

Agreement on Natural England's discharge of Wildlife Management Functions

1.0 Purpose

The purpose of this document is to agree how Natural England will implement the wildlife management functions it is authorised to discharge as set out in the Part 8 Agreement with Defra.

2.0 Understandings

Natural England and Defra understand that

- 2.1 Natural England's decisions will be independently taken, are open to legal challenge and must be defensible within statute.
- 2.2 Defra is responsible for:
 - 2.2.1 Setting strategic policy for wildlife management;
 - 2.2.2 Seeking the advice of Natural England on the formulation of such policy; and
 - 2.2.3 Seeking feedback on the implementation of policy.
- 2.3 Natural England is responsible for :
 - 2.3.1 Discharging wildlife management functions in accordance with its purposes under the *Natural Environment and Rural Communities Act 2006* (the Act) and in accordance with the relevant wildlife legislation (eg the Protection of Badgers Act 1992)
 - 2.3.2 Have full regard to the strategic policy framework when making decisions on individual licences or cases
 - 2.3.3 Consulting in advance with Defra on any decision which may be inconsistent with the strategic policy framework.

3.0 Agreement

- 3.1 It is agreed that Natural England will discharge the wildlife management functions according to the following principles:
 - 3.1.1 Natural England will conserve, enhance and manage the natural environment for the benefit of present and future generations thereby contributing to sustainable development – this will often necessitate the active management of both flora and fauna.

- 3.1.2 As Ministers made clear in Parliament, Natural England is primarily an environmental organisation but will, in its implementation of policies, ensure that decisions are taken consistent with all of its general purposes under the Act.
- 3.1.3 Natural England will -
- 3.1.3 a) Champion the conservation of species and advise on wildlife management measures and;
 - 3.1.3 b) Consider the needs of people (socio-economic factors etc) while safeguarding the conservation status of protected species when carrying out its statutory duties.
- 3.1.4 Natural England will discharge wildlife management functions based on all available evidence (environmental, economic and social).
- 3.1.5 Natural England will not issue licences where the available scientific evidence is contrary to achieving the required outcomes and would not normally issue licences where there is a significant adverse impact on the overall conservation status of a species.
- 3.1.6 Natural England will provide advice to Defra to assist the formulation of strategic policy.
- 3.1.7 Natural England will as an independent NDPB develop its own strategic view on the implementation of wildlife management policy and will alert Defra to any potential conflicts between the two.
- 3.1.8 Natural England will execute its statutory responsibilities in a consistent, objective and transparent manner to ensure that its decision making has the complete confidence of Ministers, partners and the general public. This will include a 'no surprises' approach to wildlife management policy formulation and implementation, which will be reciprocated by Defra.
- 3.1.9 Natural England will encourage high standards and promote best practice in wildlife management by encouraging research, adopting 'Better Regulation' procedures and implementing solutions which seek to solve problems in ways that:
- 3.1.9 a) minimise the negative impact of any management on species at the population level, and
 - 3.1.9 b) minimise the negative impact of any management on animal welfare and humaneness
- 3.1.10 Will make its expertise available to the Police and will use its own powers to monitor and enforce compliance with licences and other statutory obligations to ensure the favourable conservation status of protected species is maintained.

- 3.2 Natural England will work with Defra to agree an appropriate delivery framework for wildlife management consistent with the Hampton and Better Regulation principles.
- 3.3 Natural England and Defra agree the following general approach to communications on wildlife management.
 - 3.3.1 Natural England and Defra will ensure that this agreement is understood by the general public and partners.
 - 3.3.2 All communications will adhere to the general "*no surprises policy*", which will ensure that press notices, public consultations and other announcements are shared before wider dissemination.
 - 3.3.3 Correspondence and replies (including Freedom of Information and Environmental Information Requests) will be shared where it is relevant to either parties' interests.
 - 3.3.4 Emerging issues or problems affecting wildlife management in general, and particularly, relating to the implementation of strategic policy will be proactively exchanged.
- 3.4 The Chief Executive of Natural England will be the responsible officer for this agreement. The Director General, Living Land and Seas will be the Defra responsible officer. Day to day implementation of this agreement may be delegated by either party.
- 3.5 High level engagement between the Natural England Board and Defra Ministers and senior officials may be necessary from time to time where significant changes to major strategic policy or delivery are expected or where disagreements arise between NE and Defra on policy formulation and/or delivery implementation. Such engagement is expected to be infrequent and all reasonable efforts will be made first to resolve issues at working level. Natural England reserves the right to publicly disagree with Ministers if issues cannot be resolved through discussion.
- 3.6 Natural England will provide Defra with quarterly reports on the discharge of the functions under this agreement. Ad hoc informal communication between officials is expected to be routine and will be organised to ensure that close collaboration is maintained. However any proposed changes to Natural England's discharge of the wildlife management functions must be agreed between responsible officers.
- 3.7 Where Natural England feels that a licensing case is novel and so falls outside current strategic policy, or where circumstances apply such that Natural England believe the best solution lies outside the current strategic policy, NE will engage Defra officials at an early stage with the aim of proposing a way forward.