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Statutory Guidance for Natural England on Regional Planning and Associated Matters

A consultation by the Department for Environment, Food and
Rural Affairs

September 2006

Department for Environment, Food and Rural Affairs
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This document is also available on the Defra website.

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14 September 2006

Dear consultee

I write to invite your comments on statutory guidance for Natural England on regional planning and associated matters.

Section 15 of the recently introduced Natural Environment and Rural Communities Act 2006 requires that the Secretary of State for Environment Food and Rural Affairs produce guidance as to the exercise of any functions of Natural England that relate to or affect regional planning and associated matters.

Draft guidance has been prepared in collaboration with colleagues from Natural England and Government Office South West. A copy of the guidance is enclosed and can also be found on Defra's website at www.defra.gov.uk/corporate/consult/default.asp together with a list of consultees. You are welcome to comment on any aspect of the guidance but should bear in mind that the guidance is intended to be strategic, light touch and based on what Defra expects of Natural England regarding its involvement in regional planning.

Natural England is a new body formed from an amalgamation of parts of the Countryside Agency, English Nature and Defra's Rural Development Service following recommendations made by Lord Haskins in his review of rural delivery. This guidance will extend to England only and will impact mainly on Natural England but also on local authorities, and those government departments, agencies and other bodies which they will deal with on the issue of regional planning. Preparation of a Regulatory Impact Assessment is not appropriate in this case. Written comments should be sent to the Landscape Conservation branch c/o Emma Stroud at:

Defra,
Temple Quay House,
2 The Square,
Temple Quay
Bristol

BS1 6EB and should reach her by the **closing date of 6 December 2006**. Alternatively, you can e-mail comments to NEStatutoryGuidance@defra.gsi.gov.uk .

Treatment of written responses

In line with Defra's policy on openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1 P 3JR . The information they contain may also be published in a summary of responses.

If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with

its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

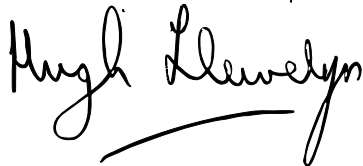
The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or e-mail requests (tel: 020 7238 6575, or e-mail defra.library@defra.gsi.gov.uk). Wherever possible personal callers should give the library at least 24 hours' notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

This consultation has been prepared in line with the Government's code of practice (www.cabinetoffice.gov.uk/regulation/consultation/index.asp) which requires that we:

- i. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
- ii. Be clear about what proposals are, who may be affected, what questions are being asked and the timescale for responses;
- iii. Ensure that consultation is clear, concise and widely accessible;
- iv. Give feedback regarding the responses received and how the consultation process influenced the policy;
- v. Monitor the department's effectiveness at consultation, including through the use of a designated consultation co-ordinator;
- vi. Ensure the consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Comments or complaints about the consultation process (as opposed to comments on the issues which are the subject of the consultation) should be addressed to Liz Ambekar, Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, email consultation.coordinator@defra.gsi.gov.uk

Yours sincerely

A handwritten signature in black ink that reads "Hugh Llewelyn". The signature is written in a cursive style with a long, sweeping underline.

Hugh Llewelyn
Branch Head

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Impact of Guidance

1.1 The impact of this guidance will fall mainly on Natural England and those local authorities, government departments and government agencies with which it will deal in exercising its functions regarding regional planning and associated matters. There may be indirect impact in the wider community and society as a result of those actions but there is no direct impact or additional regulatory burden as a result of this guidance.

Extent of the Guidance

2.1 This guidance extends to England only.

Scope

3.1 It is proposed that this guidance should be high level and strategic. It does not aim to lay down specific work practices or protocols. That will be for the management of Natural England to determine in collaboration, where necessary, with those partner bodies with which it will be working.

Executive Summary

4.1 This guidance, required by the Natural Environment and Rural Communities Act 2006, aims to provide a broad overview of the way in which Natural England should engage in regional planning activities and associated matters, and the bodies and organisations with which it should work in undertaking that engagement. As a champion of the natural environment, Natural England will work closely with the Environment Agency and the Forestry Commission. It will seek solutions which, while achieving environmental benefits, also provide long-term economic and social benefits, and avoid untoward economic and social impacts. Natural England will work across both the rural and urban agendas. It will be expected to shape a wide range of regional policies and programmes, engaging with regional assemblies, Regional Development Agencies and Government Offices for the Regions to play a major role in the preparation of various strategies, for example Regional Spatial Strategies and Regional Economic Strategies. In addition, it will influence a wide range of other plans and strategies, providing leadership for the natural environment. It will use the rural delivery frameworks to work collaboratively with a range of partners and in some cases play a role in the development of Local Area Agreements.

List of consultees

5.1 This consultation has been sent to the following organisations:

ACRE

ANPA

Areas of Outstanding Natural Beauty (England)

Centre for Social and Economic Resources on the Global Environment

Chartered Institute of Environmental Health

Chartered Institute of Wastes Management

Confederation of British Industry

Country Land and Business Association

Countryside Agency

County Councils (England)

County Wildlife Trusts

CPRE

District Councils (England)

Department of Communities and Local Government

Department of Trade and Industry

Department for Transport

English Heritage

English Nature

ENPA

Environment Agency

Environmental Change Institute

Environmental Industries Commission

Government Offices

Highways Agency

HM Treasury

Joint Nature Conservation Council

Local Government Association

National Association of AONBs

National Association of Local Councils

National Farmers Union

National Park Authorities (England)

National Trust

RDS

Regional Development Agencies

Regional Rural Affairs Forums

Royal Town Planning Institute

RSPB

World Wildlife Fund

Draft Statutory Guidance to Natural England

Background

6.1 In responding to the EFRA Select Committee during Pre-legislative Scrutiny of the Natural Environment and Rural Communities Bill, Defra confirmed that Natural England would need to have a strong regional voice in order to achieve its purpose effectively. Natural England would engage strongly with regional-level planning and associated processes including the Regional Spatial Strategies. To emphasise this expectation, section 15(1) of the Natural Environment and Rural Communities Act places a duty on the Secretary of State to provide guidance to Natural England “as to the exercise of any functions of Natural England that relate to or affect regional planning and associated matters.”

Scope

6.2.1 This note gives guidance to Natural England on the role that the Secretary of State expects Natural England to fulfil in regional planning and related matters.

6.2.2 The guidance aims to promote engagement appropriate to Natural England’s purpose, to encourage collaborative working from, and with, other regional bodies and to reinforce the value and scope of Natural England’s work.

A Champion for the Natural Environment

6.3.1 Working in close partnership with the Environment Agency and the Forestry Commission, Natural England will be a champion for the natural environment, exercising strong leadership in the regions. Defra will support Natural England’s role in Defra’s own discussions on the regional agenda. Defra will encourage partners to consult with, and take advice from, Natural England and help deliver Natural England’s strategic outcomes. Natural England will seek solutions which, while achieving environmental benefits, also provide long-term economic and social benefits, and avoid untoward economic and social impacts.

6.3.2 Natural England will:

- improve understanding of the natural environment by promoting and explaining its research and data to a wide range of audiences, including the interested public;
- through working with others, monitor and report on the state of the natural environment in each region and the challenges it faces;
- advise regional decision makers on how they can maximise the positive impacts of their decisions on the natural environment and minimise the negative impacts, whilst actively seeking to make linkages to the delivery

of broader government policy objectives to secure solutions which deliver environmental benefits and provide long-term economic and social benefits.

The Core Statutory Framework

6.4.1 Natural England will be expected to shape a wide range of regional policies and programmes and develop regional environmental futures through its research, advisory and regulatory roles. Natural England is expected, at an early stage, to engage with regional assemblies, Regional Development Agencies and Government Offices for the Regions and to play a major role in the preparation of, amongst others:

- Regional Spatial Strategies
- Regional Economic Strategies
- Regional Energy Strategies
- Regional Transport Strategies (part of the RSS)
- Regional Housing Strategies
- Regional Sustainability Frameworks
- Integrated Regional Strategies
- Regional Environment Strategies

6.4.2 Natural England will be statutorily required to be consulted on Regional Spatial Strategies and on certain planning applications. In addition, the early involvement of Natural England, local authorities and, where appropriate, Government Offices on contentious planning issues and applications, particularly when of regional or national importance, is encouraged. By such means, a holistic, sustainable development approach should be achieved by all. In regard to the Sustainable Communities Plan, Natural England will work co-operatively with the Environment Agency in responding to any consultations on the environmental impact of Major Development Areas.

6.4.3 Natural England will work with the other delivery partners in the Rural Development Programme for England (the Regional Development Agencies and the Forestry Commission) at regional level to develop Regional Implementation Plans for the next Rural Development Programme, in line with guidance provided by Defra. Natural England will engage with the Government Offices and Environment Agency to achieve a wide range of public benefits.

6.4.4 Natural England has an important contribution to make on Structural Funds. It will advise on the preparation and implementation of new Structural Fund programmes at regional level. It will act with the Environment Agency and the Forestry Commission to deliver its purpose. It will also have a key role in the Strategic Environmental Assessment of the programmes.

The Wider Role

6.5.1 There is a wide range of other plans and strategies which Natural England will influence, giving leadership to the natural environment.

6.5.2 Natural England will work across both the rural and urban agendas, often working to join the two strategically and locally. The Sustainable Communities agenda will be a main driver and Natural England should engage in a range of sub-regional and community strategies in both urban and rural areas. Engagement with stakeholders is crucial and should include the voluntary and community sectors. Each region has developed a rural delivery framework to identify the economic, social and environmental priorities for its rural areas.

6.5.3 Work to develop and implement the rural delivery frameworks is co-ordinated by the Government Offices for the Regions. By providing a focus for a range of organisations to work together, the frameworks offer a mechanism for improving the co-ordination and targeting of 'rural delivery'. Natural England's participation in the development and implementation of the frameworks provides an opportunity to work collaboratively with a range of partners in translating national policies into appropriate regional and local action to secure a range of benefits for the natural environment.

6.5.4 It is important that Natural England contributes its expertise to regional strategies and frameworks for public health, education and training etc as appropriate.

6.5.5 Natural England should consider how best to co-ordinate its representation at sub-regional and local level. In terms of capacity, Natural England will need to consider which Local Strategic Partnerships (LSPs) and Local Delivery Frameworks (LDFs) are of sufficient scale and relevance to its work to contribute towards, taking into account the representations of other Defra delivery partners and working closely with Government Offices.

6.5.6 Similarly, Natural England may in some instances have an important role to play in the development of those Local Area Agreements (LAAs) which cover a substantial area and where the agreement covers biodiversity, landscape, outdoor recreation, open spaces, or nature conservation. Natural England should seek the support of Government Offices who could help facilitate their involvement in LAAs to ensure that the environmental, social and economic agendas are joined-up. Natural England should work closely with the Environment Agency, the Forestry Commission and other local partners to ensure strategic input to LAAs on the environment and sustainability. Where appropriate, Natural England should advise on the development of suitable outcomes and indicators. Natural England should also consider requests for alignment of funding with LAAs which contain appropriate outcomes.

Questions

7.1.1. The following short series of questions are posed to help you in consideration of your response. You are free to respond to some or all of these as befits your interests, experience and expertise. You are also free to provide constructive comment on any aspect of the draft guidance whether or not it is covered by the following questions.

7.1.2 In considering the scope of this guidance do you agree that natural England should work collaboratively and in conjunction with the Environment Agency, the Forestry Commission and Government Offices as appropriate and that co-operation should be reciprocated by those bodies?

7.1.3 In considering the list strategies for which Natural England will be expected to play a major role in the preparation of, do you agree these are the main ones?

7.1.4 Recognising that we cannot, nor intend, to list all potential strategies are there any you consider vitally detract from the guidance by not being listed?

7.1.5 Do you agree the role Natural England will play in the formulation of the Rural Development and Structural Fund Programmes?

7.1.6 In considering the wider role of Natural England, do you agree the part it will play in the development and implementation of regional frameworks?

7.1.7 Do you agree Natural England should determine its own level of representation at sub-regional and local level particularly when dealing with Local Strategic Partnerships, Local Delivery Frameworks and Local Area Agreements.