

Triennial review of the Joint Nature Conservation Committee:

Response from Scottish Environment LINK

11 April 2013



Scottish Environment LINK is the forum for Scotland's voluntary environment organisations - 34 member bodies representing a spectrum of environmental and associated cultural heritage interests with the common goal of contributing to a more environmentally sustainable society. LINK provides a forum and network for its members; and assists communication between members, government and civic society. Further information on LINK is available at www.scotlink.org

This response is supported by the undersigned members of the Wildlife Forum and the Marine Task Force.

General comments:

While environmental policy and delivery on land is fully devolved, and at sea to the 12 nautical mile limit, there remains an important coordination role at UK level in terrestrial matters and in those relating to the marine environment, particularly beyond 12nm where conservation is only executively devolved. JNCC is the only government environmental body with a UK-wide remit and is responsible for conservation advice in the UK marine area beyond 12nm. As such it is imperative that this remit is delivered to meet the UK's domestic and international obligations and to support all four British countries' delivery towards our international targets.

JNCC is in fact a 'joint venture' nature, which, like all joint ventures, has a Board with representatives of all four partners. The JNCC serves all four partners equally, as well as DEFRA-UK, especially when DEFRA-UK represents all partners in international forums. It is this joint venture 'feel' that enables JNCC to do its job in Scotland, and any changes would undermine this.

For example, from a Scotland perspective, there are occasions when the UK role is misinterpreted. On these occasions, it is especially important that DEFRA and the devolved agencies have access to independent UK advice and support. However, in order to fulfil this role, JNCC must be independent of all four governments so that it is free to advise in the interest of the UK and not just part of it. There are some tensions in the way JNCC is currently managed by DEFRA and a good result from the current consultation would be a realignment of JNCC's UK role to provide a clear line of sight between the funding for JNCC and its UK activities.

It is worrying to see in the consultation report reference to linkages to Natural England, which should be no stronger than linkages with SNH, CCW or Northern Ireland or to suggestions that the international role should go to DEFRA, part of the Westminster government. This review should be taken as an opportunity to clarify what a UK role needs to deliver and how it can be delivered for all 4 countries.

In our view, the four key roles for JNCC, as a valuable UK coordinating body should be:

1. Providing a focus for evidence and standards across the UK: this should include coordinating and supporting UK wide biodiversity surveillance and assessment
 2. Coordinating and collating evidence for reports to Europe and global initiatives on UK progress towards international targets
 3. Coordinating and supporting delivery of conservation and biodiversity targets in the overseas territories
 4. Providing evidence, information and advice in the offshore marine environment and in ways that are relevant to devolved legislation and policy – in particular to helping ensure integration of marine protected area and marine planning policies arising from the Marine (Scotland) Act (2010) and the Marine and Coastal Access Act (2009).
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Question 1: Are there any functions of the JNCC which you believe are not necessary, and why do you think this?

There are no functions that currently fall within the remit of JNCC that are not necessary. We outline below the key functions of UK that must be retained for the UK to function and report at an international level.

Question 2: What works well in the delivery of JNCC's functions and why?

JNCC have made improvements and progress in the coordination of UK activities. The committee and staff have a valuable role in covering the reserved elements of marine conservation work, most recently highlighted in the Scottish MPA project for offshore MPA proposals, and in pulling together country led work to achieve a more coherent whole. This is especially the case in the offshore marine environment, where JNCC is the only statutory agency responsible for providing advice to the UK and devolved governments. Another example is in agreeing common standards monitoring for SSSIs, where JNCC can provide ecological peer-review of the four country approaches.

On the international front, JNCC has an important role in coordinating and delivering work in the overseas territories, most of which have extremely rich biodiversity, which the UK government is committed to conserving. For example, including the British Indian Ocean Territory, UK Overseas Territories account for a staggering 22% of the world coral reef area¹. The JNCC has established strong working relationships with key officials in many of the Overseas Territory Governments' Environment Departments and the JNCC's ability to provide small grants to the OTs to facilitate highly cost-effective pieces of work is greatly valued, although under achieving (see Q4).

With the international targets that the UK is committed to, it is also important that JNCC retains its role in reporting on progress, monitoring and providing advice across the UK. Given that the UK, as a whole, is the member state/signatory to international agreements, reports, monitoring and advice similarly has to be all-UK. JNCC's role in reporting on international targets such as Aichi is vital and would be extremely challenging in the absence of the UK coordinating remit. This includes reporting UK progress on the CBD and reports to CoP, including targets of the Global Strategy for Plant Conservation and the Habitats and Birds Directive.

JNCC also has an important UK role in liaising with IUCN, which plays a key function in generating and shaping much of the content of international conventions at early and middle stages. Another important JNCC role is as the UK focal point for newly formed IPBES (mainly scientific, reporting and technical issues).

¹ http://jncc.defra.gov.uk/pdf/UKOT_Coral_Reefs_Aberdeen_2011_Sarkis.pdf

See also response to Q3.

Question 3: What value does the scientific and technical advice provided by the JNCC have for you?

Biodiversity does not recognise political boundaries and while policy and delivery on land and to the 12 nm limit in Scotland is devolved, surveillance and monitoring across the UK to agreed standards is vital in assessing progress. Surveillance and monitoring should be supported at a UK level for key species. Data should be collected and collated for use both for international reporting purposes as well as for country level assessment of progress against country biodiversity targets. Examples include the Countryside Survey.

In the marine environment, many species are highly mobile and so a UK-wide perspective on environmental policies is required if these policies are to be successful within, and between, regional bodies for the UK's seas. Moreover, beyond 12 nautical miles, many policy issues are reserved for this common resource (EEZ not territorial waters). However, some key policies are devolved or 'executively devolved', including fisheries, renewables and conservation. Thus, it makes sense for all governments to have consistent 'joint' advice.

From an international perspective, the overseas territories (OT) hold over 90% of the threatened biodiversity for which the UK is responsible, but the state of knowledge remains exceptionally limited, with a lack of species lists and incomplete red list assessments. A strategic scientific evidence programme is required to identify and fill in the most pressing gaps in OT biodiversity knowledge, enabling a strategic overview of the actions required in order to meet international commitments. This rich biodiversity reflects a major need for robust biodiversity data. Despite this, the JNCC's overall scientific and technical advice on the OTs has, to date, been disappointing. This is largely due to a lack of a Strategic Scientific Evidence Programme and poor data gathering techniques.

Question 4: Do you have any suggestions for opportunities to improve and why?

It is vital that JNCC are independent of all 4 governments so they can provide advice and a coordination service that delivers for all 4 governments. Any proposals to relocate the UK role within one of the 4 countries would be counterproductive. For example, moving functions into one of the country agencies effectively removes access to target functions for the remaining country agencies who would then have no input. It is vitally important that DEFRA and JNCC clarify and then deliver consistently a UK role, rather than succumbing to the confusion that still occurs on the difference between UK and England issues. The country agencies and eNGOS can advise on this.

On the international front, JNCC should play a key role in coordinating and delivering effective conservation action in the overseas territories, which have extremely rich biodiversity, much of which is threatened, and which the UK government has considerable responsibility for conserving. In the 2012 OTs White Paper, Defra Minister Richard Benyon wrote 'We are committed to working in partnership - across government, with the Territories themselves, and with non-government organisations'. To date, the JNCC has not fulfilled this ambition, instead focussing strongly on working with officials in OT Government Departments, to the detriment of achieving maximum positive biodiversity outcomes.

Positive biodiversity outcomes could be achieved through grants to OTs. While the JNCC distributes small grants to the OTs, transparency in this area has been limited. In order to improve the transparency and accountability of the JNCC's OT funding, it is recommended that clear objective priorities, linked to the OTs Biodiversity Strategy are set and that OT NGOs are better incorporated into the funding mechanism.

Question 5: Does the current conservation landscape (the way the functions are split between different conservation bodies) work well and if so why do you think this is; and could the way the functions are delivered be managed differently/better in order to achieve better outcomes for the environment, economy and society?

It is vitally important that a body exists to provide a UK coordination role. Delivery for the environment, economies and societies is already legislatively devolved on land and to the 12 nm limit and works well within the country borders. However, there is still a need for reporting activities to be led from an independent UK perspective and for areas of work that are not legislatively devolved, including marine policy and planning beyond 12nm and in UK Overseas Territories.

Question 6: Is the current structure the most appropriate and if yes why do you think this – are there opportunities to improve and what are they?

With some improvements to the way JNCC delivers its functions, the current set up of a single agency with a UK coordination role is sensible and cost effective.

Question 7: Do you have any other comments which you would like the triennial review team to take into account?

Spatial planning in the marine environment is a key area of work. Marine Conservation Zones have been identified in English inshore waters and UK offshore waters adjacent to England and Wales under the Marine and Coastal Access Act 2009 (MCAA), Marine Protected Areas have been identified in Scottish inshore waters and adjacent UK waters (under the Marine (Scotland) Act 2010 and the MCAA respectively) and regional spatial plans are being developed in English waters and UK waters. These will all have a substantial impact on UK seas. In order to achieve coherent management of these plans and the impact they will have on the marine environment and its communities, it is essential that a UK wide, overarching perspective is taken to provide appropriate advice. We advise that JNCC with a UK coordinating remit is best placed to provide this, although it is also necessary to bear in mind that the Scottish marine area accounts for 61% of the UK total.

There remains some confusion over what a UK role is and what an England role is. This needs clarifying and agreeing by all 4 country administrations. Once this has been done, JNCC will be in a stronger position to deliver the UK elements of their role that no other agency is in a position to deliver across the UK.

There remain some issues in how JNCC accesses expertise within the eNGO community. There are many eNGOS who work across the UK and the expertise that sits within these organisations, on environmental policy and its delivery within countries and at UK level is not used by JNCC. JNCC needs to be able to access expertise in eNGOS across the UK and not rely on only using those based in England. There have been several instances in the past year where misunderstandings about the role of the Link networks meant they were not involved or consulted when they could have helped resolve key issues. JNCC needs to be more proactive in these areas, especially where governments are less enthusiastic about consulting their sometimes 'critical friends'.

This response is supported by the following members of Scottish Environment LINK:

Buglife
Butterfly Conservation Scotland
Froglife

John Muir Trust
Marine Conservation Society
Plantlife Scotland
RSPB Scotland
Scottish Wildlife Trust
Scottish Raptor Study Group
Whale and Dolphin Conservation Trust
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