

Alison Burtenshaw
DEFRA
Room 913
Tollgate House
Bristol BS2 9DJ

21 June 2001

Dear Ms Burtenshaw

Review of the Joint Nature Conservation Committee 2001: Stage 1 Report

Scottish Environment LINK responded to the first stage of the review of the JNCC in our letter dated 9th November 2000 (copy enclosed), and we write now, on behalf of the LINK member bodies listed below, in response to the Stage 1 Report by the DETR Reviewer to whom our original letter was addressed, Mike Baldwin.

We welcome and support the conclusion in the Stage 1 Report that “overall... the functions carried out by the JNCC are extremely valuable to the UK government”. In particular, we strongly support the role of the JNCC in ensuring a consistent approach to the meeting of the UK's international and EU obligations; this will become more important in the devolved UK in the context of the increasing role of EU directives to environmental matters. We would add our perception that these functions are also highly valued by the Scottish Executive. We concur broadly with most of the reviewer's analysis of the strengths and weaknesses of the JNCC, but, on that basis, we think he falls far short of offering a justification for his conclusion “that the JNCC be replaced with a new UK Nature Advisory Council (UKNAC), funded directly by DETR on behalf of the UK Government, as soon as a suitable legislative opportunity arises”.

For the successor body to be relevant to the developing needs of the UK, we believe, on the one hand, that the integrated role (ie., nature conservation, landscape and enjoyment of the natural heritage) of the relevant agencies¹, particularly CCW and SNH, should be reflected in the overview role for the JNCC or its successor and, on the other, that the agency would be in a good position to provide considered advice, and press for action on, the implementation of the sustainability and environmental integration policies that are core to UK and EU governance.

The views stated in our original letter are unchanged, and we believe therefore that the reviewer's recommendation should not be implemented un-amended. Our reasons are that:

- (a) Given that most environmental matters are not “reserved powers” by Westminster, we do not see how any such body could advise on nature conservation matters “on behalf of the UK Government” without also acting on behalf of the devolved administrations which also have responsibility for these matters; and
- (b) We believe that any successor to the JNCC should not be sponsored/funded entirely by Westminster. This approach would not be welcomed or respected by Scottish Ministers and MSPs who must “feel ownership” of the body in order to win respect for, and agreement to further, the UK overview.

Therefore, we strongly urge a model whereby the JNCC or its successor retains its present independence (drawing on relevant² country agencies' expertise and reflecting the views of these agencies) and receiving

¹ In our view, “relevant” agencies include the Countryside Agency (England) and the Environment and Heritage Service of Northern Ireland.

² As in Footnote 1 above.

greater ministerial recognition, support and opportunities to provide advice. As stated in our earlier letter, we believe that the JNCC or its successor must continue to receive “ring-fenced funding from the country agencies across the UK”. Such a contribution from Scottish Natural Heritage, both of finance and expertise, funded through the Scottish block, would continue to give the Scottish Parliament and Executive a sense of ‘ownership’ of the organisation and provide a mechanism whereby it could have a direct say in its future.

To ensure this, we would suggest that the new Committee is made up of:

- An independent chair, appointed by the four "environment"³ ministers acting jointly;
- One member from England appointed by the SoS for EFRA and one member each from the devolved Countries appointed by their respective "Environment" Ministers;
- Five members nominated by the relevant country agencies⁴; and
- Three or four independent members, such as respected academics/environmentalists, appointed by the four "environment"⁵ ministers acting jointly.

We do support the recommendation that the funding base of the JNCC or its successor should be widened, by the DETR (or presumably now its successor, the Department of Environment, Food and Rural Affairs) paying directly for specific services delivered by the JNCC which are not part of the remit of the country agencies. We also welcome the proposal for a crosscutting departmental team to review priorities for the JNCC or its successor, provided that team includes appropriate representation from the Scottish Executive (and the Welsh and Northern Irish Assemblies).

We believe there is a case for the JNCC Support Unit being given a certain level of independent status, so that terms and conditions of service for staff can be set centrally, to the better benefit of their work, rather than staff continuing to be employed by the various country agencies, with widely differing terms and conditions of service. However we are sure that an appropriate and effective model can be found for this which does not require the organisation being given full Non Departmental Public Body status, with all the previously-noted disadvantages that such a model would bring.

We trust these comments will help the Government, in further consultation with the devolved administrations, to reach its conclusions on the proposals in the Stage 1 Report.

Sincerely

Jen Anderson
LINK Manager

This statement is supported by the following LINK member bodies:

Biological Recording in Scotland
Butterfly Conservation
Friends of the Earth Scotland
Marine Conservation Society
National Trust for Scotland
Plantlike Scotland

³ We would urge interpretation of the word "environment" as including both the nature conservation remit and that of public enjoyment of the natural heritage.

⁴ As in Footnote 1 above

⁵ As in Footnote 3 above

Ramblers' Association Scotland
RSPB Scotland
Scottish Wildlife Trust
WWF Scotland

Copied to:

Sir Angus Stirling, Chairman, JNCC
Nicky Munro, Scottish Executive
Roger Crofts, Chief Executive, SNH
Sue Christie, Northern Ireland Environment Link
Marc Welsh, Wales Wildlife and Countryside Link
Bryony Worthington, Wildlife and Countryside LINK

Enc

LINK letter to Mike Baldwin, November 2000 [*below*]

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Mike Baldwin
DETR Reviewer
7 Cameron Drive
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EN8 8BW

9 November 2000

Dear Mike

REVIEW OF JOINT NATURE CONSERVATION COMMITTEE

Thank you for your letter of 9 October inviting views from Scottish Environment LINK members in relation to the review for DETR of the role and activities of the Joint Nature Conservation Committee. I have discussed this with a number of colleagues. Members are glad to have the chance to respond and have the following points to make.

General

First, LINK members would reiterate the importance to nature conservation in the UK of a joint committee with responsibility for ensuring that UK national standards are set and met, and that the UK is properly represented in international contexts. Scottish LINK¹ members and colleagues from other Links in the UK were amongst those who pressed for the Committee's establishment in the lead up to the Environment Protection Act 1990.

This UK coordinating role takes on a new importance in the wake of devolution. It is a crucial role to retain, for example, with respect to marine conservation interests beyond the 12 nautical mile limit - where the bulk of fishing, oil and gas development, shipping and other marine conservation issues all feature - and in international forums such as OSPAR and IMO. The JNCC should draw on the country agencies' expertise and put across a UK wide perspective. Whether communications and structures are currently adequate to allow for this transfer of information is a point for discussion. It may be that JNCC staff roles need better definition, and greater contact with those 'on the ground'.

Functions needed to fulfil government's nature conservation objectives:

International

- a UK national forum responsible for ensuring that the UK/GB's international responsibilities are delivered (since none of the existing country agencies can represent the UK)
- a UK national forum which can ensure that the UK/GB's interest is properly represented internationally, especially in Europe

¹Then Scottish Wildlife and Countryside Link (SWCL)

- a UK national forum through which countries in the UK can have an input into the thinking in Europe and can influence the future direction of nature conservation strategies

UK/GB functions needing a coordinated approach

- an independent national forum, not restrained by the interests of individual country agencies, providing the necessary place for discussion and dissemination of ideas
- a national forum with a remit to take the long-term view in research and monitoring biodiversity: this long term view is critical and may be at risk
 - a national forum to set common standards of monitoring, research and analysis across the UK
 - a national forum which can assess and review priorities across the UK, such as issues affecting the marine environment, development of a national biodiversity network, biodiversity indicators
 - a national forum which can fill serious gaps left by the country agencies, or apply itself to areas best covered nationally, such as the coastal and marine environment

Functions currently carried out by the JNCC and/or its support unit - and level of success

As far as we are aware, the JNCC carries out a number of the international functions and UK national functions mentioned above. The quality of its work is good - the Committee is respected, and work commissioned and accepted by it is generally of a high standard. The integration between the country agencies and the Committee seems to have improved over time.

However, the demands on the JNCC are many and that the need for better resourcing is serious. If the UK government is committed to the principle of UK standards, and a quality approach to nature conservation, JNCC funding is critical to its success. Urgent review is needed both of the perception of what is an appropriate level of funding for conservation work, and of the Committee's existing funding arrangements. LINK members advocate that much of the JNCC's funding should come direct from the UK government, separately from and additional to that currently provided by the country agencies. This would allow the Committee to do what are its own jobs - and not a responsibility of the agencies (eg overseas and EU work). Agency funding should be agreed between the agencies and the JNCC year on year, for shared priorities.

Other functions relevant to the JNCC's remit

- The role of independent forum for discussion and dissemination of ideas
- . The national responsibility for taking the long-term view, reflected in research and monitoring work

Main weaknesses needing to be addressed

- The JNCC's funding reliance on the country agencies
- The absence of an effective forward-thinking 'biological service' for the UK. What is required is an independent forum of independent forward-thinkers - not just in the support unit, but serving on the body itself, who are tasked with doing more than firefight, ie. thinking long-term. This needs a ring-fenced budget from the country agencies; these should be represented on it but not exercise the present degree of control over it. Too few ecologists and biologists are presently on the Committee.
- A danger that the JNCC will be seen as 'not really relevant'. Crucial to the Committee's success is the development of a profile in, and sound working relationships with, the assemblies/parliaments of the four countries

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Arrangements which might better deliver government's international and UK/GB objectives

- Ensure continuity of ring-fenced funding from the Country Agencies across the UK
- Provide in addition, adequate annual funding direct from the DETR for specific services delivered by the

JNCC which are not in the remit of the Country Agencies

- Encourage a much more dynamic, two-way flow of staff between the country agencies and the JNCC, by

exploring scope for short-term secondment (ie. possible for those with families to manage) so as to ensure important cross-fertilisation of ideas, broadening of knowledge and perspectives

- Ensure better definition and dissemination of the Committee's roles and relevant staff remits
- Given globalisation and the role of international treaties, improve both the country agency staff awareness of

international issues and the JNCC staff awareness of country issues and implications of international obligations

- Review Committee appointments to ensure adequate independence and adequate consultation across the UK

in relation to appointments

If changes are needed, what risks will be incurred and how should these be managed?

The present system should work well if the JNCC is sufficiently independent and has the remit to provide a forward-thinking service to the UK/GB, and if additional scientific strength is appointed to the body itself, and not just in the support unit.

Thank you again for the opportunity to comment. Members would be happy to explore points further in discussion and look forward to hearing about the outcomes of this review and next steps.

Sincerely

JEN ANDERSON
LINK Manager

cc Roger Crofts, Scottish Natural Heritage