

# Natural England Board



Meeting: 10  
Date: 30 April 2008

Paper No: **NEB PU10 11**

Title: **Memorandum of Understanding between Natural England and English Heritage**

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 Memorandum of Understanding (MoU) agreed with English Heritage (attached at Annex 1).

## **2. Recommendations**

2.1. It is recommended that the Board:

- note the terms of the MoU 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 of Natural England, English Heritage had a formal accord with English Nature and close working relationships with the Countryside Agency and Rural Development Service. As with the comparable MoU between Natural England, the Environment Agency and Forestry Commission (Board paper NEB P07 26, Oct 2007 refers), the principle of such a formal agreement was agreed with the founding bodies in the run up to vesting (January 2005) but the terms of it were not agreed at that time. Despite this, we have continued working collaboratively with English Heritage and have used this experience to inform development of the currently proposed long-term agreement describing the relationship between us as statutory bodies.

3.2. This formal Memorandum of Agreement (MoU) between Natural England and English Heritage sets out the relevant roles, responsibilities and common interests of the two organisations, including the outcomes we will seek in partnership. It will be supported by a more detailed relationship plan, updated annually at officer level, that will provide more detail on how we will work together during the year.

3.3. The proposal to draft a MoU was re-affirmed by the Chief Executives of both agencies when they met in May 2007 and the terms subsequently agreed by them in February 2008. Natural England's non-financial scheme of delegation permits the Chief Executive to sign in consultation with the Chair, but the Chief

Executive has chosen to bring the MoU to the attention of the Board in view of the wider significance of this partnership.

The English Heritage Commission approved the MoU at its meeting on 3<sup>rd</sup> April, subject to a few minor changes.

- 3.4. As the Government's advisers on the natural and historic environment respectively, Natural England and English Heritage have significant areas of common interest and this is reflected in the Memorandum. Sustainability is a key theme for both organisations, as is achieving an integrated approach to the conservation, management and enjoyment of the environment.

The MoU sets out our shared vision for an environment that is:-

- healthy, and cared for;
- enjoyed, understood and valued by all;
- used sustainably and secured for the future.

While these themes echo our own Strategic Direction, they are also enshrined within English Heritage's policy framework ('Forces for our Future' and 'Conservation Principles').

Currently, we are working with English Heritage in relation to:

- promoting and implementing the European Landscapes Convention;
- seeking to ensure that the European Union takes due account of the natural and historic environment in implementing current directives and future CAP reform;
- HLS targeting;
- research into impacts of energy crops and quarrying;
- sharing policy approaches e.g. climate change, landscape policies, review of strategic direction;
- diversity and implementing the 'outdoors for all' action plan.

A senior Natural England officer also attends the English Heritage Advisory Committee to advise on landscape and biodiversity issues.

Building on these areas, we see potential for developing our relationship further through sharing evidence, collaborative research and projects, pooling expertise and resources and sharing our emerging policy approaches.

#### **4. Issues**

- 4.1. The MoU acknowledges that the relationship will continue to evolve and may, in time, need to be formally reviewed. Section 14 sets out specific governance proposals that include annual meetings of the Chair and occasional meetings of the Board of Commissioners of English Heritage and the Natural England Board. It also specifies liaison at Chief Executive, Executive Director and

Regional Director level in addition to a wide range of routine engagement at officer level.

- 4.2. The respective roles of Natural England and English Heritage as Government's statutory advisers on the environment means that we have significant areas of mutual interest, but also the potential for disagreement and conflicting policy positions. We want be clear and transparent in the way we work together so managing differences of opinion is explicitly covered in the MoU.

**Annex 1**

## **Memorandum of Understanding**

**Between**

**ENGLISH HERITAGE AND NATURAL ENGLAND**

**[DATE]**

## Introduction

1. This Memorandum of Understanding is between English Heritage and Natural England. It sets out how we will work together to protect and enhance the landscapes and the natural and historic environment of England. Both organisations have their own distinctive roles and responsibilities, but recognise the benefits of working together to achieve this shared goal.
2. This Memorandum sets out:
  - our respective roles and responsibilities;
  - the outcomes we will achieve by working together;
  - key areas of collaboration and the working practices we will adopt to promote them;
  - arrangements for liaison and governance of this Memorandum.
3. The Memorandum is to be supported by a Relationship Plan that will be reviewed annually.

## Our Roles and Responsibilities

4. English Heritage is the Government's statutory adviser on the **historic environment**. English Heritage's duties, defined principally by the National Heritage Act 1983 (amended by the National Heritage Act 2002)<sup>i</sup>, are:
  - to secure the preservation of ancient monuments (including historic parks, gardens and areas<sup>ii</sup>) and historic buildings situated in England;
  - to promote the preservation and enhancement of the character and appearance of conservation areas situated in England and;
  - to promote the public's enjoyment of, ancient monuments and historic buildings situated in England and their preservation.
5. Natural England is the Government's statutory adviser on the **natural environment**. Its statutory general purpose, defined by the Natural Environment and Rural Communities Act 2006, is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This purpose includes:

- promoting nature conservation and protecting biodiversity;
- conserving and enhancing the landscape<sup>iii</sup>;
- securing the provision and improvement of facilities for the study; understanding and enjoyment of the natural environment,

- promoting access to the countryside and open spaces and encouraging open-air recreation, and;
  - contributing in other ways to social and economic well-being through management of the natural environment.
6. As public bodies, both Natural England and English Heritage have a duty under Part 3 of the Natural Environment and Rural Communities Act 2006 to have regard to the purpose of conserving biodiversity, so far as is consistent with the proper exercise of their functions.
7. Natural England is the lead body for conservation and enjoyment of the natural environment. In this work, Natural England recognises the importance of cultural heritage, taking account of it in its work and playing an important role in delivering its conservation and management through mechanisms such as Environmental Stewardship. English Heritage is the lead body for the historic environment. In its work to conserve and enhance England's cultural heritage it recognises and takes account of the importance of the natural environment. Both organisations recognise the value of provision within Natural England of specialist historic environment advice to ensure effective delivery of its functions.

#### **Our shared vision and outcomes**

8. As the landscapes of England have been shaped by the interaction of natural forces and human activity over millennia, our natural environment and cultural heritage are seamlessly integrated. Therefore, although our respective roles are different and distinctive, they are complementary and we share a common vision:

***To ensure that landscapes<sup>iv</sup> and the natural and historic environment are conserved, enhanced and managed for the benefit, wellbeing and enjoyment of present and future generations, thereby contributing to sustainable development and a better quality of life for all.***

9. In preparing this Memorandum, we recognise that we need to work closely together in order to secure this vision. By working in partnership we can achieve more effective delivery of multiple environmental objectives and outcomes, improve service to our customers and avoid duplication. The strategic outcomes we will seek in partnership will deliver a natural and historic environment which is:

- healthy and cared for;
- enjoyed, understood and valued by all;
- used sustainably;
- secured for the future.

10. We will work together to secure our shared vision and to deliver the following outcomes for the environment:

a) Healthy and cared for:

- a cultural and natural heritage across rural, urban and maritime England that is conserved and enhanced;
  - better understanding of the natural and cultural values of places and landscapes, through research, monitoring, evaluation and training;
  - more effective and better integrated measures to protect natural and cultural resources.
- b) Enjoyed, understood and valued by all:
- more effective public understanding of the factors that give a place its character, distinctiveness and significance;
  - enhanced opportunities for outdoor recreation and public access so that everyone can experience England's rich and diverse natural and cultural heritage;
  - improved public understanding and enjoyment of the natural and historic environment via interpretation, education and outreach.
- c) Used sustainably:
- sustainable, integrated management of natural and historic environments and landscapes across urban, rural and marine areas including our own estates;
  - support, incentives and advice for land managers and others that enables them to sustainably manage the places for which they are responsible.
- d) Secured for the future:
- a clear vision for our future natural and cultural environments and landscapes that is backed by robust evidence and advice;
  - national, regional and local government that recognises the importance of protecting and conserving the natural and historic environment for its own sake and its contribution to social and economic development;
  - distinctiveness, quality and the cultural and natural values of places sustained, in the context of change; ensuring that our respective responses to climate change, its risks and adaptation strategies are understood and, wherever possible, complementary.

### **Working practices**

11. To deliver our shared vision, we will agree and annually review a relationship plan that will set out action to deliver these outcomes and will work together in accordance with the following practices.

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; and
  - consult each other and contribute to strategies and major policies of mutual interest.
12. The staff of both bodies shall make and maintain a close working relationship and shall endeavour to develop an understanding of their respective interests and requirements through dialogue, meetings, training and appropriate secondments. Both bodies will develop and promote best practice and will work to resolve any differences between them at the lowest appropriate level.
13. Both bodies will operate a 'no surprises' policy with regard to substantive issues. From time to time conflicts may arise due to the different statutory responsibilities and focus of English Heritage and Natural England. Unresolved conflicts may be acknowledged and accepted as a difference of opinion through mutual respect and understanding of our separate areas of expertise; in this context, advice given by each organisation should acknowledge the different approach of the other organisation.

#### **Inter agency liaison and governance of this Memorandum**

14. The relationship between our organisations will evolve over time and we will keep this Memorandum under review. Collaboration at the national and regional level will be promoted through a wide variety of contacts including:
- annual meetings between Chair of English Heritage and Natural England (in addition to the existing arrangements through the Chairs' Group) and occasional meetings of the Board/Board of Commissioners as appropriate;
  - six monthly bilateral meetings of respective Chief Executives;
  - six monthly bilateral meetings of the English Heritage Director of Policy and Communication and Natural England Executive Director of Policy and Evidence;
  - a minimum of annual bilateral meetings of Regional Directors;
  - meetings of national lead officers at appropriate level and frequency;
  - meetings of regional lead officers at appropriate level and frequency.

15. A senior officer of Natural England will have a place on English Heritage's Statutory Advisory Committee as an observer in order to provide advice on nature conservation, landscape and access. Natural England does not have an equivalent advisory body but will ensure that English Heritage is consulted on the development of relevant policies at an early stage.

## **[Signatures]**

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<sup>i</sup> These duties may be subject to amendment as a result of the forthcoming Heritage Bill.

<sup>ii</sup> "ancient monument" means any structure, work, site (including any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof) and garden or area which in the opinion of English Heritage is of historic, architectural, traditional, artistic or archaeological interest

<sup>iii</sup> Paragraph 63 of the Explanatory notes to the NERC Act. States: 'Subsection (2)(b) of the Act sets out a purpose of conserving and enhancing the landscape. This includes, but goes wider than, conserving the natural beauty of the landscape. It could for example cover conserving field boundaries (such as hedgerows and dry stone walls), and monuments, buildings and sub-surface archaeological features which contribute to the landscape. Natural England will be able to conserve and enhance the English landscape for aesthetic, cultural and historic purposes as well as those carried out for habitat protection purposes

<sup>iv</sup> In promoting this vision, and in addition to that provided in footnote 3 (above), we adopt the definition of landscape provided by the European Landscape Convention that "landscape" means "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors" and note the Convention's recognition that "landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage".