

Natural England Board



Meeting: 11
Date: 25 June 2008

Paper No: **NEB PU11 10**

Title: **Declaration of Intent between Natural England and the Ministry of Defence (MoD)**

Sponsor: **Andrew Wood, Executive Director Operations**

1. Purpose

1.1. The purpose of the paper is to secure the Board's endorsement of the terms of the Declaration of Intent (DoI) with the Ministry of Defence (Annex 1).

2. Recommendations

2.1. It is recommended that the Board:

- note the terms of the DoI and the Chief Executive's intention, in consultation with the Chair, to sign on behalf of Natural England;
- note current areas of co-operation that will provide the foundation for future joint working.

3. Background

3.1. Prior to vesting, the Ministry of Defence had a formal accord with English Nature and working relationships with the Countryside Agency and Rural Development Service.

3.2. The new Declaration of Intent (DoI) between Natural England and the Ministry of Defence outlines our respective roles and responsibilities; our shared aspirations for the natural environment; the outcomes we will seek in partnership and how we will work together to achieve those. MoD is a key stakeholder in that they manage the largest designated estate in England, which, because of its varied geography covers a range of landscapes and hosts significant populations of BAP species. Although the rural and coastal estate is used for military training, much of it is open to the public, subject to safety and security requirements. The DoI gives Natural England an additional opportunity to influence the MoD over issues such as SSSI condition improvement and access to the countryside and coast. It also enables 'fast track' engagement in the event of an incident on MoD land or discussion on urgent defence operational developments that could impact on the natural environment or public access.

3.3. Work on drawing up the draft DoI began in October 2007. Natural England's non-financial scheme of delegation permits the Chief Executive to sign it, in

consultation with the Chair. It is being brought to the attention of the Board in view of the wider significance of this partnership.

- 3.4. The absence of a formal agreement has not prevented Natural England and the MoD from working together on a number of projects and issues. Examples include Defence Estates contribution to the SSSI PSA target and on public access and recreation, notably coastal access arrangements for the Marine Bill.
- 3.5. The DoI will also establish formal liaison arrangements at Chief Executive and Executive Director level in addition to a wide range of routine engagement at officer level.

4. Issues

- 4.1. The relationship will continue to evolve and a formal review will take place in five years, or earlier as required. The formal liaison arrangements above should ensure a periodic review of progress in implementing the DoI.

Annex 1

Declaration of Intent between the Ministry of Defence and Natural England

INTRODUCTION

1. This Declaration of Intent between the Ministry of Defence (MoD) and Natural England (NE) seeks to enhance the relationship between staff and the working arrangements of both bodies.
2. The role of Natural England is to work for people, places and nature, to conserve and enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well-being. Natural England also has the responsibility to ensure that our natural resources are protected and improved and to contribute to the way they are managed so that they can be enjoyed now and in the future.
3. It is recognised that the primary purpose for which MoD holds or uses land is for military requirements and in the interest of national defence. This Declaration of Intent does not interfere with these purposes.

PURPOSE

4. The purpose of this Declaration is to improve the stewardship of the natural environment, to foster biodiversity, to safeguard landscape character and archaeological features of the Defence Estate, to facilitate public access to the Defence Estate and to seek to minimise the environmental impact of defence-related activities. It provides a framework for the staff of both organisations to work together to achieve this.

SCOPE

5. This Joint Declaration relates to activities and operations undertaken by MoD and its contractors over areas of land or water (on and off-shore) owned or used by the Department or by the Reserve Forces and Cadets Associations (RFCAs), including any areas subject to MoD training and other rights taken over private land. We both recognise that the whole Defence Estate

contributes to the purpose of this Declaration, and hence the importance of joint work so the Estate as a whole takes account of this. The Estate also includes many very important areas that have been statutorily identified as being of importance for wildlife, earth heritage, landscape value or public recreation, including Natura 2000 sites, Sites of Special Scientific Interest, Ramsar sites and Scheduled monuments. Our work under this Declaration will focus significantly on these areas.

WAYS OF WORKING

6. The parties agree to develop and maintain close working relationships. The parties will establish appropriate contact points to implement the partnership, including land managers responsible for the whole Estate, the specialists who support particular decisions and those who act as the route for channelling Natural England's statutory advice within MoD. This will also include work with Conservation Groups and estate management partners, and will include advice on non-designated land. This network of contacts will provide reports which will be considered at an annual liaison meeting between both parties' senior staff (see s. 19).

Acquisition and Disposal of MOD land

7. MoD will seek to secure the environmental values of land they dispose of or acquire in the future. MoD will give advance notice to NE of any intended disposal or acquisition of land wholly or partially notified as a designated site e.g. SSSI. This notice will be given to the local Natural England Team Managers by Estate Surveyors from Defence Estates or RFCA Secretaries and copied to Natural England's Regional MoD Account Manager. Natural England will have the opportunity to advise MoD on ways to secure the environmental interests/opportunities and, for disposals, to nominate a suitable body to purchase the land within Treasury Rules, as long as there are no Crichel Down considerations or other legal constraints.

Planning and Development

8. Where MoD intends development or change of use/intensity of use that could significantly affect a designated site, Estate Surveyors from Defence Estates

will consult with the relevant local Natural England Team Managers at the earliest opportunity. Both parties will respectively inform their principal liaison officers of any matters concerning the development that are considered to be contentious, or might be drawn to public or Ministerial attention.

Environmental Assessment

9. MoD will comply with the statutory and non-statutory requirements for Environmental Assessments and Appropriate Assessments on a strategic and site-specific basis. Natural England will help and support in the preparation of these. MoD will aim to ensure that environmental considerations are integrated into all policies, programmes and projects promoting sustainable land management wherever this is compatible with the needs of national defence.

Protected Sites

10. MoD, with support from Natural England, will contribute to the national SSSI PSA target to maximise the area of MoD owned land in favourable or recovering condition. MoD will work proactively with partners, tenants and licensees to manage designated wildlife and geological sites to maintain and, where possible, enhance the nature conservation, historic and/or geological interests for which they were notified. Natural England will assist MoD through the provision of specialist land management advice particularly in relation to large scale restoration projects.
11. MoD will not intentionally carry out or permit to be carried out any activity likely to significantly damage the special interest of designated sites. It is recognised that impacts relating to MoD's operational requirements or emergencies may occur and MoD agrees to follow internal procedures (JSP 362) and to make every effort to minimise these impacts and to seek to restore or mitigate elsewhere any loss of interest caused. It also agrees to inform Natural England at the earliest opportunity of proposed activities and to pay due regard to advice from Natural England. This clause should not unreasonably inhibit any activity required under Clause 3 above.
12. Natural England will inform MoD at the earliest stage of any proposal to designate an area in which MoD may have an interest, such as a Site of

Special Scientific Interest (SSSI) or a Natura 2000 site. This includes proposed boundary changes or the addition of special features to a designation. Natural England and MoD will cooperate in the monitoring of key habitats and species, particularly in relation to the Site Condition Monitoring (SCM) of SSSIs. Natural England will make available to MoD the results of SCM and other relevant data. Both parties will cooperate in the sharing of data and the use of such results to improve SSSI condition and to promote best practice and the contribution of the MoD to the state of the natural environment and the conservation status of key habitats and species. MoD will manage Natura 2000 interests through the Memorandum of Understanding with Defra et al on the Habitats and Birds Directive.

Public Access and Recreation

13. With reference to areas of land and water identified in Clause 5, MoD recognises that it has a declared presumption in favour of public access unless there are specific reasons to the contrary. Where appropriate, MoD will enhance opportunities for public access to defence land consistent with safety, security and operational considerations, the interests of MoD's landlords, tenants and licensees and the requirements of conservation.
14. MoD will inform Natural England of any intentions to restrict public access under Section 28 of the Countryside and Rights of Way Act and, when appropriate, will seek advice on the closure or diversion of public rights of way. Natural England will inform MoD of potential claims for public access affecting the Defence estate arising out of specific projects e.g. the Discovering Lost Ways project. MoD and Natural England will work together over enhancements to coastal access at MoD sites, recognising that this must not unreasonably impact upon defence requirements.

Integrated Land Management Plans

15. The two parties will co-operate in the development of MoD's Integrated Land Management Plans for areas owned or occupied for defence purposes. Where such areas include an SSSI, the management plans will include a plan of work necessary to improve and maintain SSSI condition and fulfil MoD's Natura 2000 and European protected species obligations. The plans should also take

account of Biodiversity Action Plans for priority habitats and species and seek to contribute to specific habitat and species targets as well as the landscape character the Estate contributes to and public access opportunities. MoD should use plans to encourage tenants to adopt best practice in relation to environmental sustainability and where appropriate encourage tenants to participate in agri-environment schemes.

Wildlife Crime

16. MoD, through its network of Police Wildlife Crime Officers, will co-operate with Natural England and other relevant authorities over the investigation and prosecution of wildlife crime on the defence estate. In particular, the killing of wild birds, taking of bird's eggs, poisoning of wildlife, theft of wild plants, cruelty to animals and the illegal trade in endangered species.

Military flying and defence-related activities outside MoD land

17. Military low flying will be carried out in accordance with military low flying regulations. Fixed wing aircraft flights will normally be no lower than 250 feet, but some fixed wing operational low flying training will take place below 250 feet in designated areas. Helicopter flights will normally be no lower than 100 feet, but some activity may take place below 100 feet for specific training reasons or when engaged on Search and Rescue missions. Low flying will be spread as widely and as evenly as practicable. Because of the extensive distribution of wildlife and landscape designations, some training in areas of natural heritage interest will be unavoidable. MoD will do its best to keep the disturbance to a minimum, subject to flight safety and operational training needs.
18. Where military training, testing or adventurous training takes place on land or offshore outside its ownership or management control, MoD will respect sensitive natural heritage and public recreation interests as advised by the landowner and/or Natural England.

COMMUNICATION AND ENGAGEMENT

19. The staff of both bodies and their agents shall make and maintain close working relationships and will endeavour to develop an understanding of their

respective interests and requirements. Both bodies will develop, share and promote best practice and will work to resolve any differences between them at the lowest appropriate level.

20. Natural England will support MoD in providing environment and sustainable development awareness and training for its personnel through the provision of information and guidance on the management of designated sites and other areas of the natural environment, public access/community engagement and recreation interest.
21. The parties will exchange data on their respective interests:
 - a. Natural England undertakes to provide sets of maps or digital data highlighting the boundaries of SSSIs, Natura 2000, Ramsar sites and information on the features of interest. MoD undertakes to consult these in developing and managing its property and when pursuing and planning training or other military activities.
 - b. MoD undertakes to provide Natural England with maps or digital data highlighting property owned by the MoD or Reserve Forces Cadets Associations and any other significant training areas whether over land or water.
 - c. Both parties agree to collaborate over the collection of information used to monitor the condition of the natural environment, and are committed to making this publicly available through the National Biodiversity Network and Local Biological Records Centres.

Engagement Plan

22. The parties will endeavour to work together in a structured manner as follows:
 - a. The Chief Executives will hold an annual meeting.
 - b. A Director in each organisation will hold the appointment of MoD- Natural England Liaison Director. The Directors will nominate a principal liaison officer and suitable points of contact of staff with lead responsibility for

policy and operational issues. A list of contacts will be exchanged and updated on an annual basis.

- c. The principal liaison officers will meet twice a year or as required by the necessity of business between the organisations.

STATUS OF THE DECLARATION OF INTENT

- 23. No action arising from this Declaration of Intent will override the statutory duties or responsibilities of either body.
- 24. This Declaration of Intent has immediate effect. It supersedes the previous declaration signed on 31 July 2002. The content of this statement will be communicated to all appropriate staff within MoD and Natural England and its application will be subject to formal review every five years.

Signed:

Vice Admiral Timothy Laurence
Chief Executive Defence Estates

Dr Helen Phillips
Chief Executive Natural England

Date: