



SUSTAINABLE
DEVELOPMENT

Rural communities



ASiantaeth yr Amgylchedd Cymru
ENVIRONMENT AGENCY WALES

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Rural Communities

1. Purpose

- 1.1 The purpose of this document is to provide guidance on how the Environment Agency should deliver the duty, contained in the Environment Act 1995 (EA95) to have regard to the social and economic well-being of local communities in rural areas.

2. Background

- 2.1 Section 7 of EA95 concerns general environmental and recreational duties which fall on both the Agency and Ministers. This guidance is concerned only with (Section 7(1)(c)iii); which relates to rural communities, that is:

It shall be the duty of each of the Ministers and of the Agency, in formulating or considering – ... any proposals relating to any functions of the Agency – ...to have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.

- 2.2 Taken with our principal aim of contributing to sustainable development (Section 4) and taking account of likely costs and benefits (Section 39), this duty underlines the increasing requirement that we bring wider socio-economic considerations into our policy making and operations.
- 2.3 It is, however important to consider this duty in context. It implies that the Agency needs to pay it special attention, and to consider its effects, alongside its other duties to "have regard to" and "take into account" conservation (Sections 6, 7 and 8). We also have a more general duty to take account of likely costs and benefits (Section 39), which would of course include taking account of social and economic factors in urban, suburban and rural areas. Indeed, the Agency has a duty to protect or enhance the environment as a whole (adopting a "holistic" approach), which appears to question our ability to deviate from this approach in considering rural areas.
- 2.4 The Parliamentary debate is not very clear on the balance to be struck. Similar duties apply to the Countryside Commission and the Countryside Council for Wales (Countryside Act 1968, Section 37). The National Park Authorities also have a similar, but more precise, duty to foster the well-being of communities in national parks by working with other relevant authorities (EA 95 (Section 61).

- 2.5 On balance therefore, it may be better to see this duty as informing the way in which the Agency carries out its activities, rather than one more duty that should take precedence over other.¹ That is to say, it is necessary for us to consider explicitly these specific and distinct aspects of local communities in rural areas when considering any activity that impinges on them. The factors likely to apply include the dependence on a narrower, often single-activity economic base, and the traditional cultural and heritage aspects of rural life in England and Wales (which may not be so readily identified in urban or suburban contexts). The 1995 White Paper "Rural England" expresses this by saying that the distinctive qualities of the countryside "must not be submerged in our predominantly urban culture, nor must the voice of the countryside be drowned by the clamour of our towns and cities."

3. Examples showing when the duty applies

- 3.1 This duty clearly applies to any activity that affects a rural area. In practice, there is no one widely accepted way of defining a rural area, and the Agency will have to take a pragmatic view in each case. We can, however, be guided by the ways in which rural areas have been defined in other circumstances. The Organisation for Economic Cooperation and Development defines an area as rural if it has a population density of less than 150 people per square kilometre. The White Paper "Rural England", does not explicitly define a rural area but looks at its characteristics such as farmland or wilderness. An area is likely to be classified as rural because the primary land use is agricultural, but there are other activities characteristic of rural areas, for example reliance on coastal or inland fisheries. There are also many large industries in predominantly rural areas, including coal and metal mining.
- 3.2 A number of statutory designations are also relevant. The Rural Development Commission defines "rural development areas" as areas requiring special assistance. Government offices have defined so-called "Objective 5b" areas for the purposes of EC Structural Fund support, where assistance is available for projects such as the promotion of local products, environmental schemes to protect the countryside, and tourism initiatives. These are shown in the maps at the end of this paper.

¹ For example, the Minister for Rural Affairs, in a letter to David Curry MP dated 12 September 1996, suggests that the duty should not override the requirement that flood defence schemes be cost effective.

3.3 In general, almost any activity of the Agency will have some impact on a rural area. In order to target our efforts, the Agency should treat the following as issues which invoke this duty:

- projects where the bulk of expenditure will be in rural areas. For example a conservation project or a flood defence works (where the environmental assessment already include consideration of the impact on the local community);
- policies or programmes which will have a significant effect on the economy of rural areas, for example via LEAPs and any projects arising from them, river clean-up programmes, changes to charges for irrigation abstraction, commercial fishing licences or the length of the angling season;
- maintenance of Agency assets in rural areas, for example flood defence or navigation assets;
- consents and licences to people and businesses in rural areas, for example farming, forestry, minerals or quarrying, or rural sewerage;
- situations where our actions, or inaction, would have a local impact, such as on local tradition or practices of wide community interest;
- any activity which affects a rural development area or objective 5b area.

3.4 In certain activities which affect rural areas, for example in commenting on a local authority planning application, it may be better to leave it to the local authority to make the decision regarding economic and social well-being, which is their particular remit, and concentrate on the environmental aspects.

3.5 It is also important to note that there are other policies which the Agency must follow. For example, in their prioritisation of flood defence works, MAFF generally assigns less importance to flood defence in rural areas compared with urban, reflecting the greater potential losses from urban flooding. Nevertheless, both the Agency and MAFF need to show they have paid attention to the new duty.

4. Key issues in applying the duty

4.1 In formulating and considering any proposal that fits the characteristics outlined above, an Agency operator should pay special attention to the following issues which apply to most rural areas:

- the choices available locally and the distances involved in reaching places of employment or entertainment. By definition, communities in rural areas may be at some distance from many resources

that are close to those in urban areas. For example, if a rural employer were to close, many local people might be left without a local employment option, and forced to travel a substantial distance to a place of work.

- the dependence on local environmental quality or resources. Many rural communities, particularly in more isolated areas, may be dependent on industries which rely on environmental quality such as tourism. These industries may also put much stress on the environment. The members of a rural community may value the local environment greatly, having chosen a rural lifestyle to take advantage of access to nature and the countryside
- the reliance on a single resource, employer or industry economic or social well-being. If, for example, a lake in the Lake District were polluted, it would affect major local industries such as fishing and tourism and have a severe effect on local enjoyment of the environment
- the nature of the activity likely to be affected. A unique or traditional practice with a cultural or heritage value might be lost, perhaps for ever. This is a particularly important factor where such a practice is being protected via other routes, for example heritage or tourism policies, or has a wider cultural and associated employment context.

4.2 The Agency needs to be sensitive to a number of specific pressures on rural areas. These include the following:

- the pressure on housing, with the growth in population and number of households;
- the demand for land for ventures such as wind-farms, which can have an impact on the local landscape;
- changes in land usage patterns, such as in agricultural diversification, irrigation demand, afforestation and deforestation;
- development of more intensive recreation facilities.

4.3 We will be developing our policy on these pressures, and it will be incorporated into this Guidance.

5. Putting this duty into practice

5.1 In formulating proposals, the Agency should explore partnership options with other statutory bodies and organisations concerned with the rural economy and society (see Appendix 3). We need to demonstrate that we are not only complying with the duty but also working with it for maximum benefit. Both of these

objectives will be furthered if Agency staff keep an audit trail of the issues taken into account and the conclusions reached. The Agency will select a few "test case" areas to put the policy into practice as quickly as possible.

- 5.1.1 The standard Form A or any other pro-forma in use, for example to demonstrate compliance with the costs and benefits duty, should be used.
- 5.1.2 The environmental assessment of a proposal should indicate its impact on rural communities.
- 5.1.3 **As a minimum, any proposal affecting a rural area should clearly document its impact on the rural area and how this affected the final decision.**
- 5.2 The following simple steps should be taken, as well as the usual steps in any appraisal of developing a wide range of options and an analysis of their costs and benefits. They follow the approach familiar to environmental assessment, of scoping impacts, quantifying them and appraising the options.
 - 5.2.1 Check if the issue is likely to have impacts on a rural community (see section 3 above).
 - 5.2.2 If it does, list the impacts and describe them, qualitatively at least, but if possible, quantify them also (use section 4 above as a guide to what to look for).
 - 5.2.3 For the negative impacts, consider what choices the local community have to avoid or mitigate them. Do they have any alternatives? Are the alternatives costly? Is there a substantial risk to a major local resource? What other options are there?
 - 5.2.4 Where the impacts are positive, first double check that they really are (one can often be over-optimistic about benefits) and then ensure that they do contribute to the choices, and the stability of the local community.
- 5.3 Consult widely with the community: this will expose any alternative views and help design a better proposal. Consultation is a cornerstone of recent initiatives in both rural and urban areas. Consultees might include local and parish councils and the various unions and organisations associated with the agricultural and rural sector.
- 5.4 Appendix 1 is a checklist with worked examples to illustrate compliance.

6. Resources available

- 6.1 Appendix 2 lists a number of publications that may aid understanding of the issues.
- 6.2 Area customer service contacts should be your first source of further help on dealing with rural communities. The Agency also has a Rural Land Use Group. If you need more specialist advice, its members will be able to put you in touch with external bodies such as MAFF, DETR, the Countryside Commission, Countryside Council for Wales and the Rural Development Commission, and relevant non-government organisations,
- 6.3 The Agency's Regional Environmental Protection Advisory Committees and other local Committees should also be able to provide guidance.
- 6.4 The Agency is also working in the context of what others are proposing to do. Local authority structure plans, local plans and National Park plans will give guidance on the pressures on rural areas and the major resources of those areas.
- 6.5 Appendix 3 lists the organisations associated with rural areas.

7. Conclusions and future developments

- 7.1 Although not a central or overriding duty, this provision of the Act is a useful reminder of the need to consider the impact on a local community of any major decision the Agency is taking.
- 7.2 The attached checklists will help us to carry out this duty in any specific case.
- 7.3 Further guidance is available within the Agency from the Rural Land Use group, Flood Defence Committees and others.
- 7.4 This is a developing area, and we will be regularly monitoring our success with this duty.

Appendix 1

Checklist

- A:** If an issue involves the following, you will need to demonstrate compliance with the duty to have regard to rural communities:
- capital or maintenance works in an area dominated by agricultural or fisheries interests, or wilderness, or in a Rural Development or Objective 5(b) Area (for example flood defence works, river clean-up programme, conservation project);
 - consent or licence application from a business or person in such an area (for example sewage disposal, abstraction licence, IPC authorisation);
 - regulatory proposal likely to involve significant expenditure or loss of earnings (more than £10,000) by an enterprise or individual in such an area (for example a spray irrigation restriction order, a requirement to construct a winter storage reservoir to reduce risk to the environment);
 - any policy affecting any of the above.
- B:** Having decided that the issue involves the duty, and in addition to any other consideration of environmental and economic costs and benefits, you must consider the following.
- The relevant partners for the Agency in formulating proposals on this issue;
 - The extent to which the Agency's decision would affect:
 - choices and extent of employment
 - resources of importance to the community, (such as fishery or beauty spot)
 - opportunities for enjoyment or quality of life
 - changes to cultural, traditional, or historic practice;
 - Actions the community could take to mitigate these impacts and their cost in financial and environmental terms :
 - travel to alternative employment
 - development of new resources, etc.
- C:** In the light of this, does the benefit of the Agency's proposal still justify the local costs?
- is there an alternative which might be better for the local community?
 - can the environmental benefit be provided elsewhere at less cost to a local community?
 - is the benefit of overriding regional or national importance?
 - following discussion with the local community, do they accept that the benefit is justified?

- D:** Who have you consulted with?
- see Appendix 3 for relevant bodies.
- E:** You should now be able to complete the following statements:
- I judge that the impact of this proposal on the rural community is [...].
 - & I do not consider that these impacts are significant in these circumstances.
 - Or I/we believe that these considerations are outweighed by other considerations, including [...].
 - Or I believe that these impacts mean that this proposal should be rejected.

Appendix 2

Publications

"Rural England – a nation committed to a living countryside", by Department of the Environment and Ministry of Agriculture, Fisheries and Food, October 1995. Cm 3016, HMSO

"A Working Countryside for Wales", by the Welsh Office, March 1996. Cm 3180, HMSO

Planning Policy Guidance PPG7: *"The Countryside Environmental Quality and Economic and Social Development"*, by the Department of the Environment, February 1997.

Appendix 3

Statutory bodies and other organisations

Statutory bodies

Department of the Environment, Transport and the Regions
The Welsh Office

Ministry of Agriculture, Fisheries and Food

Rural Development Commission

Countryside Commission

Countryside Council for Wales

English Nature

The National Parks Authorities and the Association of National Park Authorities

Local Authorities and Local Authority Associations

Other organisations

Council for the Protection of Rural England and the CPRE county branches

The Council for National Parks

Country Landowners Association

Farmers' Union of Wales

National Farmers' Union

The Tenant Farmers Association

Development Board for Rural Wales

Wildlife Trusts (active in each county)

Rural Development Areas



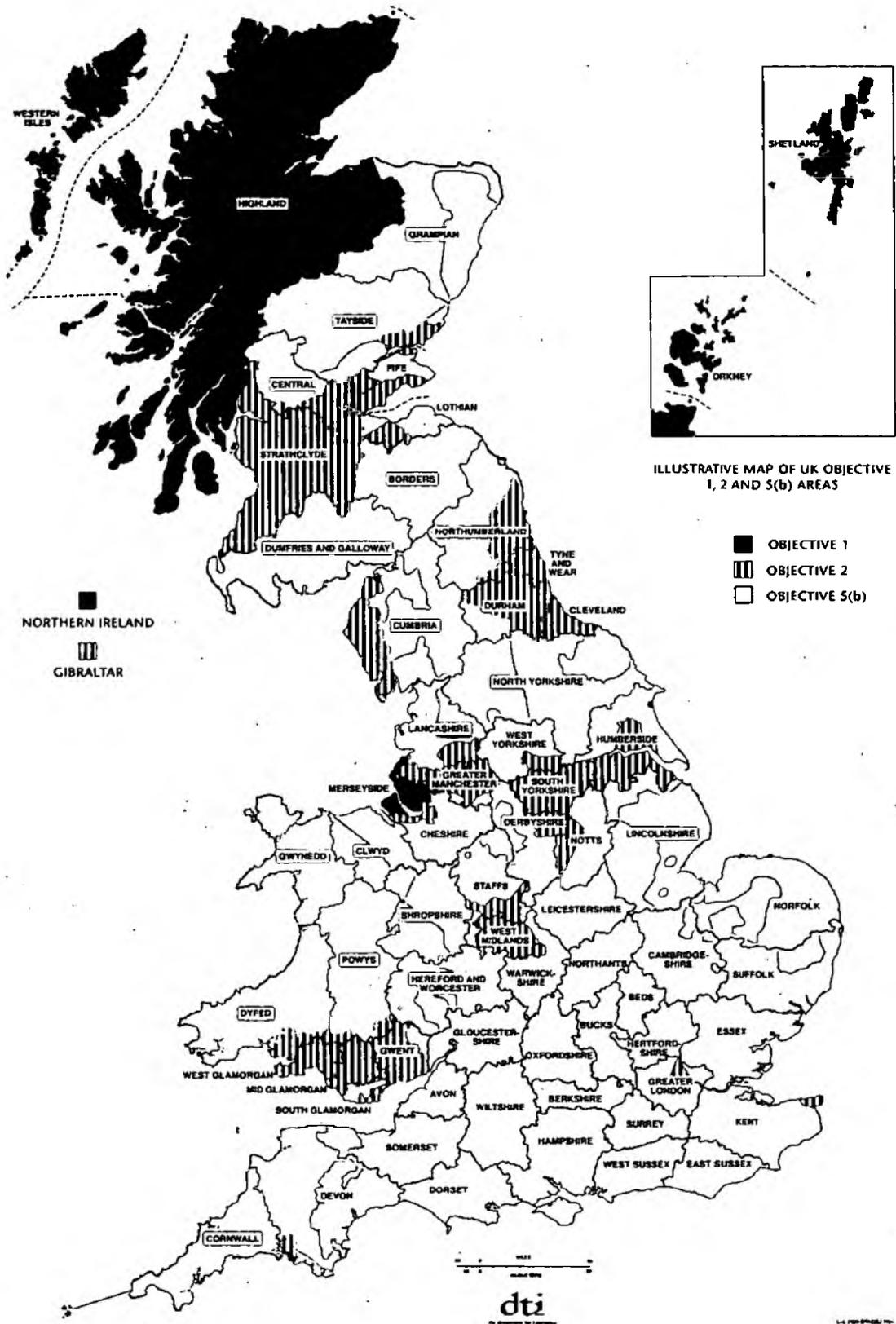
In April 1996 the former counties of Avon, Cleveland and Humberside became part of new local authority areas

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Objective 5b Areas

Map showing areas qualifying for EC Structural Fund assistance in the UK



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Sustainable Development Publication Series

- SD1 Introductory Guidance on the Agency's Contribution to Sustainable Development
November 1996
- SD2 The Agency's Conservation Duties
November 1996
- SD3 Taking Account of Costs and Benefits
November 1996
- SD4 Rural Communities
March 1998
- SD5 Sustainability examples from the USA and Canada
June 1997
- SD6 The Agency's Contribution to Sustainable Development
Waste Minimisation
June 1997
- SD7 A Strategy for Implementing the Environment Agency's Contribution to The UK Biodiversity Action Plan
August 1997
- SD8 Conservation Designations
February 1998
- SD9 The Agency's Contribution to Sustainable Development – Case Studies
October 1997
- SD10 Guidance on the Agency's involvement in the administration of EC Structural Funds
October 1997
- SD11 Resource Demand Management
March 1998
- SD12 Consensus Building for Sustainable Development
March 1998

For further information in relation to any of the above, please contact the Sustainable Development Section at :

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For general enquiries please call your local Environment Agency office. If you are unsure who to contact, or which is your local office, please call our general enquiry line.

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