

Anglian Water's Submission for the consultation on the Nature Recovery Green Paper

06.05.2022

1. What is your correspondence address? Please provide an email address or telephone number unless unable to. If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.

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2. Would you like your response to be confidential? Please see the confidentiality and data protection section at the end of this document.

- Yes
- **No**
- If ticked 'Yes', please state why

3. Please tell us in what capacity you are responding to the consultation by selecting from the following:

- Individual
- Research organisation
- Sector trade body or membership organisation
- Ecologist 34 of 42
- Academic
- Planning consultant
- Developer or builder
- Local Authority
- Public body
- Non-governmental organisation
- Farmer
- Landowner
- **Other (please state)**

Water Utility

4. If responding on behalf of an organisation, please provide the name of the organisation you are responding for.

Anglian Water

5. Please indicate your specific areas of interest in responding to this consultation:

- **30 by 30**
- **Protected sites**
- **Habitats Regulations assessment**
- **Trees and forests**
- **Species**
- **Green finance**
- Marine: protected sites

- Marine: 30 by 30
- Arm's length bodies
- Cost recovery
- Environmental impact assessment
- Other (please specify)

6. Please indicate which location your response relates to, selecting from the following:

- United Kingdom
- England
- Northern Ireland
- Scotland
- Wales
- Other (please state, where)

Anglian Water Region

7. What degree of reform do we need to ensure a simpler and more ecologically coherent network of terrestrial protected sites? 35 of 42 We would be particularly interested in your views of how we can have a coherent, effective and well-understood system of protections, as well as supporting the delivery of our legal binding species abundance target and other potential long-term targets.

- Option 1: Reform including a tiered approach emulating the approach taken in the marine area for HPMAAs and MPAs, consolidating existing protected site designations and the creation of highly protected sites
- Option 2: Lighter touch reform including streamlining existing site designations (SACs, SPAs, and SSSIs)
- Option 3: Amalgamation into a single type of designation with a scale of protections
- Other
- No reform
- Do not know

We believe that option one gives the best opportunity for the appropriate protection for nature and is easy to interpret and understand. However, we think it is crucial that the reform should be based on the best practice and case law from the existing system. This will provide a far more effective transition and enables policy makers, project managers and regulators to focus resources on the elements of the approach which have changed. Bringing an entirely new system risks a period of judicial challenge which saps resources from regulators and unnecessarily delays projects when those resources could instead be used to enhance ecology including wider biodiversity networks.

8. What degree of reform for the marine protected area network do we need to meet our biodiversity objectives and commitments?

- Option 1: Reform including a tiered approach consolidating existing protected site designations and the creation of highly protected sites.
- Option 2: Continuing to manage existing site designations (SACs, SPAs, and MCZs) similarly, streamlining our approach by to refer to them all as Marine Protected Areas (MPAs).
- Option 3: Amalgamation into a single type of designation with a scale of protections.
- Other

- No reform
- Do not know

9. Do you agree that there should be a single process for terrestrial designation? We would be particularly interested in your views on how this might best be done for example, should decisions be vested in the appropriate authority [ministers] on the advice of its nature conservation bodies?

- Yes
- No
- Unsure 36 of 42

Yes, we agree there should be a single process and that Natural England should continue to designate SSSI as they do now. It is important however, that the process be appropriately resourced to ensure consistency of approach and engagement with utility companies and other stakeholders.

10. Should we reform the current feature-based approach to site selection and management to also allow for more dynamic ecological processes? We would be particularly interested in your views of how our sites can be made more resilient to climate and other natural changes and can encompass wider purposes such as carbon sequestration.

- Yes, for both terrestrial and marine sites
- Yes, for terrestrial sites only
- Yes, for marine sites only
- No, neither for marine not terrestrial sites
- Unsure

Yes, we think that even with the impacts of climate change, protected sites will remain very important places for wildlife. However, it is important that they are linked together to enable species migration. This may be achieved through Local Nature Recovery Strategies (LNRS) informing Council's Local Plans and providing offsite biodiversity net gain which in turn enhances habitat networks.

11. How do we promote nature recovery beyond designated protected sites?

To promote nature recovery beyond designated protected sites we must ensure Environmental Land Management Schemes are well resourced and funded. We should also enable private finance opportunities by developing codes for ecosystem services as well as developing catchment-scale joined-up investment opportunities. As was said above, this can be planned locally through LNRS providing certainty for investment.

12. Do you see a potential role for additional designations? Please provide detail in the free text box.

- Yes
- No
- Unsure

13. Do you agree we should pursue the potential areas for reforms on assessments and consents?

- Yes
- No – keep as it is
- No – reform but not these areas or additional areas (please state, why)

We agree, however, our concern as a utility provider, is that complete reform without reference back to past good practice and precedent may mean a period of legal uncertainty and costs which doesn't benefit nature recovery.

14. Should action be taken to address legacy consents?

- Yes
- No
- Unsure

Yes, existing consents, including IROPI decisions, should in the main stay in place during transition.

15. Should we move to this more outcomes-focused approach to site management?

- Yes, using Site Improvement Plans
- Yes, but building on Site Improvement Plans to offer a holistic site outcome plan
- No
- Other
- Unsure

SIPs maybe a useful template to set out actions that stakeholders can work on, but they are not, in their current form, outcomes focused, so would require further development.

16. Do you have suggestions for how regulation 9 requirements should be reformed to support delivery of England's 2030 species target or other long-term biodiversity targets and to improve our natural environment?

- Yes
- No
- Unsure

Competent bodies undertaking Appropriate Assessment (AA) need a defined role to identify alternatives for the EIA process. The competent bodies then need to be able to call on the EA (Environment Agency)/ NE/ Forestry Commission as a Centre of Excellence. On AA for Plans and Programmes as part of SEA/ SA (Sustainability Appraisal) we are moving towards a numbers-based approach including - BNG (Biodiversity Net Gain), nutrient neutrality and net zero - informing the wider HRA process and planning for nature recovery through local and landscape scale targets.

17. Do you have suggestions for how processes under Regulation 6 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 and sections 125 to 127 of the Marine and Coastal Access Act 2009 together could better deliver outcomes for the MPA network? Please explain your answer, these regulations are shared with devolved administrations, and therefore careful consideration will be given to any potential effects on these duties, with full evaluation following this consultation.

- Yes
- No
- Other
- Unsure

18. Do you have suggestions for improving the EIA scope and process for the Defra EIA regimes? We would particularly welcome your views on how they can more effectively help to

reduce the environmental pressures outlined in chapters 3 and 4, deliver the objectives in the Environment Act, and facilitate sustainable development.

- Yes – Marine Works EIA regime
- Yes – Forestry EIA regime
- Yes – Agriculture EIA regime
- Yes – Land Drainage EIA regime
- **Yes – Water Resources EIA regime**
- No
- Unsure

We think that a more streamlined and simplified approach to designated and non-designated sites (and their protected status) can help inform environmental assessments (e.g. HRA) in a clearer and more concise way.

In addition to this, the current water resources planning guidance encourages water companies to deliver a whole suite of assessments; Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA), Water Framework Directive (WFD), Invasive and Non-Native Species (INNS), Natural Capital and Biodiversity Net Gain (BNG). We think further guidance on how these can be delivered both proportionally or in an integrated fashion could ensure assessment outcomes are compelling and conducive to achieving the objectives of the Environment Act.

19. What are your views on our proposal to establish priority areas for afforestation?

We think that preferencing some areas could disenfranchise others and there isn't a need for establishing priority areas. There are clearly places where forest landscapes are more prevalent than other areas (Salcey Forest, Yardley-Whittlewood Ridge, Brecks etc), but trees and woodlands are a component of most landscapes and provide significant ecosystem services, including recreation and well-being for local communities.

20. What are your views on our proposed criteria to achieving our 30 by 30 commitment? We are keen to hear views on the proposed approach for assessing Protected Areas set out under 4.1 and suggestions for areas of land we should consider as OECMs in England under section 4.1.0

We are pleased that the government are being ambitious with their targets around space for nature, however, we are concerned that the 30:30 target includes Areas of Natural Beauty (AONBs) and national parks, which can include land uses which can be detrimental to biodiversity. AONBs and national parks are created for a range of reasons, not just biodiversity (AONBs only have one objective and it's not biodiversity), so to include them in the 30:30 target will not guarantee the environment and biodiversity is prioritised.

21. What are your views on our proposal to reform forestry governance and strengthen protections for the Nation's Forests? We are keen to hear views on any additional powers and statutory duties we should consider that would help to deliver on the benefits of woodland beyond timber production.

We consider that forestry, in addition to biodiversity, has a key role to play in both sequestering carbon and in providing resources for construction as we transition to building less carbon intensive homes and buildings.

22. What are your views on our proposal to adjust forestry permanency requirements for certain project types? 30 by 30: UK Marine Strategy

23. Do you agree with the proposed changes to the UK Marine Strategy (UKMS) delivery programme, and if not, what other changes would you make to streamline the reporting of UKMS? Please explain whether you agree with these changes and provide reasoning. If required, please outline any additional proposed changes that will help us achieve the stated goals. When you respond please highlight your experience and make us aware of any evidence you can share that supports your view.

- Yes
- No
- **Unsure**

24. Do you support the approach set out to split the high-level Good Environmental Status (GES) target into individual descriptor level GES targets?

- Yes
- No
- Unsure Protecting Species (page 22)

25. Do you agree we should pursue the potential areas for reforms for species?

- **Yes**
- No – keep as it is
- No – reform but not these areas or additional areas (please state, why)

We agree with exploring potential ways to reform legislation for species. This is mainly because legislation has become increasingly complicated, so an overhaul would be welcome to simplify the legislation whilst retaining appropriate protects for species.

26. Based on your knowledge and experience please can you tick the criteria below that you think we should use to determine what level of protection a species should be given?

- **Threat of local or national extinction**
- Welfare of wild animals
- Controls in trade
- **Importance to the ecosystem** (a species that has a disproportionate beneficial effect on an ecosystem and if they are not present the ecosystem will be in danger of collapse).
- **Promoting recovery** (a species with a low or declining population, which may not yet have a threatened conservation status, but could be protected to support recovery and increased distribution).
- **Importance to genetic biodiversity** (endemic species or sub-species within England that are important for the wider genetic diversity of the species).
- Management requirements (a species where management is required for public health, to protect agriculture, commercial interests and to protect habitats)
- • Socio-economic importance (a species that could be protected to benefit people and communities, for example, to promote tourism)
- To support efforts to reintroduce species or rewild habitats.
- Unsure
- Other – please state why

The criteria-based approach enables a weighting for designation which can then flow through to targets for recovery and Habitats and locations for prioritisation. This will then inform LNRS.

27. What proposals should we look at to improve our current licensing regime? When you respond please state what you think is not working under the current licensing regime, which principles you think should be brought out in any new regime. Please highlight your experience, as well as making us aware of any evidence you can share that supports your view.

28. What proposals do you think would make our enforcement toolkit more effective at combatting wildlife offences? When you respond please highlight your experience, as well as making us aware of any evidence you can share that supports your view.

There is a strong case for monitoring and enforcement being funded from taxation as well as from developers.

29. What are the most important functions and duties delivered by Defra group ALBs to support our long-term environmental goals?

Defra's ALBs perform a range of functions and the most important to us are the provision of expert advice, to help others contribute to the 25YEP goals, act as a regulator to hold stakeholders to account and encourage nature-positive action, and research and development to aid decision-making.

30. Where are there overlaps, duplication or boundary issues between ALBs, or between ALBs and government? How could these be addressed?

Rivers that are designated SSSIs or above fall under the interest of both the EA and Natural England, each driven by different legislative imperatives. Both organisations have an interest in how catchments are managed. For example, Natural England runs the Catchment Sensitive Farming network, and the EA regulates river health. A more coherent catchment-scale focus, with greater cooperation from the ALB's would create a more enabling environment for investment, whether that be regulatory investment or voluntary funding.

31. What are the benefits and risks of bringing all environmental regulation into a single body?

We agree that a single environmental body has its benefits in terms of merging resources and expertise but if the EA, Natural England and the Forestry Commission were brought into one body, the EA's flood risk responsibility should be separated, so we are left with a regulator with a clearer mandate. If not, we'll have a well-resourced flood risk organisation with a small environmental regulator function.

32. What are the opportunities for consolidating environmental delivery functions into a single body? Which programmes and activities would this include?

33. Please provide your views on how more effective cost recovery for regulation would affect: a) environmental protections b) businesses.

34. What is the most efficient way of ensuring businesses and regulated persons pay an appropriate share of the cost of regulation Financing nature recovery?

If the EA change the financing of enforcement, we would like to see the cost of payments/fines used in that area of enforcement and monitoring of these activities. So that money stays within the area of the fine. We would not expect one industry to subsidise another.

35. What mechanisms should government explore to incentivise the private sector to shift towards nature-positive operations and investment?

See above Question 18 and regulated utilities and bodies.

36. What level of regulation is needed to incentivise private investment in nature while ensuring additionality and environmental integrity? What else should government be doing to facilitate the development of a market framework that provides investors, farmers and land managers, regulators and the public with confidence in the quality of privately financed nature projects?

Regulation is necessary to create an enabling environment for private investment, and to ensure both public and private funding complement each other. The government should focus on setting standards and approving codes that will create a level playing field for those wishing to enter ecosystem service markets. The government also needs to ensure the intended outcomes are delivered and be prepared to step in where they are not.

Of particular importance now is the creation of codes and establishing rules around stacking and bundling.

37. What financial impact do you think the proposals set out in this green paper would have either on business (For example, landowners) or government? Please let us know if you feel these proposals would have a significant impact on your business area, or if you think they would have an impact on public funds. For example, this could be about costs or if you think certain proposals would have a positive financial impact or create opportunities. Please tell us in what way you think these impacts would come about, which proposals would drive that change, and try to evidence any financial estimations of costs or benefits.