

## **Rural advocacy and the Commission for Rural Communities**

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Digital, Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England welcomes the opportunity to submit evidence on the following questions:

### **1. Since the closure of the Commission for Rural Communities (CRC), and subsequent winding up of the Defra Rural Communities Policy Unit, how – if at all - are the CRC's original functions of advocate, adviser and watchdog being fulfilled?**

Historic England's own Rural and Environmental Advice team work (on behalf of DCMS) with a wide range of rural stakeholders on a number of policy areas, including the Common Agricultural Policy, the RDPE and tourism. We are also responsible for rural-proofing Historic England's own work. Currently we are working with Defra, the CLA and NFU on revising and re-issuing our guidance on the reuse of traditional farm buildings. Our regional teams also collaborate with local authorities, communities and rural landowners on agri-environment, LEADER projects and rural regeneration projects more broadly. Following the Culture White Paper we have been particularly keen to get engagement on Heritage Action Zones.

### **2. Are sufficient measures being taken to ensure that policies are rural-proofed at national and local levels? Who is taking the lead on policy for rural areas – and who should be taking the lead on such matters?**

As above, whilst we still work closely with Defra on a number of policy issues of mutual interest (as summarised in our 2013 MoU with them), since the loss of their Rural Communities Policy Unit we have found it much harder to get engagement, or to gauge the strategic sense of direction.

### **3. What role should Defra – or other Government departments – play in co-ordinating policy for rural areas? How effectively are the interests – including social and economic interests - of rural communities being represented within the current structures of Government, and how could representation and co-ordination be improved?**

Whilst we are strong advocates of local delivery – such an approach works best where there is an accessible and well understood framework and over-arching leadership to give support and a sense of direction to local practitioners. With the loss of the Rural Communities Policy Unit we are not convinced that these important needs are currently being met.

## **Natural England**

### **4. How well has Natural England fulfilled the mandate that it currently has? How well do its wide-ranging functions fit together, and does it have the appropriate powers and resources to perform these functions?**

Although primary duties as set out in the NERC Act, there does not appear to be representation on landscape or access within Natural England's senior leadership. Similarly, landscape and access are not strongly represented amongst the board membership, which has experience predominantly in biology and ecology.

On a specific point, we highly valued Natural England's expert guidance, reports and evidence. These have however in many cases become inaccessible with the loss of the agency's website and the migration of content to GOV.UK. GOV.UK is an excellent platform for conducting transactions, and for finding out about broader policy. However, in the interests of transparency, clarity and accessibility, we believe that there is a good case for reviewing whether some of the lower level, more detailed content (practical guidance, detailed evidence etc) that Natural England was previously renowned for should once more be made available on a separate branded website.

### **5. Are any changes to the remit and responsibilities of Natural England required, either as a result of Brexit or of other significant developments in the period since 2006?**

We would note that the UK has a long history of countryside protection, which in many cases predates EU membership (including milestones such as the National Parks and Access to the Countryside Act 1949 and the Countryside Act 1968). In addition, the broader international legal frameworks for conserving nature and landscape (such as the Council of Europe's Bern and Florence conventions) have been transposed into UK law and will remain in place when we leave the EU.

Brexit will nevertheless present many challenges, and we think that Natural England will have a vital role as a trusted expert adviser to Government.

**6. Do the arrangements and provisions for enabling and managing access to the countryside remain appropriate? How effective have Natural England – and other partners – been in promoting better access?**

We have seen an increasing emphasis upon local delivery of access arrangements – notably by local authorities. Given the financial and other pressures under which some local authorities find themselves, this has led to fragmentation on the one hand and access being accorded a lower priority on the other. The diminution of central funding and support for national trails in favour of local solutions – in our view – represents a particular challenge. In the context of the Hadrian’s Wall trail specifically we are concerned that this could have a detrimental impact upon the management of heritage assets, in this case of international significance.

**Sustainability and biodiversity**

**7. Is the duty to ‘have regard’ to biodiversity, which is contained within the Act, well understood by those bodies to whom it applies? Is any further work required to raise awareness of the duty?**

We have no comments to make.

**8. What has been the practical impact of the 2006 duty? Is any modification to the duty required as a result of developments in our understanding of the value of ecosystems and biodiversity since 2006?**

Given the international context (principally the European Landscape Convention’s emphasis upon the cultural and the natural being indivisible), Natural England’s statutory remit in relation to landscape, and the Department for Digital, Culture, Media and Sport’s reciprocal interests in these areas, in our view, work on developing the ecosystem services and natural capital approaches as future frameworks or mechanisms for delivery should give more appropriate weighting to cultural services and values. With landscape effectively representing the “common currency” between the natural and the cultural, we also believe taking this approach would offer an opportunity for better integration, and for greater efficiencies.

**9. How does the English duty to ‘have regard’ to biodiversity compare to the Scottish duty to ‘further’ biodiversity and the enhanced biodiversity duty introduced in Wales in 2016?**

We have no comments to offer.

**The changing context since 2006**

**10. Will the structures established by the Act be sufficient to ensure appropriate protection for nature and environmental standards following Brexit? Are any modifications or changes to the structures established by the Act required to address the implications of Brexit?**

As in our response to question 5 (above), the UK has a long history of domestic legislation in relation to the conservation of the environment (cultural and natural), and international legal frameworks (such as Council of Europe conventions) will remain in force when we leave the EU. We see no reason therefore to be pessimistic about the future prospects for these important considerations. On the contrary, in our view the approach taken by the EU to the protection of the wider environment often created a somewhat arbitrary and artificial distinction between the cultural and the natural which we now have an opportunity to address and to improve upon domestically.

**11. Are there any further parts of the Act which are currently in force that need to be re-considered as a result of developments since 2006?**

We have no comments to offer.

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