

# At your service?

## The limits of enterprise with nature at stake

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*This article discusses the pros and cons of Natural England's cost recovery approach in responding to planning applications. Can a cultural shift amongst the agency's staff protect nature's bottom line whilst also promoting wildlife-friendly development?*

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### **What's the problem with income generation?**

Having recently taken early retirement after 31 years of service with Natural England, English Nature and the Nature Conservancy Council, this is an 'insider's view from the outside' of the direction of travel of Natural England, prompted at least in part by recent press coverage of Natural England's emerging strategy ('Budget cuts threaten to weaken powers of England's nature watchdog' *Guardian* 16 August 2016).

One of the supposed revelations of that press report was that Natural England will try to generate a substantial proportion of its future income through its commercial services offer, which includes both a Discretionary Advice Service (for advice to developers pursuing planning applications) and a Pre-submission Screening service in respect of wildlife licence applications. This should have been a surprise to no-one: over the past five years, NE has increasingly been making such offers, and receiving income as a result. There was an initial reluctance amongst staff to adopting such an approach, based perhaps on the necessary shift in perception from 'doing the best we can for wildlife' to 'doing the best we can for wildlife, provided we are paid'. Experience has shown that the more commercial approach has been adopted and embedded in the way of working of most front-line staff. It is now business as usual.

While at least the more experienced staff (and I was one of those) could hark back to the halcyon days when we when acted to protect and enhance the natural environment unencumbered by the need to generate income. The financial and political climate under which NE operates has changed markedly, especially since the advent of the last coalition government, the economic crisis, and the dogmatic adherence to deregulation and small government. And now, pragmatically (in resourcing terms) but also conceptually (in terms of consistency with services provided by other parts of the public sector) I don't really have an issue with NE operating in a commercial manner, even now as an outsider looking in.

In terms of resourcing, it is no secret that the squeeze on the public purse has put NE under very considerable financial pressures. Seeking to replace a proportion of



Grant-in-Aid with commercial income is just one of a suite of measures (which also include 'back-office' efficiencies, and voluntary early severance schemes) to balance the books.

### Payment boundaries

Likewise conceptually: why should NE be any different from other parts of the public sector seeking cost recovery? Nobody expects the process of seeking planning consent to be without cost implications. Furthermore, nobody should expect that having paid to have a planning application considered, the act of paying gives any guarantee that permission will be granted. On this basis there is perhaps a good argument that the range of services provided by NE on a commercial basis should be extended, from discretionary advice ('nice to do') to statutory advice ('must do').

What is important however is that the terms of engagement in the commercial sector are clearly understood by all parties, and here perhaps there is room for some improvement. An applicant seeking NE advice under a commercial services contract must not expect any difference in the substance of advice provided commercially as compared with advice given to the decision-making body outwith a commercial scheme. The applicant can however expect 'early warning' of potential showstoppers, or improvements which can be made to an application which would maximize its chance of it being given consent after due consideration through the relevant legal and policy processes. Likewise, an applicant can expect a response, within an agreed timeframe, even if the issue under consideration would otherwise

fail to meet the list of priorities which in a non-commercial but resource-limited scenario NE must inevitably apply.

Equally important, especially from the perspective of the ecological consultancy industry, is that NE is not setting itself up in direct competition to the services provided by ecological consultants. And at present I see no likelihood of that. NE will not be doing the necessary baseline survey work, nor writing Environmental Impact Assessments to inform the planning process. What it is and will be doing is offering a service to ensure so far as possible that ecological inputs to planning matters are fit for purpose, clearly of value to applicants as an adjunct to the work they commission from truly commercial consultancies.

So do I challenge the title and premise of the *Guardian* newspaper's article: 'Budget cuts threaten to weaken powers of England's nature watchdog?' No: that I have concerns about the future direction of Natural England should be apparent to anyone who has read my blogs *The Curate's Egg – my reflections on leaving Natural England Parts 1 and 2* on [www.chrisgibsonwildlife.co.uk/blog/](http://www.chrisgibsonwildlife.co.uk/blog/). I do believe there are hard times ahead, but I do not see the move to charging as a key problem. What is more of a challenge is the culture change, away from advising and regulating on a site basis, towards encouraging and facilitating at a wider scale. Explicit here is the adoption of the outcomes approach, where actions are tailored to achieving positive outcomes for the natural environment. Fine words, but there are risks.

### Towards a slippery slide?

First, 'outcomes' require the participation of all sides of an issue, which cannot be guaranteed. All NE can realistically do is identify solutions, in the hope that, without any legal driver, the shared outcomes will follow. And then there is the problem of identifying and delivering 'shared' outcomes. This is tantamount to acceptance that compromise should be a starting point in negotiations. But compromise is 'lose-lose' (losing elements of nature at every step), whereas the starting point should be to seek 'win-win' solutions, a very different scenario in terms of transactional analysis. Sadly, especially in view of the delegation of authority from the national level to the Area Teams, I believe the risk of inappropriate compromise leading to progressive salami slicing of natural features is a real and present danger. It is incumbent on all of us on the outside to scrutinize Natural England and hold to account if necessary the official agency of the conservation movement. I hope that we will not need to start deploying the hashtag #youforgotthelaw, but I fear the worst.

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