



Working towards *Natural England*  
for people, places and nature

## **MEMORANDUM OF UNDERSTANDING**

Between

**THE NATURAL ENGLAND PARTNERSHIP**

**THE ENVIRONMENT AGENCY**

**and THE FORESTRY COMMISSION**

1. This Memorandum of Understanding is between the Natural England partnership<sup>1</sup>, the Environment Agency and the Forestry Commission. It is about how we will work together to protect and enhance the natural environment during the period prior to the legal establishment of Natural England, and signals our intent to work together beyond that date.
2. Each body has its own distinctive roles and responsibilities. We all recognise the benefits of working together to achieve our common interest.
3. This Memorandum sets out:
  - our respective roles and responsibilities;
  - the outcomes we will achieve by working together;
  - the working practices we will use to achieve them.

### **Our roles and responsibilities**

4. Our roles are defined in statute (principally the Environment Act 1995, the Forestry Act 1967 and the Natural Environment and Rural Communities Bill<sup>2</sup>). The RDS's role from 1 April 2005 is defined in a Framework Document.
  - The Natural England partnership leads on:
    - conservation and enhancement of biodiversity and geodiversity throughout England (EN);
    - protection and enhancement of England's landscapes and promotion of outdoor recreation and access (CA);
    - the sustainable land management schemes which form part of the Rural Development Regulation (RDS).
  - The Environment Agency leads on the integrated protection and enhancement of natural resources (air, land and water), the management of waste and flood risk, water-based recreation, fisheries and navigation.
  - The Forestry Commission leads on delivery of woodland and forestry policy.
5. In many cases, the roles of each organisation are different and distinctive. Where our roles overlap, we each have distinctive but collaborative responsibilities within the same area. These are defined in Annex 1. By working in partnership we can achieve more effective delivery of outcomes, improve service to our customers and avoid duplication. This Memorandum defines how we will work together to do so.

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<sup>1</sup> The Natural England partnership is working together, from 1 April 2005, until the legal establishment of the new agency. It comprises the Landscape, Access and Recreation division of the Countryside Agency, English Nature and most of the Rural Development Service.

<sup>2</sup> And preceding legislation related to the three partners within the Natural England partnership.

## **Our shared vision and outcomes**

6. We share a common vision of contributing to sustainable development and achieving a better quality of life through:
  - protecting, recovering and enhancing biodiversity, geodiversity, landscapes and natural beauty;
  - promoting access, recreation and public well-being;
  - delivering environmental protection and improved air, soil and water;
  - contributing directly and indirectly to social and economic wellbeing.
  
7. The strategic environmental priorities we will address in partnership are:
  - Sustainable agriculture policy and practice which delivers the protection of natural resources, landscapes and natural features and the conservation of biodiversity;
  - Support and incentives to land managers to deliver sustainable land management;
  - Catchment flood management planning and river basin management planning which deliver reduced diffuse pollution and good ecological status, reduced flood risk, sustainable water supplies and enhanced biodiversity and landscape quality;
  - Protection of marine natural resources and conservation and enhancement of marine biodiversity;
  - Protection and enhancement of special sites and delivery of specific UK Biodiversity Action Plan targets;
  - Enhanced opportunities for outdoor recreation and improved access to land, water, coasts and the sea;
  - Regional strategies and policies which contribute towards natural resource protection and sustainable development;
  - Delivery of evidence-based advice on matters affecting the environment to national, regional and local government.

## **Collaborative programmes and working practices**

8. These priority outcomes will be delivered by the working principles defined in paragraph 11. We also have in place joint working agreements and protocols set out in Annex 2.
  
9. In a number of areas, partnership working will be especially rich and opportunities for collaboration and risk of duplication will be high. For these areas we need clarity and distinctiveness of role and to establish who leads on what and how they will work with the other bodies. For these collaborative programmes we will define our roles, establish accountabilities and agree ways of working for each body at national, regional and local level.

10. Areas identified for collaborative programmes are:

- integrated catchment management
- agriculture and land management policy
- Water Framework Directive implementation
- Habitats Regulations implementation
- coastal and fluvial flood risk management
- land and water based recreation.

We will periodically review and agree these areas, by considering each organisation's strategic priorities and environmental imperatives. As other high priority areas emerge over time, we will develop new collaborative programmes to address them.

11. We will:

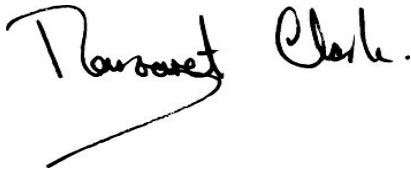
- build towards a shared evidence base by exchanging information and data;
- collaborate on research and development, partnership projects and joint approaches nationally, regionally and locally;
- encourage interaction at all levels, including developing strategies, advising others and operational delivery;
- pool our expertise and resources when working jointly to avoid duplication;
- share our positions in response to policy initiatives and consult each other at the earliest opportunity;
- communicate our collaborative work together to government, partners and the public;
- be consulted on and contribute to formal guidance issued by the Secretary of State to any of the signatories of this Memorandum;
- consult each other and contribute to strategies and major policies of mutual interest;
- establish mechanisms for collaboration at national, regional and local level, including:
  - An annual meeting of the Chairmen and CEOs;
  - Quarterly meetings of CEOs to monitor progress on this Memorandum;
  - Regular meetings of national, regional and local teams to develop collaborative objectives and working practices, where these help us achieve our outcomes and improved customer service.

### **Liaison and review**

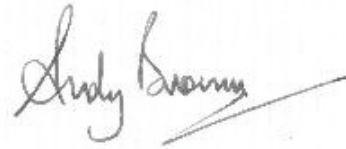
12. The relationship between our organisations will evolve over time and we will keep this Memorandum under review. Key milestones for reviews are the appointment of the Chairman and Chief Executive of Natural England in November 2005, and legal establishment of Natural England in October 2006 (as currently envisaged and subject to parliamentary approval).

## Governance of this Memorandum

13. The CEO's of each of the organisations will own and sign off this Memorandum, and meet to monitor progress every quarter. Relevant Executive Directors, including Regional Directors, will meet regularly to put this Memorandum into operation and monitor outcomes. Chairs and Board members will meet as necessary to discuss specific national issues and the overall progress on this Memorandum.



**Margaret Clarke,  
Acting Chief Executive  
Countryside Agency**



**Andy Brown, Chief Executive  
English Nature**



**Barbara Young, Chief Executive  
Environment Agency**



**Paul Hill-Tout, Director England  
Forestry Commission**



**John Adams, Chief Executive  
Rural Development Service**

**27<sup>th</sup> September 2005**

**Annex 1 – Distinctive responsibilities of the Natural England partnership, EA and FC**

**Landscape and historic environment**

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Statutory advice to Government and others on landscape. Designating England's finest countryside as National Parks and AONBs.
<b>Natural England (RDS)</b>	Incentivising farmers and land managers on protection and enhancement of landscape and the historic environment through ERDP schemes.
<b>Natural England (EN)</b>	Statutory advice to Government and others on landscape scale policies and actions for biodiversity and geodiversity.
<b>Forestry Commission</b>	Promoting the contribution of woodland to the landscape (through grants to landowners and on the public forest estate) and ensuring (through guidelines and felling licenses) that forestry does not cause adverse impacts on landscape and the historic environment.
<b>Environment Agency</b>	Statutory duty to conserve and enhance landscape and the historic environment on own estate.

**Access and recreation**

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Implementation of CRoW Act 2000 access provisions.
<b>Natural England (RDS)</b>	Incentivising farmers and land managers on permissive access through ERDP schemes.
<b>Natural England (EN)</b>	Regulation on designated sites.
<b>Forestry Commission</b>	Incentivising landowners to provide permissive access in woodlands and management of recreation on the public forest estate. Lead on community forestry and Community Forests.
<b>Environment Agency</b>	Strategic planning for water-related recreation and sport; improving the amenity of surface waters and enabling the recreational and navigational use of waterways and promotion of angling.

## Biodiversity

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Integrating landscape character and biodiversity data, including through Countryside Quality Counts.
<b>Natural England (RDS)</b>	Competent Authority for EIA (Uncultivated Land and Semi-Natural Areas) and Heather and Grass Burning Regulations. Providing advice to Defra on the application of the Weeds Act. Licensing and compliance enforcement, and incentivising farmers and land managers to protect and enhance biodiversity through ERDP schemes.
<b>Natural England (EN)</b>	Statutory advice to Government and others on biodiversity. Regulating, designating, managing, consenting activities on or affecting statutory sites. Protection and enhancement of BAP species.
<b>Forestry Commission</b>	Protecting woodlands through the felling licence system and promoting the creation, conservation and enhancement of woodlands (through grants to landowners and management of the public forest estate). Competent Authority for EIA (Forestry) Regulations.
<b>Environment Agency</b>	Competent authority under the Habitats Regs and S28G 'Public Body' under the CROW Act 2000. Enforcement and influencing to improve salmon/freshwater fisheries. Protection and enhancement of water, wetland and coastal habitats and sites and of wetland BAP species. Creation of new habitats through flood risk management.

## Coastal and marine

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Designation and governance of heritage coasts. Access to coast appeals and mapping process.
<b>Natural England (RDS)</b>	Incentivising coastal habitat re-creation and management through ERDP schemes.
<b>Natural England (EN)</b>	Statutory advice to Government and others on coastal and marine biodiversity and geodiversity. Designation and management of coastal and marine protected areas out to 12 nautical miles offshore.
<b>Forestry Commission</b>	Not relevant.
<b>Environment Agency</b>	Regulation of emissions and pollution to estuarine and coastal water. Advising and influencing to reduce contamination of estuarine and coastal waters. Acting as harbour authority in two locations. Regulating fishing for salmon, migratory fish, across inland and coastal waters to the 6 mile limit. Sea fisheries power in 60% of estuaries in England and Wales. Conducting enforcement in conjunction with local Sea Fisheries Committees, the Sea Fisheries Inspectorate and other partners. Coastal flood risk management.

## Water and wetlands

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Statutory role to provide advice under the Water Act (s156).
<b>Natural England (RDS)</b>	Incentivising the implementation of water level management plans and flood risk management through ERDP schemes.
<b>Natural England (EN)</b>	Regulating, designating, managing, consenting activities on or affecting statutory sites.
<b>Forestry Commission</b>	Promoting the positive role of woodland in water issues and providing guidance to avoid or reduce negative impacts.
<b>Environment Agency</b>	Regulating and advising on environmental pollution and water abstraction. Developing Water Level Management Plans and water resource management strategies. Monitoring water quality and characterizing surface and ground water standards. Delivery of flood risk management. Competent Authority for the implementation of the Water Framework Directive.

## Soil quality

	<b>Specific Responsibility</b>
<b>Natural England (CA)</b>	Research on the landscape implications of soil management and erosion.
<b>Natural England (RDS)</b>	Incentivising soil protection and management, the control of diffuse pollution and nutrient planning through ERDP schemes.
<b>Natural England (EN)</b>	Advising on soil biodiversity.
<b>Forestry Commission</b>	Providing guidance on soil protection associated with forestry activities. Evaluating and monitoring the effects of forests and forestry on the soil. Conserving undisturbed soil profiles in ancient woodland.
<b>Environment Agency</b>	Regulating, licensing and influencing to control pollution of soil and clean up of contaminated land. Safeguarding of soil functions. Leading on development and implementation of soil strategy and priorities, including research, advice and regulation to tackle diffuse pollution and erosion.

## **Annex 2 - Existing agreements and protocols**

EN/EA: Joint Ventures Programme (JVP) 2002-2005<sup>1</sup>

EN/EA: Protocol for Flood Management and Conservation<sup>2</sup>

EN/EA: Service Level Agreement Information Exchange<sup>3</sup>

EA/EN: European Water Framework Directive, English Nature and the Environment Agency. Protocol for co-operation under the Joint Ventures Programme<sup>4</sup>

EA/EN/CCW: Water Framework Directive Protected Areas: Natura 2000 sites. Agreement on joint working between EA, EN and CCW<sup>5</sup>

EN/FC: A Joint Statement of Intent between English Nature and the Forestry Commission (England)<sup>6</sup>

EN/FC/CA/Sport England/The Association of National Park Authorities: Health Concordat 2005<sup>7</sup>

EN/CA: Nature Conservation and Access Land: An agreement between English Nature and the Countryside Agency<sup>8</sup>

EN/EA/CA/EH: Strategic Environmental Assessment: Consultation Bodies' Services and Standards for Responsible Authorities<sup>9</sup>

EA/EN/CCW: new SSSI procedures for immediate implementation<sup>10</sup>

EN/EA: Memorandum of Understanding on River SSSIs

EA/CA/Sport England: Memorandum between the Countryside Agency, Sport England and the Environment Agency

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<sup>1</sup> Dated 7 March 2002, this Joint Ventures Programme sits underneath the 23 June 1997 'Concordat between English Nature and the Environment Agency'. Whilst the Concordat itself is superseded by this MoU, the JVP framework, setting priorities for biodiversity-focussed EA/EN collaboration at all levels, will continue. In rolling forward the current JVP into 2005/06, the priorities for the remainder of the Integrated Agency confederation period will be re-visited.

<sup>2</sup> Dated March 2003 and due for review in March 2006.

<sup>3</sup> Dated 1 December 2004 and due for review in December 2007.

<sup>4</sup> Dated August 2002, and likely to be revisited as part of JVP review.

<sup>5</sup> In preparation and ready for sign off.

<sup>6</sup> Dated 20 November 2003 and includes Joint Action Plan 2003-2004 (with update of latter planned).

<sup>7</sup> EA has also indicated a wish to pledge up.

<sup>8</sup> Dated 10 July 2000.

<sup>9</sup> Version of 26 August 2004 signed by all CEOs. Describes the services and standards which 'Responsible Authorities' can expect from the English 'Consultation Bodies' over SEA Directive Consultations.

<sup>10</sup> Dated 1 July 2002.