

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 **4th 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
- 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

Name	Stephen Hall
Organisation / Company	National Oceanography Centre
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Please tick this box if you would like to receive information about the progress of the review.	<input 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.

2.1 Are you responding on behalf of an organisation?	
No – I am a private individual	<input type="checkbox"/>
Yes – <i>please answer questions 2.2 and 2.3</i>	<input checked="" type="checkbox"/>
2.2 What is your organisation's name?	
NATIONAL OCEANOGRAPHY CENTRE	
2.3 What type of organisation do you work for?	
Private sector	<input type="checkbox"/>
Public sector	<input checked="" type="checkbox"/>
Charity or civil society	<input 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?

Yes, but it is timely to consider more joined-up ways of working. In the marine context there are several actors involved in the management of waters around the UK including local authorities, the Crown Estate, Marine Scotland, Natural England, Environment Agency, Marine Management Organisation and the new 'Natural Resources Wales' organisation due to be formed in April 2013, which brings together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales under a single umbrella.

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.

It is appropriate to look at the scope for collaboration, including involvement of other organisations. Alternative delivery models should be considered on a function by function basis, since some activities are open to tender but others have statutory or regulatory aspects with direct accountability to ministers where there will be an obligation for a named organisation to undertake the work.

From a marine context, there is scope for a more joined-up approach from JNCC, EA, NE, the MMO and other organisations involved in managing our coastline and seas. There is already some jurisdictional overlap between the MMO and other agencies in coastal waters. There is quite limited scope for Civil Society groups to undertake at-sea marine management duties due to the requirement for access to the sea, with ships, remote sensing systems, autonomous vehicles, coastal vessels, specialist technical equipment and laboratory facilities but there is scope for significant private sector involvement in undertaking marine environmental monitoring and assessment.

Civil Society groups may be able to offer certain services at the coast - for example the Marine Conservation Society has a very well established programme to assess the state of Britain's beaches. Other organisations have in the past indicated their willingness to conduct environmental observations, including coastal civic groups, schools, universities, and bodies such as the RNLI and RSPB. With suitable laboratory/expert back-up there are a number of data types that can be gathered by non-specialists including water samples, beach litter surveys, animal strandings, bird distribution, observations of algal blooms, visual assessments of various kinds and ground-truthing remotely-sensed data. Existing specialist centres such as the NERC marine labs and CEFAS are also well placed to conduct many

aspects of the work currently carried out by NE and the EA. For example NERC's National Oceanography Centre (www.noc.ac.uk) has extensive expertise in sea level measurement, flooding, and coastal science, and is working with the British Geological Survey, Scottish Association for Marine Science and others on the MAREMAP programme (<http://www.maremap.ac.uk/index.html>) to achieve national objectives in seafloor and shallow geological mapping.

Any changes will need to take account of the UK Marine Science Strategy, and the nation's obligations to achieve 'Good Environmental Status' by 2020 under the Marine Strategy Framework Directive. The organisation(s) will need to be configured so that a senior member of staff will be able to report to the government's Marine Science Coordination Committee. Account will also need to be taken of any changes in the structure of MSCC or the Marine Management Organisation as a consequence of the current parliamentary review of UK marine science capability.

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?

It is striking that the outcome of the Welsh Assembly Government review into how best to manage the natural environment in Wales was the decision to merge the Countryside Council for Wales (NE equivalent), Environment Agency Wales, and Forestry Commission Wales into a single organisation, which will also incorporate functions that are carried out by the Marine Management Organisation in England - Wales is not part of the MMO remit. The decision has been controversial - see article written by Jon Owen Jones, Chair of Forestry Commission Wales at <http://www.clickonwales.org/2012/12/false-prospectus-underpins-natural-resources-wales/> - but the new organisation is intended to provide a much more joined-up approach than has hitherto been the case, and also addresses the Assembly's environment and sustainability committee's concern that the Welsh Government is failing to deliver on marine and coastal responsibilities (see <http://www.walesonline.co.uk/news/welsh-politics/welsh-politics-news/2013/01/21/welsh-government-failing-to-deliver-on-marine-responsibilities-say-ams-91466-32641041/>)

It is also the case that in Scotland the joined-up approach of Marine Scotland has been widely welcomed by stakeholders.

John Huthanace adds - Any conglomerate needs sub-structure to function effectively. This dilutes the distinction between Scenario 1 and Scenario 2 and acts as a caution against merger to one body. Any (sub-) structure should have a clear rationale for the boundaries between components: "sound fences make good neighbours"; well-understood boundaries make for efficient functioning because respective responsibilities are apparent; this forms a good basis for collaboration across the boundaries. Rationale for boundaries is unclear in the review document in several respects:

- Why (Scenario1 as now) the EA has water-related biodiversity but NE has terrestrial

and marine biodiversity

- (para 53 bullet 2) what is a “wider offering” that could not embrace marine activities
- The layout of components in the Scenario 2 diagram (e.g. what are the two dimensions on the paper?). The rationale for this layout would translate to organisational structure and should therefore be stated.

The MMO has a marine planning and licensing role which the review should take into account.

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)	<input type="checkbox"/>
Scenario 2? (Single environmental body)	<input type="checkbox"/>
An alternative? (Please explain in your response to question 6 your ideas for an alternative delivery option)	<input type="checkbox"/>

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?

Difficult to state a NOC view here - it's a decision for Defra, and the experience in Wales might suggest that although a single organisation seems a very attractive option, the actual level of real savings that might be achieved may not be as large as hoped.

Perhaps a lean single agency can be created that maintains the overview of statutory obligations and coordinates activities in order to meet those obligations, but sub-contracts the actual data gathering and assessment duties to a network of existing organisations including civil society and private sector contractors?

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

Whichever model is chosen, it must be agile, able to respond to a rapidly evolving environment and able to work smoothly with devolved government equivalent organisations and European partners. The distinction between terrestrial and marine is an artificial one that constrains best planning practice - a smooth transition from land to ocean is to be preferred.