



Land Use in England Committee

Corrected oral evidence: Land use in England

Monday 14 March 2022

3.35 pm

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Members present: Lord Cameron of Dillington (The Chair); Baroness Bakewell of Hardington Mandeville; Lord Borwick; Lord Curry of Kirkharle; Lord Goddard of Stockport; Lord Grantchester; Lord Harlech; Lord Layard; Lord Leicester; Baroness Mallalieu; Baroness Redfern; Baroness Young of Old Scone.

Evidence Session No. 4

Heard in Public

Questions 39 - 46

Witnesses

I: Kevin Austin, Deputy Director, Agriculture, Fisheries and the Natural Environment, Environment Agency; Alan Law, Deputy Chief Executive, Natural England.

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Examination of witnesses

Kevin Austin and Alan Law.

Q39 **The Chair:** Thank you, Kevin Austin, deputy director of agriculture, fisheries and the natural environment at the Environment Agency, and Alan Law, deputy chief executive of Natural England. Welcome to you both. Thank you very much for coming to our fourth session of the Select Committee on land use in England.

You have in front of you a list of the interests that have been declared by members of the committee. The meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the committee website. You will have an opportunity to make corrections to that transcript where necessary. Again, thank you very much for attending.

I will ask the first question. How do you deliver your remit in the context of land use pressures and demands? How do you maximise your capacity to fulfil your objectives in that respect, and how might changes in patterns of land use affect your remit and future priorities?

Kevin Austin: Thank you, Chair. Obviously, it is essential that we demonstrate good value for money in the use of our resources. First and foremost, from the perspective of this particular session, it is about delivering multiple benefits, and seeking to achieve multiple benefits in everything we do.

At the forefront of that is strategic planning. We undertake serious strategic planning on all our core remits around flood and water, for example. A river basin management plan would be a good case in point, where we look at all the problems that are causing pollution in a catchment and then look at the different mechanisms that could be used to resolve those problems.

We are very reliant on land use and spatial information, and modelling is very important to us. We collect our own data, and we are reliant on the data of other organisations too, to ensure that we target our efforts and our resources where we believe we can have maximum impact. A good case in point, to bring it alive to you, would be the Keeping Rivers Cool scheme, which we designed and shaped but then handed over to the Woodland Trust. I had to mention that one for Barbara's benefit.

It is a classic example where we designed a scheme whose initial priority was adding more shading beside trees to enable a degree of adaptation for species such as trout that need cool water. It is a climate adaptation measure, but by tree planting you are also delivering carbon sequestration. By using spatial models, we target it where we can increase infiltration and thus reduce flood risk, and we can aim it at where we have water quality issues and we think that putting trees in the ground will help address those issues. That brings it alive to you.

I can come on to land use change, but you might want to ask Alan the first question.

The Chair: Yes. Alan, would you like to give your thoughts on that question?

Alan Law: Surely, thank you. I will start, if I may, with a little context around our funding position. We are 95% reliant on grant in aid. We receive a mixture of funds from our sponsor, Defra, for core statutory duties and for delegated delivery functions such as species licensing and advice to farmers on agri-environment schemes. Under the recent spending review settlement, we saw significant growth in funding for new duties in the Environment Act: local nature recovery strategies, biodiversity net gain, protected site strategies, et cetera. The balance of our funding over the last three years has grown. It has roughly doubled over the last three years, which is extremely welcome, but with the particular focus on those new duties, there are therefore still some challenges for some of our core statutory functions.

Outside the niceties of our budget, we have seen growing pressure and a growing agenda as regards the climate emergency, with pressures on nature, on species and habitats, and increasing pressure as a result of growth. The scale and nature of pressures on the environment are quite different from where past practices might have taken us. Where we might once have focused quite narrowly on small sites or individual species, a long-term strategy to conserve those sites and species requires us to look at the wider landscape, wider catchments and wider sources of pressure on the natural environment.

We are in the process of trying to make a switch from a strategy that has been almost exclusively focused on protection of the rare and the special, to a strategy that now includes a much greater focus on large-scale recovery, on trying to address strategic solutions, which necessarily therefore requires us to manage down some of our reactive work to focus on the things that are of highest value and highest risk. I can talk more about strategic solutions in a moment.

An example similar to the one that Kevin described would be our work in some of the catchments where diffuse pollution sources are affecting important protected sites. You cannot address those through simply regulating within the sites. You need to work with a combination of farmers upstream, local authorities on their regulation of development, and water companies on their treatment of water. There is a greater focus on strategic solutions.

Essential to achieving that is the way we operate on the ground, much like the Environment Agency, with the integration of the different arms of our delivery work together in a place, so that we can join up disparate policies that come down from the national end of things, invest strongly in local partnerships, and establish an effective platform for a range of funding streams to join up those that come through from the public sector.

We have existing pressures on the environment, and those pressures are only likely to grow. We are seeing emerging considerations, understandably, as a result of all the things that are happening in Ukraine. They serve to emphasise the need to continue to work more at scale and to address strategic solutions, rather than to try to deal with pressures on the environment in a piecemeal micro way.

Kevin Austin: I agree with a lot of what Alan said. Obviously, we have always been impacted by land use change. Although it does not change our core remit of water, flood, et cetera, it changes how we go about delivering our policies and our operations. We, too, see those macro pressures from land use change. Since we have left the EU, there is a driver from the changing farming policy. We also have the climate agenda. Alan mentioned potential increases in the risk to food security with the Ukraine situation. All these things are building. We have seen pieces in the government policy picture at the moment where we should be prioritising our effort. We probably have not seen the totality or, indeed, a consideration of the trade-offs that we might need to make between the different priorities.

Q40 **Lord Harlech:** This is the first time I have spoken in these Select Committee meetings, so I draw your attention to my interests as a landowner in both England and Wales and as a member of the CLA, the Countryside Alliance and the Game & Wildlife Conservation Trust.

I have a question for you both. How do you ensure that the right thing is being done in the right place at the right scale to deliver significant environmental benefits and ensure effective conservation and support for nature? Alternatively, what changes would you like to see to achieve and promote that agenda?

Kevin Austin: I mentioned earlier that we are very reliant on land use spatial information to make sure that we do things in the right place, and the Keeping Rivers Cool scheme is a very good example. It is about modelling and understanding from the data where we should be, where the biggest risks are, and where the biggest opportunities for action are. Reliance on data is key for us.

Derived from the data are decision-support systems that would enable you to consider the sort of trade-offs that I referred to; how you can maximise bang for buck in carbon sequestration, water quality, et cetera. There is a lot more scope for more developed decision-support systems. At the moment, we have some fairly tailored ones for water quality, but they need to be more all-encompassing and more comprehensive evidence datasets.

As well as planning in the first place, there is a degree of uncertainty about some of the outcomes. We do not know all the answers and we cannot be absolutely certain with some of our land use interventions of the benefits that will accrue. Ongoing evaluation, and the feedback loop from that, is critical to understanding that so that you are learning as you go along.

Alan Law: To be honest, at the moment we can only ensure that some of the right things are done in some of the right places. As Kevin says, we have a welcome legacy in this country of very high-quality environmental data, underpinned by skilled naturalists in the voluntary and commercial sectors. The data we rely on to target our effort focuses very much on resources that are known, understood and valued. We do not have such good evidence on the health of systems and the areas where it is most important to intervene to improve wider system health.

Currently, we operate in a regime where we have relatively narrow policy silos, and environmental objectives set in those policy silos, with targets set against them, which can drive quite fragmented operational delivery on the ground. We need a wider land use framework that sets out broader objectives based on environmental health that can serve to integrate the work done by different environmental bodies and join up some of the policy areas that are currently at odds with one another in some circumstances. We also, of course, need the tools to enable us to identify land that has important strategic value in addressing ecosystem health and function, and to direct resources towards that, such that land is effectively conserved and managed for recovery rather than simply protecting existing assets.

The Chair: Alan, you mentioned working with water companies and farmers and so on. What levers do you have to ensure that what you require actually happens? You were talking about catchments, for instance.

Alan Law: Our statutory levers relate primarily to protected sites and protected species. They are, if you like, part of the picture that we seek to address. We can make connections between those statutory levers and the wider landscape, but we find ourselves, in such circumstances, using the statutory levers possibly in ways for which they were not conceived and designed.

We work, for example, on diffuse pollution in the whole Solent catchment to address the effects on the European protected site at the end of the catchment. That is an effective mechanism for engaging stakeholders and partners, but it is perhaps a narrow lens through which to view a wider environmental issue. We hope, as the concept and tool of the local nature recovery strategies is rolled out, that those strategic plans identify strategic environmental pressures, explore their resolution and engage public and private bodies in their resolution.

Baroness Young of Old Scone: Both of you have talked a bit about what I would call multi-functionality—joining up the silos and getting multiple benefits on an integrated basis across a broader scale of landscape. Does either of you want to comment on the advisability of the two versions of thinking about land at the moment that seem to be going in the opposite direction? There is the whole land-sparing versus land-sharing initiative, where some land will be used intensively for agriculture and other land will be released for other things, and the whole zoning issue that came out of the original planning White Paper, which we gather

is now being reconsidered.

Kevin Austin: I feel that the basis of the sparing/sharing argument is simplistic, if I am honest. It depends what spatial scale you are looking at, but I think there is opportunity for a much more refined system that will actually enable you—if you are a farmer, for example, currently engaging in semi-intensive farm practices—to be able to deliver to the wider carbon nature agenda and still have a fairly intensive farming system on the same land.

To my mind, we have to be careful that we continue to engage with land managers throughout the whole process and not be seen to dictate a fairly top-down system of, “This is how it’s going to be”. These are the people who will actually enable us to achieve the environmental targets that we desperately need to meet. It is important that we engage on how they want to see their land managed or how they want to manage your land. Obviously, there will be a conversation about what government and the private sector and others are willing to pay them for, but some of those conversations have been a bit too black and white for my liking.

Alan Law: I agree with Kevin, but I would put it in slightly different words. It cannot be binary. It has to be a combination of both. In a small, densely populated country, with high levels of different land use activity, I do not think it is credible that we might find 30% of land entirely spared and allocated solely for other activities. I think 30% of land that is primarily managed for nature is necessary and achievable. We would not wish to see, in such a situation, nature removed from the areas that are not subject to land spare.

More helpful is the concept that was around a number of years ago of critical and natural capital and constant natural assets. There are elements of the natural environments that, because of their position and their functionality in ecosystems, it is essential to manage for their nature value in the location they are in. You cannot move some of the river catchments. You cannot move some of the positions of our blanket bogs, or our estuaries, but there are other elements of natural capital that need a proportion of the land available to them. It does not have to be the same proportion year on year. It can move over time. I think that combination of the two works.

Q41 **Lord Curry of Kirkharle:** I would like to continue on the issue of silos. It is my experience that very often at national, regional or local level public bodies tend to operate in silos. I am sure that is not true of the Environment Agency and Natural England, and I am interested in how you both work together. Does the sharing of knowledge and information, and exploring the strategic priorities, happen at board level—at national level? Does it happen at regional level and on the ground? I am well aware that, in the past, catchments were a good example of two bodies working together. I remember in the early days a sort of divvying out of catchments between the two organisations. I am keen to hear more about how policy is designed together so that, strategically, you are aligned.

Kevin Austin: From my perspective, in the areas I cover for the Environment Agency, there is an awful lot of overlap in the land use space between NE and ourselves. Obviously, we have different duties and we come at issues from slightly different perspectives sometimes, but we work incredibly closely together at all levels of our respective organisations, whether that is area teams talking about the opportunities for land use change or water industry investment at a local scale, through to those above my pay grade having conversations with their equivalents about strategic direction for our respective organisations.

I could give a number of examples. In my own area, where, as I say, we have worked very closely the water industry, investment funding is £2 billion a year, and we work together to come up with a joint programme for water company investment. That is fairly strategic. We are partners on the landscape recovery scheme, the new ELM scheme which the Secretary of State announced in January. Natural England will be leading on the nature component of the first pilot and we will be leading on the river restoration scheme, but we have a joint working group and we are, in practice, working on proposals together for both schemes.

I feel that we have an excellent working relationship. I guess the true test of that from my perspective is that I cannot think of a single example in the last few years across the area I cover where we have had to go to government to be the arbiter, if you like, of decisions. It feels to me that the relationship is excellent.

Alan Law: I echo that. I think we have a history of working more closely with the EA than any other public body. Our chair and chief execs are in close regular contact with each other nationally. My teams and my opposites in the EA compare notes on policy input. We compare and collaborate on all national policy developments. We have joint operational plans for our area delivery teams, as indeed we do with the Forestry Commission. We have things nationally such as a shared board and industry group that works with developers, energy companies, housebuilders, water regulators and local authorities to look ahead at issues affecting them, to try to make sure that our services are joined up and streamlined for them. I think we have a pretty good record on this front.

Q42 **Baroness Bakewell of Hardington Mandeville:** What is your assessment of how effectively the LNRs will support the nature recovery network?

Alan Law: The most important thing that we saw coming through from the 25-year environment plan was the concept of the nature recovery network as a means of looking at wider environmental health. Local nature recovery strategies will be the vehicle by which we piece together the jigsaw to create the nature recovery network. I see LNRs very much in that guise. They will need to tread a fine line between having top-down national standards—not national prescription, but national standards—and local bottom-up design and engagement to get real ownership of the opportunities that exist on the ground. Neither can operate without the

other. Top-down prescription will not secure the ownership on the ground. Bottom-up alone will not deliver anything that is coherent and can work across administrative boundaries.

We see local nature recovery strategies having real value in addressing the connectiveness agenda. In our evidence today we are focused very much on the ecology and on environmental system health. Importantly, alongside that, we want public connectiveness with nature and public benefits from a healthy environment to be central to the way we develop the nature recovery network and local nature recovery strategies.

LNRs will be important as a means of identifying priorities in a place and focusing public money on those areas, providing, we hope, sufficient certainty that land will be identified and protected through the planning system such that there is certainty around the investment of private funds alongside public, because public funding will not be sufficient in its own right. You may want to discuss biodiversity net gain in this context, but I will pause in case that is where you want to go next.

Kevin Austin: My thoughts are very similar to Alan's. I was also going to make the link. He talked about connectiveness and I was going to say that there is a linkage between LNRs and the levelling-up agenda and access to green space. I think it is essentially the same point. To my mind it is the combination of the LNRs acting in concert with biodiversity net gain that provides massive potential for delivering nature recovery networks.

I think Alan alluded to this. We would like to see more of what government policy means in how it translates national targets down to local targets. If there is no translation to local groups to understand where their role is to contribute, I think this will go wrong, and there will be a disconnect.

The other key role for LNRs, which perhaps Alan did not pick up on, is the interplay with the big government incentive schemes. I mentioned the water industry investment and the ELM schemes, and, as Alan rightly said, we cannot achieve it all with government funding. It will be the link-up, and how it facilitates the link-up with private sector funding too. There is lots of potential, but some questions still to answer.

Baroness Bakewell of Hardington Mandeville: You have both mentioned biodiversity, and we have heard from developers that they prefer to fulfil biodiversity gain requirements through on-site gains. Can enough off-site biodiversity credits be generated to deliver the necessary funds to restore habitats for delivery of the Lawton objectives of bigger, better and more joined up?

Kevin Austin: Again, it probably makes sense to go to Alan first on this one.

Alan Law: I will give a succinct answer. The answer is no. It needs to be remembered, and it is often overlooked, that the primary purpose of

biodiversity net gain is to put a stop to further losses of habitat as a result of development, housing and infrastructure. We tend to focus on the 10%, when the main value of biodiversity net gain is the 100%; the prevention of further erosion of the natural environment.

As to the scale of that 10%, I was out with a landowner who was looking at developing their land into a scheme that would be funded by biodiversity net gain, coming out of arable protection and into habitat restoration. It was about 800 hectares and they had calculated that they would use pretty much the entire county's supply of biodiversity net gain credits for a 20-plus year period.

We need to be absolutely clear that biodiversity net gain has an important role to play. It is primarily about stopping further declines. It will have a role to contribute to the nature recovery network by providing new habitat, but it is critical that we have other funding mechanisms alongside that, both public and private, if we are to achieve the Lawton ambitions.

Kevin Austin: We have some concerns about this. Some market research has already been done that shows that there will be a scarcity, certainly in the short term, in some key habitats, so urban areas might generate a scarcity of opportunity for biodiversity units, and similarly in coastal areas. We see with the developers we work with a reluctance to engage in riparian linear features, so there is real concern that our aspirations for rivers and water quality might be neglected. We have some concerns, and we feel that more research is needed to understand what the blockers are for some of the more problematic biodiversity net gain options.

Alan alluded to this; we feel that there will definitely need to be enough checks and balances in the process. We can foresee a situation, for example, where one really major infrastructure project locally could be really market distorting in its impacts on the market for units locally. We would want to understand how that would operate. There is definitely a case for a clear review over a three to five-year window of how this is developing. There are some safeguards which the Government have included in the proposals, but from an EA perspective there could be more, and we would be happy to offer some additional thoughts to this committee in writing if that would be helpful.

The Chair: Please do that.

- Q43 **Lord Goddard of Stockport:** Going on from there, what lessons have been learned from the examples of London, Manchester, Birmingham and Essex in creating green infrastructure strategies to ensure that local plans deliver green infrastructure and its associated benefits without trading off the other objectives? To finish off on biodiversity issues, should biodiversity net gain be complemented by a requirement, say, for an environmental net gain so that developers have to enhance ecosystems benefits? Would that work?

Kevin Austin: I feel that there are two big questions there, so perhaps I could separate the green infrastructure one from the environmental net gain one. Perhaps Alan and I could take turns on those.

In the green infrastructure one, you are moving a bit beyond my personal expertise. I will lay that out up front. From an EA perspective, we definitely think that green infrastructure is vital natural capital in its own right. We think it is a really good starting point to identify where multiple objectives can be delivered when you are entering the planning system. There is huge potential. Personally, I am only aware of the Birmingham green infrastructure plan, which was done as an evidence base for the council's development plan. I know that it is adopted in the supplementary planning documents, so it should be a material consideration for when it makes planning decisions. I have no idea at the moment about how that has materialised in practical applications.

It may be helpful, because obviously our area teams face cities that have already embraced the green infrastructure proposals, and will have direct experience, and may have some additional evidence to offer. If you would like, I am more than happy to get some additional information and provide that to you.

Alan Law: Briefly, we have learned that there is huge interest in the potential of green infrastructure. We have been launching the new GI framework incrementally and getting in the order of 1,000 people turning up for some of the sessions that we run. There is very strong engagement with the pilots that have been run around the country. We are working predominantly with the willing, and we are doing so without much in the way of an obligation for delivery to follow beyond that. There is a duty to do work on developing strategies, and for bodies to have regard, but the powers to drive it, the duties to deliver it, are not particularly strong.

There are good examples of success. Kevin referred to Birmingham and, similarly, in Essex the council has developed green infrastructure standards and a strong partnership base, and is putting in place policies across the piece that will have a material effect on future delivery. We see strong connections that can be made with the levelling-up agenda as a means of trying to ensure that we drive greater equality in access to nature and all the health and well-being benefits that go with that.

Briefly, on the environmental net gain question, I think the answer is yes, we would welcome a move in that direction. First, we would wish to see the biodiversity net gain market established. It is due to come in in November 2023, and perhaps two or three years after that might be the time to think about planning to have a wider environmental metric coming through. It would be quite complicated, and potentially confusing, to launch something sooner than that.

Kevin Austin: From the EA perspective on environmental net gain, we noticed that the natural capital committees were somewhat critical of biodiversity net gain operating in isolation. Again, we think there is huge

potential for capturing wider natural capital benefits through environmental net gain, in flood protection, carbon sequestration, air and water, et cetera, but I completely share Alan's perspective, which is that it is complicated. It was complicated to develop the metrics for biodiversity net gain. It will be even more complicated to generate the metrics for that breadth of environmental net gain.

We have some really good starting points. The green infrastructure standards are a good start. The environmental benefits from nature tool are another thing that could be useful. We are involved in work scoping some of that with government. We are also testing natural capital metrics in some of our own schemes and operations. We will be sharing the learning from that in our report, which should inform its development. Alan's timeframe of two or three years is probably realistic.

Q44 **Baroness Mallalieu:** My question is primarily for you, Kevin, and is on flood plains and building on flood plains. We have had some evidence from an earlier witness that there was likely to be a planning Bill later this year. How could the planning system more effectively manage the risks of housing developments in flood plains? Secondly, what more could be done to restore the natural processes in flood plains to reduce flood risks?

Kevin Austin: Thank you for the question. First and foremost, we are a key statutory consultee on planning decisions in relation to flood risk; 97% of planning decisions take on board and respond to our advice about managing for flood risk. It is quite rare that a planning authority will go ahead contrary to the advice we give.

We have seen some other helpful developments. SUDS—sustainable urban drainage systems—are now incorporated into about 90% of new developments. The Jenkins review looking at SUDS suggested that more could still be done in that scope, and I think the Government are looking at that. They are contemplating reviewing Schedule 3 to the Flood and Water Management Act, which could go further and set mandatory standards. There are options to tighten and strengthen, but I want to get across that we already have quite a lot of sway over decisions.

On more natural management, which I think was the second question, our flood risk strategy sets out an expectation for all flood risk authorities to make greater use of nature-based solutions. From the perspective of our own work in the last flood programme, which ran from 2015 to 2021, we had about 700 major flood projects. About 170 of those already incorporated natural flood management somewhere in the project. We had a ring-fenced £15 million fund specifically for natural flood management, but we were already including it elsewhere where there were opportunities to do that.

On the issue of nature creation from our flood programme, it is worth mentioning that in the last 10 years the EA has delivered about 18,500 hectares of new priority habitat for biodiversity, either created or restored, and our flood programme will have delivered about half of that.

The role that our flood programme plays in delivering for biodiversity is often understated.

There are some really good examples of where the EA is not necessarily the lead but we may be an involved partner. On the River Witham in Grantham, partners are doing work to lower the flood plain so that they can also build in scrapes and ponds. I think the flood plain can take something like 20,000 more cubic metres of water. The Highways Agency is working with partners like the Rivers Trust and consultants like Atkins to reduce the amount of run-off from roads in the north-west into two catchments. That already has the potential to significantly reduce the burden on downstream flooding.

Stroud District Council has a natural flood management plan where it is going against all the traditional practice of what a flood authority might have done, which is removing from the river all material such as woody debris and actually putting it back into the river as dams to try to slow the flow of water, so that when we get extreme rainfall events it takes a lot longer to get down to the areas that are vulnerable to flooding. There is a lot of good practice going on, and hopefully with our flood strategy and now the other drivers, there should be more as we go forward. These projects bring learning from them. Others are watching and it should encourage them to have a bit more confidence in taking different approaches, if that makes sense.

Lord Borwick: Mr Austin, I have seen in Florida solutions to flooding involving building houses from the first floor upwards, as we would say, leaving the whole of the ground floor just for storage. They are not terribly friendly for disabled visitors or disabled occupants, but would such a proposal be allowed in a flood plain by your recommendation?

Kevin Austin: Gosh, that is quite a specific question. I do not sit in the flood part of the EA, so if you do not mind I will take that one away. I have seen the developments that you refer to not just in the US but in Asia. It is an interesting question, but I do not know the answer.

Lord Borwick: Almost always your recommendation in a flood plain is that no building takes place because it is very photogenic, and the moment there is a flood all the television cameras rush down there to ask why.

Kevin Austin: Indeed, but there is also the fact that the flood plain can deliver more benefits. This is a committee about land use, and there are many other benefits that can be delivered in a flood plain. If you can remove your housing development from a flood plain, there is so much more that you can deliver through natural land uses or by planting, which will deliver not just reduced flood risk but water quality improvements for those downstream, and carbon sequestration, et cetera. There are a lot of reasons why the general principle should be to move away from developing in the flood plain.

Lord Curry of Kirkharle: I would like to pursue the issue of building on

flood plains a bit more. I am sure I am not alone in scratching my head when I see some developments and thinking, "How was that allowed?", because it looks to be an area that could be vulnerable to flooding. I was encouraged when you said that 97% of local authorities accept your advice. Is there now, with potential sea level rises, a need to revisit the definition of flood plain?

Kevin Austin: The short answer is that you are probably right, but again I would defer to my colleagues who do flood-risk modelling. I am sure they can provide you with a better answer than, "You're probably right", so if you do not mind, I will ask the experts and come back to you.

The Chair: We look forward to hearing from you.

The Earl of Leicester: This is a very quick question, again on flood plains. A lot of the areas in the flood plains where you are planning and hoping for amelioratory action are owned by private organisations and private individuals. Do you find that they welcome the new strictures or is there lots of opposition? How are you encouraging people?

Kevin Austin: There is no single answer to that. You get a variation of responses. In some communities there may still be a demand for further development, and individual landowners will be impacted. There are obviously financial implications for some of that advice, so there is a slightly more vested interest in some situations, too. I do not think there is a single answer. That is probably the best answer I can give you.

The Chair: Thank you very much.

Q45 **Lord Goddard of Stockport:** We will come out of the flood plain, Alan. What more can be done to ensure that the mitigation hierarchy is effectively applied prior to the imposition of net gain requirements? For example, why is it proving so difficult to protect ancient woodland under current planning systems, given its irreplaceable nature?

Alan Law: First, I emphasise that biodiversity net gain can never be an apology for failure to avoid or mitigate harm effectively to a habitat. It would be utterly discredited if it became a vehicle for that.

Strict avoidance and mitigation measures are essential for irreplaceable habitats. I regret to say that it remains work in progress for habitats such as ancient woodlands. Although the planning policy guidance is pretty clear, its practice and implementation remain somewhat variable. Defra is looking at the effectiveness of the NPPF policy and will consider whether it needs to be strengthened in the next review. In the meantime, Natural England is doing work to update the ancient woodland inventory, which will help to ensure that local authorities have the best information available to them to address their decisions.

More broadly, looking beyond irreplaceable habitats, there is a question of the scale at which the mitigation hierarchy is best applied. If we are to focus on large-scale nature recovery, we need to be careful about not slipping into micromanagement of all the fine detail of every feature that

sits within the wider landscape. To be very clear, that does not apply to ancient woodlands in this context.

Lord Goddard of Stockport: Thank you.

Q46 **Baroness Redfern:** What organisation or organisations and governance structures would be best placed to plan and decide on the allocation of land for the various competing agendas, particularly in England, and how would you suggest that they set about doing so? Kevin, you mentioned how important data sharing is and that it is the key. How is that working to prevent silo working, which Lord Curry mentioned earlier? Do you all come together—the drainage boards, the Environment Agency, local authorities? How can you push forward on that?

Kevin Austin: We make our own data available to all and it is publicly available, but yes, there is an issue about better data sharing. I would answer your question by starting at the top. First, we need absolute clarity on the outcomes that we are seeking and the trade-offs that we will accept in doing that. It would be helpful to have a comprehensive shared evidence base for data in relation to land use and land use change. Part of your question was where that would be best held. It would probably require data that is across different departments of government, because it is not just about the Defra group where the EA largely operates. As it is cross-governmental, it would have to be government driven.

We need clarity of outcomes about where we want to see land use going, what land use change is, what the carbon aims are with tree planting, and what we want to achieve on energy or food security. Once we have those headline outcomes, beneath that we need some kind of coherent national framework that illustrates that and cascades down to the devolved level, to the local bodies.

We have things like local nature recovery schemes and a catchment-based approach. Those devolved structures need to take shape in such a way that they can attract public/private sector funding. Without that, as Alan said we will not achieve the scale of impact we want. They also have to be designed in such a way as to engage the local landowners. That has been a real failing in some of the previous local structures we have had. We need their buy-in, as I think I said earlier; it is fundamental to getting the activity to happen on the ground.

The one group we have not talked about thus far as regards that engagement is local people, and how local government engages with local people, who are the end-beneficiaries of what we are trying to achieve. We might drive some changes, and although we might think we are doing it for the right reasons and good reasons, sometimes they are not properly understood, and they can go down very badly. That kind of engagement needs to happen early in the process. There is definitely a more central role in relation to the land use framework that I think would be helpful coming from government, from across departments.

Baroness Redfern: You mentioned how important outcomes are, but outcomes have to equate with timing to make them really fool-proof. Are you saying that that is what is needed?

Kevin Austin: Sorry, could you repeat that?

Baroness Redfern: Outcomes, the impact and people focusing on the outcomes should equate to times in the short, medium and long-term strategy.

Kevin Austin: You are saying that the framework would set out what we hoped to achieve over different timelines.

Baroness Redfern: Yes.

Kevin Austin: I completely agree with that point, yes.

Baroness Redfern: Alan, when you were talking about silos, et cetera, you said that health systems were a narrow policy and tended to be in silos. Could you answer my original question first and then go back to that one?

Alan Law: Forgive me, the acoustics broke up there somewhat. Could you repeat the last bit? Did you say healthy ecosystems or health?

Baroness Redfern: You mentioned health systems in silos and that the policy was very narrow. Could you elaborate a little on that as well, please?

Alan Law: We look at the condition of sites. We look at the condition of water courses. We have targets for trees. We have targets for clean air. We now have targets for carbon. The danger is that each of those targets is pursued individually in ways that lead to competition for land. In the tree-planting programme that is coming out under the nature for climate fund, there is competition for land to plant trees with land that might alternatively be of particularly high value for nature restoration. I agree entirely with Kevin that what we lack at the moment is a coherent framework to operate within that has different elements of the environmental policy landscape and the wider land use landscape.

On the broader question of whether we need change at national and local levels, given the pressures that we have, if the ambition is to have something radical and different, more of the same will not be the right answer. We need something urgently at national level that provides a strategic policy framework from government that looks across the mix at the needs of food, housing, energy, transport and environment, and provides a means of giving local clarity and certainty for business to invest.

I emphasise at this point that I believe there is no such thing as security on any of those fronts without the fundamental security of a healthy environment underpinning it. Food security or energy security without those is built on false foundations, so it needs to be squarely part of the

mix. We see the opportunity that local nature recovery strategies provide as very significant in trying to set out what a healthy natural environment needs in order to provide that foundation, that platform for other activities.

We need that national policy framework, and then we need to have commissioned on the back of that a small number of bodies to do some of the strategic planning work at local level. It would be asking too much of local authorities simply to expect them to knit that all together, when they are already under significant pressures for a range of delivery activities, and they lack expertise in some of the areas that will be essential here. A national framework and some real teeth for local nature recovery strategies will be critical.

Baroness Redfern: Data sharing is critical in moving things onwards.

Alan Law: Absolutely, and, like Kevin, we also provide open access to all our data. It will be central to setting objectives at the right level in such a way that they serve to unify activity across the public sector and provide a stable investment platform for the private sector.

The Chair: Thank you, Kevin Austin and Alan Law. You have both, I think, agreed to submit further written evidence in some form or other. If you feel that something has not been drawn out on our subject in our questions, please feel free to feed in more information in that written evidence. Thank you both very much indeed for your presence.

Kevin Austin: Thank you, and thank you for the offer to add to our response. We will do that.