

# **Moorland Association Submission to the Public Accounts Committee – Environmental Regulation 2026**

## **Who we are and why we are submitting evidence.**

1. This submission is provided by the Moorland Association (MA) to support the Public Accounts Committee's scrutiny of environmental regulation and its effectiveness in delivering value for money and measurable environmental improvement.
2. The MA represents upland landowners and managers responsible for over one million acres of moorland, blanket bog, rough grazing, woodland and watercourses across England and Wales. These landscapes contain a high proportion of nationally and internationally designated sites, including Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). They also deliver a wide range of public goods, including biodiversity conservation, carbon storage in peat, wildfire mitigation, water regulation, public access and rural employment.
3. Our members are regulated primarily by Defra and its arm's length bodies, particularly Natural England (NE) and the Environment Agency (EA). They therefore have extensive first-hand experience of how environmental regulation operates in practice, including the cumulative impact of consents, licences, enforcement activity and management prescriptions across multiple overlapping regulatory regimes.
4. In 2002, the MA entered into a Memorandum of Understanding with English Nature (now Natural England), which explicitly recognised the contribution that moorland land managers make to biodiversity conservation and the maintenance of upland environments. That agreement reflected a partnership approach grounded in evidence, proportionality and mutual recognition of shared objectives. It also acknowledged that land management activity, rather than designation alone, was fundamental to achieving environmental outcomes.
5. Over time, however, this approach has been replaced by increasingly centralised, process-driven regulation, in which decision-making has moved further away from the land and from those responsible for day-to-day delivery. Regulatory decisions are now frequently taken remotely, with limited feedback loops to assess whether interventions are working on the ground or whether unintended consequences are arising.
6. Despite growing regulatory complexity, rising expenditure and expanding statutory ambition, measured environmental outcomes remain weak. This reflects not a lack of intent or legal authority, but structural weaknesses in regulatory design and delivery. The MA therefore submits that incremental reform will not be sufficient. A more fundamental realignment of authority, accountability and incentives is required if environmental regulation is to deliver the outcomes Parliament expects and the public finances require.

## **7. Summary of Key Recommendations.**

- 7.1. A systemic shift to locally led delivery, through the creation of statutory Local Environment Boards with delegated authority and budget, analogous to Internal Drainage Boards (IDBs).
- 7.2. Clear separation of roles, removing duplication and overlap between Natural England, the Environment Agency, National Park Authorities and other public bodies.
- 7.3. Outcome-based regulation, with accountability focused on measurable environmental results rather than procedural compliance.
- 7.4. Targeted, risk-based enforcement, avoiding blanket restrictions that generate unintended and counter-productive outcomes.

- 7.5. Formal recognition of land managers as delivery partners, supported by earned recognition and reduced transaction costs.
- 7.6. Rebuilding trust and local capacity, through locally accountable expertise rather than further centralisation.
- 7.7. Proper resourcing of local governance, including funded participation by land managers in statutory decision-making.

## **Section 1. Why reform is urgent.**

- 8. Despite successive environmental strategies, regulatory reforms and funding programmes, outcomes remain significantly off track. The Office for Environmental Protection has confirmed that most statutory environmental targets are unlikely to be met by 2030, including the legally binding target to halt species decline. Many upland SSSIs remain in unfavourable condition under existing assessments, and populations of priority species such as curlew, lapwing and golden plover continue to decline across large parts of their former range.
- 9. This is not a recent or isolated failure. Parliamentary committees have repeatedly warned that environmental ambition is not translating into delivery. Earlier targets to halt biodiversity loss were missed despite increasing regulation and expenditure, and the same pattern is now repeating under the Environment Act framework. In each cycle, new strategies and plans are introduced without sufficient evaluation of why previous approaches failed.
- 10. The National Audit Office's January 2026 report reinforces this conclusion. It identifies excessive complexity, fragmented accountability, poor prioritisation and weak links between regulatory activity and environmental outcomes. Importantly for the Committee, many of these findings echo earlier PAC and NAO reports, indicating that lessons are not being systematically incorporated into regulatory design or institutional behaviour.
- 11. From a Public Accounts perspective, this pattern raises a fundamental concern about whether the current regulatory system is capable of learning from failure. Successive policy cycles have introduced new statutory targets, plans and regulatory controls, yet the system has shown limited ability to review whether those interventions have delivered measurable improvement relative to cost. Instead, underperformance is frequently addressed through additional layers of process, guidance or restriction, rather than through redesign of delivery mechanisms.
- 12. This creates a risk of regulatory substitution, where regulation is used to compensate for weak delivery capacity rather than to enable it. In practice, this means that where land management outcomes are poor, responsibility is shifted onto tighter controls on land managers rather than onto the effectiveness of the regulatory system itself. This risks obscuring the true causes of failure and weakens accountability for outcomes.
- 13. The NAO has previously warned that complex regulatory systems with unclear lines of responsibility tend to prioritise compliance activity over impact. In the uplands, this manifests as extensive consent regimes, licensing conditions and management prescriptions that are resource-intensive for both regulators and land managers, yet are rarely accompanied by systematic evaluation of ecological benefit. Where outcomes do not improve, there is no clear mechanism for identifying which part of the system has failed or for reallocating responsibility accordingly.
- 14. This matters not only for environmental delivery but also for public value. Significant public resources are committed through regulatory activity itself, including staff time, advisory input, enforcement, appeals and litigation. These costs are rarely captured as part of value for money assessments, yet they are borne by the public sector and by regulated land managers. Without a delivery model that links regulatory effort directly to outcomes, there is a risk that resources continue to be consumed by process without commensurate environmental gain.

15. Even where the state exercises full control, outcomes are not guaranteed. Moor House National Nature Reserve, managed directly by Natural England, remains assessed as largely in unfavourable condition despite being managed by the state since 1952. This demonstrates that central ownership, procedural compliance and regulatory oversight do not automatically deliver ecological recovery. Governance structures and delivery mechanisms matter at least as much as statutory designation or regulatory control.

## **Section 2. Failures of the current “top-down” model.**

16. Under the current centralised regulatory model, environmental rules and management plans are often imposed in a top-down manner, with insufficient regard for local conditions, practical realities, or long-term delivery capacity. International evidence suggests this approach is unlikely to succeed. The International Union for Conservation of Nature (IUCN), which sets global standards for protected area governance, finds that conservation outcomes are strongest where local land managers and communities are meaningfully involved in decision-making and delivery, and weakest where management is centrally prescribed and locally disengaged. Multiple independent reviews have highlighted that environmental regulation in the uplands is being implemented in the absence of consistent monitoring frameworks, standardised methodologies or outcome testing, increasing the risk that regulatory effort is disconnected from environmental benefit.
17. A further, largely unexamined, structural issue is the growing reliance of some public authorities on externally funded delivery vehicles to sustain their own operational capacity. In several protected landscapes, National Park Authorities facing sustained real-terms funding reductions are increasingly associated with, or reliant upon, large project-based partnerships and charities (for example, Moors for the Future Partnership) to deliver environmental activity. While such projects may achieve discrete outputs, this model risks blurring the boundary between policy-shaping bodies, statutory consultees and delivery organisations. Where project pipelines and grant capture become financially material to the sponsoring authority, there is a risk that priorities are shaped by funding availability rather than comparative value for money, long-term outcomes or the continued delivery of management by those already working on the land. This creates duplication, weakens accountability, and risks crowding out more cost-effective, privately delivered land management that could achieve equivalent or better outcomes for the public purse.
18. This principle underpins the IUCN Green List of Protected and Conserved Areas, a global audit framework assessing governance quality, management effectiveness and delivery of measurable outcomes. A core Green List requirement is inclusive governance: those closest to the land must play an active role in shaping and delivering conservation. Despite the UK’s extensive protected area network, no protected landscape in England has yet achieved Green List status, indicating that existing governance arrangements fall short of internationally recognised best practice.
19. It is also relevant that a number of influential conservation organisations operate simultaneously as policy influencers, delivery bodies, and facilitators of public grant funding. For example, Yorkshire Wildlife Trust (YWT), which publishes management guidance used to shape expectations of “best practice” on upland peat, also facilitates the Yorkshire Peat Partnership (YPP). This is one of the largest recipients and distributors of public funding for peatland restoration across northern England. While this arrangement is not improper in itself, but it creates a foreseeable structural risk that guidance reflecting contested or precautionary interpretations of the evidence becomes operationally entrenched through funding criteria and delivery norms, rather than being tested through adaptive management on the ground. In practice, advisory documents can in practice acquire quasi-regulatory force where access to public funding is contingent on alignment with those interpretations.
20. This governance issue is compounded where delivery mechanisms reward compliance with a narrow set of interventions despite acknowledged uncertainty in the evidence base. Recent Natural England evidence reviews have emphasised context-dependence, trade-offs, and the need for adaptive

management in complex upland systems. However, when grant-funded restoration programmes are designed and delivered by organisations that also set normative management guidance, uncertainty can be translated into standardised prescriptions in practice. These risk suppressing locally appropriate management options, reducing resilience to wildfire and other pressures, and limiting the system's ability to learn from comparative outcomes.

21. These international findings help explain why England's highly regulated system has struggled to reverse nature decline. A system focused on procedural control, risk aversion, and central approval is poorly suited to managing complex, dynamic landscapes such as uplands and peatlands, where adaptive, locally informed management is essential. The case studies below illustrate how these structural weaknesses translate into perverse outcomes on the ground.
22. **1. North Pennines National Landscape Management Plan.** This draft plan proposes reduced intervention and the withdrawal of active land management, including the cessation of controlled burning and predator control, across 2,000 km<sup>2</sup>. The approach assumes that reduced human activity will automatically deliver biodiversity benefits.
23. In reality, the North Pennines is a cultural landscape shaped by centuries of management. Removing proven tools risks increased wildfire fuel loads, habitat homogenisation and further declines in ground-nesting birds. A centrally conceived "hands-off" strategy, developed without adequate engagement with local managers, risks undermining resilience rather than enhancing it, while transferring significant environmental and financial risk to the public sector in the event of wildfire or habitat degradation. This example underscores how top-down planning, done in isolation from land managers, can backfire and reduce environmental resilience instead of enhancing it.
24. **2. Hen Harrier Brood Management.** The scheme, introduced under Defra's 2016 Action Plan, demonstrated that conflict reduction and species recovery could be achieved simultaneously. Between 2018 and 2023, hen harrier nesting increased to over 50 nests, the highest level recorded for centuries.
25. Despite this success, Natural England did not to renew the licence following the trial, citing procedural concerns. A demonstrably effective intervention was therefore halted not because it failed ecologically, but because it did not align procedurally with existing regulatory processes. This outcome discourages innovation and undermines confidence in lawful adaptive management, sending a signal that regulatory process takes precedence over environmental outcomes.
26. We consider this a serious failure of governance. It sends a chilling message that innovative conservation approaches will struggle to gain traction if they do not fit the traditional mould. It is exactly the kind of outcome we need to avoid under a reformed model. We should be empowering local practitioners to act and experiment responsibly, not second-guessing or stifling them with red tape.
27. **3. Burning and Wildfire.** A final example concerns wildfire risk on peatlands, which links to climate outcomes. Blanket restrictions on controlled burning on peat have often been justified primarily on carbon grounds, with insufficient consideration of wildfire risk. The 2018 Saddleworth Moor wildfire, which occurred on unmanaged vegetation, caused extensive environmental damage and carbon loss far exceeding the impacts of controlled burning.
28. Warnings from land managers and fire authorities about fuel accumulation were frequently disregarded. This illustrates how centrally imposed restrictions can generate severe unintended consequences when local context, risk management and operational realities are insufficiently considered.

### Section 3. Learning from decentralised delivery models.

29. **1. The Scandinavian “local wildlife boards” model.** In countries such as Norway, wildlife and habitat management is delegated to regional and local boards comprising local stakeholders and elected officials. These bodies operate within national frameworks but make locally informed decisions. This approach has improved compliance, reduced conflict and enabled adaptive management.
30. A critical but often overlooked difference between England’s regulatory model and successful decentralised systems elsewhere is how participation by land managers is funded. In England, landowners and managers are routinely expected to engage in advisory groups, partnerships, consultations and co-design processes on an unpaid basis, often at significant personal and business cost. At the same time, environmental NGOs and public bodies participate through salaried staff, dedicated project budgets and grant-funded programmes. This creates a structural imbalance in who is able to engage consistently, shape proposals and remain present throughout lengthy policy and delivery processes.
31. By contrast, in systems such as Norway’s locally empowered wildlife and land-use boards, participation is treated as a form of public service rather than voluntary consultation. Board members receive modest but formal remuneration and expense cover, funded through a combination of public budgets and hypothecated user revenues. This does not professionalise advocacy or incentivise particular views; rather, it recognises that people who manage land for a living cannot repeatedly step away from operational responsibilities without compensation. The result is sustained, accountable participation by those with direct delivery responsibility.
32. The absence of any equivalent mechanism in England is not a cultural footnote but a design flaw. It systematically favours organisations whose involvement is institutionally funded, while excluding or exhausting those whose contribution depends on goodwill alone. Over time, this weakens trust, reduces delivery capacity and leaves regulators without the practical intelligence needed to manage complex landscapes adaptively. It also helps explain why many “partnership” structures struggle to move beyond discussion into action.
33. From a value for money perspective, this approach is counterproductive. Government invests heavily in policy design, regulation and grant schemes, yet underinvests in the governance capacity required to translate those inputs into outcomes on the ground. Where land managers disengage, or are only intermittently involved, the system becomes more centralised, more risk-averse and less capable of learning from outcomes. This reinforces precisely the delivery failures identified by the NAO and the Committee in successive reports.
34. **2. Internal Drainage Boards (IDBs).** These provide a long-standing domestic example of effective local environmental governance. IDBs are statutory bodies with defined geographic remits, funded through local drainage rates and government contributions. Their boards comprise local landowners and local authority representatives.
35. The Environment Agency provides oversight and guidance but does not manage day-to-day operations. Importantly, IDBs have been recognised by the Public Accounts Committee as a model combining statutory authority, local accountability and value for money. They demonstrate that delegating power, responsibility and budget to local bodies can improve delivery while maintaining national standards.

## **Section 4. A proposal for Statutory Local Boards with Defined Responsibilities.**

36. Parliament would create these boards through legislation, akin to how IDBs are established for drainage districts. Each board would cover a logical environmental management unit (for example, a National Park or AONB area, a cluster of SSSIs/local authority areas or farmer clusters) where land management needs coordination. The board's remit would be to deliver nationally specified environmental outcomes in that area (for instance, to achieve favourable condition on all protected sites, to recover populations of key species, to improve water quality, etc. aligned with national targets). They would have permissive powers to carry out habitat works, species management (including licensing certain activities currently handled by NE), and to enter agreements with landowners. Importantly, they could issue their own consents or permits within defined frameworks for activities under their jurisdiction, replacing multiple consents from NE/EA with one integrated local process.
37. The proposed Local Environment Boards are not intended to create an additional tier of regulation, new compulsory charges, or new controls on land management. Their purpose is to replace and consolidate existing fragmented consent, licensing and delivery processes currently exercised by national bodies, within a single, locally accountable structure focused on outcomes. Any local funding mechanism would be designed to substitute for, not add to, existing costs, delays and inefficiencies, and participation would be linked directly to decision-making authority and delivery benefit. The intention is to reduce regulatory burden, improve value for money per pound spent and restore practical control to those responsible for managing the land, not to expand bureaucracy or financial obligations.

## **Conclusion.**

38. The environmental regulatory system is not delivering the outcomes Parliament expects, despite rising expenditure and increasing complexity. The evidence points to structural failure rather than insufficient ambition. The MA therefore urges the Committee to consider a shift toward locally accountable delivery, building on proven domestic and international models. Delegating authority and budget to statutory Local Environment Boards would align responsibility with capability, unlock local knowledge and improve value for money.
39. The Moorland Association and its members stand ready to contribute constructively to the development and piloting of this approach. Thank you for considering our submission.