

Environment, Food and Rural Affairs Committee

Oral evidence: Work of the Department and its arm's-length bodies, HC 415

Tuesday 10 March 2026

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Watch the meeting

Members present: Alistair Carmichael (Chair); Sarah Bool; Juliet Campbell; Charlie Dewhurst; Terry Jermy; Jayne Kirkham; Josh Newbury; Jenny Riddell-Carpenter; Tim Roca; Henry Tufnell.

Questions 586-665

Witnesses

[I](#): Dr Tony Juniper, Chair, Natural England; Marian Spain, Chief Executive, Natural England.

Examination of witnesses

Witnesses: Dr Tony Juniper and Marian Spain.

Chair: Good morning. Welcome to this meeting of the Environment, Food and Rural Affairs Committee. We return this morning to our ongoing inquiry into the work of the Department and its arm's length bodies. We are delighted to be joined this morning by colleagues from Natural England. Tony, Marian, you are very welcome. Just for the benefit of our own official records and for those who are following our proceedings, can you please introduce yourselves to the Committee?

Dr Juniper: Good morning, everybody. It is a great pleasure to be here. I am the chair at Natural England.

Marian Spain: I am the chief executive at Natural England.

Q586 **Chair:** Thank you very much; we appreciate your attendance and engagement. I want to start by looking at the strategic approach of the organisation. You have published your most recent strategy. In your own words, can you describe to the Committee what that strategy is and what it seeks to achieve?

Dr Juniper: The new strategy that we recently adopted at Natural England is called "Recovering Nature for Growth, Health and Security". This is a recognition of our core business: the conservation and enhancement of the natural environment, which is the purpose laid out in the 2006 Natural Environment and Rural Communities Act. However, recognising that the country faces a range of very significant challenges at the moment we have deliberately aligned our effort, which is based upon literally hundreds of statutory duties and powers, behind some bigger strategic ideas that are encapsulated in the notion of nature being essential for economic development, public health and wellbeing and, increasingly, for national security. In that latter category we are thinking particularly about food and water security and our ability to deal with the impacts of climate change and resilience in relation to those kinds of shifts that are occurring, through nature-based solutions.

We are seeking to brigade our resources, powers, duties and partnerships behind those bigger-picture impacts that go beyond the conservation of rare habitats and species, which I must emphasise remains at the core of our business. In order to do that we are making some shifts in the organisation, including moving beyond individual interventions protecting individual species and habitats to look at a far broader strategic picture based upon landscapes. We are shifting our emphasis to move beyond process, to be much more focused on outcomes, and leveraging our effort to benefit the many partners and stakeholders that we work with. Because no matter how much resource we have, we are not going to achieve the outcomes that are in the environmental improvement plan unless we work in partnerships across a range of sectors.



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Those are the kinds of big-picture shifts that we have in mind, and Marian and I are very confident that we are making progress on this, not only through what we are able to do but support from new policies including some of the measures in the Planning and Infrastructure Act, and in terms of the wider picture across DEFRA, working in partnership with other arm's length bodies. That is it in a nutshell, and I am very happy to take any further questions. Marian, you may have more to add on that.

Marian Spain: I am keen not to say too much until we know what you really want to hear about, but I will just reinforce what Tony said. As well as that shift in how we look at nature, which will then lead us to different conclusions even though we might be playing with the same powers sometimes, the strategy is also backed up by quite a deep internal change programme, looking at how we implement the new legislation and how our staff work. We summarise that with three things. As well as working at scale and in partnership, as Tony said, we are trying to make sure we are thinking about our customers in every transaction we make, and how we make this quicker, simpler and easier for people.

We are looking to make sure we are being genuinely collaborative and working in partnership. Sometimes as a regulator and a statutory consultee, that does not always come intuitively, so we are making sure we are engaging with the people we work with much earlier, and co-creating the right solution. The third area we are changing is a focus on outcomes: although we may have a piece of regulation and a process we need to follow, are we clear what we are trying to achieve and is that then making us reach the right judgment?

Q587 **Chair:** I want to break down some of what Tony has just said in a minute, but Marian, you lead me on to a concern that we have seen and identified for ourselves, which is the lack of measurable outcomes in relation to the strategy. If you are going to be outcome-focused rather than process-focused, which I do not think anybody around the table is going to argue with today, how do you know that you have achieved that without measurable outcomes? What are the metrics for this going to be?

Marian Spain: We already have some of those outcomes in our internal performance management which we report to Government and, of course, to Parliament through our annual report and accounts.

Chair: We will come back to reporting in a minute as well.

Marian Spain: Those outcomes will be refreshed for the coming financial year, and they are driven by two main things. First, the targets in the Government's environmental improvement plan, so we are clear that we can see how we are contributing to those national targets; and secondly, for example, the creation of significant new areas of land, the restoration of 250,000 hectares, and preventing species extinction, and promoting clean air and water. Those are the main outcomes we are working to. They are targeted to those Government goals and to our statutory duties



of protecting species and sites, recovering nature, and enabling public enjoyment and access.

Q588 Chair: Measurable outcomes and 30% of land and sea effectively managed and conserved by 2030 are statutory targets. How do you join those up to your commitments about raising risk appetite, focusing on outcomes?

Dr Juniper: Just at the level of the targets, we have tried to map the internal KPIs that we monitor, which we then discuss with Ministers in order to know that we are on target. We match those as closely as we can to the wider Government targets expressed in the environmental improvement plan and other areas of policy. As a department, we need to have a much more integrated approach. The outcomes that we can achieve against the Government's targets will be much more effectively pursued at lower cost if we can align with what we call the five Fs—fresh water, forestry, farming, fisheries and flooding—because considerable investment goes into all of those. The more we can align our efforts with that, the better it will be in terms of outcomes being achieved across the departmental suite of activities, not just what we are doing. So we have tried to embed our work in the wider departmental effort using the Government's outcomes framework, as Marian described, which we think gives a good template for what we can do.

Q589 Chair: As you said, Tony, there are literally hundreds of statutory powers. Are we being unreasonable in expecting a streamlined strategy from an organisation that has been allowed to grow arms and legs over the years?

Dr Juniper: This is the challenge that we face, and which Marian and I spotted very early on when we began working together back in 2019. Natural England could be a great sprawling collection of powers, duties and regulatory capabilities, or it could be a much more focused, targeted, strategic body that would deliver much more for the country through having a bigger idea of what it is trying to do. That is the work that we have been doing ever since, and I think we have been quite successful in brigading all those different ways in which we can be influential, to put that behind some bigger outcomes for the country. It is work in progress and it is changing as we go along, not least through new legislation, including some of the provisions in the 2021 Environment Act and what came through in the Planning and Infrastructure Act. But our ambition is to get more out of the contribution that we can make.

Q590 Chair: You were speaking about a shift away from isolated interventions to bigger, larger-scale work. In terms of outcome for people engaging with Natural England on a day-to-day basis, what is that going to look like?

Dr Juniper: I can give an example of a national nature reserve in the south of England: Langley Wood, notified as a national nature reserve decades ago, but which is an incredibly important ecological asset that



could help to repopulate the wider landscape with depleted wildlife. We are working there in partnership with the local authority, the national park authority, NGOs and landowners to be able to bring in a range of tools, including biodiversity net gain, nutrient neutrality, agri-environment schemes, the idea of SANGS—sustainable alternative natural green space—and to deploy all those different measures together in an orchestrated way in the landscape. That enables us to move beyond the silos of biodiversity net gain, of nutrient neutrality, of recreational disturbance and of a protected area, and put it all together in a place to achieve nature recovery in partnership with the many different actors that are there, including house builders. Increasingly we can see around the country such examples of our strategy, cascading down to our area teams and specialists, who are being very creative and very effective in putting all these different bits together to achieve more than the sum of the parts.

Q591 Chair: That makes a bit of sense. But imagine for a second that I lived in England—which obviously I do not—and I have an isolated intervention that matters to my community and me. Who is going to deal with that now if you are not?

Marian Spain: I am trying to think of an example that might help answer that question. As Tony said, we are a delivery body, and most of our work—most of our delivery—is done by our area teams who work in places. They work with local authorities, and that work is increasingly guided by the priorities in the local nature recovery strategies. They will work with developers and infrastructure providers, with farmers and landowners, communities, and third sector groups. There may still be times when that relationship is the linear, isolated example. If I am a householder and I need planning permission for my home and that might affect a protected species, that might be my only interaction with Natural England. The difference you will feel there is that we are trying to make it quicker, simpler and easier for you through things like our bat earned recognition scheme.

Chair: That is an improvement in the process.

Marian Spain: In the transaction, yes.

Q592 Chair: But you are not actually moving away from isolated interventions, are you? You are going to end up doing the big strategic stuff as well.

Dr Juniper: The law requires it.

Marian Spain: Absolutely; there are still things where we will need to have a transactional relationship. We are a provider service.

Chair: That is the problem with very high-level strategic ambitions such as this.

Dr Juniper: Marian, would it be worth mentioning the operational change coming from the Planning and Infrastructure Act?



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Marian Spain: There are still transactional regulations we need to do. We are looking to make those as quick and simple as possible, both for the customer and for ourselves. Over the last couple of years we have seen our staff numbers shift from the transactional relationship to engaging much earlier. Staying with the planning system as an example, we are now spending a lot more of our time making sure the local plan has nature built into it, and that a master plan for development has nature built in, and less time on the transactional relationships. We are not stopping the regulatory transactional work, but we are trying to put it in context and put it in place of what we are trying to achieve.

Q593 **Chair:** We love our SMART targets in this Committee. SMART—I had to write it down—is specific, measurable, achievable, relevant and timebound. As far as we know you do not really have that, but you have mentioned KPIs. Would you be prepared to share your KPIs with the Committee?

Dr Juniper: Yes, we can share those.

Marian Spain: They are in our annual report and accounts every year, so they are certainly in the public domain, and they cover the gamut of the things we have talked about. Some will be activity-led KPIs, such as the number of farmers we have engaged with through the Catchment Sensitive Farming scheme. Some will be more outcome-led, like how many hectares have actually been created because of the work we have done with those individual farmers.

Q594 **Chair:** I promise you we are going to come to the report in question. But the NAO has been looking at you recently and the thing that really jumped out of the NAO analysis for us was its assessment that Natural England “has a ‘low’ confidence that it will be able to deliver forthcoming milestones for three of the four critical” reform programmes. It then identifies the main risks related to that as, “Insufficient senior leadership support and engagement, which could lead to work being de-prioritised”; “Not enough resource to deliver on time; and an associated capability gap with an insufficiently skilled, resilient and agile workforce.” If you do not have the workforce at the sharp end, you are not going to do anything at the top. “Lack of business readiness”; “Insufficient time or resource to fully embed the changes”; “A culture resistant to the volume and pace of change; and legal challenges that may increase during the initial phase of the changes.” It sounds like you want to take the organisation in one particular direction but the organisation itself, by virtue of its history and culture, is not that keen on going with you.

Dr Juniper: One thing we have registered at the top level at Natural England is the observation that culture eats strategy for breakfast. We have just spent some time talking about strategy, but we are very aware that a big culture change will be required to deliver that, and that is the work that we are in the middle of.

Q595 **Chair:** Does that not come back to the point about the need for metrics?



Dr Juniper: Yes.

Marian Spain: We can assure you we have those metrics. In that NAO report you just referred to, that section is the reflection of the metrics we were using to measure our readiness for change about 14 months ago. That was the point in time at which the NAO looked at that internal report. Some of the issues in that internal report have shifted. That is why we set up these four big reform programmes: to make sure we had the capacity, the capability and the leadership to introduce the changes we are making. Tony started off this session by describing the change in our strategy. We are not pretending that is a small change; it is quite a big shift. As you would expect, our staff are still working their way through that change. That is why we have that capability programme and why we shared that data with the NAO, and we have internal metrics to track how we are progressing.

Q596 **Chair:** Your annual report and accounts are overdue for the year 2024-25 and not for the first time. This should be something that just happens, should it not?

Marian Spain: We are due to lay our accounts this year on 15 April. Last year, as the accounts describe, there was a major delay because of a particularly complex issue we had to resolve with our accounts about disclosure of an equal pay risk.

Chair: What was the disclosure?

Marian Spain: Disclosure of a provision for an equal pay risk. Last year's delays have knocked on to the reporting and accounting process for this year. We could not start as early because we were still dealing with last year's. This year's will be completed by 15 April. On 17 April, we will start work on the current accounts—the ones for this year—and we are expecting to lay in October. It was a single issue that caused a significant delay that we have now resolved.

Chair: We have the figures here. The delays have been getting bad, and you have been missing targets since 2020.

Dr Juniper: I will maybe just add some complexities that come with the accounting treatment that accompanies new policies like biodiversity net gain, nutrient neutrality, and the scheme we had for a more strategic approach on great crested newts. These are multi-year programmes that ran into complexities with the accounting, which had not been fully thought through by the time those policies were being delivered. Marian, is it fair to say that we may face some additional complexities with the nature restoration fund?

Marian Spain: Yes.

Dr Juniper: This is something that has been there since 2020, and that year it was great crested newts, followed by biodiversity net gain



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subsequently and nutrient neutrality. This has been a source of deep complexity.

Chair: The great crested newt gets blamed for so many different things.

Dr Juniper: Yes. It gets the blame today for accounting challenges as well.

Marian Spain: Our accounts have never been qualified. It has simply been complexities we had not understood when policies were developed, as Tony said. When we then got into the accounting treatment we were having to come up with the accounting treatments live, which took longer than it should have.

Chair: In Orkney, we blame the red-throated divers for much of this stuff. We are going to move on to some questions around growth in rural communities.

Q597 **Terry Jermy:** It is clear there is obviously a focus on economic growth, and we know that the Government have tasked all arm's length bodies such as yourself with considering economic growth. What is really interesting from a Natural England point of view is that has very much prompted this national debate about the environment and growth and whether there is a conflict there. Tony, are environmental protections a barrier to economic growth?

Dr Juniper: They needn't be. The approach we take at Natural England is to see nature recovery and economic development as both essential national priorities. The work we do is to seek ways whereby we can do "both and"—achieve development goals at the same time as nature recovery goals rather than seeing them as choices and trade-offs that are automatically in conflict. There is every good reason to do this when one understands the research that has been going on for decades which reveals the deep dependence between economic growth, and economic goals more broadly, and the state of the natural capital which underpins that in terms of soil health, water availability, nutrient recycling, climate change, resilience, pollination of crops and natural pest control. All these things make an economic contribution but are largely invisible in terms of how we judge economic performance. One of the things that we seek to do is to make those values and those contributions to the economy more visible in how decisions are made and to protect and enhance those values in ways that mean that development can continue indefinitely into the future rather than suffering from constraint because of environmental damage.

You may have seen the recently published national security assessment that was produced by Government, including with the Joint Intelligence Committee, which revealed how nature is fundamental for our national security and how all the ecosystems that were looked at by that report are in a state of ongoing collapse. This has been registered at the highest level across Government; it is not just a Natural England analysis. The



work we seek to do is to make sure that we can achieve “both and”, rather than fall into the trap of thinking that nature needs to be discarded as part of our economic programme.

Many of the policies and approaches we now take are seeking to square this off. We have some very exciting work under way now across the board. Landscape Recovery is a very powerful policy being deployed at scale across rural areas in England to bring economic development to rural communities at the same time as recovering nature, bringing a range of benefits in terms of cleaner rivers, carbon capture, reduced flood risk, and nature recovery. The work we are doing and have been doing now for some time with developers, both in the housing sector and with infrastructure, to be able to achieve nature recovery uplifts is linked directly to the development of the new homes that the country needs. One example in your part of the country, Mr Jermy, was the announcement last week of a nutrient neutrality arrangement whereby a large area of habitat will now be restored by the Norfolk Wildlife Trust, in the process enabling many homes to be built. We have many examples of that across the country that we have been working on for years. We now have the opportunity to really lift up that approach and create more impact with it through provisions that came with the Planning and Infrastructure Act.

We are confident that there does not need to be a conflict. Part of this is about the national conversation we have and the level of understanding that people have about the alternatives to “nature or development” and being able to do both together is a really critical part of what we can do. One of the key things we would add to that broad overview is the importance of early engagement with developers. For example, at Sizewell C in Suffolk, where a major new energy supply asset is being created, we have had good conversations with the developers from the beginning and they are creating large areas of habitat as part of their pre-construction work, thereby adding to the nature value of that part of the Suffolk coast, linked with their very considerable construction project. Those kinds of relationships about nature and development at an early stage to discuss synergy and how we can draw these things together are something we invest increasing effort in to make sure we can do that.

Q598 Terry Jermy: You get a bonus point for mentioning Norfolk. I saw that you shared that on social media. I agree: that is a very good example at Cley. Could you maybe talk to some reforms internally as an organisation—that might be best for you, Marian—around how you are making sure Natural England is fit to support economic growth? It is a priority and I agree it is not mutually exclusive, but what are the internal changes that you are bringing about?

Marian Spain: We have already hinted at one: we are looking at how we can make it quicker and simpler for developers to understand and comply with their regulatory obligations. We are reforming our licensing programmes and the way we engage with the planning system—our bat



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earned recognition scheme, for example. The practical implementation of our bat earned recognition scheme, which is a bit jargony, means that the vast majority of average small developers, who of course build most of the houses in the UK, will no longer need to engage with Natural England to get a licence. They will be able to work with a local ecologist we have accredited to do the survey and give them the licence. The average bat licence is now issued in 15 days, which has halved the turnaround time. That is one example of making the transaction quicker.

The second area, which we have touched on already, is that we are shifting our staff resource to focus on the cases where we are most needed. In our statutory consultee role we are no longer going to respond to every consultation that comes our way. There has been an amendment in the Planning and Infrastructure Act that now gives us that discretion. We were previously obliged to respond to every planning application that was sent to us. We are dealing with about 30,000 planning consultations a year, and about a third of those should not need Natural England to intervene; they should be perfectly capable of being dealt with by local planners. In order to enable that, we are also investing in local planning capability through the Planning Advisory Service and making sure that local planners can see the data we see through our Impact Risk Zone IT tool so they are able to make the judgment that a Natural England ecologist would have made.

The third level of change is the one Tony talked about, which is that when we engage in a planning application we are shifting much more to either the local government plan or the developer master plan, so we think about nature earlier. That makes it quicker down the road and it is more likely to have nature built in.

Dr Juniper: There are better outcomes.

Marian Spain: Tony has talked about Sizewell. Another example that we went to see last year was a Barratt Redrow development. As our staff had been involved before the planning application was put in, we were able to work with the developer, which was able to use its regulatory obligations to also make a really great place to live. It put in a nutrient mitigation scheme that became a local park with a lake in the middle, and used its green infrastructure to create networks of paths through the site. It had done its DLL obligation—forgive me, I have to mention newts again—and for its district level licensing it created ponds on a nearby farm, so that farmer has also benefited by having a more resilient water system on his farm.

Dr Juniper: The newts have moved in, have they not?

Marian Spain: They have, and you monitored them.

Dr Juniper: We did a sample of DNA in the water and the new ponds had been colonised by great crested newts. We are now building up a picture



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as to the effectiveness of this policy and it does seem to be very good, with 4,000 ponds now installed through that policy—

Marian Spain: Yes, it is very good.

Dr Juniper: —working with developers to create more habitat to unlock housing and genuinely a nature-positive policy. This is actually a very important example of how the opportunity to move beyond preventing harm to recovery is there if we can think creatively and get in early enough with the kinds of options that developers can use. That district level licensing scheme is a good example of that.

Q599 **Terry Jermy:** You mentioned Sizewell C and obviously the Government announced yesterday—I think—that there will be announcements on the Fingleton review within weeks, maybe this week. It is fair to say that there are a number of contentious recommendations in there, such as weakening the legal duty around protected landscapes and habitats regulations. Tony, in your view, should these recommendations be implemented? Is there a risk that they will be expanded to other sectors outside of nuclear?

Dr Juniper: We cannot comment on the proposals that might be made, as we have not seen the Fingleton review. But our advice would be that there are many opportunities to work within the existing rules and regulations and make the existing regulatory approaches more streamlined and user-friendly to achieve nature outcomes at the same time as enabling development, as Marian has just described. That is where we are putting our effort at the moment.

Q600 **Terry Jermy:** In rural areas, including Norfolk, shooting is quite a key part of the economy. There were some announcements this week around the general licence 45. For the first time ever, the Breckland SPA is going to be included and you will not be issuing licences for game bird release near SPAs. Could you explain the reasoning behind that decision? Have you considered the economic impact of that? Will you commit to publishing the data? I am quite concerned, as certainly in Norfolk the non-issuing of licences continued long after the bird flu restrictions had been lifted and was still in place even after bird flu had passed on. An update on that would be timely.

Marian Spain: This is an example where Natural England's work is very determined by the Government policy and we are making those decisions on behalf of Government. Sometimes we are working under our own powers and legislation and sometimes on behalf of Government, and that licensing policy is something we are delivering on behalf of Government. Just to give the context, Government made the choice two or three years ago that the risk of avian influenza was so high that we needed to bring in measures that managed the risk of transmission through game bird release.



We are seeing from DEFRA statistics that the risk for kept birds is decreasing; however, the risk in wild birds is still high. That is why the policy is being retained. We have not yet determined all the licences for this year, but for the many shoots, we are expecting the restrictions will not be a no-release at all but a delay, so that the birds are not released until the wild bird breeding seasons have finished. But there will be some cases where we deem the risks too high to issue a licence. We are aware of the impact that has on the industry and that they need a long notice on that, but that is the policy we are working with. It is balancing the need of that industry with the wider needs of society, including the keepers of kept birds, to be able to manage disease transmission.

Q601 Terry Jermy: You speak about risk; presumably there is data that underpins your assessment. Will you commit to publishing that, because there will be a significant impact on people's livelihoods?

Marian Spain: The information is available to applicants; they will understand the judgment. All our research and evidence bases are publicly available.

Q602 Jayne Kirkham: My question is about planning and licensing for renewables. There was a site in North Devon where cabling was going to come in from one of the test and demo models for floating offshore wind. That took a very long time to get planning and part of the issue was that there were lots of back and forths about, "You need this," or, "No, well, maybe we need this." So that was one way in which Natural England was causing an obstacle. We have another planning application and licensing with Falmouth Docks going through now, which is part of a pilot scheme with the Marine Management Organisation being the lead regulator on that scheme. Considering that floating offshore wind is going to be such an important thing, do you feel that it is making a difference to how you work together? Do you think that you are being successful in speeding up the process, and have you learned lessons from what happened, say, in Devon?

Marian Spain: We are very conscious that we have a number of licensing permitting regimes; so does the MMO and so does the Environment Agency. Putting it simplistically, if you laid all those out it would look like a plate of spaghetti; there is a lot of complexity. That is why we were very supportive of the idea of having the lead environmental regulator, a decision that was made as part of DEFRA's review, carried out by Dan Corry. We are seeing absolutely what you have just described. We are seeing a definite benefit from the regulators working more collaboratively and having a named individual whose job it is to manage the computing processes.

I visited the Lower Thames Crossing a couple of weeks ago, which is one of the other lead environmental regulator pilots. The three regulators have been able to streamline their processes a lot more and it got the fastest-ever development consent order amendment for a major infrastructure project, so it is definitely working. I have spoken to the



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MMO chief exec recently about Falmouth Docks and we can already see why it is working, just by bringing us together.

The three of us working together more as a team also enables the things we have already talked about, and we are more likely to engage with the developer up front. Again, most of the conversations happened and most of the decisions were made with National Highways before the actual regulatory processes came through, so we had laid the groundwork. We are definitely a fan of the lead environmental regulator, and DEFRA will be announcing some more schemes shortly.

Q603 Jayne Kirkham: Are you happy that environmental standards are being maintained through that process?

Marian Spain: Yes, we are happy.

Jayne Kirkham: That is helpful.

Chair: We will move on then to questions around capacity and resources at the organisation.

Q604 Sarah Bool: On that point of capacity and resources, I understand that Natural England stated an intention to cut 200 jobs in their action plan for 2025-26. We are supposed to find out this month. Have you achieved that yet?

Marian Spain: Yes, we have. In line with nearly all public sector bodies, core departments and arm's length bodies, we are reducing our headcount. In Natural England we were not able to do it simply by recruitment restrictions because our turnover is relatively low, so we ran a voluntary exit scheme. I could look up the precise number if you want, but we exited about 250 staff through that scheme.

Dr Juniper: It was 9%.

Marian Spain: Yes. However, we were very careful that we only exited staff where we were confident we no longer needed their skills and knowledge, so not everybody who applied was allowed to leave. We have cut staff and as a result we have also reallocated staff internally, as in the example I already gave of moving people from the transactional work to the more partnership work.

Q605 Sarah Bool: Yes, of course. We also understand that the Minister for Nature, Mary Creagh, said that Natural England is looking to use more automated services in order to maintain its functions, as it reduces its headcount. But what would be the trade-offs of this approach of using more automated services?

Marian Spain: I am not sure if I would describe it as a trade-off, per se. We are looking to use automated services to make transactions easier. The second layer of automation we are getting into is to make the data more accessible, which benefits our staff. I know you did not ask explicitly about AI but we are increasingly using that enhanced search



capacity across databases, which is also something we are increasingly making available to our partners. I mentioned the Impact Risk Zone work, and planners and developers can now see exactly the same data that Natural England would, so it is automation to streamline and speed up the processes. We do not intend to use automation to make decisions; it is about smoothing the transaction and allowing our staff to use their expertise to then make a judgment that is made from a quicker, more reliable set of data.

Q606 Sarah Bool: That is understood. But you also told the EAC that you may need to rely on local planning authorities to address capacity issues. How realistic is that, given that local authorities also have severe resource constraints?

Marian Spain: I mentioned the change in the Planning and Infrastructure Act; we are hoping we will bring that into force in June this year. We are just working with DEFRA on the final bits of legislation that will determine our changed role as a statutory consultee. I also mentioned that we are making sure we support and train local planners. We cannot address their capacity, of course; that is a matter for MHCLG and the local authorities themselves, but we can make sure we are helping share expertise.

For the big infrastructure developers, we are also increasingly looking at how our staff can act as part of a team. In the past it would have felt like a linear process. The developer would do its bit, the ecologist would look at the impact, then our staff would come in and look at the impact, and it would feel like quite a linear, almost quite an oppositional process. We are increasingly trying to say that if our staff come together and work as a team they will understand more readily what we are trying to achieve. We will understand where the developers' needs are and the pace and scale at which they need us to work, and their staff will also better understand the regulatory framework to which we must work. That will build shared understanding and shared capability, making it easier for staff to move between industry and regulator over their careers and build that feeling of a partnership.

Q607 Sarah Bool: I understand about trying to smooth the process, but in terms of maintaining the independence level, Natural England really should be there as a means of stress testing. How are you going to address that in terms of the developers? For example, I have to go to a hearing this afternoon on an NSIP for a solar farm that is the size of Heathrow. It is very complicated, but as much as I want that, when all organisations work together there is a slight danger that it actually pushes the development through and the local voice is then overridden; I am just intrigued about how we still maintain that accountability.

Marian Spain: I hinted at that: the developer and I will need to understand the regulatory framework and where there is room for discretion and where there is not, so it does not undermine that regulation, but I absolutely take your point. There is the perception that if



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we become too embedded, we risk that independence. That is not what we intend. It is more about working collaboratively to come up with the outcome and finding a way to make things happen, rather than us saying very late in the process, "No, you cannot do that."

Dr Juniper: You are putting your finger on a real tension. The wider picture at the moment is that tension is leading to us being asked to do more to accelerate growth. We are doing that through partnership and respecting the regulatory environment which is, in a way, a win-win approach. But it signals a change, which we have described in terms of the strategy and the culture shifts we are seeking to make.

Q608 **Sarah Bool:** Talking of sharing that expertise, Nature England obviously has limited resources. How do you envisage the sharing of the expertise with the local planners, and so on?

Marian Spain: Sharing expertise will be done through national training programmes for planners. We run seminars and webinars through organisations such as the Local Government Association that employ planners. With local authority planners it will be that relationship; we will not necessarily engage with an individual planning authority at that level of depth. We are also updating quite a number of our pieces of standing guidance, so planners can rely on online, data-rich systems rather than having to ask a Natural England member of staff. The situation I was describing is where we would work more with a major infrastructure provider, such as National Highways, or the offshore wind industry collectively, where we are looking at how we can help our staff integrate to exchange and share ideas and expertise.

Q609 **Juliet Campbell:** Could you just talk us through a little how you envisage choosing and working with trusted partners? For example, if you were working with the National Trust, the charity itself may be under-resourced. How do you see that working?

Dr Juniper: You are right to see a very wide range of partners out there, from infrastructure providers like National Highways through to local communities, through to farmers and farming organisations, and of course NGOs such as the National Trust and RSPB. One of the things we are exploring at the moment—this also came from the Corry review in terms of a way of working—is to have a recognition of trust with some organisations that are very much in the same business as us in terms of nature recovery. This will effectively be through an earned recognition approach, thereby empowering them to do more without recourse to us, working within broad guidelines rather than coming to us for approval for every single decision they need to make. We are trialling that with the National Trust at the moment and we expect to roll that out more widely to make it easier for organisations engaged in nature recovery to do the work they need to do.

Marian Spain: Just picking up your point on resources, it will also save them time and money. As well as the pilot with the National Trust we are



also looking at pilots with the wildlife trusts and the RSPB where we will perhaps give them an annual licence or a county-level licence for everything they do so there is only one transaction, which saves them time and money. Perhaps, reflecting our earlier discussion, that will be one of our KPIs for next year. We need to see whether that cost saving is for both them and us, because we are very clear that they will need to benefit as well.

Dr Juniper: I emphasise that they are trusted partners in the sense that they are looking for the same outcomes as us in terms of the state of protected sites, or the status of protected wildlife. We therefore have a high level of trust with them, which is key to that kind of programme working.

Marian Spain: Another point that links with an earlier question: with our colleagues in the Environment Agency and the Forestry Commission, we are also looking at how we can begin to integrate that. I am minded, Tony, of a visit we did to one of the Landscape Recovery schemes. While the three organisations were working hand in hand with a significant group of farmers who wanted to make some quite significant change, one of the things that stayed with me from that visit was that the farmer said, "Well, you will give us the agreement and you will give us the budget; we will still then have to go to you for a river cut consent, to you for an SSSI and to you for a felling." So we are looking at how we can simplify that regulatory process with our trusted partners, as well as with the big planning development cases.

Q610 **Juliet Campbell:** You talked about it being a trial. Do you have a start and end time, and will you then be able to measure what impact that has had?

Marian Spain: The evaluation of the National Trust pilot will happen this June and, as I said, one of the metrics will be whether it saved money. The other metric will be how it has contributed to those EIP targets—has the National Trust been able to build more habitat creation? Has it been able to stabilise an endangered species? We will trial both the efficiency and the outcome.

Q611 **Juliet Campbell:** Just thinking about the pre-application consultation for planning applications, our data shows that almost 78% of them were agreed to the deadlines, which is an improvement on last year, but it is actually down from 2015-16. Is this purely because of resources and resource constraints?

Marian Spain: I will assume it is the NSIP pre-applications and answer it in that way. We expect it to continue to improve. One of the reasons our planning work, including pre-application, has been constrained is that it is one of the areas of our budget that has not grown in recent years, so we have been working with a stable or declining budget with an increasing demand. One of the significant changes that happened last year is that we now have the powers to recover the costs for the work we do with



NSIPs, so we are able to better match the supply with the demand. If we are confident we will have an income because an NSIP provider will need our services for a year or so, we can build the team accordingly. I am confident we will continue to improve that. We do not yet have that ability for the Town and Country Planning Act; we are still solely using a limited, capped grant-in-aid budget to deal with Town and Country Planning Act work.

Dr Juniper: A declining, capped budget.

Marian Spain: Yes. That is one of the changes we are working with MHCLG to try to make at the moment. It perhaps links to an answer I gave previously. Many of these NSIPs are five or more years in their development. Where there is a development and we are confident in the demand and income, we can build a team dedicated to that particular development. National Highways on the Lower Thames Crossing knows the individuals it will be working with for a number of years, for example. There is a team that has been established and dedicated to that project because we are confident we will have the money to pay for it.

Q612 **Jayne Kirkham:** I am going to ask some questions about environmental delivery plans and the Planning and Infrastructure Act. First, you have actually been given an awfully big job in the Planning and Infrastructure Act: to look at and draft these EDPs and deliver environmental improvements as well as encourage that development. Considering everything else that you have to do and the constraints you are under, how are you managing to get the capacity to do that? Are you having to move people around, or are other areas suffering?

Dr Juniper: Marian is probably better on the resources side. By way of prelude, I will say a little about the extent to which we welcome this shift and this new policy going in the direction of these more strategic landscape-scale solutions that, as we said earlier, we have been doing for some years now. This makes them more structured, more codified, and more part of the process that everyone can see. It is a very considerable task that we are undertaking—one of the biggest things that the organisation has had to do in recent years, and probably the biggest shift in the time that Marian and I have been around that requires a recasting of the internal capacity. Marian is probably better able to explain it all.

Marian Spain: I will reiterate that it is a really big job we have been asked to do, but one we very much want to do. We have been working on strategic solutions locally for a number of years and this is the first time it is becoming embedded as the norm. It will require considerable resourcing, so there are two halves of an answer to your question. We have been given additional resources through the last spending review. In the current year's budget and for next year, when the next spending review starts to bite, we have been given additional resources to begin work on EDPs. DEFRA had £14 million to spend so we have increased capacity—we have brought new staff in; in fact we have moved staff internally, so we know those people already have the skills. We have set



up a new team, for which we were given extra funding, for the preparatory work we are doing now for EDPs. In time, once the EDPs are up and running and once payments are starting to come into the Nature Recovery Fund, we will cover the costs of the teams we need to deliver the work as well as delivering the work on the ground. We are confident that in time the money will start to flow.

Q613 **Jayne Kirkham:** Do you think it will be self-funding?

Marian Spain: That is how the scheme is being designed, but we are still working with our colleagues in Government about exactly how the levies will be set. We expect it to be self-funding because that is what the Act provides for, but at the moment it is being funded by grant-in-aid in order to get it up and running.

Q614 **Jayne Kirkham:** The work on the EDPs is a very big job. Thinking of Cornwall particularly, because that is where I am from, we have a very strong local nature recovery strategy. Some places have those, some places less so. When you are working on EDPs, are you managing to take local areas' pre-existing plans into account? One of the concerns about EDPs is that it will be imposed and there will not be collaborative working.

Dr Juniper: The scope for us to take a broader view across entire landscapes is really at the core of the opportunity, taking account of things like local nature recovery strategies and targeting nature restoration into those places that have already been identified through a very thorough process—more thorough in some counties than others, as you say—taking those templates and being able to target the resources that come from the nature restoration fund and investments being made through other routes, including biodiversity net gain, to build the nature recovery network that we know from ecological science the country needs: connected, bigger areas of higher-quality habitat. That is where we can add real value to this policy, by understanding the ecological situation and having good connections with many of the partners on the ground through our area team structure.

This is critical, because one of the things I observed some time ago is that nature recovery only happens in places. You can have as many policies as you like, but it must navigate the realities of who owns the land, who is motivated to do what, what kinds of businesses are there, what kinds of housing and infrastructure needs there are, and work with all of that to create a nature-positive picture. That is where our local area teams can add real value by drawing all this together. That is the opportunity, and one that is very much front of mind in terms of how we get the most out of this for the country.

Marian Spain: Just to be absolutely clear on that, the EDP itself will be evidence and science-based and quite tightly prescribed. The Act puts a number of tests and—I should not say constraints—a number of assurances around the fact that the EDP will be effective in offsetting the



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impact of the development. We also need the EDP to be something that is attractive, feasible and workable for developers.

The EDP itself is relatively constrained; it can be informed by the LNRS and there will be public consultation on this so that people's views can be taken into account. But the main test for the EDP is whether the measures will offset the impact of development. The situation Tony was describing is when we then have the opportunity to use the fund, which is when we will look to use it to create the biggest impact in an area, matching it with others, taking the LNRS. Tony described Wood Norton, Norfolk Wildlife Trust. Lyscombe farm is the other one under the nutrient mitigation scheme. As well as being able to tackle the pollution to enable housing to be built, we were able to work on that as a partnership with the wildlife trust and local landowners and create what will probably become a national nature reserve in due course; it has not been declared yet.

It is about that ability to make the best of the money, and what we hear from developers is they want their money to be used in good stead. They understand the benefit of the EDP, not just for themselves in terms of speed and certainty. They also want to see and be able to talk about the impact their development has had on local nature and local people. It is vital that funds are spent in a way that is seen to make a difference for the local community.

Dr Juniper: Indeed, and if it is close to the housing there is a developer benefit seen in the value of the properties that are sold. We have seen this around the Thames Basin Heaths where we were working with partners locally to create significant areas of space for people to enjoy for picnics, dog walking, bike riding and running about. It has a lot of wildlife but it is not the same as the heathlands, which are protected by drawing public access to those places. Where that is close to the housing there is a very considerable uplift in terms of the sales prices that the developers can get. So there is an economic dimension to this too in creating beautiful places that people really want to live in.

Q615 **Jayne Kirkham:** Absolutely. You are answering it a little, but the Environmental Audit Committee warned of a potential conflict if Natural England is the creator, executor and regulator of EDPs. What other steps are you taking to minimise those kinds of risks?

Marian Spain: The legislation itself does a lot of that for us because of the tests that we need to evidence. For us to recommend an EDP to the Secretary of State for approval, we first have to be satisfied it meets the tests and then the Secretary of State will also need to be satisfied that the EDP is sound. The tests themselves deal largely with the conflict.

The evidence that we use will be transparent and public, so again that will show that we have been objective in our decisions. I don't want to suggest that we necessarily have Chinese walls around the teams but we have a team whose job is to work on the EDPs. The reason we have not



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literally separated from the rest of the organisation is that it needs to be informed by those place considerations we were talking about. It will be a specialist team who work on them, but they will be informed by their colleagues and their wider experiences.

Q616 Jayne Kirkham: There has been some controversy about the wording of the Act and the conservation measures. We have finally come up with, "Conservation measures will materially outweigh the negative impacts of development." That term is not really specifically defined. How do you define the term, "Materially outweigh"?

Dr Juniper: Ecology is notoriously complicated and unpredictable in terms of what nature will do, so it is probably fair that there is a bit of latitude there. But any ecologist would be able to judge whether there is a significant uplift in the state of nature as a result of the EDP compared with before, and our specialists will feed into the design of the plans to offer the best possible judgments as they are being drafted.

Q617 Jayne Kirkham: Will Natural England have a specific definition, then, or will it be more on a case-by-case basis?

Marian Spain: It will partly depend on what the issue is. We have made clear that the first EDPs will be for nutrient mitigation. The next round will be for great crested newts—sorry, we are back to them again—and I will use great crested newts as the example because there can be a numerical test. We will know the number of ponds. We will estimate the population of newt. We will then be able to say that the measures we will put in place can create at least that much habitat, and therefore there will be at least that many newts. That is what we have done through the district level licensing scheme. In some cases there will be a numerical test but, as Tony says, a lot of the time it will be a judgment. Ultimately, of course, it will be a matter for the Secretary of State to make the final decision on whether the EDP passes the test.

Dr Juniper: That judgment by expert ecologists is absolutely critical in getting that extra value for society out of these kinds of investments. Marian mentioned Lyscombe farm, which was a nutrient mitigation investment to free up housing permissions in the catchment of Poole harbour. Nutrients were going down into an internationally important wetland, which meant that some nutrients could have been removed from farming, and that would have met the test for the nutrient mitigation. But we took that resource and turned it into a far bigger impact in terms of a serious-scale nature recovery initiative. It will be open to the public via being a national nature reserve, bringing health and wellbeing benefits also in the headwaters of the river that feeds into Poole harbour, thereby creating a flood reduction benefit as well.

All these things have been layered on by ecological judgment and people knowing the local scene, whereas it could have been just asking a farmer to stop using nutrients, which would have met the test, but would not have given that very considerable uplift and all those extra benefits. That



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is one of the reasons why having an expert body like ours overseeing this is a good way to add value to what we can get as a country.

Q618 **Chair:** Is this where the rubber meets the road, though, in relation to culture, strategy and the issue that we identified right at the start: you being able to bring your team with you, especially in relation to this judgment of what materially outweighs the balance? Do you have that right? Or in terms of your outcome, do you still have people at the sharp end who are blocking the development and growth?

Marian Spain: I don't think we have.

Q619 **Chair:** Where then are these people?

Marian Spain: I am being very honest with you. If I was sitting here in a month's time I could tell you the results of our staff survey, which closed on Friday. It is one of the things we will measure in our staff survey.

Q620 **Chair:** If you do an ecological assessment it is always going to come out with an ecological answer, whereas if you do not have an economic or a growth assessment in there, you are not going to get the full picture, are you?

Marian Spain: But it is not our job to be experts in economics. We have economists. Our job is to be experts in ecology, as I told you.

Q621 **Chair:** But you are a growth department, or you are an arm's length body of a growth department. You surely cannot be blind to the economic consequences.

Marian Spain: No, we are absolutely not. It is about all those things I was describing earlier: changing our culture, and staff understanding the outcome our customers are trying to achieve. I will just go back to your original question about where our staff are. Our strategy was 18 months in the making. It involved a lot of discussion with our staff. The vast majority of our staff are with us when we are describing where the organisation needs to get and understand why that matters: the outcomes for nature will be better. I don't think our staff are resistant to the strategy. It will be a change for them and some will need to think about different judgments and be confident in working in that more outcome-based way, but there is no internal resistance.

Somebody asked me, "What do the ecologists in your organisation think?" I said, "Well, I am an ecologist and I believe the strategy is right for nature." Tony is a sort of ecologist.

Dr Juniper: I certainly am. I am a proper one.

Marian Spain: In that sense the reason we think it is right is it is better for nature. Maybe we are using a slightly different tool to get there. The strategic solutions we were describing were something the organisation innovated about 12 years ago, so our staff are absolutely clear that those are the right things to do because they are right for nature as well as



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making life easier for developers and therefore more likely to have growth.

Chair: We will come back to this later on because we are going to look at some specific areas where you have interfaced with specific land users, and agricultural stakeholders in particular.

Q622 **Josh Newbury:** Biodiversity net gain is clearly a topic that has generated a lot of discussion since it was implemented a couple of years ago. In essence, it should be another source of income for nature-friendly land management. However, given the Government currently plan to exempt sites of under 0.2 hectares, which estimates suggest is around 80% of developments, how confident are you that policy can make sure that the emerging BNG market reaches its full potential?

Dr Juniper: It is fair to say that the confidence that was building around the rise of nature markets in this country was shaken a little by that change to the threshold for triggering the biodiversity net gain requirement. We will have to wait and see to understand to what extent this has made a difference to the investments being made by land managers. As you will know, the idea is to generate demand for habitat creation through compensating for damage to non-protected habitats being caused by development activity. If you are exempting quite a big bit of it, and it is a large number in terms of the individual development consents, then that inevitably will make an impact on the market and the confidence of farmers and others to create units for sale when the market has been considerably diminished. We do not yet know what that will be. Countervailing that particular direction is the fact of there being a Government commitment to add nationally significant infrastructure projects—hopefully creating demand from a different route—which will maybe offset some of what has been going on through the changes that affect the housing side more.

One of the things we struggle with a little is that the data is hard to come by. The way the rules were constructed at the beginning means that there is no national register of all the on-site contributions being accumulated across the country. Anecdotally, we would say that this has been a good policy. If you are looking at Government ambitions to attract more private sector investment into nature recovery, which given the constraints on the public finances seems to be an essential dimension, then it is quite striking how most of the money that is moving at the moment is coming from so-called compliance markets—biodiversity net gain, nutrient neutrality, recreational disturbance of the kind that funded a lot of nature creation around the Thames Basin Heaths. This is where we are driving quite a lot of the demand for habitat creation funded by the private sector. The wider context for these kinds of changes is the extent to which we can retain confidence among those investors that the policy is long-term, strong, and going in a particular direction, but we do not yet know what the effect will be.



Marian Spain: We have not yet seen a change in the number of registrations coming forward for the off-site register that we developed; you might call it a habitat bank. That is still a relatively strong market but of course many of the developers that choose to use the off-site are the smaller developers as they have less opportunity to build it on-site. The other change we will be very conscious of is exactly that: getting the balance right between using the money to do significant habitat creation off-site versus the benefits to people of habitat creation close to the homes being built. There is also an issue about the impact on urban areas in particular, where we have the paucity of green space. Biodiversity net gain has a significant opportunity to put that right, and to have green space built into new housing.

I visited a development at Earl's Court a month or so ago that absolutely exemplifies this. They have developed a master plan that absolutely considers how people will live on that site and travel on that site and how nature will be the solution to that. They have taken their regulatory duties—sustainable urban drainage, biodiversity net gain and so on—and have come up with a really creative scheme. It actually impressed me so much that I want to share an anecdote. The other thing that really struck me about how carefully this developer thought about using nature to enhance lives was that the site is between a zone 1 and a zone 2 tube station, and at the moment nearly everybody goes to zone 2 because it is a difficult walk to get to zone 1, but the developers have deliberately put in a green walkway to make it more pleasant; they told us that it will save a family about £50 a week, which will make a big difference to the families in that development.

Q623 Josh Newbury: We have heard that there has probably been more on-site provision than expected, so the market for units has perhaps not been quite as buoyant as initial estimates suggested. I would say that is a good thing because it means more developers are, as you said, creating those benefits closer to home, but do you think that that, coupled with the changes that the Government have obviously announced they are going to do but that have not yet come into effect, has dampened demand and therefore dampened investment in the market?

Marian Spain: Not yet; we have not yet seen the final outcomes of the Government's consultation.

Dr Juniper: But it is designed to exempt more development from biodiversity net gain, so it is going to lead to diminished demand. That is the point.

Q624 Josh Newbury: Another topic that has generated a lot of discussion is the environmental land management schemes, not least because of the closure of the sustainable farming incentive. One silver lining we have seen is that DEFRA has had a chance to redesign the SFI and hopefully make it simpler and better integrated with other nature restoration schemes. In that vein, how well integrated do you feel BNG is with ELMS? Do you think farmers are being assisted to benefit from both?



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Marian Spain: Our farm advisers are increasingly talking to farmers not just about ELMS but other green finance schemes of which, as Tony said, BNG is the principal one. Some farmers are also engaging in carbon offsetting and so on. In terms of confidence, we are increasingly seeing farmers recognise there are alternative incomes, and our advisers spend a lot of their time on that. We will see the biggest impact on the Landscape Recovery scheme, where there is a requirement of participants to bring in private finance and match funding. We think that is where quite a lot of those BNG habitat banks are being created—by people who intend to participate in Landscape Recovery.

Q625 **Josh Newbury:** We have heard that a lot of Landscape Recovery money is going to quite large landowners, and that in some cases tenant farmers are being pushed out of that conversation and the benefits of that. What are you doing to address that, so that you are not just working with the larger landowners such as the National Trust—just to single one out?

Marian Spain: Yes, I have heard that. Of the three schemes that are now up and running, the Upper Duddon in Cumbria is principally small farmers. We have schemes in the pipeline on Dartmoor that will bring in the commoners and the tenant farmers, so I don't think we are necessarily seeing it. It is perhaps inevitable that the early adopters will have been the estates and the big landowners that have the confidence to take risks and have the in-house advice to do it. We are very conscious of that, and as you start to see more schemes come forward, we will see that they are also benefiting farmers. The most powerful ones are the ones where it is that genuine mix: you perhaps have a big environmental non-governmental organisation, or a big landlord that will not just convene the farmers but bear some of the risk on their behalf as the schemes roll out. That is what we are seeing happening on Dartmoor.

Q626 **Josh Newbury:** That is promising. Just to get a bit technical: BNG units can be created on land that is in agri-environment schemes, but only if they provide further habitat enhancements. We have heard it is extremely difficult to do that in practice, for example because the payments made under ELMS or countryside stewardship are not always clear on what proportion of the environmental outcomes they are actually paying for. Are you doing anything to address that through those advisers that you mentioned, to help farmers understand how they might be able to benefit from both and differentiate the benefits so they are not double-counting anything?

Marian Spain: What you are describing is a policy decision for DEFRA as to how much they are prepared to allow farmers to stack their payments. It is possible to show that different funding sources are paying for different outcomes, but you will understand why DEFRA are concerned not to be double-funding—using taxpayers' money to pay twice for the same good.

Dr Juniper: Or a combination of private money and taxpayers' money.



Q627 **Josh Newbury:** You mentioned that from a Government perspective the funding picture is quite constrained. Getting those multiple different benefits from nature restoration, which you alluded to earlier, Tony, is more important than ever. Do you think that, a couple of years in, BNG is showing signs that it is assisting other environmental goals like flood management in a natural way and improving water quality?

Dr Juniper: Yes, we can say that it is delivering that. Obviously, such is the complexity of ecology that every circumstance is different, but I have personally seen biodiversity net gain that is linked with flood reduction risk on housing developments. Some biodiversity net gain is being used to promote access for nearby residents to nature; there is obviously a health and wellbeing benefit there which we can see is very real in terms of the national contribution, which then reduces pressure on the national health service, so we are getting a range of benefits.

Q628 **Chair:** Do you have any metrics for that?

Dr Juniper: Yes, we do; it is very considerable. We can see opportunities to layer on additional benefits beyond the very technical requirements to replace like with like plus 10%, which you would measure in terms of species and habitat. Those additional benefits come back to what we were saying earlier about our local area teams being able to get that extra value for society through knowing the local partnerships and the opportunities that come with a particular parcel of land and what you could do with it. Our ambition is very much to maximise the benefit in places. Biodiversity net gain is one of the tools that we deploy for those wider benefits and in the context of local nature recovery strategies where we can do that.

Q629 **Josh Newbury:** How is that being measured? How are you quantifying it, and how will it be published?

Dr Juniper: The difficulty with the BNG data is that it is scattered across local authorities. There is no central data, is there, Marian?

Marian Spain: Local authorities are not required to maintain that data in a consistent way.

Dr Juniper: That is policy.

Marian Spain: In time there will be an opportunity for researchers and others to evaluate it but there is no consistent, accessible public database.

Q630 **Josh Newbury:** Does it worry you that you cannot quantify those wider benefits, given that BNG is being looked at as something that could be stripped out of park planning reforms?

Dr Juniper: Yes, but it was a policy choice when BNG was designed.

Marian Spain: It was a policy choice about the capacity of local authorities.



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Dr Juniper: The concern was about creating yet another task for local authorities when they already have too much to do; we have touched on that already.

Q631 **Josh Newbury:** That segues on to my final question. As Sarah mentioned earlier, council planning departments are clearly very stretched. They are struggling not only to recruit and retain planners but with the need for deep technical knowledge around things such as BNG; that risks creating a postcode lottery where some local authorities are able to take advantage of the situation, monitor it and make sure that it is properly enforced, while others are not. From a Natural England perspective, what are you doing to standardise implementation, monitoring and enforcement across the hundreds of planning departments?

Dr Juniper: Local nature recovery strategies are a good starting point in showing how the frameworks that are being created at county level are devolved down to local councils. A democratic institution has designed them rather than ecologists, so it has become a multi-stakeholder process overseen by people who were voted in by their local communities. Of course, this leads to a highly variable set of ambitions. In Cornwall there is a very strong commitment to the local nature recovery strategy, while in other parts of England there is much less of a commitment, and thereby less attention and fewer resources. Considering those different appetites, I am not sure if standardising will necessarily take us very far.

Marian Spain: Forgive me for putting it like this, but it is not Natural England's job to make sure that local authorities have the right capacity and capability. I described earlier the way we are helping to share our expertise with planners, but I know that MHCLG has a much deeper programme of starting to build that capacity and capability. Our job is to work as partners rather than solve the root cause of the problem.

Dr Juniper: The other side of this is the expertise that exists in local authorities to be able to accommodate the advice we might provide. I do not know what the number is at present, but a couple of years ago 40% of local authorities in England had a professional ecologist on the staff; therefore 60% did not, which is quite a gap. It explains why local authorities tend to rely heavily on Natural England for things such as routine planning applications because they do not have someone on the staff who can interpret the law and its requirements.

Q632 **Josh Newbury:** This is what worries me. As you mentioned, some local authorities are doing really good work and have the infrastructure. My local planning authority does not have an ecologist; we share staffing structures with a neighbouring council that does, so one ecologist is covering an area of around 350,000 people. The other local authority has quite a large backlog of applications but my council does not, so the ecologist's attention is focused on the other borough. My constituency is named and well known for its forest and we have many opportunities to



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utilise BNG in nature-deprived areas. People, in particular those from deprived areas, cannot reach the forest even though they are only a few miles from it.

We have so much potential, but if councils do not have the capacity they are not able to take advantage of the BNG market; once again, it is the wealthier parts of the country that benefit from nature recovery. That is my real concern. I appreciate your resources are stretched and I appreciate that it is not your job to resource local authorities, but anything you can do to bear down on that point and make sure this is as equitable as possible would be really appreciated.

Marian Spain: The way in which we can make the most difference is in making sure that guidance and information for councils is as quickly and readily available as possible. We also observe different practices across the country, as you have mentioned.

Dr Juniper: We share your concerns.

Q633 **Chair:** From what you are telling us, I understand that at the moment it is the big landowners and the NGOs, the National Trust, RSPB, and others that are making BNG work. Your whole strategy is to move away from small-scale individual interventions to large-scale strategic interventions. How are you ever going to get that money down to people who use the land to produce food? Or is that not something that matters to Natural England?

Dr Juniper: As we said earlier, the food security piece is in the strategy in terms of how we sustain the green infrastructure that enables food production, including soils, pollinators, freshwater availability, and climate change resilience. That is the backdrop against which we then deliver on Government schemes. Marian might like to talk about that in terms of our role on the agri-environment side.

Marian Spain: Just to be clear, Landscape Recovery is perceived, or there is a risk—

Q634 **Chair:** What is the story in Landscape Recovery? Very little is actually up and running.

Dr Juniper: Maybe we can talk about all three schemes. Our relationship with the farming community is quite variable.

Chair: We will respond to that in a minute.

Marian Spain: Forgive me, I will move swiftly on; the reason I was going back to talk about Landscape Recovery is that I do not think it is true to say that only big landowners benefit from BNG. Quite a lot of the land on the BNG register belongs to what you might call family farms. The question is more about what we were just discussing—that confidence and stability is needed in the BNG market to give more farmers the confidence to participate.



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Q635 **Chair:** Let me take you to the other end of the telescope, to rural communities and family farmers; they are not seeing that. They are seeing a situation where they are being expected to deliver environmental goods through SFI, ELMS, Landscape Recovery and whatever else they can be part of. They are not getting any public help for food production. They are being told that private money will come for that, and BNG will be one of the vehicles, but it is not happening. You have the tools to drive it—

Marian Spain: We do not have the tools.

Chair: You are not doing that, and in fact you have a strategy that is going to take you in the opposite direction.

Marian Spain: I do not think that is right.

Dr Juniper: The tools are Government tools.

Marian Spain: We have a delivery role in agri-environment schemes. We give policy advice to Government on whether individual measures in the agri-environment schemes will produce the intended outcome, so we have a role in designing the measures in schemes—

Dr Juniper: We do not have a decision-making role.

Marian Spain: Absolutely. Ultimately the decisions on, for example, the relative effort put into SFI or Landscape Recovery are higher-tier matters for Government. As the SNCB, we have a technical advisory role to Government; our delivery role is in Landscape Recovery and some higher-tier cases—

Dr Juniper: That includes CSF.

Marian Spain: Yes. We do not make overall decisions on what happens. What we see happening at the moment is twofold, and we have touched on one issue; we see that for good reasons smaller farmers are not yet confident to participate in private markets because those private markets are still very young—

Q636 **Chair:** They have become enormously complex. Do they not just end up consuming the resource rather than delivering it to farmers?

Marian Spain: Sorry, just to be clear, what is the complexity?

Chair: It is the whole business of a compliance market, as you called it, for an upland farmer in Cumbria or whatever, that is no help to anything.

Marian Spain: I do not disagree; that was exactly the point I was making. It is still very new and therefore perceived as risky, so most farmers are not yet participating in green finance markets. In terms of participation in agri-environment schemes, we are seeing that farmers do not yet have all the information to make the decisions they need to make. The Government have released more information about SFI, but



when we talk to farmers on the ground, they are still not sure which is the best scheme to go into because they cannot yet see the choices. There is quite a lot of uncertainty for farmers at the moment and that is probably the thing that worries me most. We need farmers to participate in nature recovery for the sake of food security and for the sake of their businesses, so we absolutely agree with you—this needs to be something that is easily available to all.

Chair: It is in another silo, not your silo.

Marian Spain: We are not the policymaker on agriculture and agri-environment. We deliver on behalf of Government once they have decided the policy.

Chair: Charlie, you are going to lead us into some questioning on farming, and this segues rather naturally into that.

Q637 **Charlie Dewhirst:** Natural England is not always at the top of the Christmas card list for farmers. Why do you think there has been such a breakdown in trust with the farming community?

Dr Juniper: I am not sure if that is a universal observation.

Chair: We have that from both the CLA and the Tenant Farmers Association.

Dr Juniper: Indeed. I speak to farmers personally, as does Marian. In an internal survey we carried out on our catchment-sensitive farming programme, where we have some data, the satisfaction level was 85%. Thus 85% of farmers who we interacted with in that context found working with Natural England advisers a useful and positive experience. I have found the same to be the case in other schemes, including Countryside Stewardship Higher Tier and Landscape Recovery.

Where there has been more criticism of Natural England coming from the CLA and some others is in relation to protected sites. We have a duty under the law to declare sites of special scientific interest that meet a set of scientific criteria as set out by the Joint Nature Conservation Committee; one particular lightning rod related to Penwith Moors in Cornwall, which led to the CLA and others making some quite strong remarks about Natural England being overbearing and not listening to farmers. In fact, the point was for us to enact the law in relation to protected areas as set out in various Acts of Parliament going back to the 1940s. If legislators would like to change those laws, that is a debate our country can have; in fact there was a call for that at the time. In the meantime, our duty is to meet those targets through the tools that we have been granted by decisions made in Parliament many, many years ago; that does grate and grind with the farming community.

What we have done tirelessly, I would say—including since Penwith—is to speak to policymakers and Ministers about the need to strengthen the incentives for people who are managing land that is now a site of special



scientific interest. There are clearly benefits in enabling them both to run their businesses profitably and to meet the goals of the conservation designation. That discussion is ongoing. Since then, Landscape Recovery has begun to work on the ground; Penwith is one place where the Cornwall Wildlife Trust in partnership with the Natural England team is now seeking to build a multi-owner, multi-tenant picture whereby people can benefit from conservation and farming hand in hand through Government support and, hopefully, private sector investment. It is a complicated situation which spans a lot of headings.

Sometimes there is a conflation between Government and Natural England. We are a Government agency; we are the people the farmers meet. When we arrive in the landscape, criticism sometimes blows back on us related to dissatisfaction and uncertainty with schemes that have been talked about for years, and complicated decisions that are taking time to get right. Farmers do not meet the policymakers making those decisions, so their frustration comes to us in a way that does not necessarily reflect our role. That explains some of our reported reputation among the farming community. I would say it is a mixed reputation; we are aware of some people who have been unhappy, but I can also cite many cases of people who have been very pleased with the assistance they have had from Natural England.

Q638 Charlie Dewhirst: Can you cite an example? Let us take farming rules for water; it was not the rules themselves that were necessarily a problem, it was Natural England's interpretation of those rules that resulted in a ministerial intervention.

Dr Juniper: That was the Environment Agency.

Charlie Dewhirst: No, you were involved as well; I was working separately on the farming side of things at the time. That was a situation where, to the farming community, you seemed to think you knew better than they did. Planning is another example; nutrient neutrality—where you cannot replace a derelict building with something new—is a major issue. There is real frustration that you are intervening unnecessarily in the farming and wider agricultural economy and impacting the growth that you claim you want to see.

Marian Spain: What you have just described is a very good example of the fact that we have three relationships with farmers, and sometimes they all crash in the middle. First, as we have described, we act as advisers supporting farmers to do nature-friendly farming; often, we also support them to enter into schemes or gather finance. That tends to be a positive relationship.

Secondly, we have a role as a statutory consultee in the planning system. It is very rare that we would get involved in or object to an individual planning application on a farm. Sometimes, however, we will be working with local authorities, for example on the replacement of slurry stores and other things for which farmers need planning permission, so I hear



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from farmers that we are stopping them getting the planning they need. Of course, ultimately, that is a matter for local authorities.

Thirdly, there is a more uncomfortable area—as Tony has already described—where we regulate certain activities on farms, either through licences for things such as dealing with protected species, or an SSSI. The main way in which we support farmers to carry out good management on their SSSIs is by inviting them and supporting them to enter into agri-environment schemes; 70% of farmers with an SSSI have an agri-environment scheme to help them manage it.

Sometimes, however—we have seen this play out in some upland areas recently—we need to change the rules of that agri-environment scheme because it is no longer working for the SSSI. Farmers then feel that we are telling them to change their farming practices, but in fact we are saying, “If we are going to continue to fund you from an agri-environment scheme, we need to be confident that the work you are doing and the grazing levels you have are compatible with that SSSI.” I am not denying that this is uncomfortable—and we are very aware that it feels difficult for farmers—but, as Tony says, that is what the regulations are about. Only 8% of our land is designated as SSSIs, so this is not every farm everywhere, but for some farmers, particularly upland farmers where the SSSIs are extensive and can cover the whole farm, it can feel like Natural England is engaging in a major intervention.

Q639 Charlie Dewhirst: You alluded to the role of local authorities; obviously they make planning decisions, and perhaps they are not interpreting the guidance correctly in certain cases. Is there more you could do to explain to local authorities that applications for something simple such as a slurry store or replacement of an old poultry or pig shed should be passed rather than refused? These new buildings are better for the environment. What more can you do?

Marian Spain: Again, that is a version of what we talked about earlier. It is very rare that we would get involved in a case, but we would comment on the local plan policy for those things; that is where we intervene. We did that recently for a slurry store replacement; we have made sure that we have the right risk appetite.

However, if we continue to allow bigger and bigger slurry stores, we are not necessarily dealing with the issue, and we, along with Government and planners, are trying to guard against that. We are looking to make sure that, by allowing a slurry store to expand, we are not enabling the expansion of a herd; that would continue to create a problem. I absolutely get your point that this feels difficult for the farmer if it seems that we are stopping them getting the new slurry store they need, but that is dealt with at a policy level, not on individual farms.

Charlie Dewhirst: I appreciate that point. It is more of a problem with the replacement of old buildings. It seems to be slightly illogical when, for whatever reason, local authorities recommend a refusal, even though you



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are simply taking a 1970s building that is leaking into the ground and replacing it with something that is far more suitable.

Dr Juniper: This is the work we did with Countryside Stewardship and the Catchment Sensitive Farming teams.

Marian Spain: While we are on that, the national planning policy framework is out for consultation at the moment; it provides an opportunity to consider whether there is some development on farms that should be de minimis in the planning system. One of the slight perversities we work with at the moment is that new ponds on farms need planning permission, because historically this was seen as a change of agricultural land. One of the wildlife trusts was in the papers yesterday saying that this is one of the issues that should be changed: we should make it easier for farmers to make ponds because we all, including farmers, want there to be ponds.

Q640 **Charlie Dewhirst:** I am sure anything that would permit development rights would be very welcome in certain areas. Obviously, I appreciate that you have been given a direction by Government in terms of growth, but much of what we have discussed today—Terry's point about game bird release, issues with planning, and high-profile examples such as the HS2 bat tunnels—feels anti-growth, not pro-growth.

Dr Juniper: Bear in mind the countervailing pressures that we are also dealing with; it is important to remember that while sewage pollution is getting a lot of the headlines, a high level of the pollution burden across many English rivers is coming from agriculture. People are pointing to the growth constraints from trying to limit nutrient pollution from housing, but similar complexities are emerging in the agricultural sector as well in terms of how we square all this off. If we wish to improve our rivers and see the return of salmon and trout and other species, it is important to pay attention to farming alongside housing.

We are committed to growth, but in terms of our statutory purpose—as I said at the very beginning—our job is to conserve and enhance the natural environment in England. We will work very hard to accommodate all the other priorities that Government have for growth, health and security, but at the end of the day the guide rails that we work to are ecological. We work very hard to align them with wider economic aspirations, but if we abandoned them in favour of allowing everybody to do what they wanted without an environmental constraint, we would not be doing our job.

Q641 **Chair:** Do you not think there is a halfway house?

Marian Spain: In farming we are seeing more and more examples of where those values coincide. We have talked about examples of where developers work together with nature; we are seeing more and more farmers doing the same. There are many farmers who now understand that putting nature back into their farms—for instance through using



integrated pest control rather than relying on imports, improving soil health rather than relying on fertilisers, building in water as storage on the farm as flood resilience, and planting trees to create shade—will make their business more resilient. Many of the farmers I talk to are already on that journey, but we absolutely accept that it does not yet feel a reality for a lot of farmers who are struggling with their current business and struggling with the uncertainty of the schemes. My first job was as a farm adviser, and I still walk around a lot of the farms I worked with and see what they did; these things matter and they make a difference, and they create resilience for farm businesses.

Q642 Charlie Dewhirst: There is a common theme running through today's question around the conflict of policy interests and—as you said—the need to work more closely with environmental agencies, forestry commissioners and so on. Would it not be an awful lot easier if everything were brought back in-house under DEFRA?

Dr Juniper: I don't know. I am sure Ministers think about it.

Marian Spain: I thought you were going to ask if it would be better if we had a single agency.

Dr Juniper: We could put them all together; both models have been discussed but we are where we are.

Marian Spain: Mr Carmichael, you were asking at the beginning about our outcomes, our targets and so on, as well as the EIP. The final DEFRA outcomes framework setting out current Government priorities has not been published yet, but our work will increasingly be driven by those outcomes and many of them will require all the agencies to work together. The habitat creation outcome will partly be met by what happens through farming schemes, partly by direct intervention from Natural England on its own land, partly by decisions the Forestry Commission makes about flood resilience, and partly by decisions that the Forestry Commission makes about tree planting. I am keen that we start to understand and measure how the multiple interventions of the agencies come together, but at a practical level our staff on the ground are working with their counterparts in the other agencies. We have talked several times about the fact that this happens in places—in communities and on farms—and that this is where we increasingly see our teams understand that by working together, we will hit those big outcomes.

Q643 Chair: Tony, you said that at the end of the day you come back to your guiding function, which is environmental. Is that not the root of the problem here—that you are trying to be both a growth department and an environmental agency? At the end of the day, you will always favour the ecological aspect.

Dr Juniper: You could say it is the heart of the problem; you could also say it is the heart of the opportunity in being able to draw things together



which appear to be in conflict, and to find the synergies between them rather than the trade-offs.

Q644 **Chair:** As a farmer myself—in the loosest possible sense—I take the view that the best way of achieving the goal of nature recovery is to use the land for food production, sensitively and sustainably. Marian, a second ago you said that expanding a slurry store should not be for the expansion of the herd. Do you think it is appropriate for Natural England to have a view on the size of a herd?

Marian Spain: That is not my view; that is what Government policy says.

Chair: Right, so you are implementing Government policy that takes a view on the appropriate size of the national herd.

Marian Spain: No, that is not what I said.

Chair: Can you explain it then? I am intrigued.

Marian Spain: DEFRA gives grants to farmers to build more robust slurry stores, among other things. There is a problem, of course, that an inadequate slurry store will leak and cause pollution, so Government give grants to upgrade slurry stores. The danger is that if the farmer upgrades the slurry store and then fills that capacity immediately, the problem has not been solved. That is the origin of the policy that it should be to manage slurry, not to continue to expand it.

Chair: Storing it is just one part of the management.

Dr Juniper: Exactly; there are all sorts of measures.

Marian Spain: Forgive me, but the farming rules for water and the issues of slurry are not matters for Natural England. That was an example of a situation in the planning policy where we have been perceived to be involved, but we have simply worked with Government on defining the planning policy, rather than working on individual farms.

Dr Juniper: The ultimate goal of that policy is to protect the state of rivers and to reduce the pollution going into rivers. If you work back from that being the reason for the very considerable public investment in that infrastructure, then you would hope that the taxpayer would be getting value for money in seeing reduced river pollution. Thus we have the tensions that Marian is describing between putting in additional infrastructure and then that being very quickly overwhelmed by more waste to manage, if that makes sense in terms of a chain of logic. That is the policy that we are handed to deliver on the ground, which starts with the rivers being cleaner rather than polluted.

Chair: Right. But where that then impacts on the wider agricultural use of the land seems to be largely irrelevant.



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Dr Juniper: Exactly. It is the wider DEFRA job to come up with a farming policy that integrates all these different elements. Farm incomes, food security, nature recovery and greenhouse gases are all part of what needs to be managed.

Chair: We will touch on the absence of strategies in a minute. In the meantime, Henry, you are going to take us through protected sites.

Q645 **Henry Tufnell:** I need to declare to the Committee that my father sits on the board of Natural England. I want to talk about protected sites. There are five main types of legal protection: sites of special scientific interest or SSSIs, special areas of conservation, special protected areas, wetlands of international importance, and national nature reserves.

Dr Juniper: It is good to have those five laid out so that we know what we are dealing with.

Henry Tufnell: There will be interactions between them; for example, all but two English national nature reserves are SSSIs. A single parcel of land could be covered by up to five of those designations.

Dr Juniper: Some are all five.

Q646 **Henry Tufnell:** On top of that, you have land designated as a protected site that could also be within a protected landscape, for instance a national park or national landscape. More than half of English SSSI land is within a protected landscape. That is quite a convoluted set of regulations, and obviously different legislation will have different purposes. Do you think that is a constraint or an issue for land managers?

The reason why I bring this up is that the target in 2003 was for 95% of SSSIs to be in a favourable or recovering condition by 2010; but by April 2023 only 38% of SSSIs in England were classified as being in a favourable condition. Can you comment on whether there is an issue in respect of outcomes and whether the regulations are burdensome?

Dr Juniper: We certainly can. There is indeed some constraint on land as a result of these designations and notifications, and that is the point. These are protected parcels of land, with a special interest which has been determined over a period of years by expert agencies, including ourselves. Therefore, anything that might damage that special interest must be limited. The core underpinning legislation is the notification of site of special scientific interest, which goes back to the 1981 Wildlife and Countryside Act as amended, including through various habitats regulations. Everything else—SPA, SAC, Ramsar—is built upon that, except for a few of the national nature reserves; a couple of those, and parts of the others are not SSSI but they are still national nature reserves.

Now we have information to suggest that the 8% of England that is protected as SSSI in more than 4,500 individual notifications is not in a



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great state. This has been the subject of quite a lot of debate and Government target setting, which as you pointed out goes back decades. The public service agreement target came from the 2003 Government, who said, "We are going to get all these places in a good state by 2010." That is proving very challenging indeed because of the multiplicity of pressures that bear down on these places.

We have tools that work inside the so-called red lines. If you think of a map and an area that is notified as a site of special scientific interest, it is very precise; it goes down a riverbank, down a hedge line or by the side of a road, and that tells us where the special interest has been notified. What we very often find is that the problems that are causing the decline of the wildlife inside the red line are coming from outside the catchment. It could be air pollution coming from distant livestock agriculture or from transport. Sometimes it is waterborne pollution coming from a sewage works, thereby leading to the policies we have seen latterly around nutrient neutrality; we now have the nature restoration fund whereby we can reduce the pressures on these places by taking action from outside.

The other tool we have which we are now building up as a new strategic intervention is the so-called Protected Site Strategy, which enables us to get our arms around factors going on in the landscape but which are outside the designated area. That includes air and water pollution. The ancient trees in Epping Forest, for instance, are affected by air pollution, mostly from transport. We are looking at how we might be able to manage that through working in partnership with local stakeholders. Hopefully over time the rise of electrification in vehicles might help to reduce the problem.

The factors bearing down from outside that need management are actually quite varied. For instance, I recently saw Kingley Vale National Nature Reserve in Sussex—one of the jewels in the crown in terms of this country's biodiversity—being hammered by very large herds of fallow deer in the landscape. Our ability to control them in the landscape is limited, due to public safety issues around shooting and everything else; the bigger issue is how we are going to control them in the wider landscape. That brings in all sorts of partnership needs with people doing deer stalking, farmers and everything else, and underlines the complexity of the issue in terms of how we get those sites into a good state through recognising the outside factors.

There are also factors inside that come up every now and again, and some get quite controversial, such as the stocking rates of sheep, cattle and ponies on Dartmoor. Our science has revealed that the SAC heathlands—which are internationally important—have declined considerably over a period of years despite having agri-environment payments to keep them in good condition. That led us to change what we thought was the right management regime for those places, which caused debate and controversy and is one source of the view among the farming community that Natural England is not operating in the interests



of food producers. Our duty in that case, however, was to ensure value for public investment against the targets that had been set for those protected areas; that is our job.

Q647 Henry Tufnell: Talking about conditions, Government guidance is that assessments should be carried out every six years.

Dr Juniper: We can monitor decline ever more closely, but we know broadly what is going on.

Henry Tufnell: But a Wild Justice investigation showed that 66% of SSSIs are only investigated every 10 years.

Dr Juniper: In terms of officers going out and gathering data, investigating 4,000 sites covering many hundreds of thousands of hectares is a very big job. That process has become quite onerous in a way that is not adding a lot of value for nature recovery.

Marian Spain: It is well known and well discussed in our sector that our SSSI monitoring programme—amongst other things—suffered when Natural England's budgets were cut considerably about eight to 10 years ago. Our budget for SSSIs has gone up a little since Tony and I have been in post, but not to how it was 10 or 20 years ago when we were able to have dedicated officers whose job it was to routinely monitor each site. We do not therefore do as much monitoring as we once did.

Having said that, in the last two to three years, as our budget has gone up again, we have changed our monitoring programme in order that we can now do more. From memory, we have gone from 16% of sites being monitored to 40%; I do not have the accurate figures at my fingertips. That change has come about, first, by using technology to do the monitoring; quite a lot can be done through remote sensing drones, AI and so on. Secondly, we are using our partners—farmers and wildlife trusts—to self-monitor. We are doing more monitoring than we were, but still not as much as we once did.

The issue that Tony was starting to move into is about the change in the EIP target. We no longer have a target just to monitor; we are now trying to do monitoring that will allow us to tackle all those issues that Tony was talking about. We are now targeting our monitoring programme on the places where we think there is a big risk that a site might be harmed, or where we think there is a genuine opportunity for improvement. I will not repeat everything Tony has just said, but the challenge we have with improvement is that there are multiple factors at play, and Natural England does not hold all the levers to change those factors. I can expand on that if you like.

Q648 Henry Tufnell: You mentioned the EIP; there was a commitment to delivering up to 12 protected sites, including five pilots, by March 2026. Can you provide an update on that?



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Marian Spain: They are in hand, and we can let you have a note of where they are and what stage they are at. Tony has already mentioned two: one is about deer management at Kingley Vale, the other is about air quality at Epping. There are several and we are happy to provide that information.

Q649 **Henry Tufnell:** With regard to those 12 sites, does that come back to what you were saying earlier, Tony—that you cannot control what is outside the site?

Dr Juniper: Yes. We have relatively weak levers.

Marian Spain: These new powers we have under the Environment Act give us a framework to start talking to partners that can make the difference that we cannot. We can start talking to local authorities about planning policies, to farming groups about changes, and to water companies about where they target their effort. It is about providing a partnership approach because of the multiple factors that can undermine an SSSI condition.

Q650 **Henry Tufnell:** I also want to talk about monitoring marine protected areas. The OEP—the Office of Environmental Protection—has recommended that sentinel sites are identified in the MAP network and used for monitoring. Do you agree with that recommendation, and if so, how would it work in practice?

Marian Spain: In a similar vein to my description of SSSIs, we are not as far advanced in marine protected area monitoring as we would like to be and this type of recommendation from OEP is exactly what we are looking for. Some monitoring regimes stem from legislation and notifications that are more than a quarter of a century old; there is a danger that we fall into monitoring what was there 25 or 50 years ago. We need a more dynamic and forward-looking regime, and the idea of sentinel sites absolutely fits with that. We are not just measuring whether an animal or a plant that was there 50 years ago is still there; we are trying to understand whether these SSSIs are functioning as ecosystems. It is a slightly more nuanced approach now.

Dr Juniper: With the impact of climate change, things are changing very quickly. At the moment we have the return of bluefin tuna, vast numbers of octopus being caught off the coast of Cornwall, and changing migration patterns for some other fish—such as mackerel—that are targeted by the industry. It creates an incredibly fast-moving situation. To a large extent, the same is true on land; the species mix that you might have had in the 1980s on a site of special scientific interest has changed. I recently saw an example on Exmoor where, in the 1980s, a site was notified as an SSSI for the high brown fritillary butterfly; it has not been seen since about three years after the notification. There could have been a natural fluctuation in the local population, or a disease hitting an isolated population, or it could be as a result of a change in the climate, but that site is now unfavourable because one of the key features is absent. There



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are quite a lot of factors to bear in mind as we look at these raw statistics; we need to make sense of the changing world we live in and build in flexibility and dynamism so that we can have a credible programme of nature recovery. It is not going to be a linear journey between the existence of interests and features that were notified long ago and recovering those against a target at some point in the near future; it does not really work like that. We are going to need to take much more flexible approaches that can anticipate the big changes we are seeing now.

Agriculture is seeing this already in terms of the extreme weather that you would expect to come with the climate models. Nature is responding similarly, and sometimes in quite dramatic ways, with species turning up here that we have not previously known. Great white egrets are now breeding throughout England; they were not here 20 years ago. Bluefin tuna has come back, and the spoonbill just arrived back in the east of England. These are big changes. That clunky old regime of choosing what is interesting and drawing a line on a map is still important, but we will need to go beyond that if we are going to succeed with what we need to do.

Q651 Henry Tufnell: I am conscious of time and I have more to cover, so I want to move on to the protected sites designation, and in particular the point that Charlie talked about: the relationship between Natural England and landowners in respect of designation. In 2023 Minette Batters described you as judge and jury when it comes to designating protected sites, and there have been other comments in respect of the scrutiny of Natural England. How do you respond to those statements in terms of the lack of scrutiny of that designation process?

Dr Juniper: We have been doing it for 80 years. I guess the difference between then and now is that the country is becoming ever more crowded, with ever more demands on land and sea. The clashes of interests that occur between these long-term nature goals and other interests in the landscape are becoming more pronounced. The Government may wish to look at the model that was invented in the 1950s and 1940s and decide whether it is up to date. We would argue that we operate in a fair and scientifically informed manner. If there is a better way of doing it, we are very happy to hear from Ministers what that could be, and to advise them on how it could be made more efficient and effective. There is a range of views, it is fair to say.

Henry Tufnell: You have the CLA, the NFU and the RSPB all questioning the clarity and detail of the evidence used for designations. The OEP published a review into the implementation of these laws and that was one of the outcomes.

Dr Juniper: Those organisations all come from very different perspectives. The RSPB thinks we should do more and go faster, while the other interests you mentioned object to there being official notifications that affect land use choices. You can cite these different



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organisations, but it is important to note that they are coming from different places.

Henry Tufnell: I guess the point is that while the RSPB has a different perspective than the CLA, they are both saying the same thing.

Dr Juniper: Is it the same thing? They are saying something different, I think.

Henry Tufnell: They will have their own particular axe to grind or perspective to convey, but underpinning that is the fact that they do not feel there is sufficient clarity in respect of your evidence. We have talked about outcomes, but this relates to the detail that underpins those outcomes.

Dr Juniper: In terms of the legal framework, our processes are laid out in law. The scientific criteria we use are laid out by the Joint Nature Conservation Committee, which publishes guidance for all four countries of the United Kingdom.

Marian Spain: We alluded to this earlier, so let me make it clear. An SSSI is the one time in which Natural England effectively takes decisions over land use; it is a very strong power and we are very aware of that. Whether a landowner is private, public or third sector, designating an SSSI imposes constraints on what they can do. We are creating a framework of rules that the landowner must work to, which will inevitably be controversial. Lifting this back up, as Tony has said, the five types of protection of certain places for nature—plus their marine versions—are still firmly embedded in the Government's environmental strategy. The laws still stand, they have been reinforced through the EIP targets, and they are reinforced in the Government's international commitment to protect and manage 30% of our land for nature. That 30% does not consist solely of SSSIs, but the SSSIs are part of the total.

While I hear what you are saying, the nation has decided that some parts of our land and sea—not just countryside—are important enough to require extra protection, and we have been given the powers and responsibilities to carry that out. That will not always be comfortable for other people, and we may not always communicate well, but the basic processes we work to are heavily constrained by law and guidance and we have never been found to have breached those laws and guidance. What we have learned, including and particularly from Penwith, is that we should be able to explain clearly enough to a farmer what this will mean for them, rather than just what it means for nature. For me, that is the main takeaway from Penwith. We did not spend enough time explaining what it meant to a farm; we only did our job of talking about what it meant for nature.

Q652 **Henry Tufnell:** Can we build on that in terms of the management of those SSSIs? You have a list of operations requiring Natural England's consent. You can give consent, give consent with conditions, or refuse



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consent. If you grant consent and then withdraw it, there is a compensatory payment; but if you time-limit the consent, you do not need to make those payments. Farmers have told our Committee that this time-limited consent is challenging.

Marian Spain: I understand that, but we are talking specifically about Penwith here; we are using that as an example.

Henry Tufnell: No, I am talking more broadly.

Marian Spain: There is a strong ecological concept called adaptive management. For all the reasons we have described, the climate is changing and nature is changing, so we are not always going to know how nature will respond. If we give a time-limited consent, it is because we are waiting to see what might happen in five or ten years' time. We are saying, "Let us work together, let us understand what this management regime is creating; if it is not the right regime we will need to change it." You are right that we do not have to pay compensation on time-limited consents, but actually there are not that many. Consent is the norm, unless there is a reason that we want to be able to pause or watch and wait a bit.

Q653 **Henry Tufnell:** In terms of the impact on the farmer or landowner, designation is based purely on scientific evidence and you are prevented from considering economic or social impacts. In terms of the funding available for those land managers, that would come from the Countryside Stewardship Higher Tier fund; there is no additional funding apart from that. Do you think that is enough support for businesses?

Dr Juniper: No, we don't and we have made that point repeatedly to Ministers.

Marian Spain: We have made it clear to DEFRA. Higher Tier is the main way in which most farmers receive their funding, but it does not always work for all farmers because it forces them to make a choice on a scheme they might otherwise not have chosen. It does not always work for nature either because the rules are not as flexible as we would like them to be. Going back to your earlier point, the legislation is very clear. It is a little like the conversation we had about EDPs; a scientific test tells us whether a piece of land meets the criteria. We do not take socio-economic impacts into account at the point of designation, but all the subsequent decisions will. The designation is simply writing the red line on the map. In all the decisions we then make around consenting and our statutory advice on planning we take account of socio-economic issues.

Going back to the judge and jury comment, there is an appeals process for consents. We are the judge and jury for the designation but not for all the consequential decisions that flow from it.

Q654 **Henry Tufnell:** If we stick to funding—I realise time is short—do you think that legacy Higher Level Stewardship, Countryside Stewardship Higher Tier and Landscape Recovery are sufficient to meet the EIP



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targets?

Dr Juniper: Probably not; Countryside Stewardship is a key tool for protected sites but in terms of what we are going to get out of it, it needs to be bigger. Our analysis tells us that we need more farmers to be involved and that will require more resources.

Marian Spain: Landscape Recovery is more likely to support the recovery of protected sites because it is a more flexible scheme; we can negotiate the details and change them over time. One of the schemes on Dartmoor is being made exactly on that premise: we will make some changes, then we will pause and agree again if we need to change it. With Higher Tier we sign up for 10 years to a more constrained set of rules with little ability to change as we go.

Chair: We are running late, although we did start late. Before we finish, I would like to take 10 minutes on some questions concerning peat and moorland management. Since we are reminding people to declare their interests, I should say that my own family farm sits in an SSSI, SAC and SPA and a lot of that is peat and moorland management. It is far from your jurisdiction, so it is not strictly speaking declarable, but in my view it does have a material bearing on the questions Terry is going to ask.

Q655 **Terry Jermy:** I want to touch on peatlands in particular because they are in difficult circumstances. I was struck by Henry's point; Tony, you described the management of SSSIs as challenging, and said that we have not seen any major improvement in the condition of SSSIs for years. We have not just missed the 95% target; we are significantly off that target. It is not just challenging; it is frankly dreadful.

Dr Juniper: A very significant set of pressures—not all of which we are in a position to manage—are bearing down on these sites.

Terry Jermy: Yes, I get that and have huge sympathy with your position, but that would have been the case when the target was set. We have always known that there would have been factors on some sites that were out of Natural England's control and outside of Government control. As someone who is passionate about the environment, I could summarise this as, "Not me, Guv." In the case of peatlands, climate change is one of the biggest risks, which is certainly out of your control. I am not going to hold you to account for that, but I am very frustrated about those figures.

Marian Spain: So are we, and I would hate you to think we are saying, "It is out of our control and we are going to stop trying." What we have talked about just now is about having a different approach to protected site strategies and being able to work with Government to evolve the ELMS scheme; there are things we can do.

Dr Juniper: It is about joined-up policy.



Marian Spain: The water reforms and the new water regulator will hopefully bring in more tools to help tackle the water pollution that affects many of our SSSIs. We are not giving up, but this is a long-term game; as Tony says, it requires us to maybe have a slightly different definition of what success feels like. It is not just about having the site remain as it was 50 years ago; it is about having the site provide the ecosystem service and the public benefit we need today. So, we may be slightly shifting the baseline and that may help us to achieve that goal as well.

Terry Jermy: A lot of the peatlands will be in the unfavourable category.

Dr Juniper: They are.

Q656 **Terry Jermy:** In particular, there has been a lot of controversy about peat burning and a concern that your restrictions on peat burning will lead to an increase in wildfires. Is that a concern that you recognise?

Dr Juniper: We have heard that quite a lot from stakeholders, and there have been some dramatic fire incidents over the last couple of years which underline the extent to which we now face more hazard as a result of climate change. One important question to ask, however, is to what extent the fire risk is exacerbated through the management that is going on now, and whether different management might help to reduce that fire risk in the future. To put it bluntly, making the peat wetter is one of the ways in which you can make it more resilient to a whole range of factors, obviously including fire. Engaging in a conversation with people who are managing peatlands for a whole range of different purposes about how we might get those places to hold more water is a key part of what we are seeking to do.

It is important to look at the factors that have caused peatland change and degradation over the last decades, such as drainage activities from the middle of the last century and going back to Victorian times, some funded with public money. Uplands have been made more suitable for grazing through that drainage, but additional pressure is coming from grazing. Management for sporting purposes has involved rotational burning. These factors coming together alongside climate change have created this degraded ecosystem, which is now raising questions about the reasons for the notification of sites of special scientific interest and SAC, raising questions about how we might change management practices.

We have advised Government on this. The Government chose to implement new regulations restricting burning—those were amended last year—but that is just one tool among a range of others that are being deployed across the landscape. The peatland capital grant scheme, which we lead on behalf of DEFRA, has led to 30,000 hectares of peatland getting into restoration management, including holding more water. Some areas are also benefiting from the new Landscape Recovery programmes; one on Dartmoor—where there is a particular challenge



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with the ecosystem and the interface between agriculture and peatlands—has already been mentioned a couple of times.

Peatlands do emerge as a huge priority in England because we have a significant proportion of blanket bog, which is a globally rare habitat. It is not only important for biodiversity but for water quality, flood risk reduction, and as a carbon store. So there is every good reason to prioritise our efforts to get these places into good management and we are working on that, but like everything else we have talked about today, it is far from straightforward.

Q657 Terry Jermy: I am pleased to hear that it is a priority. Given the number of different changes you have described, I assume you will be monitoring their impact. Will you commit to publishing that assessment? This has been controversial but we want to make sure—

Marian Spain: Before I say yes, the condition of the SSSIs—the restoration programmes, as Tony has described—is already in the public domain; were you thinking of something in particular?

Q658 Terry Jermy: I am thinking specifically around the changes to burning licences; are those working? That is what we really want to know.

Marian Spain: DEFRA will evaluate the impact, as it does with all its policies. We will talk to our colleagues in DEFRA to absolutely confirm when that is going to happen. With regard to the point about peat and wildfire and the conversations I have had with upland land managers, and academics working in this field, if you look at the statistics, the big change is that the incidence of fires is correlated to climate change. It is not a simple factor of saying, “It’s because we have changed the way we burn.” The University of Exeter has done a lot of good work on this.

We are very aware that the measures we have just described to restore that peat—this will be a 10 or 20-year issue, and there will be a risk of incidence of wildfire as we go through the transition. We need to look at other ways to prevent wildfires. One of my colleagues would say there is no such thing as a wildfire in England; all those fires are started by three things—man, woman or child. That is a sort of mantra. How do we bring in better wildfire prevention or fire prevention? How do we also make sure we have resources so that we can tackle the wildfires that are inevitably going to happen? We have had two on our nature reserves, so we do not underestimate the impact on nature, and on the people involved in tackling them.

Q659 Terry Jermy: I completely understand that a lot of variables are involved. That said, in some cases it might be necessary to support burning. Do you support land managers to apply for permits when burning is necessary?

Marian Spain: DEFRA is the licence decision maker. One of the reasons it can grant a licence is if there is burning to create, for example, wildfire breaks as part of a wildfire management scheme. So it is not about



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burning in isolation, but if burning is part of a feasible wildfire prevention scheme then yes, licences are granted for that.

Q660 Terry Jermy: We have heard that Natural England is keen to reduce grazing animals in some upland areas, and you touched upon that in one of your earlier answers. This goes back to Charlie's point around farming and that balance with food security. Does Natural England favour de-stocking, and if so, what evidence is it using to justify its position?

Dr Juniper: If we are thinking of Dartmoor and Cumbria, it is probably fairer to say that it is often about changing grazing practices rather than ending them. Very often it is about the time of year, and the combination of cattle versus sheep and in some cases ponies, never mind the wild deer that are sometimes in the mix; it is important to understand the effects of all that in relation to the special interest of the protected sites. Many of those sites are not in a favourable condition due to grazing practices, so we deem it necessary to alter those practices in order to restore the special interest. That is the context for our ongoing conversations.

The one affecting the Dartmoor commons has become a national discussion. It is about a complex interplay of grazing pressures, which are causing the interest to decline, and the effects of climate change in terms of drought and rainfall volatility. There is also the effect of long-distance air pollution: nitrogen falling out of the atmosphere helps to favour different kinds of vegetation compared to that which is deemed to be of special interest. All this creates a cascade of consequences, which is seen in the decline of once widespread and common upland birds such as the whinchat and ring ouzel, and it is then deemed to be a serious ecological problem that requires a remedy. We are then brought into a discussion about how best to enable the farming communities to go from A to B in a way that makes sense for their farm businesses and secure value for money for the taxpayer who is paying for the environmental payments to achieve outcomes that are not at present being achieved.

What we would ideally like to see is thriving farm businesses, food production, and nature recovery; we are working very hard on that with the Dartmoor Land Use Management Group. The group was set up in the wake of the Fursdon review commissioned by DEFRA to investigate the Dartmoor situation in 2023; it is a forum bringing together the different interests on Dartmoor, and we are working closely with it. The Duchy of Cornwall is also leading a new landscape recovery project which will cover a large area of these affected lands, so there is a lot going on there, but it is complicated; and it is complicated, like all the things we are discussing today, at three levels. First, it is ecologically complicated: what is the dynamic that will lead to the recovery of those birds? Secondly, it is economically complicated: what mix of activities can these farmers use to achieve a living? Thirdly, it is legally complicated: how do we discharge all these different tools and get value for the taxpayer?



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We are trying to put all three complicated subjects into one even more complicated big subject to arrive at what we hope will be a solution for the farming communities of Dartmoor, while at the same time bringing back its unique wildlife. That is a work in progress, and we are working very hard on it right now.

Marian Spain: Building on that, it is not just about Dartmoor but uplands as well. We talked earlier about opportunities for farmers to benefit from other types of finance; uplands are probably where farmers have the biggest benefit because there are so many other public goods for which private companies are willing to pay. We talked about peat and carbon; we will see it in lowland peat but we will also see it in places such as the Fens, and we will see it probably first in the uplands. For about a decade now and continuing, we have seen water companies increasingly paying farmers for the service of either cleaning up water or storing water. If we can get this right and come to an understanding about how we can best manage our uplands, the business opportunities for farmers are pretty close to the surface. That is why I am pleased to have Landscape Recovery in many of these big schemes, because that is a way to help farmers come together and share the burden and risk of trying to navigate the financial complexities.

Q661 **Terry Jermy:** Finally, the Dartmoor issue has been specifically difficult. Thinking about it from a public relations point of view, do you have a plan to mend bridges in that area?

Marian Spain: We hope we already have; that is the feedback we are getting. One of the ways we have mended bridges is simply by having more staff on the ground. I am not going to go back to conversations about resources, but our staffing in Dartmoor shrank from 10 to one in that period during the 2010s when our budget was cut very severely.

Dr Juniper: We had a 90% reduction in staff, which has consequences.

Q662 **Chair:** I understand that heather burning—moorland burning—can be part of good moorland management, not just for the purpose of creating a fire break; or is that the only reason for which you would consent?

Marian Spain: The Government rules set out reasons for which consent will be given. Sometimes that will be if cutting is impossible and there is no alternative. I would struggle to—

Chair: What we heard from Imperial College when we visited was that re-wetting is important but burning still plays an important role; it creates the mosaic of habitats that you do not get if you just leave your heather to grow. If you leave your heather to grow so that it is waist deep, surely you are leaving a mass of vegetation above the ground which then generates heat that goes down into the peat when it burns in a wildfire.

Marian Spain: First, there are other ways of managing heather beyond burning, such as cutting and grazing. Secondly, if the moor is wetted, the



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heather will not reach that standard; the ecosystem will start to change. At the moment, we are moving to a monoculture of heather.

Chair: We cannot deal with a whole hill, though.

Marian Spain: You can, and we have.

Q663 **Chair:** What we are touching on here is that there is a range of views within the science, and some academics working in this area feel that they do not get a fair crack of the whip from Natural England and other Government agencies. I met recently with two scientists from the University of York. As it happened, one of them emailed me yesterday and I am just going to read his email so that you can hear his view. "I finished my assessments of three key Natural England reports, heather cutting"—he gives the reference numbers—"heather burning and definition of favourable conservation status for blanket bog, and have some serious concerns about their methodology and quality. However, I have not been successful in finding the right route to raise my concerns so they can be considered by policymakers and/or independently assessed." So, he is opening his work for independent assessment. "My conclusions are that policy is being misinformed on crucial aspects of peatland management and resilience to wildfire and climate change impacts." Does that not worry you?

Marian Spain: I am not aware of that letter.

Chair: I know you are not, because it was sent to me by email yesterday.

Marian Spain: That individual has not tried to contact me or Tony at the top of Natural England.

Dr Juniper: I have not seen it either.

Marian Spain: But we hear versions of the argument, so I would give you two comments. First, we carry out regular reviews of all the evidence, and we published the most recent—

Chair: You are clearly familiar with the academics at York University.

Marian Spain: I know the York University team.

Q664 **Chair:** Is there an element of groupthink here?

Marian Spain: I wanted to go to your earlier point about needing to create a mosaic of habitats. Some of the science will show you that to create a mosaic of habitat you need a mosaic of different management, which might involve burning. However, our view is that there are other ways of creating that mosaic that do not have the negative impacts that burning has. Burning is principally used—

Q665 **Chair:** How much of your thinking here is informed by the views of some of the NGOs in relation to driven grouse moors?



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Marian Spain: Absolutely none at all.

Chair: That has no influence on you at all.

Marian Spain: No. Our science is based on the best available evidence. The point I was just going to finish is that burning practices in uplands are relatively recent and they are principally used for game management, not all the other benefits. They have a place as part of game management, but they also have disbenefits that are well documented through the weight of scientific opinion, some of which we have talked about today: diminishing the carbon storage on moors, diminishing their water storage, and affecting water policy. You are absolutely right that there are many ways of creating that mosaic of habitat, but to repeat the phrase Tony has used, the complexity we are trying to work out is what is the best way that does not have negative impacts as well as positive ones.

Chair: We could carry on with this, but I feel I would test the patience of my colleagues if we did.

Marian Spain: Your colleagues of course had a long session on this with one of our colleagues last week, so there is other stuff on the record from the Environmental Audit Committee.

Chair: Yes. We saw that too. For the moment, we are very grateful to you for your attendance and your engagement. We will no doubt opine on this at some future stage, and I hope that we will be able to continue this engagement in what is a very important area of work in relation to the Department, but we are done for today.