

**House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006:
Written evidence submitted by the Association of Local Environmental Records Centres (ALERC)**

1. Local Environmental Records Centres (LERCs) are not-for-profit organisations that collect, manage and share local biodiversity information with local and national partners. The network of LERCs covers much of the UK – providing a valuable evidence base that can underpin decision making. The Association of Local Environmental Records Centres (ALERC) is a not-for profit social enterprise supported by 43 LERCs covering 70 % of the UK; our principle aims are to represent the interests of our members and to promote and develop good standards of practice in the collection, collation, management, dissemination and analysis of environmental data.

Background

2. A primary function of LERCs is to collect, manage and share biodiversity data and information for a defined geographic area including records of species, habitats and designated wildlife sites (including include Local Wildlife Sites¹). This information comes from various different sources and is sometimes created by the LERCs themselves; much of it is collected by volunteers, referred to as ‘biological recorders’.
3. Biological recorders may be motivated by personal interest or a desire to assist with a specific monitoring scheme or project. As volunteers, they tend to share their data in whatever format suits them. By capturing, collating and quality assuring the information that biological recorders provide, and bringing it into a structured format, LERCs are able to put it to many purposes beyond the one for which it was originally collected. Together with national taxonomic recording schemes², LERCs form a network that mobilise biodiversity information from around 70,000 volunteers³.
4. The activities delivered by LERCs include volunteer support (e.g. training and equipment loan), data management, computerised mapping and data analysis, field survey, and other activities, depending on the needs of differing local biological recording communities.
5. LERCs are partnership-led organisations. They provide a suite of services based on high quality data that their private, public and larger voluntary sector partners pay to access, to inform the discharge of their functions and legal duties. LERC partners all have a major interest in the natural environment and include (but are not limited to) local authorities, local Wildlife Trusts, local volunteer organisations, public services (e.g. transport and utilities) and statutory organisations. Until last year, this final category included Natural England.

Natural England

Question 4: How well has Natural England fulfilled the mandate that it currently has? How well do its wide-ranging functions fit together, and does it have the appropriate powers and resources to perform these functions.

¹ Sites designated for wildlife, but not under any statutory designation. For more information: <http://www.wildlifetrusts.org/localwildlifesites>

² Individuals or organisations dedicated to recording one taxonomic group of interest, for the entire country. For more information: <https://nbn.org.uk/wp-content/uploads/2016/02/NBN-52-Bio-Recording-web.pdf>

³ Pocock et al (2015), The Biological Records Centre: a pioneer of citizen science. Biological Journal of the Linnean Society 115 pp 475-493

6. We will focus here on the resources available to Natural England. In particular, access to up-to-date, high quality biodiversity information which should be fundamental to fulfilling Natural England's purpose under the NERC Act 2006: "to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development".
7. From around 2002 until March 2016, Natural England had funded agreements with all English LERCs which enabled Natural England staff to access and use local biodiversity information to inform delivery of Natural England functions, day to day. The most recent set of agreements commenced in 2015 and had been intended to be renewed annually, through to March 2019, subject to available funding.
8. Based on feedback from local Natural England officers, we know that the local biodiversity information provided under these agreements was used in many key areas of work, including:
 - a. Management of National Nature Reserves (NNRs)
 - b. Assessing the condition of Sites of Special Scientific Interest (SSSIs)
 - c. Applications under the Environmental Impact Assessment (EIA) (Agriculture) regulations
 - d. Input into pre-planning advice and planning application consultations
 - e. Biodiversity reporting, e.g. on Local Sites in Positive Conservation Management
 - f. Targeting and supporting Countryside Stewardship schemes
9. In addition to this, the agreements with LERCs supported Natural England's corporate plan objectives in relation to access and engagement, e.g. in providing "opportunities for people to engage with the natural environment ... in ways that meet their needs including health, learning and recreation."
10. The agreements also appeared to us to be a good fit with Natural England's stated ambition in its corporate plan, to "work with civil society, business and other public sector organisations to get the most out of collective resources and to deliver better and more joined-up outcomes for the natural environment."
11. Nevertheless, in February 2016, Natural England notified LERCs that it had decided to end its agreements with LERCs. As a consequence, on 1 April 2016 Natural England ceased to have access to the high quality biodiversity information that LERCs, working in partnership with local biological recording communities, can provide.
12. The main reason that Natural England cited for this decision was a "drive for open data". It was also acknowledged that budget cuts had prompted some "difficult spending choices"⁴.
13. The 'open data' point is more complicated than it may at first appear given that, in collating data from many different sources, LERCs must respect the Intellectual Property Rights of data suppliers. It is also self-evident that funding for the capture and management of local biodiversity data has to come from somewhere – if society wishes to continue making use of it.
14. ALERC is working closely with key organisations nationally to help lead the open data conversation, and ensure there is a clear and positive role for ALERC members. But when it comes to discharging statutory functions relating to biodiversity, we strongly advocate using the

⁴ Natural England's reasons for taking this decision were set out in a joint letter signed by Tim Hill, Natural England Chief Scientist, and Martin Horlock, ALERC Chair, 19 May 2016.

best available data and information. LERCs set their own charges for accessing biodiversity data and information, to cover their running costs.

15. As things stand, Natural England, as an organisation, no longer has access to the high quality biodiversity data and information, supplied by LERCs, that a large number of other organisations continue to use in support of their biodiversity duty under the NERC Act. It has been suggested that, “if there are specific instances where Natural England needs LERC data then they will have to pay for that”⁵. However, in ALERC’s view, this overlooks the fact that biodiversity information supplied by LERCs is fundamental to Natural England’s purpose, and should be routinely accessible to staff across the organisation.
16. ALERC therefore questions whether Natural England has the resources – in terms of access to data and funding – that it needs to perform its functions.

The duty to ‘have regard’ to biodiversity

Question 7: Is the duty to ‘have regard’ to biodiversity ... well understood by those bodies to whom it applies? Is any further work required to raise awareness of the duty?

17. In order to “have regard” to biodiversity it is important first to know what biodiversity (species and habitats etc.) are likely to be affected by a particular decision or activity. That is the rationale for using the biodiversity information provided by LERCs.
18. Local authorities access data via LERCs in order to help them comply with this duty. In 2015-16 ALERC members covered 314 local authorities and had partnership agreements with 221 of them, meaning that 70 % of the local authorities who could potentially access LERC services are using them. LERCs are used in a number of ways by local authorities to assist with the NERC duty, but essentially their services provide notification of the existence of priority habitats and species listed under the NERC Act. What is unknown is how local authorities who do not have access to this information manage to fully take biodiversity into account, under the duty set out in the Act.
19. As far as ALERC is aware, the duty is not policed particularly strongly and it would be hard to know if a local authority was complying with its duty. What we do know is that those local authorities using LERC services are finding this a very valuable contribution to ensuring their NERC duty is met.

⁵ As stated in a joint letter signed by Tim Hill, Natural England Chief Scientist, and Martin Horlock, ALERC Chair, 19 May 2016.

Case study: Biodiversity data, an essential support for NERC action in Hampshire

Biodiversity data collected and maintained by Hampshire Biodiversity Information Centre (HBIC) supports the work of Hampshire County Council and HBIC's partner organisations. It informs environmental assessment, land management and research by local authorities, developers, utilities, landowners, students, local groups and the public.

Hampshire County Council funds (& hosts) the Hampshire Biodiversity Information Centre to provide robust, up-to-date biodiversity information to inform:

- the Mineral and Waste Local Plan and subsequent planning applications
- highways schemes and road maintenance programmes
- other major infrastructure
- its own development schemes including major house building
- flood and coastal defence works
- management of its own land comprising county farms, county parks and local nature reserves, and including over 2,000ha of SSSI land and over 150 local wildlife sites

HBIC also manages:

- The Road Verges of Ecological Importance Project of behalf of County Highways
- The Local Wildlife Sites Project on behalf of the Hampshire local planning authorities

The Hampshire Biodiversity Information Centre holds over 6 million species records; 82,000 ha priority habitat mapping and detailed vegetation surveys of 124 (50,000 ha) SSSIs; 4,046 (36,000ha) Local Wildlife Sites, and many other sites. It works in partnership with a large number of species recording groups.

For more information see: <https://www.hants.gov.uk/hbic>

20. A similar scenario applies to utilities companies, all of whom have the same duty of regard under the NERC Act. Some utility companies use LERC data to assist with complying with the duty. It is not known what biodiversity information the remaining utilities companies use.
21. There is an even patchier scenario with other public authorities. For example, some transport organisations (particularly in London) have chosen to enter into partnership agreements with LERCs to assist in fulfilling their duty, but they are the exception.

Section 41 species

Question 11: Are there any further parts of the Act which are currently in force that need to be reconsidered as a result of developments since 2006?

22. Section 41 of the Act lists priority species which are to be given special consideration. This list needs regular review due to changes in species distributions caused by numerous factors, including climate change.