



Environment and Climate Change Committee

Corrected oral evidence: Protected Areas

Wednesday 22 March 2023

10.40 am

Watch the meeting

Members present: Baroness Parminter (The Chair); Baroness Boycott; Baroness Bray of Coln; Lord Bruce of Bennachie; Lord Grantchester; Baroness Jones of Whitchurch; Lord Lilley; Lord Lucas; The Lord Bishop of Oxford; The Duke of Wellington; Lord Whitty; Baroness Young of Old Scone.

Evidence Session No. 3

Heard in Public

Questions 29 - 35

Witnesses

[I](#): Professor Mark Kibblewhite; Ben McCarthy, Head of Nature Conservation and Restoration Ecology, National Trust; Jenny Hawley, Policy Manager, Plantlife; Andrea Meanwell, upland farmer in the Howgills; Rupert Hanbury-Tenison, landowner on Bodmin Moor.

Examination of Witnesses

Professor Mark Kibblewhite, Ben McCarthy, Jenny Hawley, Andrea Meanwell and Rupert Hanbury-Tenison.

Q29 **The Chair:** Good morning. Welcome to the members of our panel for our second session today on our Protected Areas inquiry. We have three witnesses here with us in person and two down the line.

In person, we have Rupert Hanbury-Tenison, who is a landowner on Bodmin and sits on the CLA in Cornwall. We are extremely pleased to see you. We have Andrea Meanwell, who is an upland farmer in the Howgills in the Yorkshire Dales and a member of the Nature Friendly Farming Network. We are pleased to see you too. We also have Jenny Hawley, who is the policy manager at Plantlife.

Down the line, we have Professor Mark Kibblewhite, who is speaking in a personal capacity but is an emeritus professor at Cranfield University and the chair of the Dorset Wildlife Trust. We also have Ben McCarthy, who is the head of nature conservation and restoration ecology at the National Trust.

All five of you are extremely welcome. It is great that, having had the expertise of academia to kick us off, we are now going to talk to people who have hands-on—or feet-on—practical experience on the ground of what it is like to manage Protected Areas and the challenges that you face. Thank you all for coming to share your experience with us so that we can learn from that.

To open up the more free-flowing discussion that we are hoping to have, could I ask each of you in turn to say a few words about how you and your organisations are involved in managing protected landscapes and how you would characterise your overall experience in recent years of doing that?

Rupert Hanbury-Tenison: Good morning. My experience is based mainly on agricultural commons. I do have a piece of land that is a SSSI, which is not on common, but the majority of my experience is agricultural commons. Bodmin Moor is 17,500 acres, half of which is SSSI and half of which is not. It is all within an AONB and is mostly subject to the Countryside and Rights of Way Act. It is all agriculturally managed. We have four quite large-scale HLS schemes, which are currently coming to an end. There is huge concern on Bodmin Moor as to what happens after this; Baroness Willis put it extremely well at the end of her evidence.

There is a lot of keenness for the landowners and the land managers to move forward into future schemes and to protect the SSSI, but the current feeling right across the board is that Natural England is not there to give the support and landowners and land managers are feeling at a loose end. There is a lot of concern as to where we go from here.

Natural England does not appear to be there. The local team do not appear to be there if you ask for help or advice. The current information we are getting is that, whereas it was suggested that we would be rolled

over from our HLS schemes, which have gone from Countryside Stewardship into higher-level stewardship over 20 years—so that is an enormous amount of public money—this is coming to an end. The land is in considerably better condition than it was.

Natural England is now suggesting that, rather than roll these schemes on until the ELM is satisfactory, under this SSSI part of the moor, the areas will be offered a voluntary ELM with far less payment. If the scheme holders do not sign up to that, they will use the SSSI to enforce the grazing level, irrespective of commons rights. That is not getting the farmers onside; we need to get farmers and landowners onside and incentivise them to join the new schemes and improve biodiversity on the uplands.

Andrea Meanwell: Good morning. Thank you for inviting me. I farm on an upland beef and sheep farm in partnership with one of my sons. It is a 70-hectare farm in the Yorkshire Dales National Park so it is probably bang on average size. I am also an employee of the National Trust but I am speaking here today just from my own experience as an upland farmer.

Three generations of my family live on the farm: my parents, me and my husband, and two of my sons. We bought the farm in 2018, moving from a smaller farm, because this was offered as a better opportunity. We are trying to deliver for nature, culture and food production.

For nature, 15% of our farm is currently wildlife habitat. We are trying to deliver for three key species: otters, red squirrels and the small pearl-bordered fritillary butterfly. I am trying to create a three-and-a-half-mile-long nature recovery corridor throughout the farm by fencing off the River Lune, reinstating relic hedgerows and protecting and expanding ancient woodlands, which include temperate rainforests in a very steep gorge. In these areas, livestock have been excluded from unproductive and inaccessible areas, and we are working really hard to create better wildlife habitats there.

For culture, we have a Roman fort, a parade ground and a mansio, which is like a posh Roman house. We have over 20 acres of scheduled ancient monument that we care for.

For food production, we try to produce food to a really high standard. Because of our harsh climate in the uplands, we do not finish anything to the point of sale. We sell our lambs store and our cattle to people with more grass than us and who have a longer growing season. We try to farm regeneratively. We have done a carbon audit, which said that our lamb and our beef has a very low carbon footprint.

We feel that we have a real opportunity to deliver for nature, culture and food production but our ambition is somewhat hampered by lack of cash. The farm receives £5,500 per year in Countryside Stewardship revenue payments. We used to get £12,000 under the basic payment scheme; that is going down to zero. We are a Sustainable Farming Incentive pilot

farm¹ but, at the moment, there are not really many options that we can join up to.

Both my son and I have full-time jobs off the farm, and we have to fit our farming around our jobs. I feel that, with the £12,000 basic payment scheme, the Government were getting really good value for money in what I was doing. I am disappointed at the moment that my ambition for nature and culture is not matched by the current ELM schemes. By cutting the revenue payments, the Government are somewhat limiting my ability to be flexible and adapt to new grant schemes because, realistically, my farm will not be able to cash-flow some of the opportunities that there are.

We have a model of a very diversified, flexible business. We have a pop-up campsite. We have a holiday cottage. I have a small income from writing a "Country Diary" column for the *Guardian* and various other things, but I just feel that our opportunity is a bit limited at the moment. ELMS is an absolutely fantastic opportunity to deliver for the uplands but, at the moment, it is frustratingly slow because it is very difficult to deliver an ambition when you are hampered by lack of cash flow.

Professor Kibblewhite: Thank you very much for the opportunity to say a little bit about what is happening in Dorset. Of course, it is a lowland area and very different from the upland areas that have just been mentioned. Our highest areas are about 800 feet but the majority are quite a lot lower.

I chair the Dorset Wildlife Trust so I will say a few things to illustrate what we are doing. We have around 40 reserves, some of which are very small and one or two of which are much larger, at almost 1,000 acres. We recently acquired around 400 acres, which we are rewilding. We have to manage a pretty large estate for nature conservation and biodiversity but our priority is to work in partnerships to try to encourage others to achieve 30 by 30 for Dorset. We are working with other NGOs, such as the National Trust, which is represented here, and the RSPB, as well as with smaller charities such as the West Dorset Wilding charity, which has been set up recently by three larger landowners. It is very much our role as a trust to assist others.

If we think about the processes that we have to achieve to maintain those sites that are protected—SSSIs in particular—I would say that our relationships with Natural England are really good. We work in close partnership with it and it is supportive of us. However, it is fair to say that the farmers around us are finding it hard to understand what they should be doing and to get the support that they need to develop proper action plans to achieve what needs to be done.

For example, it would be really quite helpful if there was a named officer for each farmer or landowner to relate to. Generally, the problem is a lack of advisory support. There has been mention already of how people

¹ The Sustainable Farming Incentive is a grant scheme.

can find the time and resources to develop an understanding of what natural capital options there are on their land. Where will they find the expertise and resources to do that? Will they be paying people?

It is really essential that Natural England and others are properly resourced to provide that. I worked for ADAS when I was young. We provided a free advisory service that worked really well for food production. Now, we need something similar for biodiversity gain.

As far as the wildlife trust goes, our hope is that we are able to help others. Part of our role as a charity is to support the surrounding farmers to do what is needed. If we look in the BRIC catchment, for example, we have, working with the AONB, sorted out a scheme as to where different zones of high value exist, where there are zones for opportunity for gain and so on, at a relatively fine scale. That is a little introduction from me.

I would finish by saying that, however you set it up, managing biodiversity is a complex issue. If I may say so, it is a little naive to think that it can be too simplified. That is why government and society need to support land managers and landowners with expertise to help them clarify what they need to do and develop proper action plans. That is enough from me for now.

Jenny Hawley: Good morning, everyone; thank you for the invitation. I am the Policy Manager at Plantlife. We are a UK-based membership charity with a head office in Salisbury but we work across England, Scotland and Wales, and at an international policy level.

We have 23 nature reserves in our management. Many of these are managed in partnership with the local Wildlife Trust. That adds up to just over 2,400 hectares of land with 3,495 plant species found on those reserves, so an incredible diversity of plants and fungi. Our main focus as an organisation is the conservation and recovery of wild plants and fungi. Of our reserves, 14 are SSSIs, four of which are also Special Areas of Conservation, which have not been mentioned yet this morning, under the Habitats Regulations derived from European legislation.

Beyond our own direct land management, we do a lot of work to advise and train other landowners within and outside Protected Areas, working in partnership with the statutory bodies and lots of other partners. We have a particular focus on Important Plant Areas, which are sites identified by Plantlife for their particular richness in plant and fungal diversity. It is not a legal designation and does not offer any extra protection but it is a way for us to identify the most important areas for wild plants and fungi, and could be taken in mind as part of the other effective conservation measures mentioned under the 30 by 30 commitment.

We have a particular focus on species-rich grassland because of its incredible diversity for plants and fungi. Other recent projects have been around the temperate rainforest in the south-west of England and building resilience through working with landowners there; Dynamic Dunescapes, which is a sand dunes restoration project across England

and Wales; and recovering juniper on lowland chalk grassland. We have quite a wide range of experience in land management on our own estate and beyond.

Generally, for us as an organisation whose purpose is nature conservation, the protected site designations work well. They allow us to do the work that we want to do to support and recover nature within the site itself. We would like to see greater recognition for fungi within that network. There are very few sites that are recognised for their importance for the fungi communities, and the science coming out now is showing just how important that underground network with other organisms and other trees is as part of the functioning ecosystem. There are only four SSSIs at the moment that are designated for their fungal communities specifically.

We also find very often that whatever we can do on-site with the site management may not be enough because the protection does not protect those sites from the external threats. That may be water pollution in water meadows, which have been mentioned already; air pollution from traffic or agriculture and the nitrogen that is deposited from the air, which affects our Ranscombe Farm nature reserve in Kent; or industrial activity, development or intensive farming on neighbouring land, which can cause direct impacts on the site, but there is not really sufficient legal protection to address that.

We would like to see more proactive protection for protected sites in terms of buffering them from those external factors, as well as thinking about the management on-site itself.

Ben McCarthy: Thanks for giving me the opportunity to contribute to your inquiry. I am the head of nature conservation and restoration ecology at the National Trust and currently oversee the management of our Protected Areas. That is over 100,000 hectares of SSSIs, from mountain moor down to sea, covering both the biological and the geological interests of those sites. I am a member of the Natural England-convened Major Landowners' Group, which oversees the management of SSSIs across England. Prior to working at the National Trust, I worked for Natural England, local government and national parks, all looking at protected site issues.

As is a theme from your inquiry, I share the frustration that Protected Areas are not currently delivering more. They remain a cornerstone for nature recovery yet the evidence shows that the condition of SSSIs has flatlined. At the National Trust, our ambition is to restore nature, recognising that it is absolutely critical to meeting the challenges of climate change and our target for net zero by 2030. We manage our land as well as working closely with our tenants to support things such as high nature value farming systems. We also work with other organisations such as the Nature Friendly Farming Network.

Q30 **Lord Whitty:** We have heard a lot of relatively critical things about the present situation. Could you respond to my fairly complicated question?

What is wrong with the overall policy? What is wrong with the institutional and regulatory structure? What is wrong with the schemes—particularly ELMS and the post-Environment Act, post-Brexit schemes—that make your life more difficult? What could be done to improve each of those areas and the understanding of landowners, on the one hand, and broader society, on the other?

I have to declare an interest to Mark. I am a resident of Dorset, although it is the uplands part of Dorset that I live in. I do a lot of walking; you rarely know that you are moving into a protected area. Somebody who is partly in London may struggle to understand it but the local people do not understand it either. Information is needed on that score.

Lastly, if you wish to, could you reflect on the suggestion that you need an advisory body, which was also raised?

Rupert Hanbury-Tenison: I have just written some notes on that. I will start with the current policy concerning SSSIs. There are two angles of management being undertaken within SSSI through the regulatory authority, which is Natural England. On the one hand, there seems to be a lack of monitoring of the SSSI and feedback to the landowner or land manager as to where that is potentially going wrong or what improvements could be made.

Alongside that, when a landowner or a land manager approaches SSSI with a concern, the reaction tends to be a threatening response that enforcement will be taken—I am talking about the commons here, so there are multiple stakeholders—against the whole group involved in that common, and the RPA is used as the hanging sword of Damocles against that group. Individuals are not necessarily being taken to task. That tends to mean that landowners and land managers are not inclined to approach Natural England with a problem because there does not seem to be a solution.

In regard to the policy of creating new SSSIs, there are very few landowners who would not be keen to improve the biodiversity net gain, carbon sequestration and natural capital of their land. The West Penwith proposal in Cornwall is a good example of a very large SSSI, of which 450 hectares is in prime agricultural land; it is daffodils, brassicas and dairy. There is no mechanism to consider the socioeconomic impact of this designation and no mechanism to address income forgone. This is not going to encourage people to embrace the concept of protecting their land.

The current schemes are in HLS. Defra has come down to Bodmin Moor a couple of times in the last year. The discussions with it were incredibly useful, and it has taken information away. We felt very encouraged afterwards that something was going to improve with where ELMS is going but, on the ground, we are still not getting the information as to what ELMS is. All the feedback I get is that there is going to be a lot less money. It is difficult to encourage people to embrace a scheme if there is less money.

On the commons, again, we have multiple stakeholders. We have a leftover culture from the 1960s and 1970s where farmers were paid per head of animal for grazing on the moors. That changed with CSS and HLS. There is a balance. Is it more beneficial to turn the moors into an extension of the farm and turn out a lot more animals or to enter into a voluntary scheme? It is going towards, "If we haven't got any money to have taken away from us, we can do that. Who is going to enforce it?" That is a real worry at the moment in the uplands. I know it is a huge worry on Bodmin Moor; I know it is also a worry on Dartmoor and I imagine it is a worry on other large commons across the country.

I have written "areas of understanding with landowners and society". Society is paying public money for public goods; that needs to be recognised with something productive. However, particularly since the lockdowns, there has been a huge increase in the entitlement of the general public to access open land and enjoy public open space. On the one hand, that is very good, but, as you rightly pointed out, on the other hand, there has been very little education as to what that means for the public.

There is a danger that too much public access can be detrimental to the preservation of nature and the nature improvement on that land. It should not be a taboo to say that having too many people is a bad thing. Too many people are just as bad as too many animals on a particular piece of land, with overgrazing. That balance needs to be addressed. Are we talking about improving the environment or improving public access to open spaces? That is a delicate balance that we need to keep at the forefront. I hope that is helpful.

Andrea Meanwell: I would agree on income forgone. It is not very motivating for people to pay them what they would lose in productivity. I am sure farmers would much rather be paid really good value for the public goods they are providing. One current issue is that, because lowland farming is more profitable, the same options in the new schemes are going to pay more in the lowlands than the uplands. As you can imagine, that is not popular policy in the uplands.

In general, I definitely agree with the direction of travel on ELMS but, at the moment, not many options are becoming available quickly enough for upland farms such as my own, particularly if you are already in Countryside Stewardship because of the issue of double funding. Most upland farmers will be ineligible for a lot of the grassland options because they are already in stewardship. They are already being paid for grassland management so they cannot take advantage of those options.

It is quite a limited offer at the moment. I do not want to be too critical of it. I am fully on board with the direction of travel. I have been working with Janet Hughes, who is brilliant at engaging with farmers. I met Janet yesterday, and I was at a meeting last night with her and the Nature Friendly Farming Network. We are fully on board with the direction of travel. It is just that it is coming quite slowly and the options do not appear to be very well paid.

On the role of the adviser, I am not in a higher-tier target area, even though I am in a national park, so I do not get a Natural England adviser at the moment. Since I started my farm business, which was in 2009, I have had two visits where I have invited Natural England to my farm. Both times, it has said that I was not eligible for the scheme I invited it to discuss. That is the only interaction I have had.

In contrast, with Farming in Protected Landscapes—the new grant scheme we have for Protected Areas—so far, I have had four grants and I have an adviser who comes out from the Yorkshire Dales National Park Authority, who has been really helpful and has been giving me bespoke advice for my farm. We have had a good discussion. Together, we have made a vision for the farm for the next few years. That has been really valuable.

As I said, my only concern is that I will not be able to cash-flow this scheme to do all those capital options. That is a real contrast for me. Having a local adviser who understands the landscape has been so beneficial. I also have her telephone number. It is not a helpline where I have to press lots and lots of options and get lost in a system, like the current RPA system. I have her telephone number and the phone number of the finance department at the Yorkshire Dales authority. I can ring them up and say, “I have put in a claim. Is it likely to be paid any time soon?” I have that reassurance that there is a real person I can speak to at the end of the phone line. That system, with local advice from my national park authority, has been really beneficial for me personally.

Professor Mark Kibblewhite: To take this in the sequence that was recommended, the overarching policy is straightforwardly clear now, is it not? Following COP, we have an overarching goal to achieve. The issue is whether there is a substantial and sufficient strategy to deliver that goal.

There is an issue about the need for design. If we look across England, we need a proper, systematic and data-driven assessment of where there are opportunities to conserve further our existing biodiversity, where there are opportunities to restore biodiversity, and areas where biodiversity is still important but we would none the less probably put less resource there than we would into other categories. There needs to be a proper, data-driven analysis to clarify what we need to do in which place. The key seems to be doing the right thing in the right place. I would not recommend a whole-scale relabelling of the Protected Areas that currently exist but I would very much like to see, especially for Dorset, a really well-thought-out spatial analysis of what needs to be done where.

We really have to understand the urgency of the situation. It is no good saying, “Well, we’ll have some nice reports and policies. This may come through in future legislation in 10, 15 or 20 years”. That is just too late. The priority now is to do things that are probably going to be rather difficult. Thinking about land ownership, if you own land, you have rights of usage over that land but you also have duties that you have to perform as the owner of that land. Putting it very bluntly, as an

individual, we have to reset the balance of rights and duties for land ownership. Otherwise, we are not going to get there.

The underlying strategy, I am afraid, needs to be a little bit more, dare I say it, aggressive in the way it is formulated and presented. On the other hand—I go back to the point I made earlier—there needs to be a really well-resourced set of advisory services that help people make transitions. In fact, I am quite sure that, in west Dorset, the majority of farmers and landowners are really positive about making the change. The concerns are, first, that they will end up in some kind of defensive argument with the regulator; and, secondly, that they do not have the resource to hand. Both those problems can be largely overcome by having a proper positive relationship of trust based around advisory services.

Can I just finish by saying something about public awareness? In west Dorset, the AONB is highly valued by the literally millions of tourists who come to the landscape and spend a great deal of money. I am not sure that the AONB in particular is not well understood. It is on the maps people use; it is on Google Maps and so on. There is some awareness. The problem perhaps is more with the SSSIs.

The interesting thing is that these are sites of special scientific interest. As a scientist, they must be for me, must they not? In fact, even in the Dorset Wildlife Trust, we can look back a few decades to a time when people said, "We will get that nature reserve. We don't really want people going to it. They'll spoil it". We have overcome that. All our sites are fully accessible by the public—and so they should be. However, there is a historical legacy that perhaps some of the SSSIs were there for a particular group of people. They are not. They should be publicly accessible, where that is possible.

Anyway, those are a few thoughts from me. I have tried to get across my feeling that we really need to be radical and do something really urgent now. We ain't got decades of nice discussions, workshops and so on. We need to get on and take action now. I hope that helps.

Jenny Hawley: I will not repeat what has been well said already on the agri-environment schemes, except to support the point about the need for good, tailored advice and a really clear and integrated regulatory baseline.

As we move into the new schemes, there is a risk that we will lose the cross-compliance aspect of the existing schemes. That is one of the main ways for monitoring and compliance work to be done under the current farming regulations. There is a huge risk that landowners and farmers who are not in the new schemes will fall outside that monitoring. There is a question about communication and access for people to be able to understand what is expected of them under the regulations and how that is monitored and enforced.

More broadly on Protected Areas and the policy framework, as was mentioned earlier by Baroness Willis, there is certainly a huge

opportunity, specifically in the Levelling-Up Bill, to give protected landscapes a statutory purpose for nature conservation alongside their other statutory purposes. We really want to see that come through the Bill. That would be much stronger than the duty to have regard to nature; it would put it right at the forefront of their purpose as protected landscapes. That seems to be a really easy way to take a big step forward on this agenda.

That reflects the need for a much more joined-up approach to policy, across the landscape and across government policy, to make sure that our protected sites network is not just representative, which is maybe how it was originally conceived. Like you say, these Sites of Special Scientific Interest were designed as a representative sample of the best habitats and species. What we need now is a much more comprehensive network of protected sites. We need to expand that network and bring more sites with the best-quality habitats within that legal protection.

Like I said earlier, we have not really talked much about the European-derived legislation and the Habitats Regulations, with those Special Areas of Conservation and SPAs for birds. That gives that extra level of protection in terms of not just the site itself but, like I said earlier, those external factors. There have been several court cases where sites have received additional protection because of the standards and legal requirements brought by the Habitats Regulations.

At the moment, we are really worried that the Retained EU Law Bill puts this at risk. It will give Ministers the power to revoke or reform those regulations. That is a huge threat to our protected sites system as it stands at the moment. There are some very clear policy opportunities.

In terms of funding for the management of protected sites, as a nature conservation charity, we have nature reserves that are in good condition for habitats and species but it is much harder to get funding to maintain high-quality habitats than to restore them or to create new ones. We need to keep hold of the good sites we have already, and that is not recognised because there is not that concept of gain in biodiversity, carbon or other aspects of natural capital.

Funding needs to be aligned to give incentives for landowners to maintain good-quality habitats. Otherwise, landowners may be tempted to intensify their use of the land. Particularly in grassland habitats, which are already grazed for farming, as has been said, they might intensify the grazing or even convert those sites into arable production because they are not getting the funding they need to make it viable to maintain those ancient grasslands as they are. That is a real worry for us.

There is still a very grey area around the other effective conservation measures and how they might count towards 30 by 30. This is not just the SSSIs; what other mechanisms might give equivalent long-term protection and management of nature that would allow them to count towards 30 by 30? That is a piece of work the Government need to bring

forward in order to help with the calculation of how we are going to reach that target.

On site management and how the policy framework works for individual species, Baroness Willis was saying that, if you get the habitat management right and the ecosystem functioning, the species will follow. That works in some cases but it is not the case for a lot of wild plants, fungi and lichen. A lot of those species need targeted management. They are quite specialist species with specialist needs. If you are managing woodlands or grasslands, you need to be managing to take those species into account and to provide the conditions they need, which might be slightly different from the general ecosystem functioning.

We see that very clearly in woodlands and species-rich grasslands and dunescapes, as I mentioned. Just because a site is protected as an SSSI, that does not mean all the species and all the features of that site are protected. You have a list of designated features in a SSSI. If the fungal assemblage on the site is not recognised as a designated feature, it is quite likely that the SSSI will not be managed for its fungi because the management planning and the condition assessment is all done based on those designated features.

As we look to the future, particularly with climate change, where species are is changing because all our species are changing in response to climate change, we need to have a more flexible idea of what a protected site looks like. The species within it might change and the habitat might change but it would still be an important site to protect for nature. It just might look slightly different, and the way we assess, monitor and manage it might look slightly different.

Ben McCarthy: Just answering the question in the order it was posed, our Protected Areas are based on a hierarchy: there are locally important, nationally important and internationally important sites or Protected Areas. They are mainly covered by two broad legislative provisions, both of which are in some jeopardy at the moment. One is around SSSI legislation and one affects the international sites.

Currently, government policy and law protect these internationally important sites from adverse effects on the integrity of those sites—that is, what stops them functioning ecologically. This is a very elegant and proportionate bit of legislation, which kicks in only if a project or plan is likely to have a significant effect on the functioning of the international site. You are stopped from doing something that will affect these international sites only if it has an adverse effect on the site integrity. This applies only to the internationally important sites that occur in England.

The legislation regarding our nationally important SSSIs is less nuanced and broadly prevents damaging activity, but it is really the international sites and the protection afforded through the current provision of the habitats regulations that are in jeopardy. That is of great concern to us at the National Trust because we think that these international sites are

absolutely critical both to our legal responsibilities, for example to the Convention on Biological Diversity and the commitments that the Government made at COP 15, and to meeting the Government's own objectives for restoring nature.

The third bit of the question was about wider system working. I am afraid that it is rather a damaging assessment, really. Both nationally and internationally important sites are underresourced, for example through agri-environment schemes. There is poor advice given to the site managers of these sites, as described by previous guests to your inquiry. They are also poorly regulated. An example of that is the effect of poor water quality, which is widespread across the country. Finally, they are poorly evidenced. About 80% of our nationally important wildlife sites have not been monitored in the last six years. So they are underresourced, poorly advised, poorly regulated and poorly evidenced. This is a damning indictment of the level of resource that Governments of various colours have offered to restoring nature.

We are flip-flopping a little bit between Protected Areas, SSSIs, these international sites and protected landscapes. They are fundamentally different. Our statutory Protected Areas have been identified against published criteria, which identify these areas of being of either national or international importance for their biological and/or geological interest. Protected landscapes—national parks and AONBs—are quite different. They have different criteria, which are not assessing biological or geological interest specifically. They have a broader remit around landscape and benefit to the wider public.

These protected landscapes—national parks and AONBs—are critical to nature recovery because they have a higher concentration of semi-natural habitats than the wider countryside. If your ambition is to restore nature, these protected landscapes are the best places to invest your limited resources. You get a bigger bang for your buck by delivering in protected landscapes than the wider countryside simply because they have a higher proportion of semi-natural habitats within their boundaries.

That is reflected in the higher concentration of SSSIs and internationally important sites. They are the best places for nature recovery. The challenge, though, is that they are failing to deliver on nature recovery. That is broadly because, under the current regime, nature recovery is not a specific objective.

One thing that we hope will be delivered through the LUR Bill, the levelling-up Bill, is for the protection and improvement of the natural environment to form part of the statutory purposes of these national parks and AONBs, and for that to be reflected in the management plans. This is absolutely in keeping with the Glover recommendations, with which the Government have broadly agreed.

The priority action is to change the statutory purposes of national parks and AONBs to deliver for nature. That will give a really good return on investment because they are highly concentrated and they are the best

places for nature recovery. We will get the best public benefit by targeting public money in these places, which is why we are arguing that agri-environment should be targeted in these same places.

- Q31 **Lord Lucas:** Picking up on the question of how farmers get advice, what structure should we be looking at that is reasonably practical? It is very nice that Andrea has an individual relationship that works but it is distressing that Rupert does not. Is this relationship with individual farmers practical for government? Should they be interfacing with, say, farmer clusters? I know there are some good ones in Dorset. Should we be emphasising, therefore, the collaborative expression of farmers? Is there something else the Ministry, and all its various offshoots, should be interfacing with?

Professor Mark Kibblewhite: As you have mentioned, there are in fact some really successful growing and energetic farm clusters in Dorset. There are smaller farms on the almost medieval landscape of west Dorset, then in the area towards Salisbury Plain some very large clusters have formed. They are doing great work, which is particularly important in bringing different landowners and farmers together around a common purpose.

To my mind, that is perhaps the most important thing. A collection of farmers, landowners and land managers have to be thinking about their landscape and how it can be improved, restored and all those things while, at the same time, I hope, being made more economically viable.

To answer your question, at the end of the day, we need a number of really strong centres of excellence. We need regional centres that have a sufficiency of expertise to do, for example, the kind of spatial analysis I mentioned earlier. Below that, these clusters provide the basis for an efficient and effective way of delivering advice.

They do not need to be advisers who are employed by Natural England, the Environment Agency or whoever, although there will be a need for more of those. They could well be employed by some of these clusters. Indeed, within these clusters, there already are some advisers. There is an organically developing mechanism that could be built on at this point.

The Chair: Ben wants to come in, and then Rupert.

Ben McCarthy: I am happy to go after Rupert as a commoner and a direct land manager.

Rupert Hanbury-Tenison: I very much agree with having groups of landowners and land managers working together. In 2016, the Bodmin Moor Commons Council was passed through Parliament as a statutory body. Getting a majority of farmers to agree on one subject on an agricultural common like Bodmin Moor is not an easy challenge. It was a great feat and it took a lot of support from Defra to get us to that position. A well-working commons council would be a fantastic platform and a fantastic tool to take this forward.

However, it is totally unfunded. Farmers across Bodmin Moor work in extremely tough conditions and work long hours. They do not have the time, and they have a diminishing willingness, to take this forward. We are seeing a very concerning situation where we are fighting to keep the commons council going. We are fighting to keep support for the commons council.

We are at the point of putting in an application, through the Farming in Protected Landscapes scheme, which is being hosted by the AONB, to employ an adviser to engage with outside bodies and unify the members of the commons council to bring funding into that area and to bring some reassurance and confidence into Bodmin Moor.

Yes, I very much agree that groups are an important way forward. At the moment, we are individuals dealing with Natural England. I can talk about that later but I believe it is not fit for purpose. If you do not get the landowners on board to go forward with future schemes and future opportunities, it does not matter what is offered. If they are not taken up, we are not going to take this forward and we are not going to succeed.

Ben McCarthy: This is a really pertinent question because poor or inappropriate land management is the major cause of biodiversity loss in the UK. Getting the land management right is critical to the Government's ambition for nature recovery. We know, because the evidence clearly demonstrates it, that supporting farmers with technical and targeted advice delivers better environmental outcomes.

How do we secure that advice to farmers? There are many options. It is horses for courses. At the National Trust, we try to support our tenants with our own teams of farm advisers, but there are also farm clusters, as we have heard. They are critical because they are starting to look at delivering appropriate land management at scale. We know scale is really important to nature recovery. There are other actors. Protected landscapes have teams supporting farmers within national parks and AONBs.

Across all those different delivery models, it is critical that the advice is local, technical and evidence-based, such that the farmers and other land managers are getting the right advice at the right time that is fit for the local circumstances within which the farmers are working.

Q32 **Baroness Jones of Whitchurch:** I was going to pursue a very similar line on all this. I will see whether I can simplify it.

The first thing—maybe this is a note for the committee as much as anything—is that we need to know where the ELMS money has gone. There is a bit of a vacuum here. The basic payments are being cut back but it does not seem, as was the original idea, that the money is going in in other forms via the new ELM schemes to the farmers with sufficient speed. The Government have made it clear that that was their intention. We need to know where the money is and whether it is going to come on stream in the amount originally intended. I feel your pain on all that. That

is a point well made.

I was going to talk about clusters and advisory roles as well. When we originally did the Agriculture Bill, we were promised that the whole new structure was going to have advisory support built into it. Clearly, from what we are hearing today, that is not what is happening. The national parks have stepped into the vacuum because nobody else was doing it. The Farming in Protected Landscapes scheme is working well and providing help to groups of farmers within national parks.

My question, which has more or less been answered, is about whether we think that is the way forward. Rather than individual farmers having a replacement for the basic payment scheme, it would make more sense to fund things through clusters in a more structured way, not just in the national parks but throughout the UK. Is that a model that makes sense in terms of meeting our biodiversity objectives, which is what we are considering here?

Ben McCarthy: I agree with the general comment around ELMS. The lion's share needs to go to the top tier. That needs to be targeted where we are going to get the biggest return on the investment of public money—that is, public payment for public goods. There is also a really important role for enforcement to ensure that the externalities are not picked up by the public purse.

On the point around advice, previous reviews have suggested that farmers are waylaid by good-natured advisers coming down to the farm gate and that the advice they are given is not co-ordinated. This goes to my previous point around the importance of protected landscape management plans, which can provide a guiding north star for the protection and improvement of the natural environment. If we have that common goal, we can work out how best to achieve it, working hand in glove not only with farmers and land managers but also with local communities.

Q33 The Duke of Wellington: My question is probably directed to Mr McCarthy. I heard you refer to the habitats regulations in the context of the protection of both international and national SSSIs. Do you have a view on which EU regulation, which is due to expire at the end of this year, must be retained, modified or reformed in order to achieve the objectives you clearly feel strongly about, as most people living in the countryside do?

Ben McCarthy: Yes, it is the habitats regulations 1995, as amended, if I remember rightly; you might want to check that. The habitats regulations affect these internationally important sites: SACs, SPAs and Ramsar sites. All three are of international importance, and we have a legal obligation to improve the condition of those areas under things such as the Convention on Biological Diversity.

We also know that those same sites, protected by the habs regs, are critical for meeting the climate emergency. It is really important that we understand the integral link between meeting the nature and climate

emergencies, as set out by the IPBES report recently. The challenge we are currently facing with how the habs regs play out is that the regulators—in particular, local planning authorities, but also the statutory regulators, such as Natural England and the Environment Agency—do not have the capability to work the regulations as they are set out by law.

There is a whole suite of examples I can give where we could make improvements within the existing regulations, for example making better use of site improvement plans and taking co-ordinated action to improve the condition of these internationally important sites, as well as making sure that we are paying for the public benefit achieved in these sites. Those are all absolutely critical.

As a final point, I might just add that we know the international network of sites is inadequate. We should also implement previous reviews looking at augmenting the network.

The Duke of Wellington: Are you saying that, when the habitats directive expires at the end of the year, we will certainly lose some of the protection currently within the regulations? Do you know whether Defra is proposing to replace the habitats directive with something satisfactory from your point of view?

Ben McCarthy: If the habitats regulations are retracted through the REUL Bill, it will be, without a shadow of a doubt, a retrograde step for the Government's ambition to meet the nature crisis. There is no shadow of a doubt. The habitats regulations are the most effective wildlife legislation on the statute book. If we lose them, we risk going backwards.

The challenge for the National Trust and other environmental NGOs is that it is not clear what the Government's intention is and, if they do intend to replace the regulations with something, what that is going to be. I am not fixated on the European legislation. It is the provision within the existing legislation. It is proportionate. It is an elegant approach to managing and balancing society's need for economic growth, housing et cetera with the fundamental requirement for a healthy natural environment, which sustains society and our well-being.

Q34 **Lord Lilley:** I am sorry. I am woefully ignorant about this whole area. I do not understand how an SSSI is designated or who designates it. I do not understand who owns it, but I take it that it is the existing landowner and the ownership does not change.

More importantly, I do not know whether there are any statutory uniform rules that apply to all SSSIs but I get the impression there are tailor-made rules related to each SSSI. I may be wrong about that. If the rules are tailor-made, how are they negotiated, agreed and imposed? Is it contractual? Is it, "We will pay you this if you do that", or, "You have to do this, regardless of whether we pay you"? Can anyone—this is probably for Mr McCarthy—give me a very succinct explanation of this, so that I am less ignorant?

Ben McCarthy: Sites of special scientific interest are identified against agreed criteria. The objective of SSSIs is legally to protect areas of land such that we have a representative example of the biodiversity that occurs on our shores and in our seas. The criteria are dependent on the species, habitats or geological features.

The way the legislation works is broadly the same. The legislation identifies what is important within the SSSI and sets out where you need permission to do something that might damage a nationally important interest feature. It has no effect on land ownership but it requires you to ask permission and get consent from one of the statutory organisations, typically Natural England. Because they are delivering a public benefit, these sites should be at the front of the queue for receiving public payment because they are delivering a public good.

Lord Lilley: Would that public payment business be under ELMS?

Ben McCarthy: Yes, it would typically be under ELMS.

Lord Lilley: Thank you very much. I am none the wiser but much better informed.

Baroness Boycott: My question is for Jenny. When the Agriculture Bill was going through and ELMS was being passed, there was quite a lot of argument about whether sustainable food growing should be assessed as part of what you got payment for. You made the remark that, unless the money side shapes up, people who are managing grasslands will be tempted, because there is not enough money, to change that. Do we make sufficient links between food growing and biodiversity? In all the conversations we have had, food does not really get mentioned, yet food is 75% of the reason for biodiversity loss. What do we need to do to change that? If we do not farm right, it does not matter. They will get blitzed by fertiliser, chicken run-off, et cetera.

Jenny Hawley: Yes, that is absolutely right. We have this concept of protected sites that are somehow separated off from food production. That is completely the opposite of the actual case.

Like I say, we do a lot of work on grasslands, particularly species-rich grasslands. I would give the example of Salisbury Plain, which is close to where I live in Wiltshire. It is an extraordinary landscape. It is one of the largest SSSIs in England and is also a military training area. It has innumerable historic designations; it has public access; it has farms; it is grazed for livestock. It has multiple functions, purposes and benefits to society.

Those can all be managed alongside each other. They are layers of functionality. Grasslands in particular are a really interesting example because, at heart, they are productive landscapes. The habitats for the species there, the amazing plants and fungi, and all those species that depend on them, have evolved because that is an area of land that is managed by humans for food production through livestock grazing or hay cutting.

That multiple benefit, of course, is massively beneficial to us as humans, but it has to be done sustainably, like you say. There is not a recognition of those different benefits. We tend to think very much in silos. The funding tends to come in silos as well, along with the legal protection and all of our policy framework, whereas we need to think about it in a much more joined-up way. We can get these different benefits from the same piece of land and protect it legally while still producing food from it.

Baroness Boycott: If we think about a farm in the Midlands or those big areas where it is just non-stop arable farming, there does not seem to be an awful lot of incentive at the moment to move away from the intensive type of farming that involves fertilisers and pesticides.

Jenny Hawley: Yes, that is right; that does need to be built in. You can get rewarded for different activities but we need that overview of where that is driving landowners and what incentive there is for them to move to more sustainable practices, to reduce artificial inputs and to continue to produce food in a way that is much more beneficial for biodiversity and ecosystems.

Rupert Hanbury-Tenison: Off the back of that, there is no acknowledgement of income forgone for land being put into a SSSI.

Baroness Boycott: That is income forgone from single farm payments, et cetera.

Rupert Hanbury-Tenison: Correct, yes.

Q35 **Baroness Bray of Coln:** I have a planned question that has probably been answered numerous times so far today. I will go through it very quickly. What is your experience of engagement by the UK Government and the relevant statutory bodies such as Natural England regarding the management of Protected Areas? We have been through that quite a lot but there are a couple of things I might just ask about that.

First, Baroness Willis mentioned the interesting idea that it is perhaps time for a Minister to be appointed directly to look after Protected Areas and that kind thing, rather than having it under Defra. Defra is slightly conflicted in some ways, with the interests it has to look after. I wondered whether you had any thoughts on that.

Secondly, from what I have heard, you are clearly not very happy about what Natural England is able to deliver. Is that simply about finance? Could it do more if it had more money? Is Natural England perhaps no longer the body that can deliver what you need most directly?

Rupert Hanbury-Tenison: Your last sentence there is the point. It is no longer the body that is fit to deliver what we are all looking for. I believe that there is, on a local level, a widespread loss of trust and confidence in Natural England. The advice it should be giving is not there. We are getting advice from membership organisations such as the CLA, which bring the information back.

There is a lack of confidence in Natural England to the degree that people will be wary of joining a protected landscape because they fear Natural England will take ownership of that land and not allow the landowner, who is in it for generations, to work proactively rather than reactively. That is it. Natural England is reactive rather than proactive, and we need to change that.

Baroness Bray of Coln: Would you like a Minister to take control at the government level?

Rupert Hanbury-Tenison: I would.

Andrea Meanwell: Natural England is concerned entirely with nature recovery. As a farmer, I am trying to deliver for the historic environment and food production. Working with a national park authority has worked really well for me. I was not eligible to get a Natural England adviser because I am not in that higher-tier target area. Having an adviser who looks at things holistically, and who delivers for climate, nature, people and place, was really good for me.

The public good of beauty, heritage and engagement is sometimes forgotten. That is really important for farmers in the uplands. We are really delivering on public engagement and creating the beautiful landscape that millions of visitors love. It is important that we have options within the new schemes to maintain that landscape: the walls, the barns and our traditional farming systems, which are so loved by the visiting public.

This is a good fit with a national park authority because it has that wider remit. In the Lake District, the management plan of the Lake District National Park Authority clearly says that it is going to be farmers who are delivering nature recovery. That is a really important step. The national park authority has acknowledged that it really wants to up its game and work more with farmers. It is really positive that the management plan says that working with farmers is the mechanism for delivering nature recovery.

Jenny Hawley: I just wanted to emphasise the role of Natural England. I agree with what has been said: it has a lack of resources, and that is severely affecting its ability to do its job and be fit for purpose, as you say. The lack of resources is feeding through into the skills it has and the staff it can employ in terms of covering all the bases. For example, designating new SSSIs is extremely difficult at the moment because there is very little capacity or political will to expand the network in that way.

They are also involved in wider issues, such as land use planning decisions. They have a role in the planning system but that is very limited at the moment. They have generic-standing advice that goes to local authorities but, because local authorities do not see active objection or involvement from Natural England, as the Government's nature champion, they think, "It must be okay to give planning permission to

that development". Natural England is not having that robust and active involvement as far into the planning system as we would like.

More broadly, there is a strategic overlap² between the different government initiatives and what the different agencies, national park authorities and local authorities are trying to achieve. There is a whole landscape of activity going on but it does not feel very joined up.

Baroness Bray of Coln: Would it help if a Minister were appointed?

Jenny Hawley: I like the idea of having someone who really champions biodiversity and nature within government in that way but I am hesitant. Biodiversity is at the heart of every part of our society and economy.

Baroness Bray of Coln: It should not really be limited in that way.

Jenny Hawley: Yes. It needs to be integrated into the work of Defra and many other departments. Having it as a stand-alone thing might risk it becoming isolated and being seen as something separate, rather than as part of the farmed landscape, part of our economy and so on.

When I was preparing for this, one colleague said to me, "Just because it's an SSSI, that does not automatically stop the decline in rare and threatened species we have on the site". There is no automatic funding or support that comes with it. There is not even a condition assessment for many years. The existence of a site does not mean it is being well managed for the species and the habitats within it. That is why they cannot automatically count towards the 30% targets.

Baroness Bray of Coln: This is a matter of government funding.

Jenny Hawley: Absolutely, yes, and giving it that strategic priority.

Professor Mark Kibblewhite: I want to reinforce what has just been said. Natural England has not been well enough resourced. It has statutory duties. The resources it has, therefore, have to be prioritised to those statutory duties. Consequently, it does not have enough resources to do non-statutory work, such as advisory work.

I disagree that it is not fit for purpose. I am sure it can be better but, in order to be better, it needs to be better resourced. Let me take an example of something that has been very progressive: Natural England's leadership in trying to extend the number and scale of national nature reserves. In Dorset, for example, we have Kingcombe Meadows national nature reserve. I know there are others that will come through in the West Country and beyond. Getting rid of Natural England is not a solution. A solution would be to get a much better resourced and balanced Natural England.

² Jenny later clarified that she meant there is no strategic overlap between the different government initiatives and what the different agencies, national park authorities and local authorities are trying to achieve.

Can I just say a word about the Environment Agency, to pick up on something Mr McCarthy said? It is not the case that these protected sites sit outside the general level of environmental degradation. There are well-reported problems with water pollution; there are also problems with atmospheric emissions, particularly ammonia in the rural environment. Without inspection, things tend to deteriorate. The Environment Agency is also another agency that needs to be given, by government, sufficient resources and sufficient motivation to do a much better job than it is currently capable of doing.

I would just reinforce that it is wrong to say Natural England is not fit for purpose. It can be made much better if it is properly resourced.

Ben McCarthy: I have two points. First, I echo Jenny's comments. There are countless reports, Dasgupta and the Natural Capital Committee to name but two, demonstrating that having a high-quality natural environment leads to broad societal benefits. I respectfully disagree with Kathy Willis that we need a siloed approach. As Jenny points out, the natural environment cuts across all government business: our well-being, our communities and our economy.

As to the point about Natural England, I agree with what Kathy said when she clarified her comment. We do not want to rip this up and start from scratch. Frankly, we do not have time. Regardless of political targets such as 30 by 30, we simply do not have time. The mechanisms are broadly fit for purpose. Certainly, Natural England is a good organisation. The staff who work there are committed. They are often really technically expert. The challenge is that they have been emaciated over a number of years. We need to get better agreement on the best way to achieve nature recovery and to get on and deliver it, rather than distracting ourselves by reinventing the wheel or trying to restructure large parts of government.

The Chair: Respectful disagreement—as you put it, Ben—which is the hallmark of the House of Lords, is a good point on which to end this session.

I am sorry that I was not able to call on all noble Lords. One of the benefits of having five panel members is you get a breadth of perspective on different geographical and farming situations but it does mean that we do not get through quite so many questions. Apologies in particular to Lord Whitty.

I would like to thank all five of you for your participation. Your thoughtfulness and expertise have been extremely helpful. Thank you all.