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Dear Alison Burtenshaw

**JNCC RESPONSE TO THE REVIEW OF THE JOINT NATURE CONSERVATION COMMITTEE 2001: STAGE 1 REPORT**

1. Thank you for the opportunity to comment on the Review Stage 1 report which the Joint Committee has considered carefully, most recently at its meeting of 13 June where this response was agreed unanimously.
2. The Committee welcomes the Review Officer's conclusion that "*overall the functions carried out by the JNCC are extremely valuable to the UK Government*". Indeed, we would add that they are they are also proving valuable to the devolved administrations and country agencies. The Committee also notes that the Review Officer concludes that "*there are currently no other organisations better placed than the JNCC to carry out any of these functions and no clear merit in splitting them up.*" The expertise and dedication of staff working on the special functions is also recognised in the report, and acknowledged by the Joint Committee.
3. In arriving at its conclusions the report rests largely on a detailed analysis of why JNCC was established and where it is now. However, in shaping improvements we believe it is essential that more consideration should be given to the future. As a result, the Committee considers that the reviewer's key recommendation for a new agency fails to recognise the benefits of adapting and building on the existing arrangements. The circumstances in which JNCC is operating have changed and will continue to change. A number of issues have emerged that we believe will be increasingly significant over the next decade, notably:
  - i. the evolving effects of devolution on nature conservation responsibilities: this defines new and important customers for JNCC;
  - ii. the increasing complexity of environmental management and the increased number of key players, including the Environment Agency (EA) and the

Scottish Environmental Protection Agency (SEPA): this strengthens the need for a UK overview of nature conservation and strong linkage between bodies with statutory nature conservation responsibilities;

- iii. the joint needs of the UK Government and devolved administrations in shaping and interpreting European policy on nature conservation: this defines new advising and influencing requirements;
  - iv. the awareness that wildlife conservation needs to extend beyond the traditional designated-area approach to encompass wider countryside measures: this needs creative thinking and action on leveraging more change in sectoral policies and widening the nature conservation agenda;
  - v. the related shift towards considering environmental issues as part of broader socio-economic policy development rather than in isolation (reflected by the establishment of the new Department for Environment, Food and Rural Affairs and the existing Scottish Executive Environmental and Rural Affairs Department): this needs more effort on promoting environmental assets and their contribution to society in the context of sustainable development;
  - vi. broader environmental changes, especially climate change: this will require greater attention to, and new approaches to, biodiversity conservation;
  - vii. evolving approaches to management and conservation of biodiversity in the UK, Europe and globally: this needs more attention to implementing all elements of the Convention on Biological Diversity, in addition to action plans;
  - viii. increasing emphasis on open government and the involvement of a wider range of stakeholders in decision making: this means engaging with economic and community interests in shaping policy and action.
4. The Committee believes that the report does not give these issues sufficient consideration.
5. JNCC considered these issues in the formulation of its Statement of Strategic Direction, submitted to the Review Officer in December 2000. The strategic direction set out there is fully supported by all of the JNCC's constituent parts, including the country agencies, and is an important statement of JNCC's future potential. It identifies five key areas where we believe that JNCC's influence and expertise can be more actively deployed to advise and assist the UK Government and the devolved administrations and to support evolving nature conservation policy. These areas are:
- i. furthering nature conservation in a European context;
  - ii. ensuring that the UK fulfils its international conservation obligations;
  - iii. promoting the wise and sustainable use of natural resources;

- iv. responding to the implications of wide-scale environmental changes, especially climate change;
  - v. fostering good practice in biodiversity and earth heritage conservation.
6. In order to deliver in these key areas the JNCC will need to develop its existing strength in information handling to allow it to report effectively on:
- i. the state of nature conservation across the UK and its overseas territories,
  - ii. how this relates to the European and global context, and
  - iii. how it compares with the desired long-term state of nature conservation.
7. The strategic statement also anticipates the need for JNCC to develop its role in the field of research, to take a UK perspective and to influence future research objectives and the application of funds for nature conservation. This should, of course, be done by working in close conjunction with the Research Councils, the European Commission and others holding research funds. This work would include identifying priority areas for research, establishing arrangements for sharing data with other key bodies such as the EA and SEPA, and encouraging the interpretation and dissemination of findings to allow them to be exploited in nature conservation practice.
8. One further issue is the role of countryside functions for the JNCC (raised by the Reviewer in Chapter 21, paragraph 45 of the report). At present, the Countryside Agency Chairman is a member of the Committee but JNCC does not have countryside functions. The Committee believes that this relationship should be retained given the increasing awareness of the linkage between nature conservation and wider environmental and socio-economic issues.

**In the light of the above arguments, the Committee has reached the conclusions set out below.**

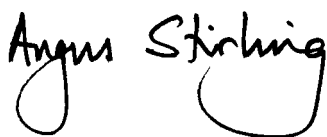
9. **Committee believes that the JNCC can and should have a critical role in assisting the UK Government develop a long-term strategic view of UK nature conservation in European and global contexts.** This is something the report correctly identifies as missing at present. JNCC can draw on its existing links to base this advice to Government on the past and current practice of nature conservation and to ensure that Scottish, Welsh, English and Northern Irish perspectives are taken fully into account. However, it will also require a more positive interaction and partnership between the UK Government and the devolved administrations and JNCC.
10. The Environmental Protection Act 1990 set out the special functions but neglected to give JNCC an overall purpose. **A statement of JNCC's purpose set out in terms of the desired outcomes for biodiversity and the more proactive role described above would provide a new framework within which it could function more effectively. This should be developed with JNCC's key stakeholders; the UK Government, devolved administrations and the country agencies.**

11. **To support this the setting up of an effective cross-Government departmental group to contribute to the forming of a strategic view and ensuring its delivery would be a valuable innovation. This group should include the devolved administrations. In addition, we would support a review of sponsorship arrangements to ensure that the relevant officials are in a position to differentiate clearly UK and English perspectives. To develop a UK view will also require the full involvement of Northern Ireland interests and the Committee would therefore support full membership of the Committee for Northern Ireland representatives.**
12. The future composition of the Committee should also reflect the wider role described above. In particular, it will be important to ensure that the Committee continues to carry a strong and balanced range of expertise and that the UK Government and the devolved administrations feel that their interests are adequately represented. **We believe that there is therefore a good case for strengthening independent representation on the Committee. In addition, as indicated above, the Chairman of the Countryside Agency should continue to be a member of Committee and the Northern Ireland representatives should be full, voting members.**
13. In addition, effective nature conservation policy needs to operate at a range of different scales: local, regional, national, UK, European and global. It requires the interaction and co-operation of many stakeholders and, dealing as it does with the interactions of society and the environment, tackles conditions and issues that are constantly changing. JNCC is particularly well placed to meet these challenges, as it sits at the interface of national, European and global initiatives, and has strong links with key players at each level. **Accordingly, the Committee believes that rather than establishing a separately constituted NDPB, the current JNCC arrangements should be extended and enhanced to meet the challenges identified in paragraph 4.**
14. The Committee believes that the support it provides to the country agencies and the value of the extremely close relationships between the JNCC and the country agencies, which the Environmental Protection Act 1990 provided, have both been seriously understated in the Report. In particular, the systems of Lead Co-ordination Networks (LCNs) and Lead Agencies plus a series of more informal networks allow JNCC to call upon a wealth of expertise to deliver its services. Furthermore, the services that JNCC provides relating to international and UK issues as defined in the report and those relating to the delivery of nature conservation by the county agencies, are inter-linked and mutually supportive. **The Committee therefore, considers that these relationships with the country agencies remain of crucial importance to nature conservation, and would be significantly undermined were the JNCC to be replaced by a separately constituted NDPB.**
15. It is also vital to maintain and develop links between JNCC and the devolved administrations to ensure that their needs and concerns are taken into account in UK, European and international policies and in recognition that legitimate regionally different approaches will develop over time. The current arrangements support such links. Indeed, they are a potential model for how the UK Government and the devolved administrations can develop together a joint approach to European developments. **For this reason also, the Committee is of the opinion that any**

**changes to address the problems highlighted in the report and to improve the existing work of JNCC should not result in the establishment of a separately constituted NDPB.**

16. For JNCC to deliver the wider role described in paragraph 11 it will need to have appropriate supporting arrangements in place. In particular, **the Committee believes that it should be able to receive a proportion of its funding direct from Government (to fulfil tasks for which the UK Government is the sole, or main customer) and be accountable for it. Funding for the JNCC should be agreed by all participating parties against a three-year rolling programme. In addition, JNCC should be able to employ its own staff, clearing the way for unified terms and conditions, and to contract out work as appropriate.** Devising and putting effective supporting arrangements in place may not be easy, but with the will and commitment of all sponsors we believe effective solutions can be found. The country agencies, as the current funding agencies, are committed to putting funding and planning on a better footing by agreeing a 3-year rolling programme in future. In addition, country agency and support unit staff are already exploring interim options for resolving staffing issues.
17. On location, staff covering JNCC work are actually based in a number of locations including the Aberdeen office and in country agency offices, as part of LCNs and lead agencies. With modern technology these distributed arrangements can be very effective. **Committee believes that the costs, disruption and risk of losing experienced staff associated with moving the Peterborough staff , and the fact that Peterborough is very well served by transport links to most of the UK and beyond, far out-weigh any perceptual gains from relocating.**
18. In summary, the Joint Committee agrees that there is a continuing need for the functions currently carried out through JNCC, and that changes since its establishment have resulted in a need to further enhance its support to the UK Government, the devolved administrations and the country agencies. It further considers that the JNCC has a critical role in assisting the UK Government and the devolved administrations to form and deliver a more strategic vision of UK nature conservation in a European and global context. It therefore advises that the improvements sought by the Stage 1 Report could, and should, be achieved by evolving the role and work of JNCC rather than through the establishment of a separate NDPB.
19. We would be delighted to discuss these recommendations further should that be helpful. We are happy for this response to be made publicly available.

Yours sincerely

A handwritten signature in black ink that reads "Angus Stirling". The signature is written in a cursive, slightly slanted style.

Sir Angus on behalf of the Committee