

## Department for Environment, Food and Rural Affairs

# Triennial review of the Environment Agency and Natural England: Response form

## December 2012

We are interested in hearing your views on the core questions highlighted in the discussion document. Please use this form to provide your responses to these questions. Responses can be returned to us by email (preferable) or post. We are happy to receive supplementary information, which can be submitted alongside your completed form. Full details of how to submit responses are provided below.

The closing date for responses is **4<sup>th</sup> February 2013**.

Please provide your response to each of the questions in the spaces provided (there are no restrictions on length and all boxes can be expanded). None of the questions are mandatory, however we would be grateful if you could complete all questions. Responses should be supported by strong, relevant evidence.

## How to submit your response

Please send your response (alongside any other supporting information you wish to submit) by email (preferable) or post to:

- [EA-NEreview@defra.gsi.gov.uk](mailto:EA-NEreview@defra.gsi.gov.uk)
- Triennial Review Team, Defra, Area 6D, Nobel House, 17 Smith Square, London SW1P 3JR

## Confidentiality

Your response to this document may be made publicly available in whole or in part at the Department's discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means, including on the internet.

If you do not want your response - including your name, contact details and any other personal information - to be publicly available, please say so clearly in writing when you send your response. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

## 1. Please provide your contact details

<b>Name</b>	Mark Lloyd
<b>Organisation / Company</b>	Angling Trust
<b>Job Title</b>	Chief Executive
<b>Department</b>	
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<b>Please tick this box if you would like to receive information about the progress of the review.</b>	<input checked="" type="checkbox"/>

## 2. Please provide some information about you or your organisation

*If you are responding on behalf of an organisation, please send one response per organisation.*

<b>2.1 Are you responding on behalf of an organisation?</b>	
No – I am a private individual	<input type="checkbox"/>
Yes – <i>please answer questions 2.2 and 2.3</i>	<input checked="" type="checkbox"/>
<b>2.2 What is your organisation's name?</b>	
Angling Trust	
<b>2.3 What type of organisation do you work for?</b>	
Private sector	<input type="checkbox"/>
Public sector	<input type="checkbox"/>
Charity or civil society	<input checked="" type="checkbox"/>
European body/industry	<input type="checkbox"/>
Trade/business/Industry association or body	<input type="checkbox"/>
Other (please give details)	

### **3. Do the functions and/or form of the Environment Agency and Natural England continue to be appropriate, in terms of delivering the Government's ambition on the environment and flood and coastal risk management?**

Both these organisations have achieved a great deal to protect and in many areas improve the environment of England and Wales. We have worked constructively with them both to good effect in a number of areas. However, we believe that this review process might present us with an opportunity to seek a more cost-effective and consistent approach to protecting the natural environment without unduly constraining business and leisure activities. We make some constructive suggestions in the latter questions, but first we must point out where the shortcomings lie as far as we are concerned.

We have found that overtime both organisations have lost customer focus and their organisational structures have reflected top down philosophies. The Environment Agency has become very large and multi-functional and has lost a great deal of specialist and local knowledge. Its decision-making structures have become more complicated in recent years so that it is unable to be responsive. It has also reduced markedly the rigour of its enforcement and other regulatory activities and this is leading to increased damage to the environment. Far too often it reaches compromises with polluters and abstractors that lead to environmental degradation. Many pollution incidents are allowed to happen without any action being taken whatsoever.

Its implementation of the Water Framework Directive has been insufficient to meet the requirements of the Directive. The Agency has been involved in promoting and licensing large numbers of low-head hydropower developments on rivers, often with inadequate protection for the environment and without any monitoring. This has the potential to do great damage to rivers and yet will generate minimal amounts of power.

Many experienced and expert staff have left the organisation in recent years. There is a perception of a lack of a clear vision of what it wants to achieve and how it plans to achieve it and the staff feel constrained by bureaucracy and confusing management structures that have changed many times in recent years. The re-arrangement into multi-functional teams has led to a lack of coherence and consistency. Decisions at Area level have been taken on fisheries issues without the advice of expert fisheries staff.

Natural England is focussed largely on the protection of particular sites and species and the implementation of European Directives. As angling's representative body, our experience of Natural England is complicated; there are times when we find the organisation's readiness to implement environmental regulations properly extremely welcome. However, there are other occasions when we have found the organisation to take a rather 'fundamentalist' line about conservation that is not pragmatic.

A good example would be the report we had from a voluntary organisation which was refused a licence from Natural England to build a fish pass on a river because it might disturb otters which were present nearby. Building the fish pass would improve the long

term supply of food for the otters and otters are perfectly capable of keeping out of the way of some machines for a few weeks. The organisation seems at times to be trying to achieve an idealistic ecosystem which existed before humans inhabited England, which is clearly unfeasible. The organisation's implementation of regulations such as the Habitats Directive can be an obstruction to effective wildlife management.

There are some excellent and highly committed staff in both organisations at all levels, and they do some excellent work at times, but our experience is that many of the good things that they achieve for the environment are in spite of their organisations' management, rather than the result of inspirational leadership or efficient business systems.

There are also times when their respective roles clash; for example Natural England (NE) has prime responsibility for the ensuring that freshwater SSSIs and SACs achieve good condition, but many of the actions required to achieve this must be taken by the Environment Agency (EA) which is the competent authority for the Water Framework Directive and responsible for ensuring all water bodies achieve Good Ecological Status or Good Ecological Potential. When the EA failed to take the necessary actions in the Review of Consents to protect the environment, one organisation's failings led to the other's failure to achieve its targets.

There have also been problems with conflicting advice being given by NE and the EA. An example is NE making the removal of riparian trees a condition of higher level stewardship agreements to protect ground nesting birds and the EA recommending the planting of riparian trees to control water temperatures and improve the aquatic habitat. Similarly, the EA is required to consult with NE before issuing consents for fish introductions into SSSIs; this is inefficient and leads to delays.

Please find attached our response to the Law Commission review which makes a number of points about the potential for simplification of wildlife and environmental law.

#### **4. What changes could be made to provide better quality outcomes for the environment, economy and society?**

*In your response, you may wish to consider aspects such as scope for increased collaboration; involving other organisations; alternative delivery models e.g. civil society or private sector; functions that could be performed more effectively by other organisations.*

We believe it is essential that the expertise and dedication of some excellent staff in both NE and EA, involved in the protection and improvement of the water environment and fisheries in particular are preserved. This does not exclude however some major changes.

We believe that there would be advantages in placing all the regulatory and enforcement duties of both organisations in one body. This would greatly simplify regulation, and would provide a one-stop shop for external organisations. However, there is a great danger that such a large body would become very unwieldy. It would have to be re-focused on very clear objectives supporting a mission to protect and improve the condition of the natural environment for the benefit of people and communities through firm but fair regulation.

Many of the other activities and functions of both organisations could be delivered much more effectively by organisations in the third sector – both in terms of cost benefit and social engagement.

In terms of the area with which we are most concerned, about two thirds of the fisheries activities of the EA are funded from the rod licence with the other third being met by Grant in Aid. We believe that this should continue, but the relative contribution of Grant in Aid must not continue to diminish. A very significant proportion of these funds is spent on a contribution to Head Office functions which seem remarkably expensive for the service received. For example, hundreds of thousands of anglers' pounds are spent on a contribution to PR and Communications, but there are very few press releases ever issued about angling and fisheries.

A significant portion of the revenue from rod licences was historically spent on angling-related activities and marketing rod licence sales. Much of this activity has ceased because of the Cabinet Office ban on marketing and a shift in expenditure to delivery of the Water Framework Directive, which should be funded by Grant in Aid rather than rod licences. These changes, combined with a reduction in enforcement activity and the publicising of successful rod licence prosecutions, have led to a reduction in angling activity and rod licence compliance and hence income. This downward spiral of income and activity must be arrested urgently.

Some initial steps have been taken in transferring a portion of the rod licence revenue to the Angling Trust and others to increase angling participation as part of the delivery of the National Angling strategy. This review provides an opportunity for more significant sums to be transferred to improve angling access for all, to encourage more people to take up and continue angling and to support the thousands of angling clubs, fisheries, coaches, manufacturers and tackle shops that comprise the angling industry. This is an activity that needs to be carried out at considerable scale, but which will lead to significant payback in revenue to the EA and in social and economic benefit. The Angling and Fisheries sector is particularly characterised by large numbers of well qualified people who are keen to commit their time and resources to the improvement of the environment and the development of angling, thus multiplying the benefit of any Government funding."

A more detailed listing of the activities which might be transferred to the third sector is attached. We also believe that a more proactive approach should be taken on involving the third sector in monitoring the environment as there is a large amount of knowledge, experience and enthusiasm which could be made available.

There is an enormous opportunity to use the rapidly-growing network of River Trusts to deliver practical and real improvement on the ground, but there has been a failure to take any clear strategic decisions to do this at a national level and therefore there is great confusion and uncertainty in the third sector about how the Environment Agency is planning to deliver the enormous improvements to ecological quality required by the Water Framework Directive.

We believe that the EA as an organisation should take much more seriously its primary duty to "maintain, improve and develop fisheries". This duty often gets forgotten by parts of the organisation which seem more focussed on selling water resources to abstractors, building

flood defences or compromising with polluting businesses.

**5. Of the range of options for reform proposed to the current delivery arrangements, which do you think are the most appropriate – if any – to achieve better quality outcomes for the environment, economy and society on a sustainable basis and why?**

We do not have a firm view about the future structure, but we believe that whatever structure is chosen, it must be fundamentally re-focused on priority activities and that the specialist, expert knowledge is not lost in a drive to integrate a wide range of functions.. If Flood Defence is to remain part of the unified organisation, it is essential that the sheer scale of its activities does not dominate middle and senior management attention and that defences are implemented in ways that protect and improve fisheries and the water environment as routine rather than by exception.

**5.1 Do you have a strong preference for any of the options proposed?**

**Scenario 1?**

(Significant ongoing reform but no major restructuring to current institutional structures)

**Scenario 2?**

(Single environmental body)

**An alternative?**

(Please explain in your response to question 6 your ideas for an alternative delivery option)

**6. Do you have any further suggestions for alternative delivery options which would achieve better quality outcomes for the environment, economy and society on a sustainable basis, and if so, how would they operate?**

**7. Do you have any other comments that you would like to make?**