

Response ID ANON-8T6H-JTMZ-F

Submitted to Nature Recovery Green Paper: Protected Sites and Species
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Introduction

1 What is your correspondence address?

Email address:

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2 Would you like your response to be confidential?

No

If ticked 'Yes', please state why:

3 Please tell us in what capacity you are responding to the consultation by selecting from the following:

Public body

Provide 'other':

4 If responding on behalf of an organisation, please provide the name of the organisation you are responding for.

Provide a comment:

Historic England

5 Please indicate your specific areas of interest in responding to this consultation:

30 by 30, Protected Sites, Trees and Forests, Marine: Protected Sites, Marine: 30 by 30, Arm's-Length Bodies, Environmental Impact Assessment

Provide 'other':

6 Please indicate which location your response relates to, selecting from the following:

England

Provide 'other':

Protected Sites

7 What degree of reform do we need to ensure a simpler and more ecologically coherent network of terrestrial protected sites?

Option 2: Lighter touch reform including streamlining existing site designations (SACs, SPAs, and SSSIs).

Provide a comment to explain your views:

Biodiversity depletion should be reversed, but the historical ecology of the UK is part of our inherited landscape character and has special qualities of its own, even if the diversity of our native flora and fauna is limited compared to other countries. Our wildlife, habitats and marine environment reflect the interaction between both cultural and natural processes over long periods and cannot be separated from anthropogenic histories. Not only do cultural heritage features host valuable habitats, but to be sustainable, nature recovery needs both to be informed by history, heritage and culture and to take it into account.

The necessary scale of ambition will require a landscape-scale approach. Not only does this mean that National Nature Recovery, Local Nature Recovery Strategies and designations will need better integration and connectivity with the historic environment, but they will also need to mesh better with other designations (eg. World Heritage Sites).

This also affords an opportunity to address unhelpful tensions between nature and heritage designations and to better integrate the conservation of places and environments with both natural and heritage significance.

8 What degree of reform for the marine protected area network do we need to meet our biodiversity objectives and commitments?

Option 2: Continuing to manage existing site designations (SACs, SPAs, and MCZs) similarly, streamlining our approach by to refer to them all as Marine Protected Areas (MPAs).

Provide a comment to explain your views:

We would welcome a simplified, streamlined approach, so long as it safeguarded access for archaeological research and management purposes and does not unreasonably limit public access to heritage assets.

We would also recommend that a reformed system of marine designations should acknowledge the presence of heritage MPAs (Protection of Wrecks Act 1973; Ancient Monuments and Archaeological Areas Act 1979; World Heritage Sites) and take account of any incidental contribution they might make to biodiversity objectives and commitments.

As an example, heritage designations could serve as OECMs (see section 4.1.1) in the marine environment. Historic England would welcome discussion with Defra on this possibility.

9 Do you agree that there should be a single process for terrestrial designation?

Yes

Provide a comment to explain your views:

Noting that there are also nuances and complexities around heritage designations, we suggest that the mechanisms could be consolidated, but with a view to more integrated delivery rather than being exclusively nature or species focused.

We also note that section 3.1.1 does not make any reference to instances where nature conservation designations overlap with other statutory designations (such as the historic environment and nature based WHS designation). These should fall under section 3.1.3

10 Should we reform the current feature-based approach to site selection and management to also allow for more dynamic ecological processes?

Yes, for both terrestrial and marine sites

Provide a comment to explain your views:

Our primary recommendation in relation to increasing resilience and opportunities for wider purposes would be to adopt a conservation-led approach informed by history. We noted in the supporting discussion the suggestion that the prescription approach has not been successful. For historic sites encompassing habitats and species have generally found prescriptions really useful in achieving outcomes and monitoring results.

In our view, the discussion document gives insufficient recognition to the potential effects of climate change on future habitat/species losses, the case for de-designation, and the conservation value of successor habitats/species e.g. historic exotic tree species becoming the next veteran trees.

We note that heritage designations face similar climate change challenges (eg. <https://historicengland.org.uk/research/results/reports/18-2022>) and would be happy to discuss this.

11 How do we promote nature recovery beyond designated protected sites?

Provide a comment to explain your views:

As we have suggested above (in relation to both terrestrial and marine environments), in addition to greater sustainability and generating additional public goods, a conservation-led, landscape-scale approach informed by history would also be a useful vehicle for promoting nature recovery to a much wider audience beyond protected sites. The need for this is recognised by a heritage sector presence on the Nature Recovery Network management group. That said, neither Historic England or the wider sector are well-represented on or engaged in Local Nature Recovery strategies, which offer another obvious (but so far underused) route for promotion.

12 Do you see a potential role for additional designations?

Yes

Please provide detail in the free text box.:

Veteran trees and orchards are obvious candidates for designation. Such designation must, however, also take into account historic and cultural significance of these trees and their environments. This could extend to Registered Parks and Gardens, which currently have no consenting regime and are merely a material consideration within the planning system.

13 Do you agree we should pursue the potential areas for reforms on assessments and consents?

Not Answered

Provide a comment to explain your views:

We have no comment to make.

14 Should action be taken to address legacy consents?

Not Answered

Provide a comment to explain your views:

We have no comments.

15 Should we move to this more outcomes-focused approach to site management?

Yes but building on Site Improvement Plans to offer a holistic site outcome plan

Provide a comment to explain your views:

Greater integration and flexibility would be very helpful in finding solutions for complex nature-culture sites. In our view, many rewilding projects are not sufficiently outcomes-focused. To achieve this, better definitions (and shared vocabulary) are needed, as are dialogue on the scales of management interventions/withdrawals and when and where these are appropriate.

16 Do you have suggestions for how regulation 9 requirements should be reformed to support delivery of England's 2030 species target or other long-term biodiversity targets and to improve our natural environment?

Yes

Provide a comment to explain your views:

Where species recovery programmes are successful, regulations need to be flexible enough to respond to and ease responsibility burdens (and costs) on property owners. Class consents for bats in churches is a good example of learning from practice to pave way to better and more collaborative management.

17 Do you have suggestions for how processes under Regulation 6 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 and sections 125-127 of the Marine and Coastal Access Act 2009 together could better deliver outcomes for the MPA network? Please explain your answer.

Other

Provide a comment:

We simply note that Historic England has commissioned research into the appropriate handling of heritage activities where these occur within MCAZs:

<https://historicengland.org.uk/research/results/reports/75-2017>,

18 Do you have suggestions for improving the EIA scope and process for the Defra EIA regimes?

Yes – Marine Works EIA regime

Please highlight if a comment refers to a specific regime.:

Although a relatively minor point, the terminology used in Marine Works EIA regulations – which refer to 'cultural heritage, including architectural and archaeological aspects, and landscape' – could be brought into line with the terminology used in the UK Marine Policy Statement and National Planning Policy Framework, i.e. 'historic environment' and 'heritage assets'. It is axiomatic that 'environment' for the purposes of EIA Regulations must continue to encompass the historic environment / heritage assets.

19 What are your views on our proposal to establish priority areas for afforestation?

Provide a comment to explain your views:

Historic England has been working with the Forestry Commission on assessing and developing methodologies to produce historic environment/woodland creation opportunity, sensitivity or targeting mapping. We support the Government's proposals for woodland creation in the form of the England Trees Action Plan, but also the "right tree, right place" approach. There are opportunities for woodland creation and tree planting to reinforce or enhance the historic character, in addition to improving the management of, and access to historic features. In order to realise the nature, climate change and other public and environmental benefits, and to be sustainable, it is vital that the historic environment is given appropriate weighting within any assessment process. We support the need for strategic assessment, but given the ubiquitous nature of heritage, we have reservations about perceived "low risk" areas automatically being "green lit", and the suspension of EIAs (which in practice, are often the only opportunity for heritage curators to be involved in the processes).

Delivering 30 by 30

20 What are your views on our proposed criteria to achieving our 30 by 30 commitment?

Provide a comment to explain your views:

To be sustainable, the 30 by 30 target must take account of the historic environment, and the heritage and culture of places.

26% or 3.448 million hectares of land are already protected for nature conservation. In comparison, the largest (by area) designation for heritage - Registered Parks and Gardens cover only 175,269 ha. Despite this, 19% of Scheduled Monuments coincide with Sites of Special Scientific Interest, as do 24% of Registered Battlefields and 16% of Registered Parks and Gardens. As a result, the natural capital, including the welfare benefits gained from sites and areas are often derived from a combination of the heritage, biodiversity and geodiversity.

In this context, we note the "expectation" that AONBs and National Parks will be repurposed to deliver more for 30 by 30, despite the Landscapes Review having only very recently consulted on these purposes. To reiterate our response to that consultation:

Historic England notes the proposal to amend the first purpose of National Parks (which covers 'conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas') to include reference to restoring nature (and possibly climate change). We would stress that it is vital that any amendment to the first purpose is not detrimental to the existing priorities. Nature and its recovery in these cherished landscapes is dependent on the interaction of both natural and cultural factors over centuries, if not millennia. It is essential that the guidance makes it clear the increased emphasis on public bodies to deliver on nature restoration doesn't have unintended consequences and damage for cultural heritage, as once lost it cannot be restored. We would like to see the ambitions for the delivery of the statutory purposes set out in greater detail in the National Landscape Strategy to provide clarity and ensure that these are aligned with other UK Government obligations (such as for example under international conventions).

In the marine sphere, the heritage designations could be considered as OECMs, subject to investigation/management/access not being unreasonably restricted as a consequence. Practically, heritage designations already provide a degree of incidental protection for species/habitats and it would be advantageous to have greater integration with nature conservation across all the forms of Protected Areas.

21 What are your views on our proposal to reform forestry governance and strengthen protections for the Nation's Forests?

Provide a comment to explain your views:

We welcomed commitments in the England Trees Action Plan.

Many woodlands are historic and cultural features in the landscape and include historic assets, and to be sustainable, woodland management should appropriately recognise this heritage. We would therefore expect any changes in governance to also embrace historic significance.

22 What are your views on our proposal to adjust forestry permanency requirements for certain project types?

Provide a comment to explain your views:

We believe that changes in restocking requirements could be beneficial in restoring some historic landscapes e.g. conifer plantation back to wood pasture.

23 Do you agree with the proposed changes to the UK Marine Strategy (UKMS) delivery programme, and if not, what other changes would you make to streamline the reporting of UKMS?

Yes

Provide a comment to explain your views:

There is a flaw in UKMS that could also be addressed in the course of the proposed changes, namely that Good Environmental Status does not reflect the full scope of the marine environment as defined in UK legislation/UK MPS etc. Specifically, GES does not encompass the historic environment / heritage assets among its descriptors, effectively precluding comprehensive or integrated approaches and the contribution that heritage-based understanding or measures could make to nature recovery.

Historic England therefore regards it as essential that the marine historic environment is brought within the scope of the UK Marine Strategy.

In Section 4.1 reference is made to developing a framework (based around a set of criteria) to assess whether protected areas and any other effective area-based conservation measures are functioning appropriately. It is important for the historic environment to be represented within this framework

24 Do you support the approach set out to split the high-level Good Environmental Status (GES) target into individual descriptor level GES targets?

Yes

Provide a comment to explain your views:

See above - we suggest that reform of GES should include the addition of a descriptor on the marine historic environment.

Species

25 Do you agree we should pursue the potential areas for reforms for species?

Not Answered

Provide a comment to explain your views:

We have no comments.

26 Based on your knowledge and experience please can you tick the criteria below that you think we should use to determine what level of protection a species should be given?

Provide a comment if 'Other':

We have no comments.

27 What proposals should we look at to improve our current licensing regime?

Provide a comment to explain your views:

We have no comments.

28 What proposals do you think would make our enforcement toolkit more effective at combatting wildlife offences?

Provide a comment to explain your views:

We have no comments.

Delivering Nature Recovery

29 What are the most important functions and duties delivered by Defra group ALBs to support our long-term environmental goals?

Provide a comment to explain your views:

We would welcome greater collaboration amongst ALBs across government departments, not just Defra. With the loss of CAFE and CABESpace (a DCLG - DCMS ALB), there is a particular lack of ALB leadership/coordination/drive on urban green spaces and in our view, NE/Defra is not well-placed to understand urban environments and place-making.

In respect of the marine environment, on which policy is led by Defra and includes obligations on the marine historic environment, Defra has no means of delivery other than through DCMS/HE. There are also overlaps in interest/activities in the coastal/marine sphere between Defra ALBs (EA, MMO, NE, JNCC, Cefas) and HE.

Given the inter-dependencies of culture and nature, better articulation between Natural Capital (Defra) and Culture and Heritage Capital (DCMS) would also help achieve better environmental/public goods outcomes.

30 Where are there overlaps, duplication or boundary issues between ALBs, or between ALBs and government? How could these be addressed?

Provide a comment to explain your views:

We have no comments.

31 What are the benefits and risks of bringing all environmental regulation into a single body?

Provide a comment to explain your views:

In our view, the range of technical and policy expertise that would be required by a single organisation would make it unwieldy, and not therefore necessarily any more efficient.

32 What are the opportunities for consolidating environmental delivery functions into a single body? Which programmes and activities would this include?

Provide a comment to explain your views:

We have no comments.

33 Please provide your views on how more effective cost recovery for regulation would affect: a) environmental protections b) businesses

Provide a comment to explain your views:

We have no comments.

34 What is the most efficient way of ensuring businesses and regulated persons pay an appropriate share of the cost of regulation?

Provide a comment to explain your views:

We have no comments.

35 What mechanisms should government explore to incentivise the private sector to shift towards nature-positive operations and investment?

Provide a comment to explain your views:

We have no comments.

36 What level of regulation is needed to incentivise private investment in nature while ensuring additionality and environmental integrity? What else should government be doing to facilitate the development of a market framework that provides investors, farmers and land managers, regulators and the public with confidence in the quality of privately financed nature projects?

Provide a comment to explain your views:

We have no comments.

37 What financial impact do you think the proposals set out in this Green Paper would have either on business (e.g. landowners) or government?

Provide a comment to explain your views:

In the context of investment via ELM to support nature recovery goals, or indeed via protected landscapes or other measures, heritage and nature are shared, cross-departmental responsibilities. To achieve the most efficient return on public investments, Government must invest holistically in nature, including heritage.

As a corollary, decoupling natural and heritage capital investments in landscapes, place or the environment is inefficient and unsustainable. It erodes the market failure rationale for public sector intervention by not addressing the well-known coordination failures and information asymmetries. Ultimately it will lead to higher administrative costs as economies of scale are lost. It will also increase the costs of remediation.

Historic England would particularly welcome a more detailed discussion with Defra about nature recovery in the marine sphere and the opportunities for greater integration of the human dimension, culture, heritage and heritage protection with mechanisms to manage fisheries, protected areas and the UK Marine Strategy.