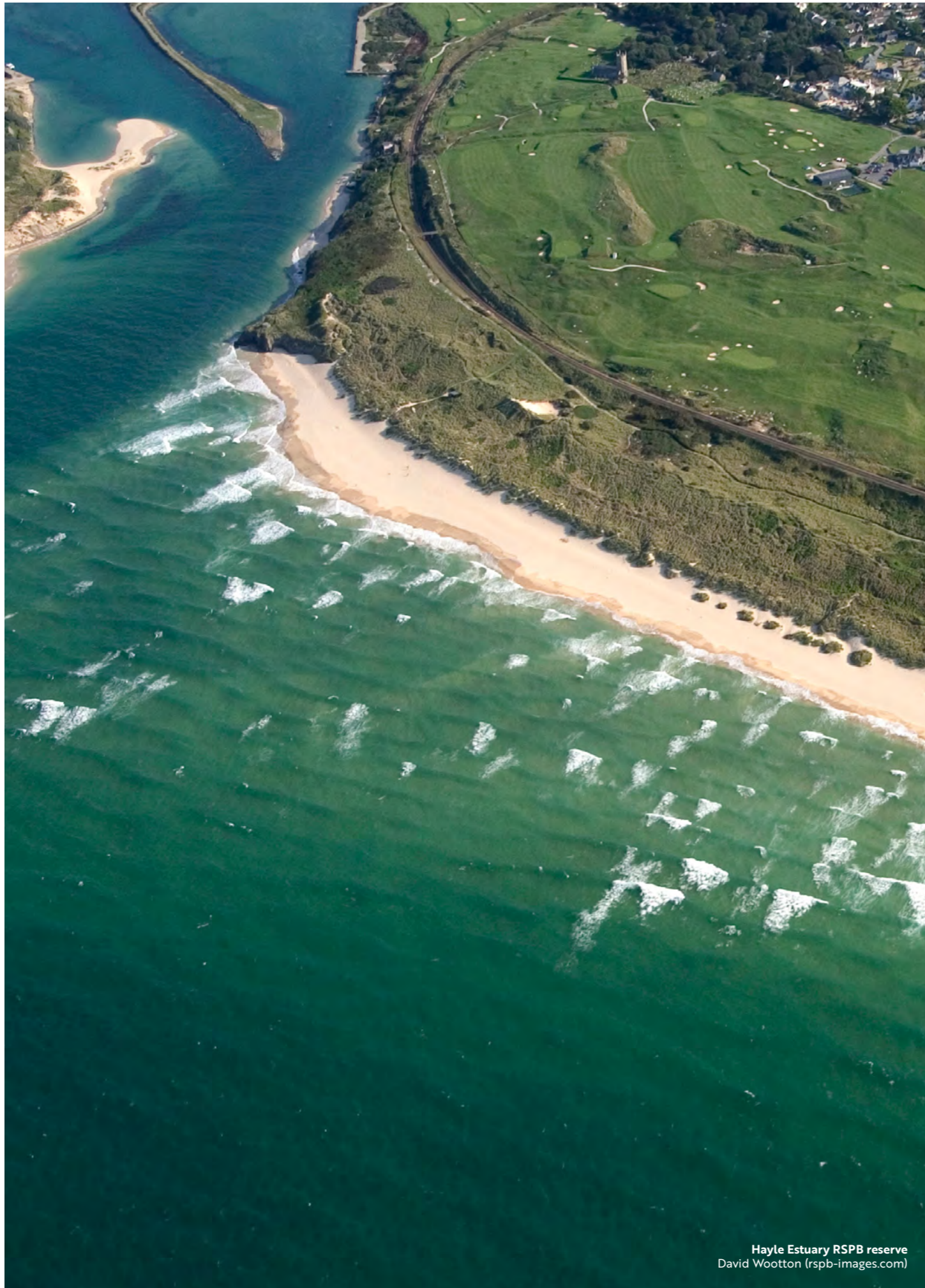
Over time the development of this relationship has meant that conversations could move on from the immediate issues over management of the SSSI land, to wider discussions about how

management of the High Helbeck Estate - a family owned and managed upland shooting estate - could improve biodiversity. When the Green Recovery Challenge Fund money became available this existing relationship meant that a coordinated bid could be pulled together in a short amount of time on behalf of the North Pennines Area of Outstanding Natural Beauty team, Natural England, Woodland Trust, RSPB and the landowners. The latter of whom cite the NE team's detailed knowledge of the site and its land management history, and positive relationships with them and neighbouring tenants and landowners, as key factors in making this happen.

The project has since delivered restoration of 79ha of degraded blanket bog; 153ha expansion of tree and scrub cover; improved habitat for breeding wading birds; survey and monitoring work; public events and visitor interpretation on High Helbeck Estate land; and an opportunity for neighbouring landowners, land managers and partners to share learning and ideas. All of which has only been possible because of the formation of long-term, trusting relationships between landowners and NE staff, demonstrating how local NE land management teams are uniquely placed to be able to bring a whole range of skills and experience, and tap into a variety of mechanisms, to help drive nature's recovery.



North Pennines AONB Partnership



Hayle Estuary RSPB reserve  
David Wootton (rspb-images.com)

## Improving management at sea

NE have been crucial in influencing and progressing the advancement of management across a number of key marine areas including:

1. Driving an understanding of Remote Electronic Monitoring (REM) as an effective, value for money tool to assess fishing activities, collect data and assure sustainable best practice at sea supporting:
  - a. Protection of wildlife through monitoring and reducing bycatch levels alongside impacts on marine wildlife, including seabirds
  - b. Improved scientific data collection capturing widespread data that will provide a full picture of fishing activity and help us to better understand our seas
  - c. Provision of a cost-effective mechanism that allows greater coverage, data and confidence at a lower cost than other monitoring methods

- d. Increased transparency by allowing vessel owners or fishing companies to monitor catches and share information with supply chains

2. Driving effective management of fisheries activities in inshore Marine Protected Areas, leading to improved management of English Seas through provision of evidence and advice, and collective working with regulators. This work is an excellent example of where local advice has supported delivery of national objectives, with NE taking a coordination role nationally setting a consistent approach across delivery, alongside pragmatically supplying local expertise ensuring effective management outcomes that could be delivered by Inshore Fisheries Conservation Authorities.

**There is considerable scope to strengthen NE's role in the marine environment in the context of increasing pressures in our seas, and the need to ensure that marine energy deployment is in harmony with nature.**



Fishing boats working off the Norfolk coast  
Ernie Janes (rspb-images.com)

# Environment Agency

The Environment Agency (EA) regulates and monitors water quality, water resources, and fisheries; looks after inland river, estuary, and harbour navigations; and has conservation and recreation responsibilities. They are also responsible for managing flood risk from main rivers, reservoirs, estuaries, and the sea, and are responsible for regulating major industry and waste activities.

The organisation plays a vital role in protecting the public from pollution and natural disasters such as flooding and ensures that a wide range of business sectors and activities abide by the environmental standards set by the government. Much like Natural England, the EA has passionate staff, and does a lot of innovative and ambitious work to protect and improve the natural environment.

## Recommendations

**1. A change in statutory purpose:** In 2020 the EA embarked on a new five-year action plan<sup>11</sup> setting out how they will address the challenges arising

from climate change, including ensuring that nature's recovery is part of their future climate response. In order for the EA to achieve the culture shift required to deliver this, their principal aim should be set out in statute and extended to encompass climate and nature, setting how they should simultaneously balance their - at times conflicting - functions. For example, pollution control vs. conservation and ecology.

**2. Ecological expertise:** The EA currently has limited internal biodiversity expertise. In order to successfully deliver on this new statutory purpose, the government must invest in bolstering the EA's in house expertise.

**3. Robust approach to enforcement:** Leaked documents from the EA revealed that in 2021 staff were sent to observe only 8,000 of 116,000 potential pollution incidents<sup>12</sup> as a result of funding cuts. The current mixed performance on enforcement should be rectified through development of a more robust and transparent approach across the board.

## Nature-based solutions at Great Bells Farm

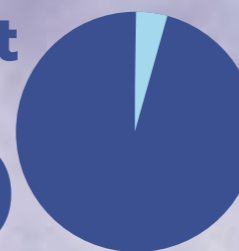
Great Bells Farm on the Isle of Sheppey is an example of the Environment Agency working effectively both across the organisation and with partners to put nature-based solutions at the heart of their climate response.

The grazing marsh in North Kent is particularly special because of its proximity to saltmarsh and mudflats which many bird species use for feeding or roosting. But saltmarsh habitat in the Medway Estuary is increasingly under pressure from sea-level rise, triggering the Environment Agency to purchase Great Bells Farm - an area of poor-quality farmland - in 2012 to provide new nature-rich grazing marsh habitat to replace predicted future losses. The RSPB were commissioned to design and build new wetland habitat on the

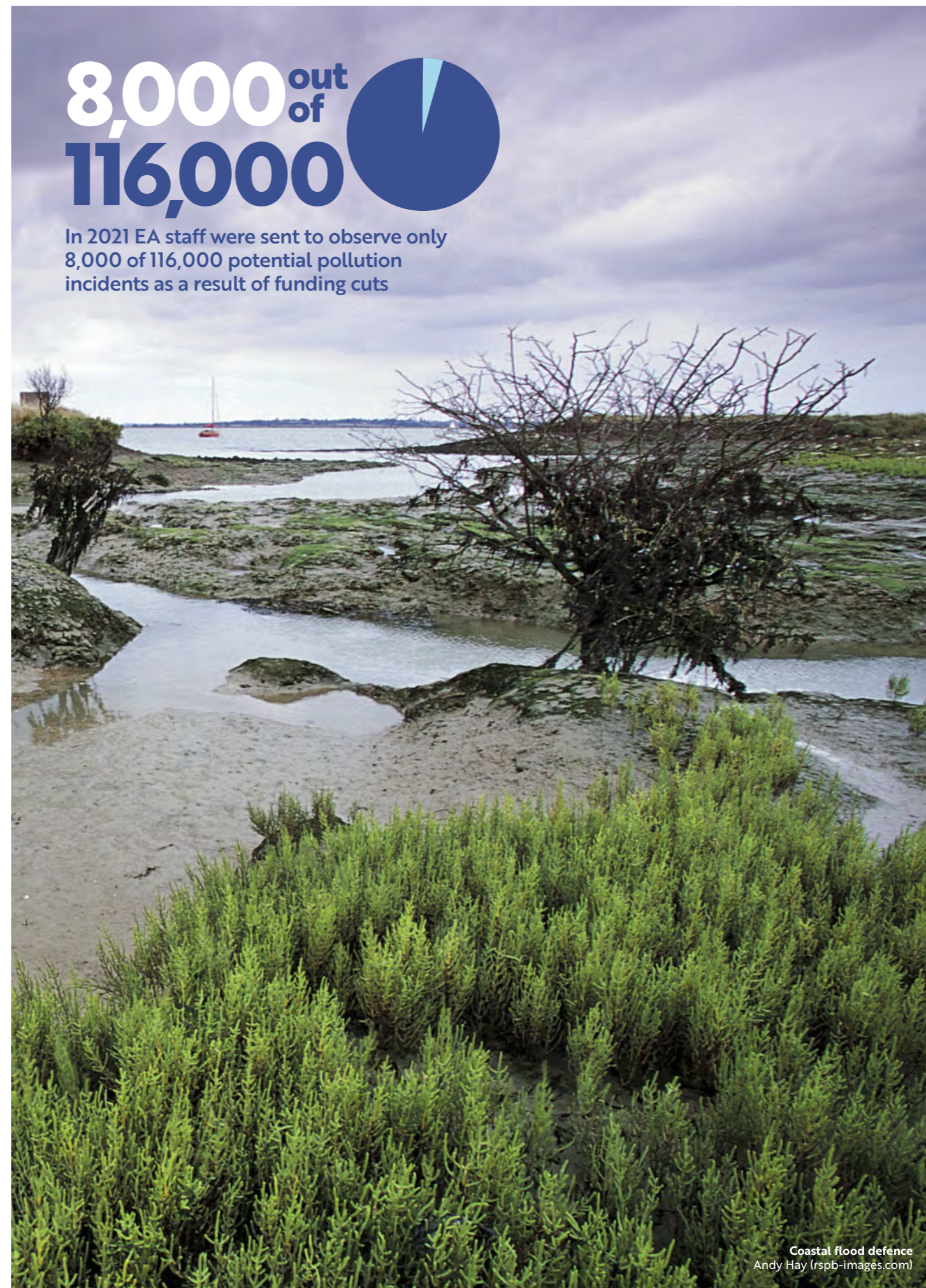
190ha site, resulting in 135ha of new grazing marsh, 52ha of rough grassland and 7ha of saltmarsh. The site is now home to hundreds of breeding waders including over 60 pairs of redshank - a species threatened by the loss of breeding and wintering habitats - as well as other species including water voles and the nationally rare Maid of Kent beetle. Wintering waterfowl numbers have also increased, with the site regularly holding large flocks of wigeon, teal, curlew and golden plover. The new coastal marsh will also benefit people, protecting 8000 homes from flooding, and in 2014 the project was awarded the CIEEM 'NGO Impact Award'.

Such a positive result was possible thanks to the EA team leading the project, who provided internal direction and cut through the organisation's complex structure to work effectively and utilise nature-based solutions to provide benefits for both people and for wildlife.

8,000 out of 116,000



In 2021 EA staff were sent to observe only 8,000 of 116,000 potential pollution incidents as a result of funding cuts



Coastal flood defence  
Andy Hay (rspb-images.com)

# Forestry Commission

The Forestry Commission (FC) is responsible for the management of publicly owned forests and the regulation of both public and private forestry in England. It is organised into Forest Services, Forestry England, and Forest Research. The Forestry Acts of 1967 and 1979 charge the Commissioners leading FC with the general duty of promoting the interests of forestry, the development of afforestation, and the production and supply of timber.

In discharging their functions under these Acts the Commissioners are supposed to endeavour to achieve a reasonable balance between timber production and biodiversity conservation. However, nature is not, and never has been, a driving purpose for the Forestry Commission as a whole. It was set up to prioritise commercial forestry and generate income through timber production, and that remains their goal. This makes it difficult for them to allocate resources to nature outcomes because nature is not a core purpose. As it currently stands,

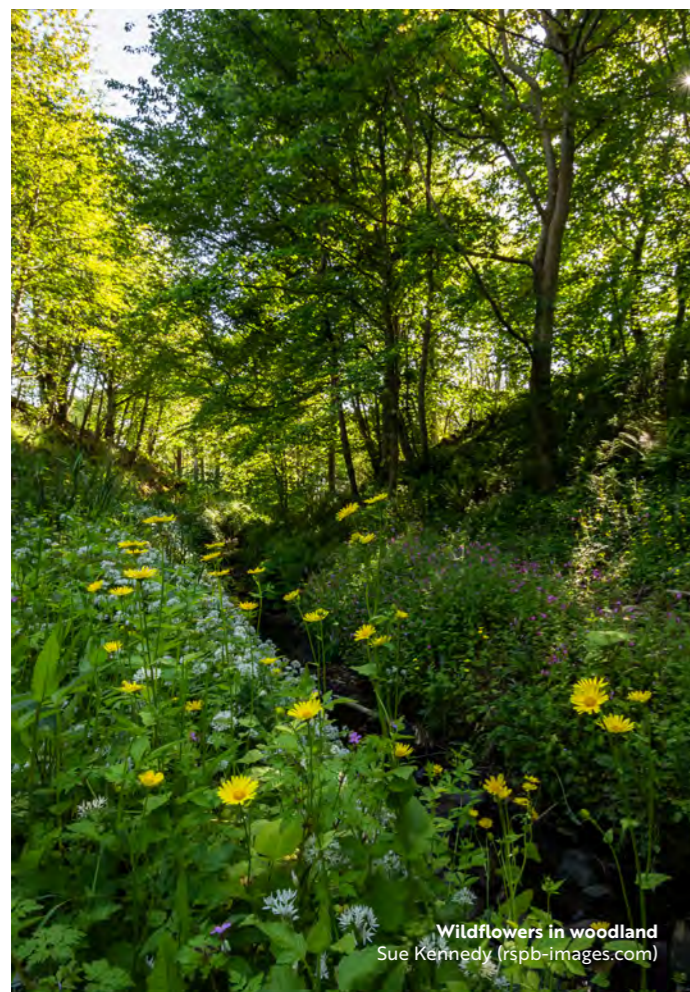
Forest Service's regulatory function disproportionately favours commercial forestry activities rather than species recovery in situations where the two considerations clash.

## Recommendations

**1. A modernised statutory purpose:** The FC needs explicit duties and powers to ensure that their purposes contribute to the halting and reversing of declines in biodiversity, covering both the management of the Forest Estate and activities on private land. The opportunity is huge: Forestry England owns swathes of land which if better managed with nature in mind, enabled through a shift in purpose, could make a significant contribution to meeting government targets for nature's recovery.

**2. Culture change:** There needs to be an internal cultural transition within Forestry England and the wider Forestry Commission away from traditional forestry with non-native species towards holistic land management benefitting native wildlife. For example, through ensuring that training within all sections of FC - such as FE's trainee forester programme - includes information on the organisation's role in nature's recovery.

**3. Low-impact recreational activities:** A large proportion of Forestry England's income is from recreational activities. We recommend a diversification to include more low-impact recreation, such as eco-tourism and activities that promote health and wellbeing, thereby allowing better ecological management of woodlands. For example, further roll out of FE's Active Forest Programme and Forest Bathing events.



Wildflowers in woodland  
Sue Kennedy (rspb-images.com)

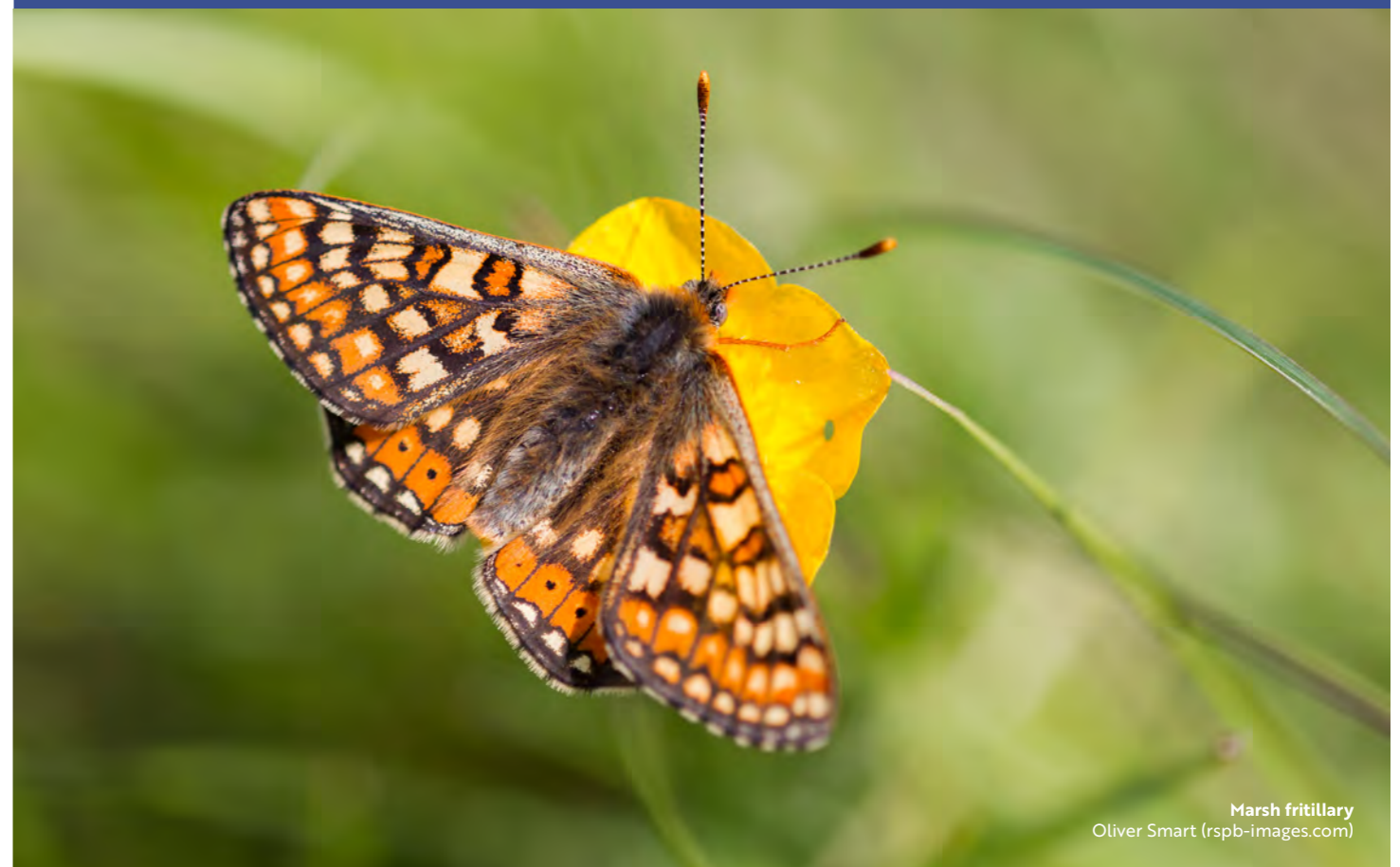
# Delivery for nature at scale Wild Ennerdale<sup>13</sup>

Forestry England participation in the Wild Ennerdale project in Cumbria demonstrates their ability to deliver for nature at a landscape scale as part of a partnership with National Trust, United Utilities and Natural England.

The project seeks to allow the evolution of Ennerdale as a wild valley that relies on natural processes to shape its landscape and ecology. Work was carried out to re-create and maintain ecosystems which are resilient in the face of future challenges such as climate change. Non-native sitka spruce plantations which previously dominated the landscape were removed, and a minimalist approach to management has now been applied to the area. The result has been a return of wildlife, including salmon within the restored river systems and marsh fritillary butterflies - one of Europe's most highly protected species of butterfly - which had gone

extinct in the Ennerdale Valley due to habitat loss, but is now thriving thanks to both re-introduction efforts and the provision of suitable habitat.

While some Forestry Commission officials were initially concerned at the loss of timber production<sup>14</sup> there is now high-level support for Wild Ennerdale within the organisation, and the project continues to work to expand native woodland and remove non-native spruce. This project demonstrates what can be achieved when nature is prioritised on the Forest Estate. A common clear duty for nature's recovery across FE and the wider Forestry Commission would ensure this approach is taken both across the Forest Estate and via activities on private land, facilitating consistency throughout the organisation.



Marsh fritillary  
Oliver Smart (rspb-images.com)

# Marine Management Organisation

The Marine Management Organisation (MMO) is responsible for licensing and regulating marine activities in the seas around England and Wales. The MMO monitors fish quotas, licenses marine construction, and deals with marine pollution.

The MMO was established in 2010, at which point the RSPB and many other NGOs supported the creation of a distinct marine body to manage marine planning, fisheries management, licensing of marine activities, and ensure that development in the marine environment is sustainable.

We remain keen to continue to support it in its role. However, unfortunately the organisation has come under criticism from external partners since its creation, due to its slow progression of work areas and limited conservation expertise. Procedures covering marine planning and licensing are not open or transparent, and over a decade since the introduction of marine spatial planning to England these plans still lack the holistic vision, ambitious policies and SMART targets needed to deliver a sustainable environment.

## Recommendations

**1. Investment in in-house ecological expertise:** If the MMO is to fully and effectively deliver its nature conservation functions it needs a greater level of ecological knowledge, expertise and experience across the full range of functions within the organisation, either investing in in-house ecological expertise or seeking to fill that gap with support from other agencies.

**2. Clear frameworks and a strengthened statutory duty to deliver for nature:** The MMO is dependent on working effectively with other agencies – for example NE, JNCC and the Crown Estate. We would like to see more effective working between these agencies by clarifying roles and responsibilities, and in turn reducing duplication and increasing delivery of environmental duties by giving it the tools to consider the marine environment

holistically and strategically. Additionally, the MMO needs to remain independent and at arms-length of government to enable it to take a long-term view on the future of the marine environment.

**3. Reform of siloed ways of working:** The different functions of the MMO are often delivered in isolation, leading to disconnect between teams. Attention should be given to how to improve cross-team and cross-function working in order to ensure that management of the marine environment is viewed holistically, and to avoid conflicting objectives within the organisation.

**4. Policy Review:** Reviews of the UK Marine Policy Statement and Marine Plans must be required to demonstrate how they are compliant with the developing policy and legislative landscape (e.g. Net Zero, Environment Act targets); how the state of the marine environment has changed since the last review; where changes to policy and plans are required; and what changes have been undertaken, with an explanation provided in instances where changes are not made.

**5. External partner engagement:** Best practice engagement that is comprehensive, transparent and equitable must be rolled out across the organisation. For example, increased engagement between regional licensing teams and NGOs based in regional offices would be beneficial to ensure the right people are consulted to provide local level insights.

Though England has already designated 40% of its seas as MPAs, less than a fifth of these are actually benefiting from effective management.



Middlebere lookout, RSPB Arne Nature Reserve  
Ben Lagden (rspb-images.com)

## Effectively managing Marine Protected Areas

Despite the shortcomings of the MMO highlighted on page 15, the organisation is currently involved in a process which could show that given appropriate resourcing and mandate, they are able to lead some ambitious measures for the environment. The organisation is leading the ongoing review of fisheries management measures in offshore Marine Protected Areas (MPAs), having committed to review all 50 MPAs under its responsibility, from the 6 nautical mile limit to the end of the English Exclusive Economic Zone (EEZ), by 2024.

This process, started in 2021, has seen four MPAs reviewed so far. This led to the welcomed decision to adopt bylaws restricting the use of damaging fishing gear in these sites, which

include the Dogger Bank SAC, of paramount importance for our seabirds. The second stage of the process is currently underway, reviewing a further 13 sites. This process is crucial, as though England has already designated 40% of its seas as MPAs, less than a fifth of these are actually benefiting from effective management.

MPAs are a key spatial management tool to enable nature's recovery. With the United Kingdom having failed to reach Good Environmental Status (GES) of its seas by 2020 as originally committed to, a swift enforcement and management of these sites is more pressing than ever if they are to become more than lines on a map. The MMO must meet its deadline of 2024, and as such implement effective management plans for the 46 remaining MPAs under its responsibility in the next couple of years, demonstrating in the process the value that the organisation can add to the marine protection policy framework.



# A proposition for the future

## A new farming delivery body

**In order to transition from the EU's common agricultural policy to our own UK agricultural policies, we need a new bespoke delivery body which has been designed specifically to ensure it has the purpose, governance and expertise required to deliver these policies across England.**

The Rural Payments Agency (RPA) currently administers farm payments. However, the RPA was established in 2001 with the sole purpose of administering EU Common Agricultural Payments on behalf of the UK Government, and consequently their expertise, governance and structures reflect this focused role.

Farming is a primary driver of biodiversity loss and contributes 10% of the United Kingdom's greenhouse gas emissions. With farmland covering 70% of England, government's new environmental land management schemes present the most significant policy lever that they have to deliver their

environmental targets on land, facilitating the shift to a sustainable nature-positive economy and underpinning our ability to continue to produce food. This is an opportunity to do things better by ensuring that these vital new schemes sit alongside a delivery body that has been designed specifically for this purpose.

Such a body would require a legal purpose with strong links to the Environment Act and net zero targets, and the necessary culture and expertise required to work with the farming community in order to unlock their potential to deliver public goods alongside food production in a way that represents good value for money. An effective delivery mechanism that will support a thriving farming sector whilst also helping to recover nature. Situating the policy function within Defra will ensure that the vital link between the environment and agriculture is retained, whilst reducing duplication by having an integrated – rather than separate – policy team.



Farmland covers 70% of England and contributes 10% of the United Kingdom's greenhouse gas emissions.



Hope Farm Ben Andrew (rspb-images.com)



Hope Farm Ben Andrew (rspb-images.com)

## An evolution of the “Growth Duty”

The Growth Duty came into statutory effect in March 2017<sup>15</sup> and requires regulators - including Natural England, the Environment Agency, the Forestry Commission and the Marine Management Organisation - to have regard to the desirability of promoting economic growth. This applies alongside their responsibilities regarding the natural environment and is at times fundamentally incompatible with their statutory functions.

Failing to protect the environment will be detrimental to the economy. The Treasury-commissioned review on the Economics of Biodiversity<sup>16</sup>, published in 2021, demonstrated that our economies, livelihoods and well-being depend on protecting and enhancing nature. Economic resilience in the face of current

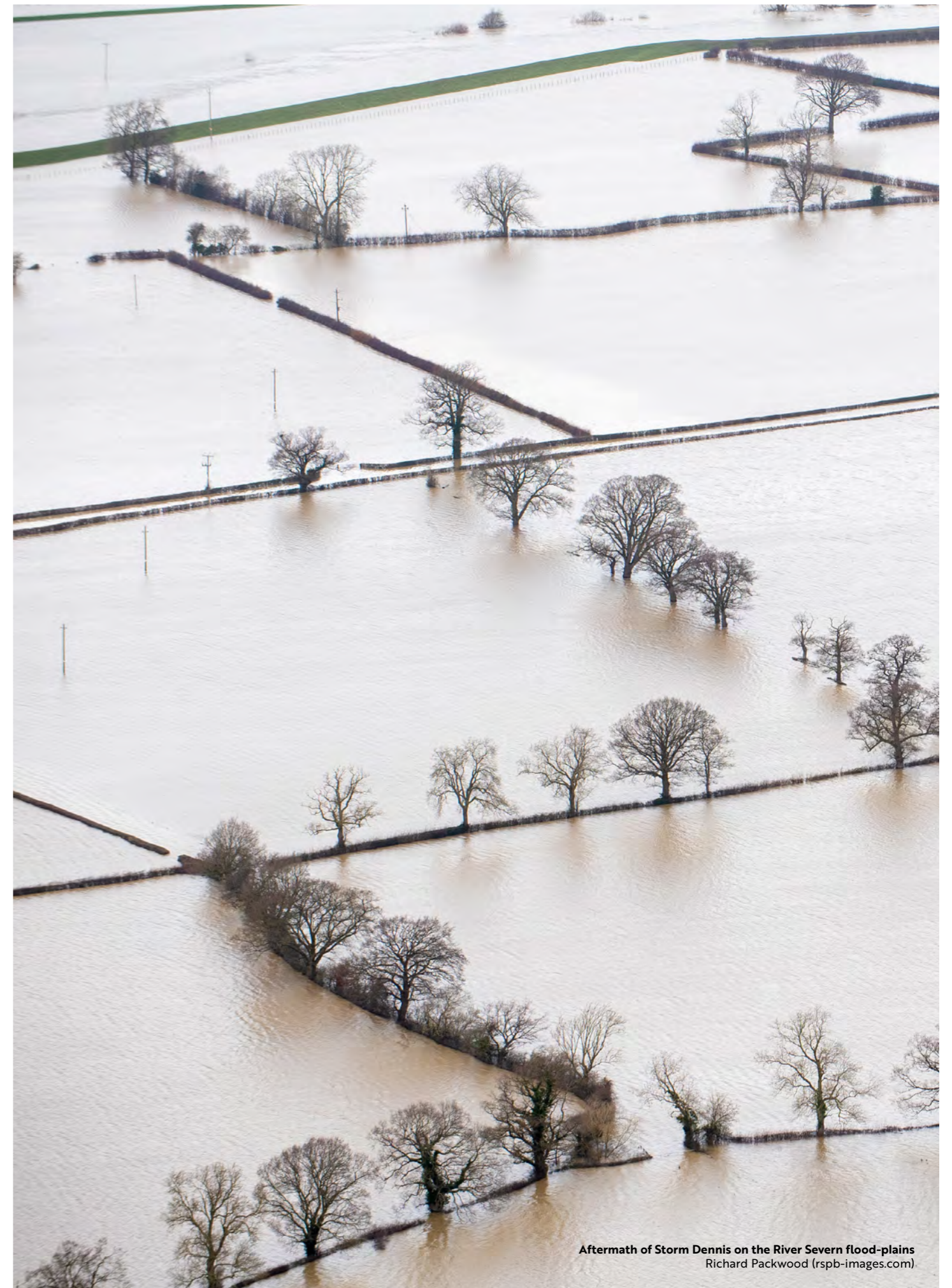
challenges such as energy security, carbon reduction, flooding, wildfires, and nature’s recovery requires good ecological and ecosystem understanding. That’s why we believe “growth” in the context of the Growth Duty should consider more than just GDP.

We recommend that a clear focus on conserving and enhancing the natural environment, and ensuring that environmental limits are not exceeded, is the best way to ensure that Defra’s arm’s length bodies make a meaningful contribution to the Growth Duty. We want to see a public mandate for the four organisations covered in this report to only exercise that duty in a manner compatible with the achievement of their statutory duties, allowing them to facilitate projects which offer nature-based climate solutions and are therefore strongly in the public interest.

## Measuring growth beyond GDP

The New Zealand Government have recently made the decision to abandon Gross Domestic Product (GDP) as a metric<sup>17</sup> and instead have turned to the “Gross National Happiness Index” which focuses on the wellbeing and prosperity of citizens. The index measures, among other things, resilience of the natural environment. It is this which now defines their national budget.

This is just one example of a developing area of economic thinking which seeks to measure progress beyond GDP: Kate Raworth’s Doughnut Economics<sup>18</sup> proposes a shift to an economic model which realises that our economic prosperity depends on the health of our natural environment, and in 2020 the Future Generations Commissioner for Wales urged Welsh Government to build a new economic system that addresses the health, climate and nature crisis<sup>19</sup>.



Aftermath of Storm Dennis on the River Severn flood-plains  
Richard Packwood (rspb-images.com)

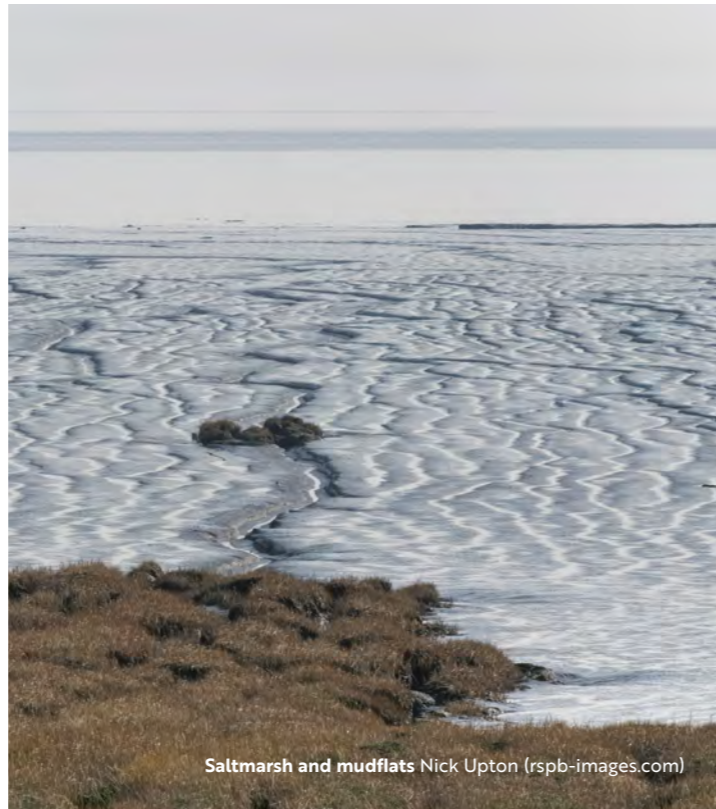
## The benefits of separate bodies

We do not support proposals to bring all environmental regulation into a single body. Distinct bodies with separate functions ensure that different environmental priorities are championed and that no one particular issue loses out. A single body model will be unhelpful both in terms of saving resources and delivering duties and will make it impossible for the government to achieve its environmental ambitions and commitments.

A merger would require long-term upheaval and disruption, bringing together staff from regulatory, delivery and operational backgrounds, which may result in a discordant and divergent culture that can take several years to work through before the organisation is comfortable with itself. Nature simply doesn't have that time. If the UK Government is to meet its target to halt the decline in species abundance in England by 2030, we can't afford to spend five of those discussing and implementing ALB reform – there simply won't be time left to pull nature back from the brink.

Crucially, these bodies have very different functions, and the loss of some of some key functions would be unavoidable - nature is likely to be given a much lower priority in a bigger body with a wider focus.

Yet the ongoing decline of biodiversity speaks for itself – the nature crisis is too important not to have a distinct body with a role to champion and protect



Saltmarsh and mudflats Nick Upton (rspb-images.com)

nature, and now is not the time to remove or cut nature protection.

The Defra triennial review in 2013<sup>20</sup> concluded that the Environment Agency and Natural England needed to collaborate more effectively, but that “the costs and disruption associated by a merger would not be sufficiently outweighed by the benefits to justify such a move, particularly when significant further progress is possible within the existing structure”. It therefore concluded that they “should be retained as two separate public bodies with separate purposes and functions”. The reasons behind that decision still stand.

## Reflections on the creation of Natural Resources Wales

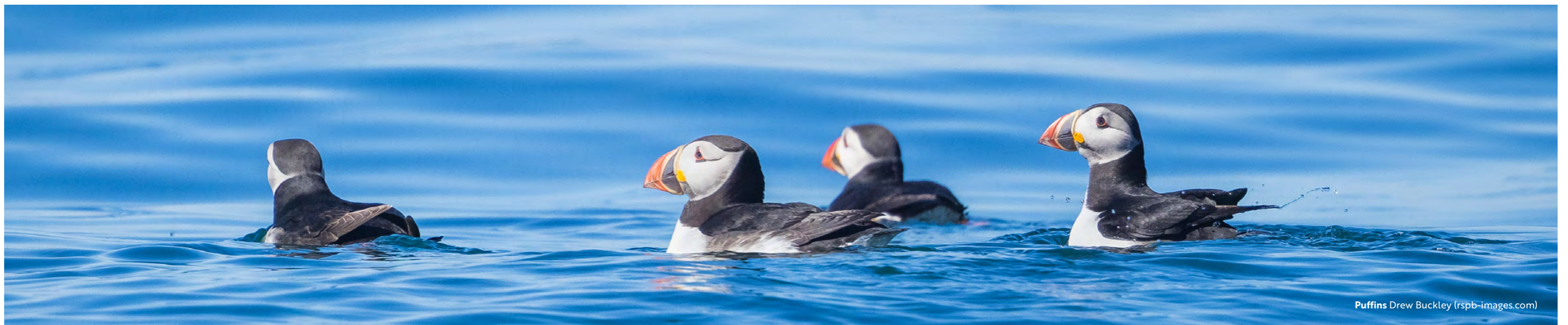
The formation of National Resources Wales (NRW) in 2013 saw the merger of Countryside Council for Wales (CCW) - the body previously responsible for wildlife conservation – with the Environment Agency Wales and the Forestry Commission Wales. The RSPB's experience is that budget cuts to NRW since have disproportionately affected the nature element of their work as budgets for forestry and flood defence are protected. NRW has lost many of the former most senior CCW staff, and with them their ecological expertise and place-based knowledge and contacts which is so vital in enabling collaboration and facilitating delivery. Research by Aberystwyth University in 2015<sup>21</sup> concluded that “the duties imposed on NRW with regard to nature conservation are weaker than those of the former CCW, and that the independence of the nature conservation body as consultee and the transparency of the statutory consultation process has been compromised by the creation of the single body”.

In 2016 a survey of NRW staff revealed that just 11% had overall confidence in the decisions made by senior managers, leading the chief executive at the time to reflect that this “shows the impact of

*continuing to deliver services during a time of constant change as we transition from three organisations into one whilst budgets decrease<sup>22</sup>”.*

NRW was arguably never set up to drive nature's recovery. Their statutory purpose is to pursue the sustainable management of natural resources, and there is still a lack of shared understanding about what this means. As a result, the focus on nature conservation has been diluted, and the potential benefits of better integrating biodiversity into other functions (forestry and flood management) have not yet been realised. Improving the condition of Welsh Sites of Special Scientific Interest (SSSIs) - key indicators of the wider state of nature - was adopted as a target by the Welsh Government's 2006 Environment Strategy<sup>23</sup>, but this has since been dropped. Data indicating the condition of SSSIs in Wales is highly incomplete: a baseline assessment<sup>24</sup> published by NRW in 2021 (the first since a similar exercise by CCW in 2006) indicated no assessment of condition was possible for around half of terrestrial SSSI features. A problematic gap in evidence given the importance of these sites for nature's recovery.

We are unaware of any evidence to suggest that a similar merger could lead to demonstrable benefits for nature in England. Conversely, it is more likely to obstruct delivery of the government's ambition to halt declines in nature by 2030.



Puffins Drew Buckley (rspb-images.com)

## Working together

As recognised in our Principles for Nature Conservation Governance (page 4), there are often situations and landscapes in which responsibilities fall between different arm's length bodies. The different factors and activities affecting the delivery landscape – for example nature conservation, farming, flood risk, and more – cannot each be viewed in isolation. A properly integrated, place-based approach is required which takes into account all of the issues in any one landscape and seeks solutions which satisfy those different needs.

We recommend that in such situations there needs to be greater clarity on the roles and responsibilities of each organisation, a clear set of mutual objectives, and the opportunity to share skills and experience. Regardless of who the landowner may be, it is the agency responsible for using its regulatory powers who should have overall authority.

## Combining our skills

The recent Landscape Recovery Pilots<sup>25</sup> are a good example of inter-agency working at its best. Natural England or the Environment Agency act as lead for projects based on whether the primary objective is species (NE) or water (EA), with the other focusing on secondary objectives. Roles and responsibilities of each agency have been made clear from the start, recognising their specialism and expertise. Recognising that this is a trial project, both organisations have taken an outcome focussed approach, and are prepared to consider where their consenting processes may unintentionally hinder progress. Forestry England, as a major landowner in the landscape, are also taking this opportunity to collaborate with NGO's and neighbouring land managers to deliver a shared vision, prioritising nature objectives. Overall, a great example of collaborative work.





Visitor tractor tour, Hope Farm  
Ben Andrew (rspb-images.com)

## Working with others

This report has focused specifically on four of Defra’s arm’s length bodies: Natural England, the Environment Agency, the Forestry Commission and the Marine Management Organisation. However, there are a number of other government bodies and departments who have an important role to play in nature’s recovery, and with whom these four organisations must interact and develop effective ways of working. We explore some of these below.

### Joint Nature Conservation Committee (JNCC)

Given the devolved nature of much environmental policy there is a risk that diverging political priorities post-Brexit could hinder more cooperative approaches to environmental protection. The JNCC’s four country remit puts it in an ideal position to ensure consistency across the four countries of the United Kingdom. However, while we agree it is sensible that the Joint Committee is partly made up of members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland, this can make it difficult for the Committee to criticise or challenge the

individual agencies. If nature conservation bodies are to be reviewed, we recommend that consideration be given to the structure and membership of the Joint Nature Conservation Committee. In addition, the JNCC would benefit from more specialist staff and improved engagement with external partners.

### Defra

Effective relationships between a government department and its arm’s length bodies are critical to delivery of those ALB’s core functions. A widely held concern among external partners is that many of Defra’s ALBs are not arm’s length enough. While it is entirely reasonable for government oversight to extend to consistent procedures around clarifying the roles of ALBs; agreed lines of accountability; and reporting and monitoring, ALBs who perform an important regulatory function – including the four which form the focus of this report - need operational and financial independence from government. Without this independence the bodies will be unable to effectively scrutinise the actions ministers take on nature and the environment, compromising their ability to hold all to account.

## Protected Landscapes

Achieving the government’s vision for protected landscapes will require sustained, long-term commitment from Natural England in particular. Government’s response to the Landscapes Review stated their intention to reinvigorate Natural England’s role as their statutory advisor on England’s National Parks and Areas of Outstanding Natural Beauty to “better recover nature and provide good quality access to it<sup>26</sup>”. We welcomed this and agreed that Natural England should advise on the appropriate management and protection of protected landscapes and drive-up standards through a clear role in monitoring and reporting progress. This should be accompanied by a legal duty on public bodies, including NE and the other bodies covered in this report, which requires them to channel resources and expertise into protected landscapes.

### Local Authorities

Local authorities must have regard to the need to conserve, restore and enhance their local natural environment for future generations<sup>27</sup>. This can in part be delivered through leading and inputting to the

Local Nature Recovery Strategies introduced by the Environment Act 2021, which will provide a strategic approach to environmental planning that translates national ambition into local delivery on the ground. Natural England have an important role to play in achieving consistency across these strategies nationwide by working with local authorities to provide national level oversight, guidance and best practice advice, including improved access to local level data. In doing so NE will ensure that these strategies add up to a nationwide Nature Recovery Network<sup>28</sup>.

### The Office for Environmental Protection

This new organisation will play an important role in holding public bodies – including the agencies covered in this report – to account for complying with environmental law when carrying out their activities.

## Summary

This is an opportunity for UK Government to implement fully their commitment to the recovery of nature in England. We look forward to further engagement and discussion on how the principles of governance and recommendations in this report can be embedded into any future review of Defra's agencies. We hope the government agree that this is a critical time in which nature needs a champion more than ever, and that change for change's sake is a big mistake.

Through government and external partners – including the RSPB – working together we are confident that we can develop ideas and solutions that empower and better resource these agencies to help deliver a country that is rich in nature.

Avocets Jodie Randall (rspb-images.com)

## References

### Introduction references

- <sup>1</sup><https://consult.defra.gov.uk/nature-recovery-green-paper/nature-recovery-green-paper>
- <sup>2</sup><https://www.nhm.ac.uk/discover/news/2020/september/uk-has-led-the-world-in-destroying-the-natural-environment.html>
- <sup>3</sup><https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>
- <sup>4</sup><https://nbn.org.UK/wp-content/uploads/2019/09/State-of-Nature-2019-UK-full-report.pdf>

### Natural England references

- <sup>5</sup>By natural environment we mean all plants, wild animals and other living organisms; their habitats; land, sea, air and water; and the natural systems, cycles and processes through which they interact. Definition taken from s.44, the Environment Act 2021.
- <sup>6</sup><https://uneearthed.greenpeace.org/2018/11/22/natural-england-chair-not-independent/>
  - <sup>7</sup><https://publications.parliament.uk/pa/ld201719/ldselect/ldnerc/99/9902.htm>
  - <sup>8</sup><https://unchecked.uk/research/our-better-nature/>
  - <sup>9</sup><https://www.burohappold.com/news/fostering-prosperity/>

### The importance of NE local relationships in delivering nature's recovery High Helbeck

- <sup>10</sup>[https://www.northpennines.org.uk/what\\_we\\_do/the-farmed-landscape/high-helbeck/](https://www.northpennines.org.uk/what_we_do/the-farmed-landscape/high-helbeck/)

### Environment Agency references

- <sup>11</sup><https://www.gov.uk/government/publications/environment-agency-ea2025-creating-a-better-place>
- <sup>12</sup>[www.theguardian.com/environment/2022/jan/10/ignore-low-impact-pollution-events-environment-agency-staff](https://www.theguardian.com/environment/2022/jan/10/ignore-low-impact-pollution-events-environment-agency-staff)

### Forestry Commission references

- <sup>13</sup><https://www.wildennerdale.co.uk/>

### Marine Management Organisation references

- <sup>14</sup><http://publications.naturalengland.org.uk/file/220288>

### Proposition For The Future references

- <sup>15</sup>Through s.108, the [Deregulation Act 2015](#) - (1) A person exercising a regulatory function, ...in the exercise of the function, have regard to the desirability of promoting economic growth. (2)...in particular, consider the importance for the promotion of economic growth of exercising the regulatory function in a way which ensures that—(a) regulatory action is taken only when it is needed, and (b) any action
- <sup>16</sup><https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>
  - <sup>17</sup><https://www.forbes.com/sites/jamesellsmoor/2019/07/11/new-zealand-ditches-gdp-for-happiness-and-wellbeing/>
  - <sup>18</sup><https://www.kateraworth.com/doughnut/>
  - <sup>19</sup>[https://www.futuregenerations.wales/resources\\_posts/welsh-government-budget-must-signal-a-change-in-direction-to-reset-our-economy/](https://www.futuregenerations.wales/resources_posts/welsh-government-budget-must-signal-a-change-in-direction-to-reset-our-economy/)
  - <sup>20</sup><https://www.gov.uk/government/publications/triennial-review-of-the-environment-agency-ea-and-natural-england-ne.pdf>
  - <sup>21</sup>[https://pure.aber.ac.uk/portal/cy/publications/the-framework-for-environmental-regulation-in-wales\(b3b0dfdd-652d-4270-bf5c-219fd3e30032\).html](https://pure.aber.ac.uk/portal/cy/publications/the-framework-for-environmental-regulation-in-wales(b3b0dfdd-652d-4270-bf5c-219fd3e30032).html)
  - <sup>22</sup><https://www.bbc.co.uk/news/uk-wales-politics-36531010>
  - <sup>23</sup>[https://waleslink.org/wp-content/uploads/2021/06/Report\\_-\\_Nature-Recovery-June-2021.pdf](https://waleslink.org/wp-content/uploads/2021/06/Report_-_Nature-Recovery-June-2021.pdf)
  - <sup>24</sup><https://naturalresources.wales/evidence-and-data/research-and-reports/protected-sites-baseline-assessment-2020/?lang=en>

### Working with others references

- <sup>25</sup><https://defrafarming.blog.gov.uk/2022/02/01/landscape-recovery-first-round-now-open-for-applications/>
- <sup>26</sup><https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response/landscapes-review-national-parks-and-aonbs-government-response>
- <sup>27</sup>S.40, Natural Environment and Rural Communities Act 2006 includes (1) The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving [including restoring or enhancing] biodiversity.
- <sup>28</sup><https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>



The UK Government's target is to halt the decline in species abundance by 2030



Protecting habitats, saving species  
and helping to end the nature and  
climate emergency.

**Nature is in crisis.  
Together we can save it.**

---

### Stay connected

Keep up to date with the latest thinking, news, events  
and information from the RSPB in your local community.



@natures\_voice



@TheRSPB



@rspb\_love\_nature

### Head Office

RSPB The Lodge  
Potton Road  
Sandy  
SG19 2DL