

Natural Environment and Rural Communities Bill

Submission to Environment and Rural Development Committee

LINK welcomes the opportunity to comment on this Bill which is going through Westminster, but has no particular comments on the Bill's proposals regarding Inland Waterways and Agricultural Levy Boards. LINK and a number of the Member Bodies were consulted by DEFRA, and others, during the process of the Performance Finance Management Review of JNCC. Many of these comments were incorporated into this review's recommendations and now form the basis of the NERC Bill's provisions in relation to JNCC. We therefore support, in principle, these proposals – they restate the current legislation for JNCC with a number of improvements.

There is one issue on which we would seek clarification from the Executive. Clause 34(2)(a) appears to us to be drafted somewhat ambiguously; this clause should reflect the current practice of JNCC and the individual nature conservation bodies, such as SNH. **We, therefore, seek assurance from the Executive that, while liaison with JNCC and collective action with or through JNCC should occur wherever possible, this clause cannot be used to prevent SNH, or the Executive itself, from taking appropriate action in Scotland if it so chooses.**

One issue that might be used as an example is that of non-native species; this matter was debated by the Committee during the passage of the Nature Conservation (Scotland) Act 2004. Moreover, the Executive has recently taken further actions resulting from this debate (such as the addition, in Scotland, to species listed on Schedule 9). The development and implementation of policy related to non-native species is one that arises throughout the UK, and in all four parts of the UK; indeed, it arises throughout the world. It is therefore desirable to take consistent action throughout the UK, and JNCC should offer advice on this. However, in the absence of such advice (due to lack of agreement, inadequate funds, or any other reason), the Executive and SNH should be permitted to take what action it considers appropriate in Scotland. Without such flexibility, there is a danger that urgent nature conservation issues in Scotland might go unaddressed as the Executive and SNH await a lead from JNCC. Conversely, where advice and agreed policy is available from JNCC, it should be incumbent on SNH to act in accordance with this advice – that is, advice that its representatives (by virtue of Schedule 4, paragraph 1(1)(c)) have agreed to. **We would equally like assurances from the Executive that it would expect SNH to act accordingly.**

Therefore, subject to these re-assurances, LINK supports the substance of the proposals for JNCC set out in the NERC Bill. It is not for LINK to comment on which Parliament should enact these proposals; however, whether they are enacted by the UK Parliament alone, or the UK and Scottish Parliaments acting separately, they should be enacted with any amendment necessary to reflect the issue raised above.

June 2005