

Department for Environment, Food and Rural Affairs

Summary of stakeholder views

Triennial Review of Natural England and the Environment Agency

April 2013

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Purpose

The Triennial Review (the Review) of the Environment Agency (EA) and Natural England (NE) was launched on 12th December 2012 with the publication of a discussion paper. The paper summarised the outcomes of the Review's preparatory analysis and set out information on the range of scenarios for reform to the two bodies. Stakeholders were invited to contribute evidence to the Review by responding to the paper and offering views and supporting evidence on:

- function and form of EA/NE
- changes that could be made to provide better quality outcomes for the environment, economy and society
- options for reform to the current delivery arrangements
- suggestions for alternative delivery options

The deadline for responses was 4 February 2013 and the views received will contribute to the Review. In total, 357 responses were received – 222 from individual members of the public and 135 from organisations. Of the 222 responses from individuals, approximately 180 were responses generated by an email and letter-writing campaign organised by an environmental Non-Government Organisation (please see section on campaigns for further details).

In January 2013, Defra held a workshop with stakeholders to discuss the Review. This event gave participants the opportunity to hear directly from Defra's Secretary of State on his priorities for the Review, and to discuss the scenarios for reform set out in the discussion paper. The event also focussed on Defra's emerging analysis of the functions carried out by the EA and NE and discussion of opportunities for improved outcomes in the way these are delivered. Around 95 external stakeholders attended the event.

Defra would like to thank all the organisations, groups and individuals that took the time to contact us with their views and participate in the workshop discussions.

This document provides a broad overview of the information contained in the responses and feedback from the workshop with stakeholders. It seeks to give an insight into the main themes that have been raised and highlight some of the other messages that have been provided to Defra during discussions with stakeholders throughout the Review so far. It should be noted that this analysis reflects the variety of views received, and does not necessarily reflect government policy.

Ambition and Priority Areas for Change

Overall, there were mixed views on what the ambition and core purpose of the agencies should be. Respondents' views largely centred on whether the core purpose should primarily be environmental, or if economic and social outcomes should be included as primary objectives. A few respondents suggested that all Government funded organisations should be driven by the same balanced set of objectives covering the 3 pillars of sustainability.

'NE needs to be able to focus more strongly on its core priority of conserving and enhancing the natural environment. Whilst it should also be expected to have regard to economic and social objectives, it should not be expected to have these as primary objectives.' Civil Society Organisation

'...the overarching aim is to ensure that the environment is integrated into the economy in ways that encourage sustainable economic growth. This integration in turn requires that natural capital is taken fully into account, and – in line with the White Paper – is protected and enhanced.' Individual

Some respondents commented that tensions had arisen as a result of competing priorities related to the strategic direction of bodies, with some going on to highlight that tensions between environment and economy in particular had not been adequately addressed in the past. For others, the agencies were perceived to have played a limited role on economic and social issues which impacted on their ability to address sustainable development.

The importance of retaining an independent voice for nature was a clear priority for many. Environmental NGOs in particular strongly advocated the importance of having a champion for nature which was independent of Government as critically important. However, a few challenged whether this advocacy function was an appropriate role for a delivery body to perform.

'The threats facing biodiversity necessitate a well-resourced and science-led Government agency to act as an independent champion for the natural environment. This agency must have a clear focus on conserving and enhancing the natural environment, thereby contributing to sustainable development' Civil Society Organisation

'...unnecessary to have a public authority which in Natural England's own words "champions England's natural environment." This is self evidently a function which can be discharged perfectly well by the numerous self funded green NGOs in existence' Civil Society Organisation

Overall, respondents had clear messages on what they were looking for, regardless of decisions on organisational structure. A number of ‘asks’ emerged from the responses and these ‘asks’ were seen to be key to supporting effective delivery, these included:

- a clear statement of priorities
- clarity on functions and purpose
- consistent framework for decision making
- timely, consistent, evidence based advice
- transparency in decision making and advice
- collaborative approach between the agencies and other delivery partners
- access to local ‘place based’ advice and expertise

A number of respondents were less concerned about the structure of the two bodies. For these respondents, structure was a secondary issue as they felt the priority should be about ensuring the right functions were delivered effectively.

Some respondents identified problems associated with the current delivery landscape, for example, problems as a result of duplication and conflicts between the bodies. Advice services were highlighted as an area of particular concern where problems with duplication and conflicts were seen to have led to confusion, inefficiency, and unnecessary bureaucracy by some respondents.

‘Some companies have found that they are given overlapping, and sometimes conflicting, information and advice by the Agency and Natural England, which has sometimes made business planning more difficult.’ Trade Association

Doing things differently

Respondents highlighted what currently worked well and what could be done better or differently. A large number of respondents identified areas which they felt could be improved or enhanced through change; others highlighted potential risks associated with change which would need to be mitigated against. These issues have been clustered into four cross-cutting areas – technical expertise, governance, advice and, access and engagement.

Technical expertise

Technical knowledge and scientific evidence was highly valued by a number of respondents. Local-level technical knowledge and expertise was identified by some as important to ensuring effective programme/project delivery. There was a perception amongst some respondents that both EA and NE had lost technical expertise/ capability in recent years which had left them exposed – this needed to be reversed.

Some identified opportunities to take a joined up approach to generating evidence and sharing technical expertise, by drawing on expertise of other organisations (at both regional and national level) to maximise effectiveness and reduce duplication. Access to data was highlighted as an area for improvement and some felt that there were opportunities to share data more effectively both between EA/NE and other outside organisations (e.g. NGOs, Research Councils and wider research community). The potential for outsourcing technical expertise was raised, although views were mixed on the extent to which outsourcing should be adopted in practice e.g. due to high costs associated with this, and the internal capability needed to successfully manage this process.

Continuity of technical skills and expertise was considered to be a risk which would need to be managed during any organisational change.

Governance

On existing structure and management arrangements, some respondents raised concerns about the current arrangements of both EA and NE (e.g. disconnected from on the ground delivery). Respondents did not have clear views on what an appropriate governance arrangement from any change would look like, though there was a strong appetite for transparency in approach and decision making. Some NGOs stressed the importance of having a champion for nature which was independent of Government and free from political interference. Some highlighted the need for culture change within EA/NE, with a greater focus on customers and customer service delivery.

'The actions of the Agencies, and of Defra when dealing with the Agencies, must be more transparent and within the Public domain. This is integral to maintaining public confidence that the Agencies are exercising their regulatory functions in an open manner, consistent with their responsibility to serve the public interest'
Civil society organisation

Advice

Overall, respondents had clear 'asks' on what type of advice services they were looking for:

- Timely, transparent, consistent advice from knowledgeable experts
- Pragmatic delivery focused advice
- Retain closer links in place between staff and stakeholders and between local advisors

Existing advice provision faced some criticism. Areas of concern raised included accessibility of advice, high volume of 'interfaces', fragmented approach, and inconsistency between and within the bodies. High value was placed on the bodies having strong local knowledge and expertise – some respondents were looking for technical expertises with local/ place-based knowledge.

Access and engagement in place

For some respondents, particularly NGOs and recreational organisations, access was regarded as an important part of the core functions. Some felt that the bodies should not focus solely on environmental protection.

High value was placed on the bodies having strong local knowledge and expertise - some wanted to see greater links 'in place' between staff and stakeholders. Some respondents were looking for local level service provision which focused on establishing consistent and trusting relationships between the bodies and end users – through e.g. dedicated advisors, transparency in enforcement, and clarity of purpose.

Delivery Arrangements and Structural Form

The Discussion Paper outlined two potential options for reform to delivery arrangements, covering a spectrum of possible reforms. The spectrum ranges from reforms involving significant ongoing change for EA and NE - but without major change to the current structural form of either body - through to single delivery of the EA and NE functions. Respondents were asked for their views on these two potential options.

Regardless of their views on whether there should be one body or two, a number of respondents expressed concerns about costs, any potential level of disruption and risks to delivery from any changes.

Overall, there were strong views on whether there should be one or two bodies. A number of respondents strongly supported the retention of two bodies and maintaining a strong independent voice for nature. Some respondents advocated the benefits of moving to a single body, particularly over a longer time scale. Whilst other respondents were agnostic about structure stating no overall preference, instead these respondents felt structure was a secondary issue as the priority should be about ensuring the right functions were delivered effectively.

'With ever increasing threats to the natural environment, and an agenda to engage people with nature that is growing in urgency, now is not the time to subsume this distinctive agenda within an amalgamated body.'
Civil Society Organisation

'...a new body, with a new remit that commits it to contribute to economic growth and food security alongside the current functions of protecting critical environmental capital, is most likely to deliver this change and provide a sustainable model for the future.' Civil Society Organisation

'Whichever option is pursued, we believe it should be possible to produce a new body, or two reformed bodies, that integrate the three pillars of sustainable development, and also combines national delivery processes, specialist expertise and local delivery'
Civil Society Organisation

Scenario 1- two separate bodies

A number of stakeholders strongly supported the retention of two separate bodies. Key reasons for this included the need to maintain a strong independent voice for nature; allows open debate between bodies about competing issues; minimises further risks from additional change; ensures continuity of delivery, and; maintains a strong focus on the natural environment.

Some respondents were keen to stress that whilst they supported maintaining two separate bodies, improvements were needed and operational changes required to the way both bodies operate individually and collaboratively. Whilst some respondents supported at least some level of change, a few also highlight that any change must avoid

destabilising both bodies, and should not impact on the bodies' ability to deliver their statutory duties.

Areas respondents identified for improvements included, for example, clarity of purpose; greater alignment of functions; rebalancing of resources (national to local level); minimising duplication; improving integration of key work areas; simplification of advice provision; streamlining of decision-making and advice processes; improved co-ordination, collaboration (e.g. on regulation) and partnership working between EA/NE and other organisations; co-location of some functions; improve culture and customer service; and reverse loss of expertise.

Scenario 2 – one single merged body

Those respondents favouring a single merged body saw it as an opportunity to develop a single strategic joined up approach, minimise duplication, simplify the advice and delivery landscape, improve decision making, and provide consistency in approach. A single merged body had the potential for a more consistent approach to regulation and customers at a national level.

A number of respondents were firmly against the creation of a single body. Key risks identified by respondents with a single merged body centred on whether particular functions would dominate at the expense of other functions (in particular those currently performed by NE). There was a perceived danger that some functions would be 'swamped' and that it would be difficult to balance competing drivers and priorities within a single body leading to ineffective 'conflict resolution'. Strong concerns were expressed that a single body risks loss of a 'single, independent voice for nature'.

The resource cost, disruption and upheaval of merger were concerns raised by a number of respondents.

Campaigns

In response to the Discussion Paper, an environmental NGO launched an email and letter-writing campaign to encourage their members to share views with us. In total, over 180 responses were received.

The main issues that emerged in these responses were:

- A desire to retain two separate bodies
- Emphasis on the need to maintain an independent voice for nature – providing impartial advice, taking a scientific led approach, with a long-term focus on preserving the natural environment.

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