



Department
for Environment
Food & Rural Affairs

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Discussion paper

Triennial Review of the Joint Nature Conservation Committee

March 2013



Llywodraeth Cymru
Welsh Government



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Introduction

1. As part of the UK Government's commitment to ensure accountability, value for money and transparency of public bodies, Departments are required to review their sponsored Non-Departmental Public Bodies (NDPBs) every three years in order to ensure that the functions of individual NDPBs are still required and that the NDPB model is fit for purpose and offers taxpayers the best value for money.
2. The Joint Nature Conservation Committee (JNCC) has a UK remit so this triennial review is being undertaken jointly by Defra and the Devolved Administrations, as part of Defra's programme of Triennial Reviews. It is being carried out under Cabinet Office guidance¹ and will review the functions and form of the JNCC, look at alternative delivery models for the functions the JNCC delivers and, if it is concluded that the JNCC should be retained, it will review the control and governance of the JNCC to ensure it is in line with the recognised principles of good corporate governance.
3. The JNCC is made up of a non-executive Joint Committee responsible for strategic direction and high level decision making, and the JNCC Support Company, a company limited by guarantee which employs the staff of JNCC. Both the Committee and the Company will be considered as part of the Review process.
4. We are particularly mindful of the need for the review to be:
 - **Proportionate** in view of the size of the JNCC
 - **Timely** in view of the linkages with Natural England² which is itself the subject of a triennial review which is due to report in the spring.

Terms of reference for the JNCC triennial review are at **Annex 1**. Following the review we will then consider whether the JNCC's current funding arrangements are appropriate.

Objectives of review

5. The review will look at whether any reforms would achieve:
 - Better delivery of high quality nature conservation evidence and advice to Government and JNCC customers resulting in better outcomes for the environment, the economy and for society on a sustainable basis.

¹ www.cabinetoffice.gov.uk/resource-library/public-bodies-reform-proposals-change

² Natural England is one of the three GB Country Nature Conservation Bodies which together with the Department of the Environment in Northern Ireland discharge certain of their responsibilities through the JNCC. It also has a marine interface with JNCC as it has functions in English waters up to 12 nautical miles offshore, and the JNCC has functions beyond 12 nautical miles.

- Any strengthening of the governance arrangements to deliver better accountability to UK and devolved governments and the public.

Preparation for the Review

6. In preparation for the review, JNCC has provided relevant data to Defra and the devolved administrations on each of its functions. Initial analysis of this data and preparatory engagement with stakeholders, has provided the basis to develop some thinking on the importance of what is delivered.
7. The first stage of the Review will consider the initial assessment of the functions. It will review whether the functions are still needed and if they are will critically appraise all alternative delivery models, such as those options set out in Cabinet Office guidance, both inside and outside Government. This analysis will look to identify opportunities for further innovation in delivery. The Review will need to consider and estimate the benefits and the direct and indirect costs that will follow the timely implementation of any reform.
8. This document poses a number of questions and invites further views and suggestions with supporting evidence on possible reforms to the relevant delivery arrangements, and on the potential for reform of individual functions, or groups of functions within the JNCC.

JNCC's role

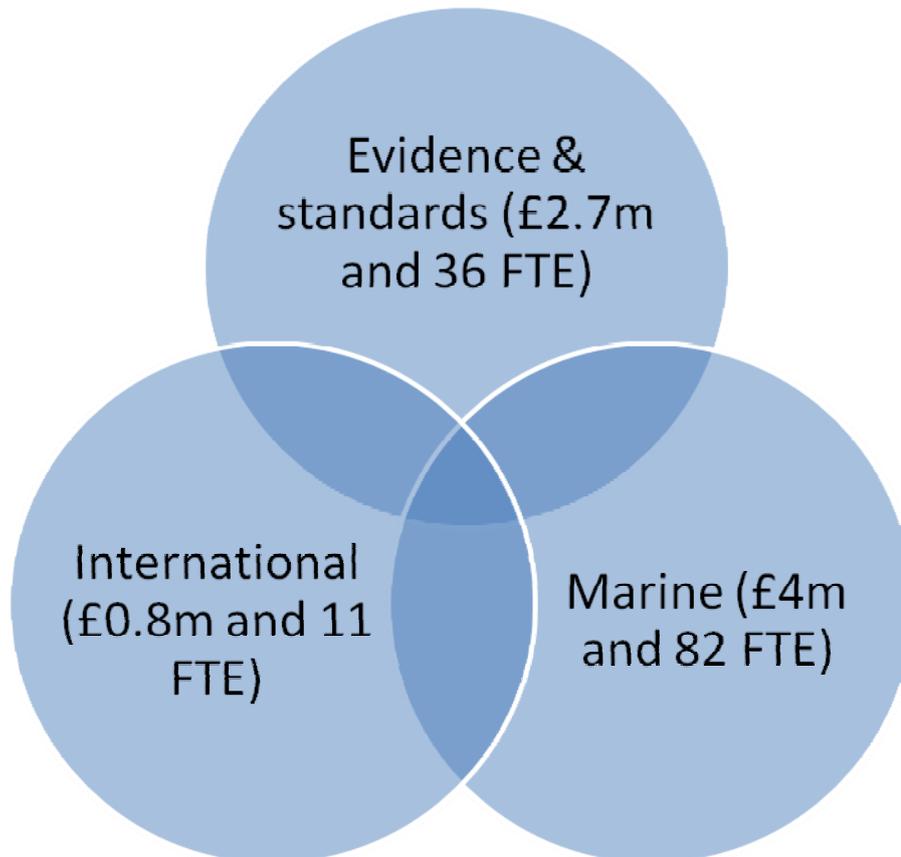
9. The legal basis for the JNCC is the Natural Environment and Rural Communities (NERC) Act 2006³. The JNCC advises the UK Government and devolved administrations on UK-wide and international nature conservation. The JNCC is the forum through which the three GB Country Nature Conservation Bodies⁴ and the Department of the Environment in Northern Ireland discharge their statutory responsibilities for nature conservation across the UK as a whole and internationally.
10. The Secretary of State, in consultation with devolved counterparts, appoints the Chair and five independent members of the Joint Committee. Out of the other eight members six are members of the non-executive Boards of the three GB Country Nature Conservation Bodies while Northern Ireland is represented by two members from the Council for Nature Conservation and the Countryside (statutory advisors to the Department of the Environment). The Chief Executive is appointed by the JNCC.

³ <http://www.legislation.gov.uk/ukpga/2006/16/contents>

⁴ Natural England (NE), Scottish Natural Heritage (SNH), the Countryside Council for Wales (CCW) and the Department of the Environment Agency in Northern Ireland. From 1 April 2013, Natural Resources Wales will take over the functions currently carried out by CCW

11. JNCC has offices in Peterborough and Aberdeen and employs around 160 staff. JNCC's grant in aid budget for 2012/13 is £9.739 million, and is funded jointly by Defra and the Devolved Administrations. JNCC also receives around £1m per annum from other sources including other Government departments.

What does JNCC do?



12. The figures in this diagram⁵ provide a simplified breakdown of Grant in Aid (GIA) and Full Time Equivalent (FTE)⁶ staff for each of the three broad work areas shown. A more detailed breakdown of GIA budgets against JNCC programme areas is provided at Annex 2. Governance and corporate support service account for an additional £2.2m of GIA funding.
13. Work under these areas and associated funding is organised by the JNCC into 10 programmes. GIA funding shown in the diagram above has been allocated to these three work areas in a simplified way. For example, programmes focussing on the

⁵ Non-GIA funding associated FTEs, including funding from other Government Departments, are excluded from this diagram.

⁶ The costs of grant in aid funded FTEs shown in the diagram are included in the figures.

marine environment have been allocated to 'Marine'; Global and Overseas Territories programmes have been allocated to 'International'; and other programmes to 'Evidence and Standards'. It should be noted that all programmes contribute to all goals. For instance, much of JNCC's marine work concerns evidence and standards and involves input to European and international agreements and collaboration with other EU member states.

14. The focus of JNCC's work is regularly reviewed to ensure it reflects the priorities for nature conservation of UK Government and devolved administrations. JNCC has for example reduced its work in some areas over recent years to ensure it is able to provide the scientific advice necessary to help the delivery of a UK network of marine protected areas.
15. JNCC maintains specialist skills essential for the delivery of its functions to provide evidence, represent UK interests within international conservation activities and undertake marine nature conservation. These skills include ecological science, ecological data management and analysis, knowledge of nature conservation practice and legislation, and knowledge of international conservation. Specialist ecological knowledge on species and habitats is retained and supported collectively across JNCC and the Country Nature Conservation Bodies.
16. JNCC makes use of its range of specialist staff, its wider national and international contacts and its funding to develop collaborations that lever significant additional evidence and expertise to deliver its functions (see Annex 3, example 1).
17. A diagram with more detailed information on the functions of JNCC is at **Annex 2**. Some examples of the work JNCC delivers are included at **Annex 3**.

Are the functions of JNCC necessary?

Question 1: Are there any functions of the JNCC which you believe are not necessary, and why do you think this?

Question 2: What works well in the delivery of JNCC's functions and why?

Question 3: What value does the scientific and technical advice provided by the JNCC have for you?

Question 4: Do you have any suggestions for opportunities to improve and why?

Interface with other conservation bodies

18. JNCC works in partnership with the three GB Country Nature Conservation Bodies and the Department of the Environment in Northern Ireland (members of these bodies sit on the JNCC's Joint Committee and Company Board and Northern Ireland is

represented by members of the Council for Nature Conservation and the Countryside) to take forward nature conservation issues that affect the UK as a whole. This includes working with the Country Nature Conservation Bodies and the Department of the Environment in Northern Ireland to develop and maintain biodiversity surveillance programmes to ensure the UK has robust data on species and habitats to underpin the delivery of the UK's nature conservation priorities. JNCC and the Country Nature Conservation Bodies work together to ensure the UK can meet its European and International obligations for biodiversity and sustainable development.

19. In the marine area, JNCC provides nature conservation evidence and advice in the offshore area (beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf). For example, JNCC gives advice on the conservation of marine species listed under legislation, in multi-lateral environmental agreements and as features in marine protected areas.
20. Nature conservation within 12 nautical miles is a devolved matter (except in Northern Ireland). Marine advisory functions in this area are largely carried out by the three GB country nature conservation bodies. However JNCC works on UK-wide issues concerning both inshore and offshore areas.

Question 5: Does the current conservation landscape (the way the functions are split between different conservation bodies) work well and if so why do you think this is; and could the way the functions are delivered be managed differently/better in order to achieve better outcomes for the environment, economy and society

Structure of JNCC

21. The NERC Act 2006 sets out the composition of the Joint Committee, the purpose of JNCC and the functions of national and international significance that it is responsible for. The **Joint Committee** is the non-executive board and is responsible for strategic direction and high level decision making.
22. The Secretary of State, in consultation with devolved counterparts, appoints the Chair and five independent members of the Joint Committee; the other eight members are from the non-executive Boards of the three GB conservation bodies with Northern Ireland represented by two members from the Council for Nature Conservation and the Countryside. The Chief Executive is appointed by the JNCC.
23. The work of JNCC is carried out by the **JNCC Support Company**, a company limited by guarantee which employs the staff of JNCC, is responsible for administrative functions and delivers the business plan.

Funding

Defra funds the programme and direct costs of JNCC's Marine work beyond 12 nautical miles, part of its work related to marine evidence and standards for the UK as a whole (offshore and inshore) and its international work.

The costs of the remainder of JNCC's Evidence and Standards work ("UK Co-ordination" functions) and corporate governance are shared according to a funding formula by Defra (49.25%), Scottish Government (29%), Welsh Government (14.5%) and Department of the Environment Northern Ireland (7.25%).

Funding for 2012/13 breaks down as follows:

Defra	£7.137 m (Reserved £1.612m; £3m Marine; £2.525m Coordination)
Scottish Govt	£1.487m
Welsh Govt	£0.743m
DOENI	£0.372m

Additionally JNCC received around £1m in 2012/13 from other Government Departments and other sources for specific areas of work.

24. As part of the Triennial review we need to ensure that there is the most efficient and effective governance structure – is the current structure effective, and is it the most efficient way of achieving objectives?
25. To do this we will look at the **current structure**, which is the baseline model and we will identify the benefits and disbenefits of this model and any opportunities for change. For instance grant funding to JNCC could be limited to core functions like the work to deliver UK obligations under the Wild Birds and Habitat Directives, while additional work to meet specific needs of individual administrations or their nature conservation bodies could be contracted⁷ by individual country nature conservation bodies. Or the Committee structure could be retained to manage co-ordination at a UK level but the functions of JNCC could be carried out by staff who were employed by the Country Nature Conservation Bodies. Alternately, we could look at different solutions for different functions e.g. JNCC's international work could go to Defra and its offshore marine work to Defra or another organisation.

Question 6: Is the current structure the most appropriate and if yes why do you think this – are there opportunities to improve and what are they?

⁷ As the agreement would be between government bodies, the legal form used would be governed by a service level agreement rather than a contract

Question 7: Do you have any other comments which you would like the triennial review team to take into account?

Next Steps

26. Please submit answers to the above questions to the triennial review team at JNCCreview@defra.gsi.gov.uk by **11 April**.
27. A report of the Review, setting out recommendations and opportunities for reform, is expected to be published in early summer 2013. A successful Review will guide both Defra and the bodies as to what next steps are needed to achieve any reform in a timely way.

Confidentiality

28. Your response to this document may be made publicly available in whole or in part at the Department's discretion. If you do not wish all or part of your response (including your identity) to be made public, you must state in the response which parts you wish us to keep confidential. Where confidentiality is not requested, responses may be made available to any enquirer, including enquirers outside the UK, or published by any means, including on the internet.
29. If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

For further information please contact: TRT@defra.gsi.gov.uk

Annex 1 – JNCC Triennial Review Terms of Reference

Terms of reference – Joint Nature Conservation Committee (JNCC) Triennial Review

- a) To undertake a review of the functions and form of the Joint Nature Conservation Committee (JNCC),
- b) To assess how JNCC or any proposed reforms, can achieve better quality outcomes for the environment, the economy and for society on a sustainable basis. Specifically, the Review will need to examine:
 - i) whether the existing delivery arrangements are effective, efficient and affordable;
 - ii) whether the existing delivery arrangements offer opportunities for ongoing improved services for UK and devolved governments and other customers, cost savings, and stimulating and sustaining economic growth, and
 - iii) whether alternative delivery models may lead to better quality outcomes and the benefits, costs and risks associated with any potential alternative delivery options; and

The review will include consideration of the support company

- c) To assess JNCC governance arrangements to ensure they are sufficiently robust and transparent so that there is due accountability to UK and devolved governments and the public.
- d) As JNCC is a UK body the review will be conducted jointly with the Devolved Administrations
- e) The Review will be conducted in an open and inclusive way, working closely with JNCC, other Government Departments and JNCC's customers and stakeholders.
- f) Within eight weeks of the conclusion of the review a review of whether JNCC's funding arrangements are appropriate will have been carried out.

Governance of the Review

The Review is conducted on behalf of the Secretary of State for the Environment Food and Rural Affairs and the Devolved Administrations and will be carried out in accordance with Cabinet Office guidelines for Triennial Reviews⁸. The Review team will comprise officials

⁸ Cabinet Office Guidance on Reviews of Non Departmental Public Bodies p.4-5 - www.civilservice.gov.uk/wp-content/uploads/2011/09/triennial-reviews-guidance-2011_tcm6-38900.pdf

from Defra and the Devolved Administrations. The Review will commence on 21 March and is expected to publish conclusions in summer 2013.

Annex 2 – JNCC Functions Diagram

JNCC 2012/13 JNCC Functions						
Primary objectives	Biodiversity evidence and advice					Governance accountability and support services
Main activities	Advice, Evidence, R&D	Advice, evidence, development of tools	Advice	Advice, evidence	Advice, evidence	Governance accountability and support services
Functions	1.Maintain and develop biodiversity surveillance programmes, sufficient to achieve policy and statutory obligations cost-effectively	2.Provide access to, and reporting of, information, evidence and knowledge on UK and international biodiversity to support decision-making at local to international scales	3.Provide advice to enable UK and devolved governments to meet their EU and international obligations for biodiversity and sustainable development	4.Enable UK administrations to substantially complete the UK network of well-managed marine protected areas, sufficient to meet national, EU and international requirements	5.Provide advice on marine biodiversity to enable sustainable management of the offshore environment	6.Manage and develop the organisation to identify and meet changing demands and opportunities, maximise its effectiveness in achieving our strategic goals and improve operational efficiency
Outcomes	Robust biodiversity evidence is available to inform the decisions of governments, country conservation bodies and others. The UK meets its reporting obligations under EU legislation and Multilateral	Robust biodiversity evidence is available to inform the decisions of governments, country conservation bodies and others. The UK meets its reporting obligations under EU legislation and Multilateral Environmental Agreements. UK-wide co-ordination and standards that	UK implementation of Multilateral Environmental Agreements is based on robust scientific advice. The UK's Overseas Territories make an appropriate contribution to global biodiversity targets.	UK Government and devolved administrations have the evidence and documentation to designate offshore Special Areas of	Robust consent decisions are reached for major offshore infrastructure developments (e.g. offshore wind, oil and	JNCC effectively implements annual business plans while demonstrating strong financial and

		Environmental Agreements.		enable UK and devolved administrations to meet UK/EU/international obligations in a cost-effective manner. Effective UK implementation of the Marine Strategy Framework Directive and OSPAR Convention, enabling devolved implementation, and supporting effective, proportionate, and integrated implementation at European scale. Ecosystem assessments that turn monitoring information into information that meets European obligations and domestic needs to understand the effectiveness of conservation measures and the impacts of activities.			UK implementation of EU legislation and policy affecting the environment is based on robust scientific advice.		Conservation, offshore Marine Conservation Zones and Offshore Nature Conservation MPAs (Scotland). The country nature conservation bodies have the evidence and technical products to recommend to their respective administrations a network of marine Special Protection Areas.		gas) with positive outcomes for the environment and UK economic growth. Offshore European marine sites (and in future MCZs) are managed so as to achieve their conservation objectives. Robust scientific advice supports the achievement of UK, EU and international objectives for the conservation of marine vertebrates.		risk management, clear accountability to governments, stakeholders and the public, and compliance with all requirements for NDPBs and companies.	
Corporate Plan Programme		Surveillance and Monitoring	Marine Monitoring and Ecosystem Mapping	Access to Information	Biodiversity Information and Advice	Marine Ecosystem Assessment and Advice	Global advice	European Intelligence and Advice	Marine Protected Areas, Natura sites, MCZs and Scottish MPAs	Marine Management Advice	Governance and Corporate Services			
Funding stream 2012/13	GIA (Total)	1.4	1.2	0.7	0.6	0.6	0.4	0.4	1.5	0.7	2.2			
	GIA UK	1.4	0.1	0.6	0.4			0.2	0.3	0.1	2			

	co-ordination										
	GIA Reserved				0.2		0.4	0.2	0.2	0.6	
	GIA Marine		1.1			0.6			1		0.2
	Other funding			0.2			0.3		0.3	0.2	
Resource (FTE)⁹	8	21	19	12	13	9	6	36	25	28	
Lead Government Body	Defra and DAs ¹⁰	Defra and DAs	Defra and DAs	Defra and DAs	Defra and DAs	Defra, FCO	Defra and DAs	Defra and DAs	Defra, Devolved and DECC	Defra, Devolved Administrations, Cabinet Office, HM Treasury.	
Key ALB Partners	Country Conservation Bodies	Country Conservation Bodies, MMO, CEFAS, EA and research institutes (also Marine Scotland/ Science).	Country Conservation Bodies. NERC, MMO, the Crown Estate and the UK Hydrographic Office (also Marine Scotland/ Science).	Country Conservation Bodies, Met Office, FC and FERA.	Country Conservation Bodies, CEFAS, MMO and EA (also Marine Scotland/ Science)..	Country Conservation Bodies, FC	Country Conservation Bodies	Country Conservation Bodies, CEFAS, MMO, (Also Marine Scotland/ Science).	Country Conservation Bodies, MMO, CEFAS, Crown Estate (Also Marine Scotland/ Science and Welsh Government).	Country conservation Bodies.	

⁹ Costs are included in funding stream section.

¹⁰ Devolved Administrations

Customers	Defra, DAs and their agencies, other decision-makers, NGOs, research scientists.	Defra, DAs and their agencies and other decision-makers, research scientists.	Defra, DAs and their agencies, other decision-makers and NGOs, NBN, research scientists.	Defra, DAs and their agencies, other decision-makers and NGOs, research scientists.	Defra, DAs and their agencies and other decision-makers, research scientists.	Defra, AHVLA, FCO and DfID.	Defra, DAs and their agencies	Defra, DAs, MMOs, Marine Scotland and other regulators, research scientists.	Developers and regulators e.g. DECC, Marine Scotland, MMO, DECC and Devolved Administrations, research scientists.	Internal customers, Defra and devolved administrations, suppliers, general public
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Annex 3 – JNCC work examples

Evidence and Standards

1. JNCC's evidence and standards work encompasses surveillance and monitoring; data access – tools, analysis and reporting; standards and co-ordination.

Example - Biodiversity surveillance and assessment

2. JNCC undertakes surveillance of a very wide range of animal and plant species through partnerships with a number of national non-governmental organisations (NGOs) and the Centre for Ecology and Hydrology, providing a picture of change over the medium and long term. The trends for birds, bats and butterflies are particularly sensitive, can detect shorter term change and are more easily related to the factors likely to be causing change. The results contribute to reporting under the Birds and Habitats Directives and help provide indicators for country strategies, the UK and Europe. JNCC and its partners jointly invest in running the surveillance, with JNCC funds providing just under half the running costs. Thousands of volunteers undertake the sampling, providing their considerable expertise and time for free. The value of their input is ten times JNCC's investment, and for birds, bats and butterflies £5m worth of volunteer time is contributed annually. JNCC offers advice on how the data can be analysed to meet evidence needs across countries with recent applications covering the effect of agri-environment prescriptions, the ability to contribute to post-market monitoring of GM crops, and the modelling of species likely to be affected by Ash dieback.



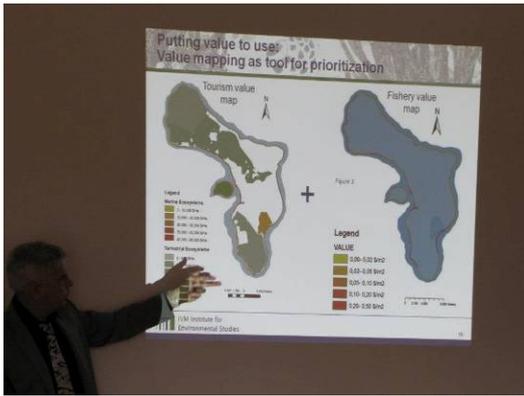
International

3. JNCC's international work includes: scientific advice on: EU legislation and policy; global environmental agreements, e.g. Convention on Biological Diversity; Overseas Territories.

Example - Environmental Mainstreaming in the Overseas Territories

4. The UK Overseas Territories are highly dependent upon the assets provided by their natural environment for their economic wellbeing. The long term management of these assets is essential for the development of sustainable ('Green') economies in the Overseas Territories. The Environmental Mainstreaming process has been developed by the JNCC and funded by the Foreign and Commonwealth Office and Defra. The process is designed to assist individual Territories to identify the key issues that need to be addressed to ensure the environment is properly taken into account in economic and infrastructure planning. The process also enables immediate project follow-up where JNCC has specific skills, such as in ecosystem assessments and habitat mapping.
5. Projects have been completed in the Falkland Islands, British Virgin Islands and Anguilla. They required JNCC to work in partnership with Overseas Territories Government Departments, Defra and Foreign and Commonwealth Office officials and to co-ordinate technical input from UK, EU and regional experts in environmental economics, invasive alien species control and ecosystem mapping to transfer skills and capacity to the islands.

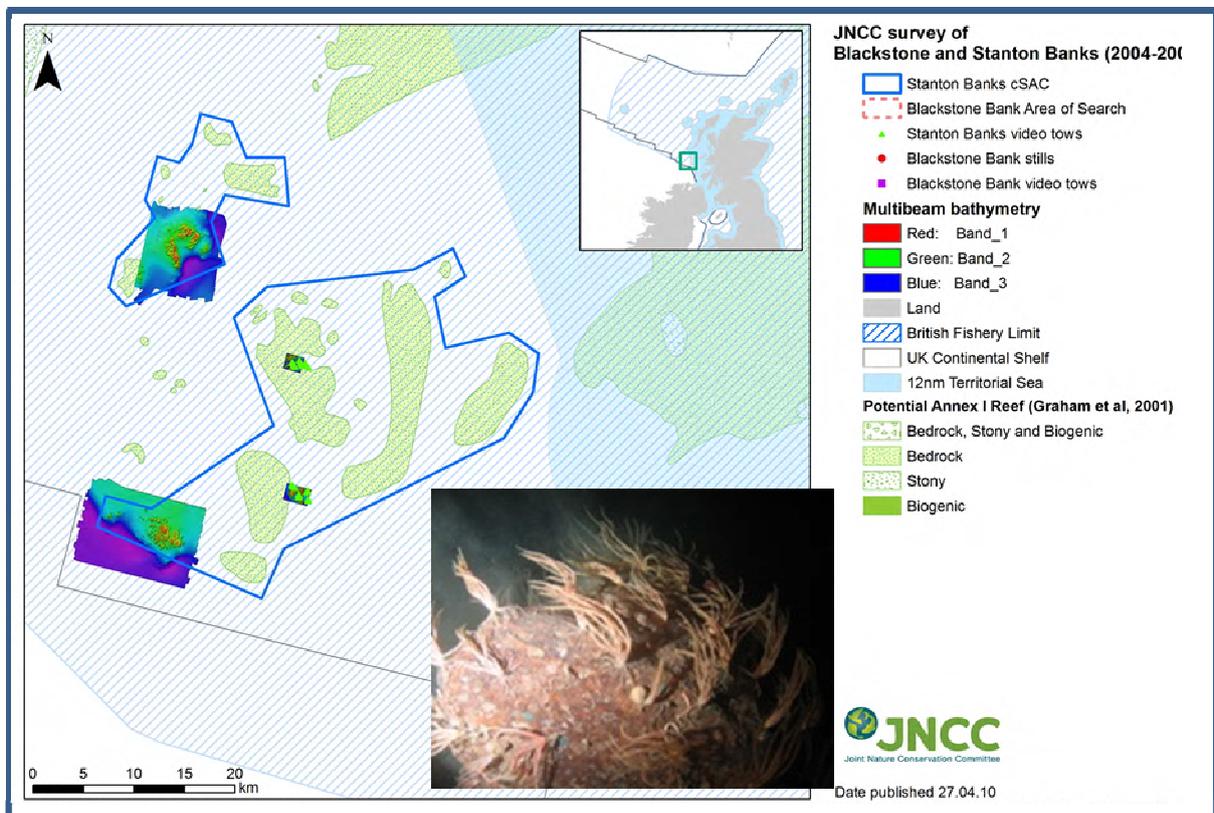




Marine

- JNCC's marine work includes marine protected areas (identification and implementation of effective management); advice on offshore industries; monitoring, assessment and reporting (on protected areas and wider environment); habitat mapping and evidence provision (sourcing, commissioning and access).

Example - International collaboration to gather evidence to support SAC designation and management.



7. Stanton Banks are a series of granite ridges up to 130 metres tall that protrude from the seabed to the south of the Outer Hebrides in offshore waters. The site has been designated as a Special Area of Conservation (SAC) for its bedrock reef community but has important fisheries on the sediment areas between the rock outcrops. JNCC facilitated five collaborative surveys on Stanton Banks by making modest contributions to broader survey campaigns to help gather evidence about the site to support all aspects of site designation and management. The work included a joint JNCC and DARDNI (Department for Agriculture and Rural Development, Northern Ireland) survey, collaborative surveys with Scottish, Irish and Northern Irish Partners during the European-funded Mapping European Seabed Habitat (MESH) Project, studies with British Geological Survey (Edinburgh) on the NERC vessel RV Charles Darwin, and most recently with Marine Scotland using a Northern Lighthouse vessel. JNCC developed conservation advice for the SAC, with fisheries industry representatives and Marine Scotland to make use of fishers' data to help delineate the reef outcrops and understand fisheries activities within the site. Through the European-funded Marine Areas in the Atlantic Arc (MAIA) project, piloting a stakeholder involvement approach to developing management options for sites, JNCC and Marine Scotland have brought together UK and international fishers to discuss potential approaches for managing fishing activity within the site to enable the reef features to meet their conservation objectives. JNCC is now working with Marine Scotland to develop an application to the EU to gain management actions under the Common Fisheries Policy for the SAC.