

From: DIO StratPol-Policy1 (Hallett, Jane B2) [DIOStratPol-Policy1@defence.gsi.gov.uk]

Sent: 02 May 2012 15:38

To: SEB mailbox

Cc: DIO StratPol-Group (MULTIUSER)

Subject: 20120502-Consultation - Natural Resources Wales- Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales's Natural Resources

With reference to the above consultation I can confirm that the MOD is supportive of the proposal to create a single environmental body for Wales who will take on the current functions of the Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales.

The MOD has a range of facilities in Wales that are crucial to defence outputs and we have established productive and collaborative relationships with these three environmental bodies which we believe has proved beneficial to all parties.

Sustainable Development and the Ecosystem Approach

As you are aware the MOD already employs an integrated approach to its estate management supported by Integrated Rural Management Plans, Environmental Management Systems, Sustainability Appraisals and with Sustainable Development principles embedded in our main processes. We would be happy to continue to explore how these approaches can align with and inform the ecosystem approach that you are advocating in order achieve the optimal management of natural resources in Wales.

Regulatory System

We would also welcome any streamlining of the regulatory system in the areas of statutory planning, licencing, proposed changes to the use/boundaries of designated protected areas and public access and recreation provided that there is recognition the national need for defence and that the MOD estate is dynamic in nature as it has to respond to changing military outputs.

Jane

Jane Hallett MRICS

AH Land and Property Policy

Defence

Infrastructure

Organisation

Kingston Road, Sutton Coldfield, West Midlands, B75 7RL

MOD telephone: 94421 2039 • Telephone: 0121 311 2039 • Fax: 0121 311 3707

Mobile: 07920406827 • Email: DIO StratPol-Policy1 • Personal email: Jane.Hallett170@mod.uk • Website: www.mod.uk

Natural Resources Wales

Response of the Landscape Institute

30 April 2012

Introduction

The Landscape Institute (LI) is an educational charity and Royal Chartered body responsible for protecting, conserving and enhancing the natural and built environment for the benefit of the public. It champions well designed and well managed urban and rural landscape. The LI's accreditation and professional procedures ensure that the designers, managers and scientists who make up the landscape architecture profession work to the highest standards. Its advocacy and education programmes promote the landscape architecture profession as one which focuses on design, environment and community in order to inspire great places where people want to live, work and visit. Landscape Institute Wales (LIW) is the Welsh branch of the LI. LIW represents members of the Institute in Wales, many of whom currently work for or with the Environment Agency Wales, the Forestry Commission Wales and the Countryside Council for Wales.

Consultation Response

The LI has responded to this consultation as a stakeholder able to assist with delivering the aims and strategic outcomes of a single environmental body for Wales. This document focuses on several key questions from the consultation document and highlights issues and policy areas which the LI considers need to be included in order to reflect the new approach and to deliver these proposals effectively and efficiently. The response then goes on to explain how landscape professionals are able to assist the Assembly with this work.

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

The LI supports the proposal to create a single environmental body and that this will form a central component of the Welsh Government's strategy for natural resource management. All too often, the main objective to secure a sustainable approach to natural resource management is weakened by single issues which can appear conflicting. A strategic approach to combining the functions of the organisations and removing organisational boundaries would result in a single environmental body with a more complete agenda.

The LI welcomes this move as an opportunity to provide environmental advice and input to the planning processes and an opportunity to input into the development of new legislation. New regulatory arrangements must balance competing land use needs in order to shape the places in which we all live, work and visit and to integrate them into the natural environment upon which we all depend. Landscape architecture itself is a cross-cutting discipline working within the planning system. Landscape architecture considers the social, environmental and economic challenges of particular locations in order to develop solutions, be they strategic or delivered on-site, which deliver the best outcomes.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

The landscape in Wales needs to be recognised as the product of how we use natural resources in Wales. It does not just form “the backdrop for our recreational activities” as stated in this consultation document. Landscape, as defined by the European Landscape Convention is: ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’. It is important to recognise that the landscapes we treasure are products of the way we have managed the land. The concept of landscape and the potential it provides to enhance both conservation and development is not clearly explained. It is primarily food production and it will be sustainable food production that will drive the landscape in the future along with other multi-functional uses, such as producing clean water, clean air, renewable energy, sequestration of carbon, manipulating micro-climate, adapting to climate change, supporting and being supported by healthy ecosystems, as well as meeting the health and wellbeing of society, including children and the elderly. Our profession, the Landscape Profession, is best placed to assemble these utilitarian landscapes.

Mention should be made of the importance of the mapping of the character of the landscape and of quality of place, local distinctiveness, use of LANDMAP and the Wales Landscape Character Map and quality design as part of what is sustainable development.

Increasing competition for land means that landscapes at all scales will come under increased pressure to deliver a range of services and goods. It is therefore imperative that a system which governs the allocation, use and management of land is coherent and consistent at a range of spatial scales. Landscape-scale approaches to land use represent the best way of ensuring that decisions are made which do not have a detrimental impact on natural systems.

The LI welcomes the clear focus on sustainable development as a central organising principle, using the ecosystem approach drawing on science and evidence informed by operational practice. No mention however is made to the importance of Green Infrastructure (GI). GI is an environmentally sound, socially just and economically viable means of delivering many sustainability objectives. The Landscape Institute believes it is an approach to the planning, design and management of our land which offers the best solution to a range of, often conflicting, demands placed upon our finite land resource.

Question 3: What are your views on this phased approach? How could we improve on it?

No comment

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The LI recommends inclusion of the following within the principal aim and strategic outcomes of the body:

The European Landscape Convention

The European Landscape Convention (ELC) which was signed by the UK Government in 2006

and became binding in March 2007. It is the first international treaty dedicated to the protection, management and planning of all landscapes in Europe.

The ELC contains eighteen articles which together aim to promote landscape protection, management and planning and to organize European cooperation on landscape issues.

These articles highlight the need to:

- Recognise landscape in law;
- Develop landscape policies dedicated to the protection, management and creation of landscapes;
- Establish procedures for the participation of the general public and other stakeholders in the creation and implementation of landscape policies; and
- Encourage the integration of landscape into all relevant areas of policy, including cultural, economic and social policies.

The LI therefore recommends that the principal aim and strategic outcomes should make reference to and be compliant with the articles of the ELC.

An Integrated Approach to the Welsh Landscape

A strategic outcome is required to provide an integrated approach to planning, design, implementation and management of the environment, including the landscape of Wales. The LI believes that GI is an approach to the planning, design and management of our land and offers the best sustainable solutions to a range of, often conflicting, demands placed upon our finite land resource. GI provision is critical in meeting the challenge of taking a truly integrated approach to the management of our environment and presents an opportunity to achieve many social, environmental and economic objectives.

Planning to safeguard and extend green infrastructure assets is central to ensuring the continued flow of ecosystem services to our society, recognising the importance of eco-connectivity in maintaining functioning ecosystems and their biodiversity, and building in resilience to meet future challenges and needs.

The LI fully supports the work carried out in the document 'Towards a Green Infrastructure Strategy' produced by WYG Planning and Design for the Welsh Assembly Government (WAG). This document explains clearly how GI fully supports the themes of the Wales Spatial Plan.

This report also clearly shows how developing our GI can not only improve our natural environment but also deliver social and economic benefits, as part of sustainable development that improves the lives and wellbeing of our communities. The report shows how this 'green infrastructure for sustainable development' approach could work in South East Wales, and offers a toolkit for delivery across Wales.

The LI therefore recommends that there is a strategic outcome that clearly provides an integrated approach to planning, design, implementation and management of the environment which should address green infrastructure, geodiversity, biodiversity and landscape character.

Question 5: What are your views on the approach to the delivery framework?

No comment

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

The LI recommends that reference to GI is made as an illustrative example for the following areas of work: Conservation, restoration and enhancement of the landscapes and seascapes of Wales and Conservation, restoration and enhancement of the structure and functions of ecosystems in, or partly in, Wales, including flora, fauna, geological and physiographic features and ecosystem processes.

This will enable a more integrated and sustainable view of environmental management based on the ecosystems approach set out in the proposal.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

No comment

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

LI supports a more co-ordinated approach to environmental research with clear strategies for stakeholder involvement.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

No comment

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

The LI agrees that effective engagement with stakeholders would be essential to the success of the work of the new body and supports the proposed approach for stakeholder arrangements.

Closer working arrangements with organisations involved with cultural and built heritage need to be outlined as this can play a significant role in the management of the landscape and environment.

How can the LI assist the Welsh Assembly in the delivery of this proposal?

The LI would ask to be recognised as a key stakeholder within this area of work as our members play a critical role in the science, planning, design, implementation and management of landscapes. Additionally the Landscape Institute has an interest in the marine environment, particularly from the seascape perspective of off-shore developments being an area in which some of our members are involved.

The LI would like to draw attention to the following policy documents which will be able to assist the Welsh Assembly in their approach to create a new body for the management of Wales' natural resources:

- Making it home - the power of landscape to create good housing
Policy position statement (2010)
An urgent need for house building must not lead to poor planning and design.
The LI argues that government targets for new homes emphasise on quantity, not quality - which is understandable but not acceptable. Provision of housing cannot be separated from current environmental and social challenges including climate change, biodiversity, energy supply, food security, social cohesion and food risk management. Ensuring access to good quality housing for all demands that we look again at how we plan and design it.
- Green infrastructure: connected and multifunctional landscapes (2009)
The LI believe that multifunctional and connected green infrastructure must be afforded the same priority as more conventional infrastructure; a priority it rightly deserves given its critical role in addressing a wide range of pressing environmental, social and economic challenges
- Landscape architecture and the challenge of climate change (2008)
As we confront growing social, environmental and economic concern over the use of our natural resources and the development of sustainable resources, there has never been a more important time to highlight the role of the landscape profession. This Position Statement aims to outline the role of the profession in dealing with both climate change adaptation and mitigation.
- Landscape Architecture – A guide for clients (March 2012)
This new publication features a wealth of landscape-led projects demonstrating the vital role that landscape architects play – it is designed to inspire clients to commission similar skills in their own new projects.

For any enquiries relating to this consultation response, please contact:

Paul Lincoln
Director of Policy and Communications
Landscape Institute
Charles Darwin House
12 Roger Street
London WC1N 2JU
paul@landscapeinstitute.org
020 7685 2649

Produced for the Landscape Institute by Catherine Jenkins CMLI, Merrick Denton-Thompson CMLI,
John Briggs CMLI

From: Stephen Russell [stephenr@landscapeinstitute.org]
Sent: 02 May 2012 15:42
To: SEB mailbox
Subject: Natural Resources Wales, response of the Landscape Institute

Attachments: Natural Resources Wales - Consultation response from Landscape Institute.pdf
Please find attached the response of the Landscape Institute to the Natural Resources Wales consultation.

Stephen Russell
Policy and Public Affairs Officer
Direct line 020 7685 2649

Awards footer 2012

Charity registered in England and Wales. No. 1073396. VAT No. 927 5720 07. The information contained within this message or any of its attachments is privileged and confidential and intended for the exclusive use of the intended recipient. If you are not the intended recipient of this message any disclosure, reproduction, distribution or other use of this communication is strictly prohibited. If you have received this message in error, please return it to the author and destroy this copy. This e-mail was sent via the Symantec Security and Anti-Virus Service. However, please be aware that there can be no absolute guarantee that any files attached to this e-mail are virus free. You should perform your own virus scan before opening any attachment in this e-mail. The Landscape Institute cannot accept liability for any loss or damage which may be caused by software viruses or by the interception or modification of this e-mail. Opinions expressed within this message are not necessarily the official policy of The Landscape Institute and may be the personal views of the author. Please consider the environment before printing this email - follow the read and file or delete rule.

From: Phil Jones [pmj@abertawe.co.uk]
Sent: 02 May 2012 15:49
To: SEB mailbox
Subject: Natural Resources Wales Consultation Response

For the attention of Carrie Moss

I wish to lend support to the responses submitted by the FERAC (Fisheries, Ecology and Recreation Advisory Committee) and by Pontardawe and Swansea Angling Society Ltd. I was a member of the former until recently and I'm an officer of the latter. But I'd also like to add a couple of points from a personal perspective.

My main interest is game fisheries (ie, fishing for trout, sea trout and salmon and the protection of the fish and their habitat) but fisheries are affected by just about all of the matters handled by the Environment Agency Wales (EAW), the Forestry Commission Wales (FCW) and the Countryside Commission for Wales (CCW) so I'm interested in them as well.

My first point is about the purpose of the organisation. I'm alarmed at the way the initial proposals for a new Single Environmental Body have now become proposals for a body to manage the exploitation of the Natural Resources of Wales. That change in emphasis is worrying. I support the principle of sustainable development but I think the New Body should be responsible for ensuring that development proposed by others is sustainable - it should not itself be responsible for maximising development. There's a basic conflict between sustainable and development. A single body can't both promote development and decide whether it's sustainable.

My second point is about stakeholder engagement. EAW has many committees (some statutory, some not) to help it with its work. Because fisheries are affected by all aspects of EAW's work, fisheries interests ought to play a full part in all of the committees. But they don't. Although there's token fisheries representation on them, most fisheries people don't even know that AEGs (Area Environment Groups) exist. The EPAC (Environment Protection Advisory Committee) seems to be populated more by people from whom the environment needs to be protected than by protectors of the environment and there's no fisheries rep. And so on...

I don't think committee meetings are the way forward. I think there's a need to make greater use of technology to widen the areas in which fisheries interests can play a part and to involve a greater number of fisheries representatives in discussions without the need to attend meetings. And the same principle would apply to persons interested in other

areas of the New Body's work. I think the matters currently handled at committee meetings should be discussed in online forums managed by the New Body. The number of people involved could be greatly increased but they could still be selected by the New Body on the basis of their ability to make useful contributions. Officers of the New Body could initiate discussions in much the same way as they do now - by submitting papers to the group for information, discussion and response. All members of the group would be able to contribute, whatever their background and whatever the subject. So fisheries people, for example, would be able to comment on any topic relevant to fisheries (abstraction, hydropower, water quality, land use, etc, etc). And people with other interests could bring relevant knowledge and experience to bear on fisheries matters. At the end of the day officers of the New Body would be able to pick the bones out of a discussion and take matters forward with the benefit of much more comprehensive consideration than at present. There are also arguments for allowing members of the group to initiate discussions themselves on topics which they think the New Body ought to be addressing. And it might also be useful if all members of the public could view the discussions without being able to contribute (unless they get themselves accepted into membership of the group). Members who misuse the facility could have their access withdrawn.

I hope this is helpful.

Phil Jones

44 Bwllfa Rd, Ynystawe, Swansea, SA6 5AL

From: Lewis, Matthew [MatthewLewis@monmouthshire.gov.uk]

Sent: 02 May 2012 15:51

To: SEB mailbox

Subject: Natural Resources Wales - Proposed arrangements for a new body - Consultation Response

Attachments: SB MCC Response 010512.pdf

Please find attached a consultation response from Monmouthshire County Council

Regards

Matthew Lewis

Matthew Lewis

Countryside Manager / Rheolwr Cefn Gwlad

Regeneration & Culture / Adfywio a Diwylliant

Monmouthshire County Council / Cyngor Sir Fynwy

Tel / Ffôn: 01633 64 (4855)

Mobile / Symudol: 07990 783165

Email / Epost: matthewlewis@monmouthshire.gov.uk

Website / Gwefan: www.monmouthshire.gov.uk

Follow us on Twitter / Dilynwch ni ar Twitter: www.twitter.com/monmouthshirecc

Follow Monmouthshire Countryside on Twitter www.twitter.com/MonCountryside

Like our Facebook page www.facebook.com/moncountryside or follow our blog www.monmouthshirecountryside.wordpress.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this email in error please notify us as soon as possible by telephone on 01633 644992

This e-mail has been scanned for all viruses by Star Internet. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

Welsh Government Consultation

Natural Resources Wales

Proposed Arrangements for Establishing and Directing a New Body for the
Management of Wales' Natural Resources

Response from Monmouthshire County Council

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales? :

The proposal is supported in principle subject to ensuring that the SB is organised to manage the potential conflict between various disciplines when considering regulatory, development and management functions. This is where the use of a robust sustainable development integration approach/tool will need to be adopted as part of the culture within all parts of the organisation, operating at all levels from strategic planning to delivery.

There needs to be greater clarification of the definition of sustainable development and it is essential that environmental issues, in particular landscape issues, are not lost. This clarity also needs to be translated into a better understanding of the ecosystem approach, from the environmental specialists to those with interests in development.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have? :

What will be the role of the SB in developing and delivering the Wales Infrastructure Investment Plan? The latter will need to identify and prioritise land for specific uses with management options. For example the woodland estate and how it is managed for timber production, recreation, fuel, biodiversity etc.

Commercial skills and experience in within Forestry Commission Wales are likely to be beneficial to wider environmental opportunities in terms of how the environment can support commercial activity. Such skills will need to be nurtured and developed.

Industry concerns regarding regulation and the stifling of development are unlikely to become a reality. However, the forest products sector needs certainty and assurances regarding its long term investments in the timber resource and timber processing if it is to retain confidence in Wales as a business location.

The SB has the potential to resolve the existing situation where there are a multitude of regulatory issues that private developers and local authorities are grappling with which can involve dealing with each of the three organisations separately, and the regulations can conflict when dealing with specific sites.

The SB needs to be structured to provide a more coordinated and integrated approach so that these problems are reduced.

The SB needs to emphasise that the “landscape” needs to be recognised as one of Wales’s most important resources as well as the opportunity that the landscape provides to assist in the delivery of the proposed Natural Environment Framework, working with partners including local authorities.

Question 3: What are your views on this phased approach? How could we improve on it?

The phased approach appears to offer the best opportunity for the new body to become established and to undertake a genuine review of priorities and procedures. It will be important to consult fully with stakeholder and partner organisations, including the local authorities, through this review before any decisions are made regarding the consolidation and/or modification of powers and procedures.

Where consequential amendments are required to UK legislation it is important that due consideration is given to there being a clear resolution of any cross border (England/Wales) issues including cross border designations.

Question 4: Do these proposals provide a good basis for the principal aims and strategic outcomes of the body? How could they be improved? :

It will be a fundamental role of the SB to embrace sustainable development as a central organising principle, champion what this means and how it can be applied to practical project development and delivery. This needs to be embedded in the culture of the SB and reflected in its principle aims, strategic approach and outcomes.

Therefore the strategic objectives need to capture the social, economic and environmental benefits that should arise from the SB’s work, including these additional but important strategic outcomes:

6. Contribute to lifelong learning by promoting the outdoors as an educational resource and a conducive environment for education.
7. Stimulating economic prosperity linked to tourism and providing a quality location for business investment.
8. A strategic outcome relating to the Welsh landscape as a key national resource upon which much of our economy – particularly our largest sector tourism depends. The aims and objectives should therefore reflect the conservation and enhancement of the landscape as an economic driver.

Question 5: What are your views on the approach to the delivery framework? :

A delivery framework will be essential but it needs to be set out in a user friendly form with clear measurable objectives that use plain and simple language.

Currently the framework includes references, for example for landscape that are so broad as to be incapable of meaningful measurement, in the absence of any defined indicators.

It might be helpful if the objectives were set out in accordance with the ecosystem services categories with practical examples of initiatives that could deliver the objectives. The current version is not in this format.

There appears to be insufficient emphasis on the economic opportunities that the natural environment is able to deliver.

It might also be useful if the delivery framework outlined how the SB intends to work with key partners, including local authorities, businesses and local communities to deliver the outcomes sought.

For example in recognising the importance of the Welsh landscape for its economic potential and in the protection and enhancement of the environment the SB should engage strategically for the purpose of raising standards of development and to bring about a range of long lasting benefits for the Welsh landscape for sustainable development and the people of Wales.

Engagement should also include engagement with the new local service boards. There has been a lot of feedback from partnerships with regard to the environment and climate change and how they are reflected in LSB activity. Welsh Government is considering this feedback to ensure that these issues are picked up at LSB level. So the SB will need to make links with the local service boards that will be responsible for directing strategic partnership activity at the local, greater Government and regional level.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved? :

There are some areas of work missing:

Table 1:

Much of the tourism economy and opportunities in Wales are dependant on the natural environment but this is not mentioned. A key role of the SB will surely be to develop and manage tourism infrastructure that can be promoted by other parts of the public sector, private and voluntary sectors.

Whilst there is mention of specific nature conservation designations, the biodiversity resource in Wales is not confined to designated sites. Biodiversity conservation and enhancement is relevant to all areas of Wales and is a key consideration in any sustainable development approach. Biodiversity conservation and enhancement warrants a specific function within Table 1 which could include as illustrative examples, protected species casework, Wales and local biodiversity partnerships.

There is reference to planning and managing water resources but there is no acknowledgement of the role that water plays in the provision of public benefit for access, recreation, fishing, boating, canoeing, outdoor adventure etc. This is an important area that should be included.

The promotion of the natural environment and how it contributes to the economy of Wales, the education of its people together with promoting social cohesion should be included as a key role of the SB.

Landscape needs to be expressed as more than just a backdrop and the design process needs to be emphasised in the conservation and enhancement of the environment.

There is a lack of linkage with policies driven through the Sustainable Wales Agenda i.e. Respecting Distinctiveness (one of the 5 key principles of the Wales Spatial Plan). Stronger links need to be forged between the cultural and built heritage.

There is no reference to Green Infrastructure – through which the Ecosystem approach can be delivered or the role of local authorities in the delivery of this strategic work.

The opportunities for working with both key partners and local communities and engaging and involving people are not consistently identified. For example grant aid to local authorities and community groups to improve access opportunities is identified, but not so in other areas. The strength and proven value of existing partnership working, for example the current CCW / local authority / third sector partnerships ranging across delivery of access and recreation, biodiversity, interpretation, education and environmental outcomes, and in engaging local people and communities is not fully reflected in table 1.

Table 3:

Everything should be within the context of and have regard to sustainable development.

There is no reference to protecting or enhancing biodiversity (as set out in the “NERC” Act duty) or to the European Landscape Convention. Duties under the European Landscape Convention should form the overarching scope of how the SB should work with the landscape.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved? :

No specific comments.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them? :

Agreed, it seems sensible to coordinate research.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements? :

It will be important for the board to comprise appropriate representation from the local authorities which should be specifically identified. It will be the local authorities working with their local communities that deliver much of the policies.

The resources, skills and expertise of the EA in England provide key support to the EA in Wales. It is imperative that robust arrangements and access to these remain for the SB and we seek assurance that appropriate arrangements are put in place. Continuation of cross border working is also critical on river catchment areas, such as that of the River Wye and the Severn Estuary. Again assurances are sought that robust arrangements are put in place for the SB to operate effectively on cross border issues.

Other cross border matters which will require formal arrangements with the Environment Agency, Forestry Commission in England and Natural England include the Wye Valley AONB and management plan, the Wye SAC, Wye Navigation and Waterway Plan, and that part of the Welsh forestry estate in Monmouthshire managed by Forestry Commission England.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach? :

Please see our comments above relating to partnership working and engagement.

Question 11: What are your views on the aspects of the regulatory arrangements? :

There needs to be clear separation between regulation and implementation.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them :

We note that you intend to have further consultation on the potential incorporation of DBs into the new body and support that. There have been real concerns about governance issues and to some extent concerns on financial matters. Incorporation into the new body would bring benefits in greater resilience, economies of scale and simplification of financial arrangements. It is not clear how this would be managed with cross boundary situations, notably the Lower Wye DB, but we presume that would be covered in the further consultation proposed. The current democratic arrangements with its mix of landowners and elected representatives does bring a local interest to DB operations and some way of harnessing this local involvement in any new arrangements could be beneficial. In any review it would also be sensible to consider the extent and boundaries of the current DBs and whether any of those areas should be part of the relevant local authority's control.

From: Ruth Bradshaw [RuthB@cnp.org.uk]
Sent: 02 May 2012 15:55
To: SEB mailbox
Cc: Helen Jackson
Subject: CNP response to consultation on 'Natural Resources Wales'

Attachments: Final CNP response to SEB consultation.pdf

Dear Ms Moss

I attach a response to the consultation on 'Natural Resources Wales' from the Campaign for National Parks. I would be grateful if you could confirm safe receipt of this response.

Regards
Ruth

Ruth Bradshaw
Policy and Research Officer
ruthb@cnp.org.uk
020 7924 4077 ext 222

My usual working days are Monday, Tuesday, Wednesday and Friday.

6-7 Barnard Mews London SW 11 1QU
Ffôn/Telephone: 020 7924 4077
Ffacs/Fax: 020 7924 5761
E-bost/Email: info@cnp.org.uk
Gwefan/Web: www.cnp.org.uk
Llywydd/President: Ben Fogle

Ms Carrie Moss
Living Wales Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

2 May 2012

Dear Ms Moss

Natural Resources Wales – A consultation on the proposed arrangements for **establishing and directing a new body for the management of Wales' natural resources**

Introduction

The Campaign for National Parks (CNP) is the charity that campaigns to protect and promote National Parks in England and Wales as beautiful and inspirational places enjoyed and valued by all. It has been in existence for over 75 years. CNP's work in Wales is informed by a Welsh Advisory Committee, which includes representatives from each of the National Park Societies and other bodies such as CPRW and the National Association of AONBs. The National Park Authorities in Wales and National Parks Wales have observer status.

National Parks are the finest landscapes which have been granted the highest level of protection. The statutory purposes of National Parks are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks

In those cases where conflict exists between the two purposes and reconciliation proves impossible, the first purpose should take precedence.

In Wales, National Parks comprise about 20% of the country's land mass and therefore have a vital role to play in sustainable development. They already contribute significantly to the well-being of the nation, through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change.

National Parks are inspiring spaces for people to enjoy and improve their health and wellbeing, whilst making a significant contribution to the economy of Wales through farming, tourism and other related businesses. CNP believes that the nationally designated landscapes of Wales should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change.

CNP is pleased to have this opportunity to respond to the Welsh Government's consultation on a new body for the management of Wales's natural resources. We support the need to move to a decision making framework that is set within a context of sustainable development and delivered through institutional and administrative arrangements that are as simple as possible. We, therefore, support the principle of establishing a Single Environmental organisation and its proposed role in guiding and overseeing the management of the Welsh environment, provided that this takes proper account of all the important aspects of natural resources, including the use of land and sea for recreation and the natural beauty and cultural heritage which National Parks and Areas of Outstanding Natural Beauty exist to protect. However, we have a number of concerns about the detail of what is proposed, which can be summarised as follows:

1. The need for the new body to play a strong role in promoting the duty for relevant public authorities to have regard to the statutory purposes of National Parks.
2. The lack of reference to the new body's role in protecting, promoting and championing landscapes deemed to be of national importance and in promoting opportunities for their enjoyment.
3. The lack of reference to seascapes as well as landscapes.
4. The emphasis on the use, rather than the protection and responsible stewardship, of Wales's natural resources.
5. The importance of the new body playing a key role in encouraging under-represented and disadvantaged groups of people to gain greater access and understanding of the natural environment and the benefits that can bring.
6. There is insufficient consideration as to how the new body will achieve its objectives at local level and how it will interact with existing bodies and established mechanisms.
7. The potentially negative effects of this reorganisation on essential funding for the third sector.

Consideration also needs to be given as to who will monitor and scrutinise policy on the natural environment. If this is not to be in the remit of the new body, then who will be responsible for this?

The following sections provide further detail on each of the points set out above.

1. Promoting the duty to have regard to National Park statutory purposes

Section 11A of the 1949 National Parks and Access to the Countryside Act places a duty on relevant authorities to have regard to National Park statutory purposes while carrying out their activities but there is often a low awareness of this duty amongst the relevant authorities and, as a result, National Park purposes are often given insufficient weight in policy decisions, particularly those involving other government departments and regulators. One example of this is the communications regulator, Ofcom, which has persistently failed to have regard to National Park purposes in decisions relating to BT Openreach and other telecommunications infrastructure. CNP would like to see the new body play a strong leadership role in ensuring that the duty is more widely applied and understood.

2. Lack of reference to landscapes

National Parks make a vital contribution to sustainable development in Wales and have a key role to play in delivering the ecosystem approach to the management of natural resources. They also contain Wales' finest landscapes. Landscapes are resources in their own right and represent a diverse combination of natural features and forms, spaces, habitats and experiences which are expressed through a unique legacy of inherited human traditions, skills and endeavour. We are, therefore, very concerned at the lack of any direct reference to the role of the new body in protecting, promoting and championing landscapes deemed to be of national importance and in promoting opportunities for their enjoyment. Examples of this include:

- The list of functions for the new body in Table 1 includes "conservation, restoration and enhancement of the landscapes and seascapes of Wales" but the examples given refer only to the new body's role with regard to designating National Parks (and Areas of Outstanding Natural Beauty).
- There is no direct reference to the new body assuming the existing powers of CCW to designate and undertake actions to protect landscapes deemed to be of national importance. This role should be explicitly stated as a proposed function of the new body.
- The lack of any proper recognition that promoting opportunities for the public understanding and enjoyment of the special qualities of the National Parks of Wales will be an important role of the new body.
- There is very little reference to the term 'landscape' throughout the document and it is not mentioned at all in the proposed list of strategic outcomes for the organisation.

3. Lack of reference to seascapes

Protected seascapes are another very important feature of the National Parks in Wales, having a key role to play in the coastal environment of both Pembrokeshire Coast and Snowdonia. It is vital that the seascapes associated with these areas are protected. To address both this, and our concerns about the lack of reference to

landscapes, we suggest amending the aim of the Single Environmental Body (SEB) as set out in Section 4.4 of the consultation document to the following:

'To protect, enhance and develop the responsible stewardship of Wales' environment, natural resources and all its landscapes both on land and at sea'

The words 'people and economy of Wales' which was included in the original version are covered anyway in the reference to social and economic wellbeing in the first strategic outcome so we do not believe that anything will be lost by removing those words from the aim.

If this is not possible then at the very least an additional strategic outcome should be included to cover the conservation, enhancement and enjoyment of landscapes and seascapes, especially those that are protected nationally.

4. Too much focus on the use of natural resources

CNP wants to ensure that the protection and value of the National Parks are not eroded in pursuit of short term economic and societal goals. We believe that the proposals for the new body focus too much on its role with regard to the use of Wales's natural resources as opposed to their protection and responsible stewardship. We are concerned that this will result in its work being driven primarily by the provision of services arising from the use of landscapes and seascapes, rather than an approach based on sustainable principles.

5. Encouraging access and understanding

We note that one of the functions of the new body is to improve and increase access to, and use of, the environment for outdoor recreation but there is no specific reference to increasing access by groups currently under-represented among visitors to the National Parks. CNP has recently obtained funding from the Big Lottery Funds' People and Places programme to run a three-year new audience engagement project, covering all three National Parks in Wales. This will be based on the successful CNP Mosaic model of training influential urban community leaders to become Champions and promote the National Park to others in their community. It will target ethnic minority communities in Newport, Cardiff, Swansea, Bangor and Wrexham and aims to introduce thousands of new people to the physical and mental health benefits that National Parks offer.

We are keen to ensure that there is an opportunity for others in similar initiatives in Wales in future. The new body should provide enabling mechanisms and support for projects such as this to ensure that disadvantaged groups of people can gain greater access and understanding of the natural environment and the benefits this can bring.

6. Interaction with existing bodies

We welcome the inclusion of increasing public involvement as one of the functions of the new body. However, to be meaningful public involvement often has to be at a local level, particularly when considering and resolving issues of natural resource management. The new body will need to have active and continuous engagement with all sectors of Welsh society including communities, voluntary organisations, community and local councils, public bodies, private sector businesses and regulatory bodies.

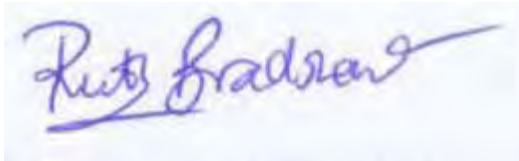
We also welcome the reference to “new and innovative approaches and partnerships for delivery, including work with third sector partners and local authorities” (page 4) but we are concerned that there does not seem to be any recognition of the need to take maximum advantage of existing partnerships and arrangements, such as the Management Plans, which each National Park Authority already prepares. We would like to see a clear commitment that the new body will, wherever possible, seek to achieve its objectives through National Park Authorities and local authorities.

7. Funding for the third sector

The Countryside Council for Wales is currently a major source of funding for the third sector which plays a vital role in delivering environmental and sustainability objectives in Wales. The consultation document recognises the potential contribution of the third sector, especially in developing new and innovative approaches to delivery of natural resource management. However, we are concerned that the creation of the new body and the need to find efficiency savings could have a negative impact on the funding and support available for the third sector. We would like a reassurance that the new body will give sufficient priority to the viability of relevant third sector bodies and that there will be no overall reduction in the scale of funding available to it.

CNP trusts that these comments will be helpful in developing the proposals for a Single Environmental body in Wales. We would be pleased to continue working with the Welsh Government and other partners to ensure the successful establishment of a single body which can effectively maintain and enhance all of Wales's natural resources.

Yours sincerely



Ruth Bradshaw
Research and Policy Officer

Tel: 020 7924 4077 ext. 222
Email: ruthb@ cnp.org.uk

From: Keenan, Emily [Emily.Keenan@nationaltrust.org.uk]

Sent: 02 May 2012 15:55

To: SEB mailbox

Cc: Plunkett-Dillon, Emma

Subject: National Trust Natural Resources Wales Response

Attachments: National Trust final SB Consultation Response.doc

Dear Sir/Madam,

Please find attached the National Trust response to the consultation on 'Natural Resources Wales'.

Best Wishes,

Emily Keenan

External Affairs Consultant- Land Use and Environment

National Trust for Wales

07766820767

The National Trust is a registered charity no. 205846. Our registered office is Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA. The views expressed in this email are personal and may not necessarily reflect those of the National Trust unless explicitly stated otherwise.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify me immediately. If you are not the intended recipient of this email, you should not copy it for any purpose, or disclose its contents to any other person. Senders and recipients of email should be aware that, under the Data Protection Act 1998, the contents may have to be disclosed.

This email has been scanned by the MessageLabs Email Security System. For more information please visit <>. However the National Trust cannot accept liability for viruses that may be in this email and we recommend that you check all emails with an appropriate virus scanner.



**Ymddiriedolaeth
Genedlaethol
National Trust**

A Consultation Response by the National Trust to Natural Resources Wales, Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources

May 2012

Introduction

As Europe's largest conservation organisation, we manage natural and historic heritage for conservation and public access. The charity owns over 50,000 hectares of land in Wales which it manages for the benefit of the nation.

Therefore the National Trust will be a major partner of, and deliverer for, the new body. We look forward to working with the shadow body and the new body at every level, from developing an effective strategy and ensuring delivery on the ground. Perhaps most importantly, we can help the body put people at the heart of its new approach, and ensure we look at the natural, cultural and historic environment in its entirety. If we can help people to understand the importance of the natural, historic and cultural environment and get them involved in caring for it, we will be better able to work together to deliver positive outcomes for Wales.

With more than 100,000 members in Wales and more than 6 million visitors to our sites in Wales each year, the National Trust is well placed to assist Welsh Government and the new body with this vital engagement work.

Summary

The National Trust believes that the Welsh Government's work on development of a Single Body for managing the environment in Wales, in conjunction with the proposed new approach to managing natural resources as outlined in the recent Green Paper 'Sustaining a Living Wales', presents a number of positive opportunities. In particular we want the body:

- To manage Wales' places sustainably, both the land and sea, in an integrated manner for the benefit of people. This will need to include the protection and enhancement of Wales's biodiversity, landscape and heritage assets so that everyone can value and enjoy them.

Ymddiriedolaeth Genedlaethol /
National Trust
Swyddfa Cymru Llandudno /
Wales Office Llandudno
Sgwâr y Drindod / Trinity Square
Llandudno LL30 2DE
Ffôn / Tel: +44 (0)1492 860123
Ffacs / Fax: +44 (0)1492 860233
www.nationaltrust.org.uk

Llywydd / President: HRH The Prince of Wales
Cadeirydd Cymru / Wales Chairman:
Sir Roger Jones OBE
Cyfarwyddwr Cymru/Director for Wales:
Justin Albert
Swyddfa gofrestredig / Registered office:
Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA
Rhif elusen gofrestredig / Registered charity number 205846



- To help embed consideration and stewardship of the environment (natural, historic and cultural) across all levels of government and sectors of society.
- To halt and reverse decline in biodiversity and landscape quality, not only in protected areas but also throughout wider urban, rural and marine environments.
- To aid adaptation to our changing climate by planning for and investing in more resilient ecosystems.
- To widen appreciation of, access to and understanding of the environment (natural, historic and cultural).
- To deliver sustainable development through the actions of the Single Body itself and by empowering others.
- To instil a sustainable culture that encourages economic development which supports and reinvests in ecosystem services. Ecosystem services that we derive benefits from (water management, tourism and other areas) should have investment flowing back to them in order to maintain and repair them¹.

Whilst being broadly supportive of the creation of the new Single Body in order to advance the management of Wales' natural resources this response focuses on some points of concern for the National Trust.

Headline Issues

1. Integration with 'Sustaining a Living Wales'

In order to take full advantage of these opportunities we believe that 'Sustaining a Living Wales' must sit at the heart of the creation of the Single Body. Although it is not yet fully formed, the ecosystem approach as outlined in 'Sustaining a Living Wales' is destined to become the underlying context within which the Single Body will operate. In creating the Single Body therefore, Welsh Government must build in flexibility and capacity for the new body to deliver this ecosystems approach, as expressed in the draft terms of the Green Paper. It is also essential to harmonise the development of the Government's Sustainable Development policies with the creation of the Single Body.

2. Definition of the Environment

The National Trust strongly recommends that the definition of 'the environment' for, and by, the single body is a broad one which recognises the continuum from natural environment to historic environment to cultural environment. Very little of Wales' environment is 'natural' as most of it has been influenced by people. We feel that this holistic view of our environment needs to be ingrained in the way the single body views our environment and carries out its duties. A key way to ensure this will be to provide training for staff which enables them to recognise and appreciate the interdependencies of our natural, historic and cultural environment.

¹ For more information http://www.assemblywales.org/cr-lu2_natures_capital_wales_final.pdf

3. Vision/ Legislative Purpose for the Body

3.1 We believe that Wales needs a public body (or bodies) with a clear purpose to protect, conserve and enhance the environment (natural, historic and cultural) and that this is not fully reflected in the proposed purpose of the new body, as outlined in the consultation paper. The primary purpose of the Single Body must be to protect, conserve, enhance and positively manage Wales' natural, historic and cultural environment and so ensure benefits for the people of Wales now and in the future.

3.2 We recognise that Welsh Government has shown an appreciation of the interconnectivity of ecosystems with people by including references to 'managing natural resources for social, economic and environmental benefit' and 'delivering better outcomes for and from the environment' in the consultation document. However, we would like to emphasize the importance we place on the protection and responsible stewardship of natural resources as opposed to their 'use'. We do not accept that the priority of a body which should be primarily responsible for the management of the Welsh environment should also be focused on social or economic advances without clear environmental obligations or limitations.

4. Designations

The network of SSSIs, SACs, SPAs, Registered Landscapes, AONBs and other protected areas represent a genetic reservoir for biodiversity, a framework for biodiversity conservation, natural resource management in the wider countryside, landscape enhancement and a basis for spatial resource planning. This existing hierarchy of protected site designation works well due to the established processes and conservation objectives and have been successful in protecting our most precious and valued habitats and wildlife. For this reason we do not wish to see any hasty changes being made to our current system of designations, the importance of which we feel are played down in 'Natural Resources Wales'. We are unconvinced that the new body should be making immediate changes to the systems which safeguard our country's designated sites. If and when changes are made we would like them to ensure that current designations and environmental standards are used as the benchmarks for assigning significance to all landscapes and for testing and assessing the impacts of proposed change. Changes should be carried out with the sole aim of bringing sites into favourable condition; seeing no net loss of biodiversity and reversing declines in biodiversity, habitats and landscape quality.

5. Importance of Cultural Services

The Green Paper identifies culture as a key service group noting how local places, landscapes and seascapes are essential ecosystem services. We are concerned that the consultation for the Single Body makes provides little clarity as to how these will be delivered. People value places and culture- these are key to emotional and social well being and therefore fundamental to healthy, resilient and productive ecosystems. We would contend that the body should have clear responsibility for the stewardship of those cultural dimensions of the environment of Wales and the public values and services they provide. National Trust recommends the strategic outcomes of the body should include:

“To ensure that Wales’s most prized and most significant natural and cultural assets are safeguarded and their functional values optimised for the benefit of those who seek to use them in the future.”

6. Importance of Landscape

6.1 The Single Body document frequently refers to ‘land’ but largely ignores the concept of ‘landscapes’, more clarification is needed in order to give guidance to future landscape policy. The protection of landscapes is something that the Trust sees as being of vital importance in Wales.

6.2 Landscapes provide a great number of services to the Welsh population. They provide surroundings which are attractive and familiar. Engagement with landscapes can positively impact on quality of life and physical and mental wellbeing. The landscape forms our visible environment which is unique for each place and at the same time shows us how places are related, the character of the landscape being determined by natural and human factors and the interaction between them. They provide a range of opportunities for learning about the natural and cultural heritage and constitute a setting for formal and informal learning activity. Landscapes are also a key economic asset for Wales. From built monuments to old land occupation patterns and from intact coastlines to wide upland views, much of what attracts people to Wales is irreplaceable and vulnerable to change. This is especially true for our archaeological heritage. In the competitive global market for inward investment, our landscapes are a key part of our unique offer used in promoting Wales as a desirable location. And of course, Wales’ landscapes, historic sites and wildlife attract tourists from near and far, and are consistently given as the top reasons for visiting Wales.

6.3 Wales is exceptionally blessed with a wide range of landscapes and biodiversity the quality of which is undeniably high, nearly 25% of the land area and 70% of the coast of Wales are recognised as being internationally important for their quality and character. Our rural economy is strongly dependant on the tourism industry which is worth approximately £1.8 billion Gross Value Added to our economy. With expanding travelling ranges, people are freer than ever to choose the places where they want to live, work and recreate. A beautiful and characteristic landscape will be one of the main assets of Wales to keep developing as a vivid and economically healthy region, justifying an ambitious agenda for landscape. The Single Body will be central to delivering that ambitious agenda.

6.4 Our landscapes are combinations, in varying proportions, of the habitats set out in the table on page 9 of the Sustaining a Living Wales Green Paper. These habitats are interconnected and interdependent and cannot deliver ecosystem services in isolation from each other. Landscapes provide the framework within which this interaction takes place and therefore should be at the heart of Single Body and the new approach to natural resource management.

6.5 The Welsh Government has ratified the European Landscape Convention. Therefore implementation of its principles should underpin any approach which guides the stewardship of the landscapes and seascapes in Wales and therefore any organisation, including the Single Body, which is charged with undertaking this role.

6.6 For these reasons the Single Body should be charged with a duty to protect our landscapes. In order to protect the goods and services provided by landscapes there is a need to incorporate a consideration of landscape into spatial planning. In particular there needs to be recognition that the capacity of landscapes to accommodate new land uses and development varies from place to place. The Single Body will need the expertise to uphold the system of landscape designations and update that where appropriate. That involves the maintenance of up to date knowledge of landscape features, while its success will be measured by the practical outcomes of everyday work with the designations.

6.7 National trust recommends explicit reference in the role of the new body for the **stewardship of Welsh landscapes and seascapes**, plus the **promotion of understanding and enjoyment of the qualities of all landscapes**. We also believe that **landscape protection** should be a key strategic outcome for the new body. There should also be a precautionary principle adopted so that its remit reflects **an obligation to prevent landscape degradation**. To make the new body's role in respect of landscape stewardship clear, we believe that the wording and sentiments of Section 4.4 should be amended so that the desired outcomes of the new body refer explicitly to:

“Further responsible landscape stewardship and resource use nationally and locally, in ways which promote distinctiveness, identity and an enduring sense of place. In so doing encourage appropriate measures which ensure the improved resilience, diversity, quality and cohesion of these natural and cultural assets thereby optimising the public services and benefits they provide.”

6.8 Our concerns about the protection of the landscape and cultural values of Wales could be addressed by the Single Body being mandated to agree a coordinated operational approach with Cadw to ensure that the heritage and cultural interests of landscapes are full integrated across both their functions and areas of work.

6.9 The National Trust recommends the establishment of a Ministerial Landscape Advisory Group to assist the Welsh Government and Single Body in their delivery of the European Landscape Convention and to help monitor the stewardship of Wales' protected landscapes. We would welcome the opportunity to participate in such a Group.

7. Spatial Planning

7.1 In order to create a spatial resource management plan for Wales we must start by forming a clear understanding of our assets. This will require a full assessment of our natural environmental assets plus our related historic and cultural assets. Work will then be

needed to develop a better understanding of how all these assets deliver ecosystem services to the people of Wales.

7.2 The National Trust has expertise in this area which we are willing to share and develop mutual learning. We are currently investing in Land Capability Assessments which explore the ability of land to support different uses without unacceptable impact on the natural processes and other assets of the land itself. Seven main functions or ecosystem services are identified: food, fibre and fuel; space for development; water services; carbon stores and reduction of greenhouse gases; biodiversity; landscape and cultural heritage, and recreation and inspiration for people. Not all developments or changes are unwelcome but they need direction to be change for the better; the Land Capability Assessment process is intended to guide location of land-uses where most suitable. This will help protect natural resources and so help ensure sustainable management.

7.3 The role of Land Use Planning is to provide a framework for development and use of land taking into account economic, social and environmental uses. If the spatial plan is to act to pull together all activities which impact on the natural resource management of Wales then we believe that alongside this, the work of the Single Body should be fully integrated into the Welsh Land Use Planning system. The body should therefore be charged with providing guidance on how the planning system should reflect the principles of integrated resource stewardship and how this system should be used as a means of protecting all of Wales' natural, historic and cultural assets.

7.4 The use of an ecosystems approach which maps ecosystem services provided by the natural, historic and cultural environment should become a formal 'material consideration' in the planning system to help inform on the feasibility and location of future developments.

8. Inclusion of Glastir

The Welsh Government has always been clear that Glastir is about providing public benefits. The National Trust believes that this can best be achieved through the inclusion of the running of agri-environment schemes, such as Glastir, in the remit of the Single Body. Our ability to manage our land and resources sustainably is dependent on the agricultural industry being incentivised to practice sustainable land management, in order to safeguard the natural resources and ecosystem services on which they and the rest of society depend. It is in the interest of everyone to promote sustainable rural development and the subsequent interaction with the landscape. Along with food production, rural communities manage vital ecosystem services such as soils, water and landscapes.

If the Welsh Government is to achieve its wider 2020 environmental obligations for water, greenhouse gas emissions as well as biodiversity Glastir must deliver as intended. The temptation to water down the scheme's effectiveness and objectivity for political gain must be resisted and we view this as most likely to occur if Glastir is entrusted to the Single Body.

9. Clarification on role and empowerment of local administration and stakeholders

9.1 The delivery of the new approach from the Single Body will need to be carried out by the body itself, but also by a multitude of other partners. These include local administrations, businesses, communities and third sector organisations. Relationships need to be as strong as, if not stronger than stakeholders' current relationships with the legacy bodies. The proposal needs more clarification on what is asked from these local administrations and stakeholders and how they will be empowered to act to allow regional and local implementation of the new approach. It is essential that the body cultivates effective stakeholder involvement and influence (a genuine two-way process) while also developing delivery mechanisms for the programs to take place on the ground. As plans for stakeholder engagement have not been revealed so far, we urge the Government to publish a Stakeholder Liaison Charter outlining these plans which can be subject to scrutiny by such stakeholders before being adopted by the Welsh Government.

9.2 Although we cannot comment at this stage on the Single Body governance structure we recognise that it will be of great importance to our future work and we are keen to continue to be involved throughout the organisational development process. We would recommend a series of formal advisory fora to facilitate the input of all stakeholders.

10. Loss of expertise

10.1 We are aware that during the creation of the Single Body, staff in the legacy body have been seconded to working groups which are guiding the process. However, these posts have not been replaced which, we are concerned, will impact on the legacy bodies' ability to deliver service over this period.

10.2 We acknowledge that due to increased efficiency and a reduction in duplication of work savings can be made in the creation of the new body. However we would like assurance that savings made will not reflect a loss of expertise upon which much good environmental management is dependent. We also hope to see a reinvestment of these savings in services lost to the Single Body due to the detachment of both the Environment Agency and Forestry Commission from their parent bodies outside Wales.

11. Relation of the Body to Welsh Government

We would like the body to be a forward thinking organisation which is distanced from the political pressures of Welsh Government ,but with the freedom to challenge and act as a faithful guardian of the environment.

Consultation Questions

We have responded to most of the consultation questions in our points above. Here are our comments on the remaining questions:

Question 3: What are your views on this phased approach? How could we improve it?

Overall we are very positive about the phasing in of an ecosystems approach given that assurances are received that there will be no decrease in protection for our designated sites, or in the delivery of environmental protection as a whole.

However, we view the timetable for the creation of the new body as being very ambitious. We feel that this timetable does not reflect the complexities surrounding the creation of the Single Body. We recommend slowing the process to allow the incorporation of effective feedback from internal and external stakeholders.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The National Trust believes that the principal aim proposed in the draft needs to be altered to reflect that the first priority of the Single Body is “to protect, conserve, enhance and positively manage Wales’s environment (natural, historic and cultural) and so ensure its benefits for the people of Wales, now and in the future.”

As discussed above we believe that additional strategic aims should be added in order to address the importance of landscapes and consideration of cultural services.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

We strongly support an evidence based approach to conservation and Natural Resource Management. We hope that the Welsh Government will continue to support and invest in environmental research. More closures, like that of the research station near Aberystwyth, could endanger such a scientific approach.

Lead Contact: Emily Keenan, External Affairs Consultant
Organisation: National Trust
Email: Emily.keenan@nationaltrust.org.uk
Telephone: 07766820767
Address: Wales Office Llandudno
Trinity Square
Llandudno
LL30 2DE

From: Furlong, Rachel [rfurlong@scottishpower.com]
Sent: 03 May 2012 10:09
To: SEB mailbox
Subject: Proposed arrangements for a single environment body for Wales

Attachments: WAG Single Environment Body_SPR response_03 05 12.pdf

Please find attached ScottishPower Renewables response to the above consultation – I hope it is of use in finalising arrangements for the proposed Single Environment Body. Please do not hesitate to get in touch if you have any further questions.

Kind regards,

Rachel



Rachel Furlong
Policy Manager (Environment)

ScottishPower Renewables
Cathcart Business Park, Spean Street, Glasgow. G44 4BE
Tel: 0141 568 2922
Mob: 07738 062 763
rfurlong@ScottishPower.com



Before printing this message, make sure it's necessary.

The environment is in our hands

=====

Please consider the environment before printing this email.

If you have received this message in error, please notify the sender and immediately delete this message and any attachment hereto and/or copy hereof, as such message contains confidential information intended solely for the individual or entity to whom it is addressed. The use or disclosure of such information to third parties is prohibited by law and may give rise to civil or criminal liability.

The views presented in this message are solely those of the author(s) and do not necessarily represent the opinion of Iberdrola, S.A. or any company of its group. Neither Iberdrola, S.A. nor any company of its group guarantees the integrity, security or proper receipt of this message. Likewise, neither Iberdrola, S.A. nor any company of its group accepts any liability whatsoever for any possible damages arising from, or in connection with, data interception, software viruses or manipulation by third parties.

=====

Por favor, piense en el medio ambiente antes de imprimir este mensaje.

Si usted recibe por error este mensaje, por favor comuniquelo a su remitente y borre inmediatamente tanto el mensaje como cualquier anexo o copia del mismo, ya que contiene informacion confidencial, dirigida exclusivamente a su destinatario y cuya utilizacion o divulgacion a terceros estan prohibidas por la ley, pudiendo dar lugar a responsabilidades civiles y/o penales.

Las ideas contenidas en este mensaje son exclusivas de su(s) autor(es) y no representan necesariamente el criterio de Iberdrola, S.A. ni de otras sociedades de su grupo. Ni Iberdrola, S.A. ni ninguna sociedad de su grupo garantiza la integridad, seguridad y correcta recepcion de este mensaje, ni se responsabiliza de los posibles perjuicios de cualquier naturaleza derivados de la captura de datos, virus informaticos o manipulaciones efectuadas por terceros.

=====



3 May 2012

Carré Moss
Living Wales Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

By email to SEB@wales.gov.uk

Dear Ms Moss,

PROPOSED ARRANGEMENTS FOR ESTABLISHING AND DIRECTING A NEW BODY FOR THE MANAGEMENT OF WALES' NATURAL RESOURCES

ScottishPower Renewables (SPR) is the largest operator of onshore windfarm assets in the UK and the UK's leading developer with over 1,300MW of consented projects and a large pipeline of future projects. We have a significant interest in offshore wind and we are a leader in the development of new marine technologies. We therefore welcome the opportunity to feed into this consultation process.

SPR has long been involved in renewable energy generation in Wales. In a joint venture with Eurus Energy (UK), "Celtpower" has been operating the existing Penrhuddlan and Llidartwaun windfarm in Powys since 1992. SPR is also actively developing more onshore wind generation in Wales to assist the Welsh Government in meeting its sustainability targets. Planned developments in Wales include:

- The repowering of the Llandinam windfarm site, currently the subject of a Section 36 application, submitted in 2008 under the Electricity Act 1989;
- The proposed Mynydd Mynydd windfarm site within the local authority areas of Denbighshire and Gwynedd which is in the process of Environmental Impact Assessment (EIA) and will be submitted for consideration to the National Infrastructure Directorate (NID) in 2012; and,
- The proposed Dyfnant windfarm located in Forestry Commission Wales' Dyfnant Forest in the county of Montgomeryshire, Powys. This project is undergoing EIA and will be submitted to the NID in 2012.

The role of the new body

We very much welcome the focus on sustainable development and the expectation that the new body will help the Welsh Government to achieve its strategic aims for the economy, in addition to environment and society. The three pillars are inextricably linked, and a new body with a very clear sustainable development remit will allow wider

ScottishPower Renewables Cathcart House, Spean Street, Glasgow G44 4BE
Telephone 0141 568 4412, Fax 0141 568 4450
www.scottishpowerrenewables.com

ScottishPower Renewable Energy Limited
Registered Office: 1 Atlantic Quay, Glasgow G2 8SP. Registered in Scotland No. 326127

recognition of this. One of the key roles of the new body should be to support the planning and decision making system in delivering Wales' contribution to the UK's international obligations on renewable energy. This should be achieved by constructive, timely and concise engagement in planning and major infrastructure applications.

We work closely with CCW and FCW currently in shaping proposed wind farms and it is vital that the proposed single environment body continues to provide the resources for this level of engagement. These informal working relationships are valuable additions to the formal consultation process and help facilitate the delivery of appropriate, well-planned and well-managed developments.

I hope these comments are of use and please feel free to contact me on 0141 568 2992, or at r.furbng@scottishpower.com should you require any additional information.

Yours faithfully,

Rachel Furbng
Policy Manager (Environment)

Annex 1: ScottishPower Renewables (SPR) comments on the Consultation Questions

THE CASE FOR CHANGE

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

We welcome efforts by the Welsh Government to “focus on Wales’ priorities, opportunities and challenges reflected in Welsh legislation and policy” (page 8). In our view, one of these priorities should be the deployment of renewable energy to support with international obligations to combat climate change. The planning and decision-making system in Wales should facilitate the development of renewable energy generation opportunities in line with the UK target to deliver 15% of energy from renewable sources by 2020 under the EU Renewable Energy Directive. Given Wales’ significant renewable energy resources, it has an important role to play in achieving these targets and reaping the social, economic and environmental benefits of renewable energy.

We have no strong preference for or against the formation of a single environment body over the three constituent bodies, however, it is vital that these bodies work together and with other stakeholders and developers in order to deliver Wales’ key policy objectives. The formation of a single environment body offers a considerable opportunity to make improvements to the engagement of the statutory environmental bodies in Wales within the planning system. We would like to see a more iterative system with statutory consultees recognising their key role in the successful delivery of projects, with an increased willingness to work with developers to deliver innovative solutions to outstanding issues, resulting in the delivery of a high quality product. We believe that a very clear sustainable development remit for the new body will help engender this approach.

We welcome proposals to deliver integrated management through a more focussed policy approach; however the formation of a single environment body does raise a number of potential challenges:

- In terms of the planning system, responding to planning authorities based upon a “common shared view” may help remove ambiguity regarding potential environmental impacts and simplify discussions. However, when bringing together a single response there may be conflicts between different interests (e.g. forestry and nature conservation objectives). Receiving conflicting advice from statutory agencies results in a large degree of uncertainty surrounding an application and which advice takes precedence. Therefore it is vital that the new environment body “provide[s] a single consistent view on issues and proposals” (as stated in page 8) and that the responses are clear, robust and work to remove ambiguity.
- We support efforts to provide earlier and more constructive resolution of conflicting issues in order to reduce delays to major applications (p.8). This is welcome but requires appropriate resources.
- Again, we support efforts to simplify regulation (p.8) and this and any other additional certainty is likely to instil investor and developer confidence.

- Clear and integrated policy guidance is required on environmental objectives and priorities, particularly relating to land use objects including habitat management and improvement. Should policy changes result from the integration of policies, we seek assurance that any significant changes will not be applied retrospectively to projects that are already well advanced in design.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

We warmly welcome the commitment in the recent 'Energy Wales: A Low Carbon Transition'¹ to "ensure Wales' statutory agencies continue to improve their provision of advice to applicants prior to their submission of applications to consenting bodies and frame their advice constructively, to identify timely, consistent and constructive solutions" and believe that this approach can help the delivery of renewable energy deployment.

However, our main concern regarding the formation of a single environmental body is regarding increased uncertainty during the transition period. We welcome the commitment by the Welsh Government to ensure consistency and an orderly transition (p.12), but it is vital that this consistency is timely and from the commencement of operation of the new body, otherwise we risk increased regulatory uncertainty and potential delays to project programmes and delivery against the targets.

Further to our comments in response to question 1 regarding consistency of responses to planning applications, it is important that the decision-making and advisory process is transparent. It will be necessary for the new environment body to clearly set out its policies and how potential conflicts between these policy objectives will be resolved. Our experience throughout the UK has shown that there is, for example, potential for conflict between different habitat management priorities, including forestry, peatland restoration, and other biodiversity or habitat goals. The creation of a single environment body has enormous potential to reduce this conflict and produce a coherent and consistent set of environmental priorities. This, however, relies on efforts to ensure that all parts of the new body apply these priorities consistently, and that there is uniform understanding of national and international commitments and policies to renewable energy. Advice must be consistent at every level of the organisation, recognising the need to deliver renewable energy.

The consultation document also states that concerns have been raised by industry, that the proposed new body could increase regulation and stifle development. We welcome the assurance that the Welsh Government intend to improve and simplify regulation in Wales, therefore supporting and encouraging industry and demonstrating that Wales is 'open for business'. It is critical that, given the importance of the coming years in the development of on and off-shore wind, and wave and tidal technologies, that regulatory uncertainty is minimised in order to assure investor confidence in this new and emerging sector. The proposed single environment body will have a key role in delivering this certainty and efforts should be made to work constructively with industry.

¹ Welsh Government (March 2012) Energy Wales: A Low Carbon Transition:
<http://wales.gov.uk/docs/welsh/publications/120314energywalesen.pdf>

LEGAL POWERS

Question 3: What are your views on this phased approach? How could we improve on it?

As stated in our response to questions 1 and 2, the risks of uncertainty during the interim period is a key concern for industry. This certainty is needed to instil the necessary investor and developer confidence required at this pivotal stage in the development of Wales' renewable energy industry. This period is of huge importance in terms of encouraging renewables, including on and offshore wind, and wave and tidal energy in order to reach the UK's legally binding target of securing 15% of energy from renewable sources by 2020, and achieving reductions in climate change emissions of 80% by 2050.

Therefore we welcome the recognition that an orderly transition is necessary (p.12) however we note that "the establishment of the new body will provide a genuine opportunity to review priorities and to change processes" (p.15).

SPR is actively engaging in ongoing consultations with regard to planning for energy and the environment, and will be closely following any legal changes proposed to meet the full ambition of 'Sustaining a Living Wales'.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

We very much welcome the clear focus on sustainable development, and the remit for the new body to help develop the Welsh economy "in ways which enable us to better live within environmental limits and help reverse trends in declining biodiversity, unsustainable resource consumption and associated greenhouse gas emissions".

We also welcome both the aim of the new body and the recognition of its role to "contribute to both mitigating and adapting to the effects of climate change" as one of the key strategic outcomes of the new body. In terms of regulatory decisions, the proposed single environment body will have a key role in responding to and influencing decisions relating to renewable energy developments and associated infrastructure through the planning system and decision making process for Nationally Significant Infrastructure Projects (NSIPs) via the national infrastructure directorate as part of the Planning Inspectorate. Therefore we would like to see this explicitly recognised in the key strategic outcomes of the new body and suggest the addition of the following wording to outcome 5 (p.18):

5. Contribute to the mitigation and adaptation of the effects of climate change through the facilitation of renewable energy and sustainable development.

FUNCTIONS OF THE BODY

Question 5: What are your views on the approach to the delivery framework?

SPR supports the development of a delivery framework which clearly sets out the key objectives of the new body and how these will be measured. The delivery framework needs to include clear objectives to facilitate the delivery of renewable energy developments in line with international renewable energy and climate change

commitments, and guidance on how the new body is to deliver these objectives. As mentioned previously these need to be considered and reflected in the advice given at every level of the organisation, checks need to be in place to ensure that there is consistency in the advice given. It would also be useful to implement some form of baseline monitoring against which achievement of the new body's objectives could be measured (ie. comparing how those objectives are met now, compared to how they are met in future once the new body is established).

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

We are satisfied that many of the functions identified in tables 1 to 3 seem reasonable and appropriate of an environmental body encompassing the work of CCW, EA and FCW. However, there is a lack of recognition of the role of the new body in engaging with the planning and development system. As such we suggest that an additional function is included:

Function (area of work)	Illustrative examples
To facilitate sustainable development through positive engagement in the planning and decision-making system.	<ul style="list-style-type: none"> • Provide advice to applicants prior to their submission of applications to consenting bodies and framing advice constructively, to identify timely, consistent and constructive solutions² within agreed timescales • Facilitate the sustainable deployment of renewable energy resources.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

SPR has the following comments on the proposals for changes to functions:

Policy

SPR supports the principle that strategic policy should be developed by the Welsh Government, and the inclusion of strategic policy on forestry would allow a greater coherence across land use policy framework in Wales which we would fully support.

Marine licensing

The consolidation of functions within the new body to incorporate marine licensing might serve to simplify regulation and provide a single point of contact. However, it is not clear how this function would interact with the development and implementation of policy on Marine Conservation Zones and marine planning as they are closely linked. Clarity on how the various marine policy areas will be integrated and where ownership of them will lie would be helpful, as the separation of the marine licensing/enforcement role from associated policy functions may not be helpful. There is also a clear need to ensure that marine licensing and its enforcement is adequately resourced, particularly with current ambitions for offshore and marine renewables, within a context of new policies on marine conservation and planning.

² As set out in Energy Wales: A Low Carbon Transition (March 2012)
<http://wales.gov.uk/docs/desh/publications/120314energywalesen.pdf>

Wildlife licensing

Again, we appreciate the rationale for consolidating this function within the new body, but there should be full consideration of the integration of this function with associated policy functions, and clarity on their ownership. For example, this remit will also, presumably, include licensing for marine EPSs, and as such the developing policies across the UK and Europe on the impacts of noise on these species, and implementation of the Marine Strategy Framework Directive, will need to be tied into this licensing function.

GOVERNANCE, ACCOUNTABILITY AND TRANSPARENCY

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

We would support a more coordinated approach to environmental research, particularly where this is in line with government priorities. For example in regard to offshore activities and the designation of marine protected areas, enhanced and focussed data collection and research could support the designation process to ensure that Marine Conservation Zones are designated based on robust scientific evidence. This will support nature conservation objectives but also provide more certainty to industry and developers.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

The arrangements as proposed in section 6 whereby the board of the new body would be independent of the Welsh Government in its decisions and the delivery of its work would present a number of challenges.

- While it would allow key decisions and advice to be independent (which may help to maintain public confidence), it is critical that advice on developments and policy proposals, permitting, licensing and prosecution decisions are entirely consistent with government policy at both Welsh and UK level.
- While Welsh Ministers would not be part of the decision making process, they would retain their appellate role and call-in powers and would have powers to direct and again this should be consistent with government policy.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

We welcome the commitment to ensure effective engagement with a full range of stakeholders. While we have no specific comments on the proposals to abolish EPAC and FERAC in Wales (as has happened in England), we do note the arrangement regarding stakeholder consultation. The consultation states that the new body will be required to "bring forward, consult upon and implement proposals to ensure effective stakeholder engagement" which we support and look forward to engaging with this process.

Question 11: What are your views on the aspects of the regulatory arrangements?

We have no comments on the proposed regulatory arrangements, whereby regulatory decision-making would be independent of government.

MANAGING THE CHANGE

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them.

We would consider the continued support for development on Forestry Commission sites via the Wind Energy Project team within FCW a key issue in regard to the development of onshore wind in Wales. Our experience of this process to date has been positive and we seek assurances that this will remain in place.

From: Jessica McQuade [jmcquade@WCVA.org.uk]

Sent: 02 May 2012 16:01

To: SEB mailbox

Subject: WCVA consultation response

Attachments: WCVA Consultation response FINAL.docx

Please find attached the WCVA response to the Natural Resources consultation.

Regards,

Jess

Jessica McQuade

Senior Policy Officer

Uwch Swyddog Polisi

Tel/Ffon: (02920) 431759

Fax/Ffacs: (02920) 431706

E-mail/E-bost: jmcquade@wcva.org.uk

Wales Council for Voluntary Action

Cyngor Gweithredu Gwirfoddol Cymru

P Please consider the environment - do you really need to print this email?

P Arhoswch! Meddyliwch am yr amgylchedd - oes angen argraffu'r ebost yma?

CONFIDENTIALITY: This e-mail and any files transmitted with it are confidential and intended solely for the use of the recipient(s) only. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon this information by persons or entities other than the intended recipient(s) is prohibited. If you have received this e-mail in error please notify the sender immediately and destroy the material whether stored on a computer or otherwise.

DISCLAIMER: Any views or opinions presented within this e-mail are solely those of the author and do not necessarily represent those of Wales Council for Voluntary Action, unless otherwise specifically stated.

Wales Council for Voluntary Action

Baltic House

Mount Stuart Square

Cardiff

UK

CF10 5FH

Registered Charity: 218093

Company Limited by Guarantee: 425299

Registered in Wales

Help Desk: 0800 2888 329

Fax: 029 2043 1701

Minicom: 0808 180 4080

Email: enquiries@wcva.org.uk

Web: www.wcva.org.uk

Policy Response



Natural Resources Wales

A response from WCVA

2 May 2012

WCVA
Baltic House
Mount Stuart Square
Cardiff
CF10 5FH

Wales Council for Voluntary Action

A response to the consultation Natural Resources Wales

Introduction to WCVA

Wales Council for Voluntary Action (WCVA) represents the interests of voluntary organisations, community groups and volunteers in Wales. It has over 3400 organisations and individuals as membership and is in contact with many more through national and regional networks.

WCVA's mission is to make Wales a better place by championing the voluntary, community and citizen action at the heart of Wales' third sector, in order to increase economic, social and environmental participation, inclusion, equality, wellbeing and sustainable activity.

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

In theory this offers a real opportunity to work differently, making the most of the strengths of each organisation, within the context of better use of financial resources. It is particularly welcomed if it enables the third sector and communities to better engage on these issues, be supported to take action and be considered a partner in decision making and delivery. Participation and citizen engagement is an essential aspect of sustainable development, in particular around maintaining and improving our environmental assets over time, ensuring that they are there for the benefit of communities - one of the key aims of the new Single Body. The latter is currently a niche area with which does not have understanding in the general community and third sector and therefore suffers from low engagement rates. This was highlighted through our Regional Policy Eventsⁱ. Engagement with and involvement of third sector and communities in decision making needs to be integral to the function of new body in all aspects of its work with communities. Single Body should recognise from the outset that it must adopt a partnership approach in dealing with its agendas. We would recommend that the principles of Co design and Co deliveryⁱⁱ are considered by the Single Body in its work with the third sector and communities. There are examples of communities and the third sector working in this way within the environmental and sustainable development field which could be used as models and case studies for consideration.

The broad principles set out in the document are very high level and there is very little information and direction on how this will be achieved and how communities and third sector will be supported. The Single Body needs to recognise the effort that engagement and involvement on these issues will take and provide appropriate resources within the new body to support this.

There is likely to be different approaches and specialism in specific areas that are brought into the Single Body from the three existing bodies. Consideration needs to be given on how these different agendas are managed in the Single Body and whether they remain separate approaches to engagement on issues e.g. flood risk, energy, countryside engagement etc, or whether an integrated approach to engagement is more effective on a

localised basis. There will need to be serious consideration given to this, using evidence as well as good practice from each of the bodies. It should not be a decision based on resource management, rather on what is most effective. Involvement of the third sector in this decision would be necessary as they are likely to be one of the key delivery partners.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

There is little or no mention of the social remit of the Single Body and a heavy bias towards the environment. The social side of future work should be explicit at this stage, not implicit which risks important areas being missed. The effort required to engage the public, communities and the third sector on this subject of natural resource management should not be underestimated. The events held by WCVA on this issue (reference) highlight the lack of understanding and knowledge of this topic amongst the general third sector, many of which will need to be engaged if this approach is to be delivered successfully. In particular there needs to be reference to support the communities and third sector in understanding the value of ecosystems to their work and aims, for example education, learning, skills, wellbeing and health. There are many examples from within the third sector where natural resources are being used to deliver these aims, including mainstream programmes which use natural resources.

We have concerns that the initial Business Plan only identified criterion for people as a 10% weighting. People are at the heart of an ecosystems approach and cannot be separated from 'the environment'. If the aim of the Single Body is to achieve greater understanding, engagement and behaviour change in the general population and communities then a people centred approach is essential and needs to be a central aim. If sustainable development is to be the 'organising principle', then social, economic and environmental issues must have **equal** weighting in organisational structure, delivery and aims.

The consulted stakeholders cited in 2.4 do not include a range of others for who access to and the use of woodlands and green space is central or wider issues that the Single Body will now support, for example – flooding. A number of our members have raised concerns over the level of engagement on over the Single Body and Living Wales programme which is likely to lead to poor number of consultation responses, in particular from the more general third sector and communities, of which this agenda needs to reach to be successful.

Many of our members have concerns over the increased expectations and involvement in public authority activity. We welcome involvement but this needs to be managed effectively so as not to put undue burden on the third sector and communities, especially during a time when the sector is experiencing resource reductions. The Single Body can help address this concern if it were to simplify stakeholder engagement arrangements and encourage transparency and mean that there is less likelihood of over-consulting stakeholders. This streamlined way of working should also encourage the organisation to work closely with others and share information with other organisations where possible.

The consultation document mentions that a Wales only body would enable more locally based decision making and accountability, but it does not explain how this would happen. The new organisation should understand where existing frameworks are in place (e.g. LSB/Community Strategies) but recognise what the existing frameworks' limitations are on the agenda the Single Body will be addressing and therefore whether additional or altered arrangements of existing framework are needed.

Question 3: What are your views on this phased approach? How could we improve on it?

The phased approach is logical, we have concern that the short time scales for the development of the Single Body does not give time for all opportunities to be identified and developed and there is potential that things will be missed. This is already evident in the omissions described above of the Single Body's social remit. Time needs to be given to addressing the issues of the engagement and social side raised in our consultation.

Care must be taken that stakeholders, the third sector and communities can scrutinise the body effectively during this time.

There is also danger that opportunities to shape the organisation and services that are being provided during this period may be lost as stakeholders may be unsure who to contact. It is important that transparency is central to this process so that opportunities to review priorities and to change processes can be taken.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

If the Single Body is to have sustainable development as its central organising principle, and take major decisions that 'affect the quality of life of people in Wales', then reference to how the Body will engage, involve and support communities and the third sector needs to be clear. Although people and communities are mentioned in the document, exactly *how* it's planned that the Body will engage and interact with them and what resources will be allocated to this important function is not stated.

Reference needs to be made to the National Principles for Public Engagement in Wales, endorsed by the First Minister on behalf of the Welsh Assembly Government.

The Welsh Government strategies and policies listed at 4.2 are limited to those concerned directly with environmental issues. Again, if Sustainable Development principles are at the heart of the new SB, then social and economic outcomes must also be among its priorities, 'supporting employment and wellbeing' as stated in 4.3. There are many examples that already existing with the third sector which is delivering on this within an eco services and sustainable development approach. These need to be recognised by the Body and used as a tool for engaging wider communities and third sector about how the aims of the Body can be achieved.

As well as greatly improved integrated, cross-departmental working across the Welsh Government, the Single Body will need to play a key role in delivering the following Programme for Government commitments:

- **9/002** - Continue to invest in our most deprived communities, integrating our Communities First Programme with all our regeneration activity and ensuring that Communities First areas are a priority for funding across all Welsh Government programmes.
- **10/025** - Ensure woodlands are for people - serving local needs for health, education and jobs.
- **11/023** - Remain committed to improving public access to land with better access for families and young children.

Question 5: What are your views on the approach to the delivery framework?

The focus on transparency is welcome as it enables customers and stakeholders to effectively scrutinise the body's work. Enabling customers and partnerships are both principles in the National Principles for Public Engagement in Wales. If every principle is embedded into the body's work it will help to improve customer-facing outcomes. For further information please see www.participationcymru.org.uk/Principles

The staff focus is also welcome as good staff engagement is central to good customer engagement. This will also mean that the workforce is well motivated and engaged. That staff are well trained is also one of the National Principles for Public Engagement in Wales – “Engagement is given the right resources and support to be effective.”

- The language used in Annex 5 needs to be simplified with jargon removed.
- Not all the 'Themes' are reflected in the 'What success will look like' column, e.g. health and well-being.
- Need to identify and establish much more explicit economic and social objectives and measures.
- Need explicit reference to Programme for Government targets
- Need outcome focussed longitudinal monitoring and evaluation built in from the outset with stakeholder feedback.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

Increasing public understanding of the value of the environment and natural resources of Wales and the importance of sustainable use.	<ul style="list-style-type: none">• Supporting outdoor environmental education programmes.• Come Outside programme.
---	--

We are pleased to see the recognition of the increased public understanding of the value of the environmental and natural resources. However much more activity is required to enable this than the 2 programmes listed. These include Information, guidance and support third sector, which include:

- Narratives which really link the value of the environment and natural resources to communities existing aims and values are needed.
- Case studies which demonstrate how this can be achieved and the value of this at a local level, by community groups are also required.
- Consultation and engagement with the general public, community and interest groups – especially those in Communities First areas, and those with high indices of multiple deprivation.
- health and wellbeing – promotion, opportunities, initiatives
- promotion and management of volunteering
- enterprise advice and support
- small scale, community managed renewable energy schemes

To be able to deliver this will require a resourced team within Single Body specialising in community and third sector engagement as well as being a requirement through all of the listed functions. The creation of a new body offers a great opportunity to resource engagement work properly in its own right. If this is not resourced, we would question the commitment of the Single Body to placing people and communities at the heart of this agenda as it would lack the capacity and expertise to delivery on the aims it has set for itself.

<p>Increasing public involvement in decisions about the use and management of the environment and natural resources of Wales.</p>	<ul style="list-style-type: none"> • Community use of assets including leasing and direct management. • Water Framework Directive engagement. • Volunteering on National Nature Reserves. • Open Council meetings. • Consultation on the Clwydian Range AONB extension.
---	--

We welcome the focus on public involvement. However it is vital that this is put into action. Council meeting may be open, but how will they be made more accessible? How will the public be engaged in practice? The new body should endorse the National Principles for Public Engagement in Wales and put them into practice when working. The issues around increasing public understanding will need to be addressed alongside improving the mechanism and processes via which public can be involved.

More generally the functions listed have an environmental management bias – need to develop and include social and economic functions too if the overall aim is to deliver sustainable development outcomes.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Transparency and scrutiny

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Only “environmental issues” are referred to. An integrated and inclusive sustainable development approach to research is needed, including social and economic research, not solely environmental research.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

It is rightly identified that independence from Welsh Government is important in order to maintain public confidence.

It will be essential to ensure that Board members represent **all** stakeholder interests – including the third sector and civil society (e.g. WCVA, Cynnal Cymru).

An explicit role of the CEO and the Board should be to ensure that public engagement is being undertaken effectively and in accordance with the agreed National Principles.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

Welcome that the new body recognises the need to ensure effective engagement with a full range of stakeholders, including the third sector, other non-governmental organisations, communities and the public. It is essential if the new body is to achieve its wide remit of ensuring the sustainable use of natural resources and ecosystem management that the full range of third sector and communities are involved. We are concerned about how this will actually be delivered against. The consultation involvement to date would suggest that stakeholders from the social sector have not been considered or involved as much as others.

Third sector and communities representatives should equal status with those from the environmental and economic sectors. Future stakeholder groups must include representatives from community groups and the wider third sector. To omit the social sector excludes a key strand of sustainable development and means that the work of the Single Body could not meet the Government's sustainable development objectives.

A third sector / civil society board or sub-group would help to provide specialist advice and best practice guidance, and well as facilitating access to this wide sector.

Question 11: What are your views on the aspects of the regulatory arrangements?

No comment

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them.

Language used through all documents (public facing and internal) and the way in which this is currently presented needs to avoid jargon and be simple, consistent and easy for all to understand – unless concepts are clearly presented and easy to grasp they will not be readily adopted. This was an issue raised consistently during the Regional Policy Eventsⁱⁱⁱ.

Currently we have a vast number of consultations in a similar areas this is causing confusion in the third sector and also concerns over why there are so many which do not from the outside, seem to link up. This is reflecting negatively on the Welsh Government's cohesive approach in these linked agendas.

An independent Equality Impact Assessment should be carried out on the final draft of the Single Body proposals and recommendations implemented to ensure that the changes do not disproportionately impact on protected groups. This for example may occur if a programme to support excluded or marginalised groups in one of the existing agencies are not continued.

The Programme for Government aspirations for urban regeneration and flood risk management need to be addressed and details of how the Single Body will influence

urban green-space and benefit urban communities set out clearly. With 80% population living in urban areas, their relationship with natural resources and its management and benefit to people living in urban areas is an issue that will need to be addressed, both the natural resources outside of the urban it relies on but also how it can enhance the resources in urban areas.

Serious consideration needs to be given to how the Single Body is going to support communities and third sector to be at the heart of its delivery. This includes both organisation and groups who are already working in the desired way which have a vast amount of expertise which need to be integrated and shared, and also organisation and communities who this is not currently linked into this agenda, but needs to be. Each of these will require different types support and approaches, to be designed in partnership with the third sector. This support is likely to include grants to support activity, information and advice, awareness rising. An example of a successful model of grants and development work which has consistently delivered sustainable development within the community is Environment wales. The Body should consider how it could expand this or develop a similar model to deliver on its objectives

JMc
WCVA
2 May 2012

ⁱ Regional Policy Event Report
http://www.wcva.org.uk/images_client/policy_paper/Report%20from%20RPE%20Jan%2020126.pdf

ⁱⁱ http://www.wcva.org.uk/policy/dsp_paper_briefing.cfm?paperid=323&briefingtype=briefing&display_sitedeptid=9

ⁱⁱⁱ Regional Policy Event Report
http://www.wcva.org.uk/images_client/policy_paper/Report%20from%20RPE%20Jan%2020126.pdf

From: Colin Slater [central@thedeerinitiative.co.uk]

Sent: 03 May 2012 09:45

To: SEB mailbox

Subject: FW: DI Response to SEB Consultation

Attachments: Natural resources Wales - DI Ltd response Apr 2012v2.pdf

Dear Ms Moss,

With reference to below:

Please accept our apologies but if you could submit the attached version in place of that sent yesterday, it would be much appreciated.

With thanks

Colin Slater BSc (Hons), FLS
Central England Deer Liaison Officer
The Deer Initiative
Brynkinalt Business Centre
Chirk
Wrexham
LL14 5NS
Tel: 0845 872 4956
Mobile: 07917 797292
Email: central@thedeerinitiative.co.uk

www.thedeerinitiative.co.uk



DI logo

From : Colin Slater [mailto:central@thedeerinitiative.co.uk]

Sent: 02 May 2012 16:07

To : 'SEB@wales.gsi.gov.uk'

Cc: 'Peter Watson'

Subject: DI Response to SEB Consultation

Dear Ms Moss,

Please find attached the Deer Initiative Ltd Consultation Response for:

Natural resources Wales – Proposed arrangements for establishing and directing a new body for the management of Wales’ natural resources.

With thanks

Colin Slater BSc (Hons), FLS
Central England Deer Liaison Officer
The Deer Initiative
Brynkinalt Business Centre
Chirk
Wrexham
LL14 5NS
Tel: 0845 872 4956
Mobile: 07917 797292
Email: central@thedeerinitiative.co.uk

www.thedeerinitiative.co.uk



DI logo



The Deer Initiative
The Carriage House
Brynkinalt Business Centre
Chirk
Wrexham
LL14 5NS

Tel: 0845 872 4956
Email: policy@thedeerinitiative.co.uk

Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

2nd May 2012

Dear Ms Moss

Consultation: Natural resources Wales – Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

Thank you for inviting The Deer Initiative (DI) to comment on this consultation. This response reflects the views of the staff of DI Ltd, and is not the collective response of the DI Partners. Partner organizations affected by proposals may respond separately.

The aim of the Deer Initiative is to ensure the achievement and maintenance of a sustainable and healthy population of wild deer in England and Wales.

We would make three key points:

Firstly, we agree that strategic policy, including legislation, should be developed by the Welsh Government and that operational delivery (which may include technical advice on policy implications and provision of evidence and data) should be done by the body **in partnership with stakeholders**.

Secondly, we believe that there is more work to be done on aligning the aims, objectives and outcomes and are supportive of the approach take in Annex 5.

Thirdly, Section 5.3.3 makes no mention of licensing in relation to wild deer (or other ungulates). The Welsh Assembly Government's strategy for Wild deer management in Wales recognises that wild deer have both increased their numbers and distribution:

'In the last 20 years or so there has been an increase both in deer numbers and their distribution in Wales....although wild deer are not yet as numerous or widespread in Wales as in other parts of the UK, their impacts on agriculture, forestry and vulnerable habitats are becoming more obvious, as are collisions between deer and vehicles on the roads, and the potential role for deer in the epidemiology of specific diseases. Deer are likely to become more established in urban and peri-urban areas, leading to increased concerns over deer welfare and impacts on gardens and public green spaces'

The Welsh Government is responsible for licensing under the Deer Act. The consultation asks for our view on two options relating to badger licensing. Whilst this is not of direct concern to the Deer Initiative, we believe that for all species including deer, the principle should be that policy is set by government and the delivery body should be responsible for licensing. This should be done so in a similar manner to the relationship between Defra and Natural England, and Scottish Government and Scottish Natural Heritage which appears to work very well.

Our detailed response to the questions is provided in [Annex A: Consultation Questions and Deer Initiative Ltd Responses](#)

We would be happy to discuss the points we have raised in more detail if you so wish

Yours sincerely

A handwritten signature in black ink that reads "Peter Watson". The signature is written in a cursive style with a large, stylized initial 'P'.

Peter Watson

Executive Director

Annex A: Consultation Questions and Deer Initiative Ltd Responses

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

In theory this is clearly an idea which makes sense. Creating a single body bringing together the functions of the Environment Agency Wales, the Countryside Council for Wales and possibly the Forestry Commission Wales will allow the simplifying of institutional arrangements, but more importantly should provide:

- A single environmental point of contact for landowners and land managers which should reduce the number different organisational representatives involved in advice and regulatory tasks – essentially a one stop shop
- Enhance the service to the land and wildlife management sector
- Consistency of advice

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

We agree that the body should be fully accountable to Ministers for the delivery of their objectives using the resources placed at its disposal.

Some concerns have also been raised about potential conflicts of interest and transparency of decision making.

Question 3: What are your views on this phased approach? How could we improve on it?

We are content with this approach.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

See our below, our response to Question 5

Question 5: What are your views on the approach to the delivery framework?

We like the approach taken in the illustrative table at Annex 5 and believe that the structure and content of aims is more appropriate than that set out in Section 4.4. The two overarching aims in Annex 5, under the heading of 'Sustainable Development'

appear to encompass the breadth of strategic responsibilities to which the new body should aspire.

It will be extremely important to detail objectives for the body, supported by success statements, linked to the aim of the new body and to the outcomes in the strategies to which the Welsh Government wish the body to contribute.

In addition, the list of relevant strategies does not include any reference to The Welsh Assembly Government's strategy for Wild deer management in Wales. To quote an extract:

'Although wild deer are not yet as numerous or widespread in Wales as in other parts of the UK, their impacts on agriculture, forestry and vulnerable habitats are becoming more obvious, as are collisions between deer and vehicles on the roads, and the potential role for deer in the epidemiology of specific diseases. Deer are likely to become more established in urban and peri-urban areas, leading to increased concerns over deer welfare and impacts on gardens and public green spaces'

Question 6: *Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?*

We are not clear what tables 1 – 3 add to the discussion. The major work areas should flow directly from the Delivery Framework in Annex 5.

An additional point would be to ensure a dynamic approach to ongoing and future decision making, flexibility to allow adaptation and mitigation to both internal and most particularly external influences.

Question 7: *What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?*

We agree that that strategic policy, including legislation, should be developed by the Welsh Government and that operational delivery (which may include technical advice on policy implications and provision of evidence and data) should be done by the body **in partnership with stakeholders**.

We agree that this is an opportunity to improve the delivery of forestry policy, and access of stakeholders to Government, through a formal change, by transferring forestry policy to the Welsh Government and would support such a move.

Section 5.3.3 makes no mention of licensing in relation to wild deer (or other ungulates). The Welsh Assembly Government's strategy for Wild deer management in Wales recognises that wild deer have both increased their numbers and distribution:

'In the last 20 years or so there has been an increase both in deer numbers and their distribution in Wales....although wild deer are not yet as numerous or widespread in Wales as in other parts of the UK, their impacts on agriculture, forestry and vulnerable

habitats are becoming more obvious, as are collisions between deer and vehicles on the roads, and the potential role for deer in the epidemiology of specific diseases. Deer are likely to become more established in urban and peri-urban areas, leading to increased concerns over deer welfare and impacts on gardens and public green spaces'

The Welsh Government is responsible for licensing under the Deer Act. The consultation asks for our view on two options relating to badger licensing. Whilst this is not of direct concern to the Deer Initiative, we believe that for all species including deer, the principle should be that policy is set by government and the delivery body should be responsible for licensing. This should be done in a similar manner to the relationship between Defra and NE, and Scottish Government and Scottish Natural Heritage which appears to work very well.

Question 8: *Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?*

We agree that it is important that the new body should be able to commission research and develop advice itself.

We are less convinced that to support this approach, the body should retain research and investigative resources and would suggest a partnership approach utilising both public and private sector expertise for specific subjects might be more appropriate.

Overall, ensuring that duplication of research does not occur makes sense. However it is not clear if the intention is to ensure available funds are most effectively utilised or reduce funds in line with a reduction in duplicated effort. To improve the current situation it is important to clarify what is actually meant by securing efficiencies. It is also important to provide a quantitative sum of money available for research to ensure that complex, long-term research can be undertaken with the assurances of ongoing funding.

The Wales Environment Research Hub is mentioned. We are not aware of this organisation and it is not clear from the consultation document, what its role would be. We would welcome further details.

Question 9: *Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?*

Yes, having a broad range of expertise within the governing body should be very beneficial. However, as this is ultimately an environmental body its status should be reflected as such by always ensuring that the incumbent Chair has a relevant environmental background and expertise.

In light of the proposed timescales we would emphasise that there is an urgent need to appoint a Chairperson and CEO to ensure a rapid and efficient transition toward the new structure.

The Audit Committee's recommendation that all new WGSB's serve a two year probation period is interesting. We welcome this. However, on-going monitoring of performance will be necessary and the course of the new organisation adjusted accordingly. To achieve this Welsh Government should consider appointing a change monitor or a change monitor stakeholder group. The Deer Initiative would recommend this is extended to include financial and staff performance. The body should then be audited the following year against the recommendations made.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

We fully support the provision for the board of the body to run local committees as it sees fit, to consult upon and implement proposals to ensure effective stakeholder engagement. We also support the range of approaches suggested, including board subgroups with co-opted members to provide subject specific expertise; more formal links with existing locally based groups; and the use of new and modern technology which did not exist when the current statutory committees were established. We believe that the DI Partnership is an example of a public/private group that currently advises each of the constituent bodies and Welsh Government and provides a successful model for one approach.

Question 11: What are your views on the aspects of the regulatory arrangements?

We agree that decision making should be independent from political influence. Furthermore, lawful and transparent regulatory decision making are aspirations to be commended, but we have no particular view on the example given.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them

The DI is currently supported financially by WG, CCW and FCW to deliver the outcomes required in the Welsh Assembly Government's deer strategy. If we are to provide successful delivery of operational plans by all three existing bodies it will be vital to ensure business continuity for the services provided, before resources and responsibility have fully transferred to the new body on vesting. We would urge the existing bodies to ensure that the effect on service for customers and stakeholders is minimised while the new organisation is being established. As a small environmental charity a short term hiatus in our funding can have catastrophic effects on the organisation, and thus our ability to deliver the Minister's vision that:

"Wales benefits from its wild deer population in balance with the natural, social and economic environment"

From: Angharad Evans [AngharadEvans@woodlandtrust.org.uk]

Sent: 02 May 2012 16:06

To: SEB mailbox

Subject: RESPONSE BY COED CADW TO SEB CONSULTATION MAY 2012 FINAL

Attachments: RESPONSE BY COED CADW TO SEB CONSULTATION MAY 2012 FINAL.pdf
Afternoon,

Please find attached response by Coed Cadw to the Natural Resources Wales consultation.

Kind Regards,

Angharad

Angharad Evans

Swyddog Ymgyrchoedd / Campaigns Officer

AngharadEvans@woodlandtrust.org.uk

Coed Cadw Cymru, 3 Coopers Yard, Curran Road, Caerdydd CF10 5NB

Ffôn / Tel: 08452 935 860 (cost galwad lleol / local call cost)

Symudol / Mobile: 07774 122802

cid:image001.
jpg@01C94B54.

cid:image002.jpg@01CB16E6.D2562060

cid:image003.png@01CBD40B.
E9B393E0

Mae pethau da yn digwydd i'r sawl sy'n plannu coed. Ewch at:

Good things come to those who plant trees. **Visit:**

woodlandtrust.org.uk/cymru

woodlandtrust.org.uk/wales

MoreTreesMoreGood.org.uk

 Carwch goed! Ydych chi wir angen copi papur o'r ebost yma?

 Love trees! Do you really need a paper copy of this email?

The Woodland Trust is a charity registered in England (No. 294344) and in Scotland (No. SC038885).

A non-profit making company limited by guarantee.

Registered in England No. 1982873.

Registered Office: Kempton Way, Grantham, Lincolnshire, NG31 6LL.

<http://www.woodlandtrust.org.uk>



**RESPONSE BY COED CADW (THE WOODLAND TRUST) TO THE
CONSULTATION ON THE WELSH ASSEMBLY GOVERNMENT'S
NATURAL RESOURCES WALES PROPOSED ARRANGEMENTS FOR
ESTABLISHING AND DIRECTING A NEW BODY FOR THE
MANAGEMENT OF WALES' NATURAL RESOURCES**

May2012

Natural Resources Wales

Introduction

Coed Cadw (The Woodland Trust) welcomes the opportunity to respond to this consultation. The comments that follow are delivered on behalf of Wales' leading woodland conservation charity. We achieve our purposes through a combination of acquiring woodland and sites for planting and through wider advocacy of the importance of protecting ancient woodland and trees, enhancing its biodiversity, expanding woodland cover and increasing public enjoyment. We have over 1,000 sites in our care covering approximately 20,000 hectares (50,000 acres). These include over 100 sites in Wales, with a total area of 1,580 hectares (3,900 acres). We have 300,000 members and supporters across the UK. Coed Cadw has three key aims: i) to enable the creation of more native woods and places rich in trees; ii) to protect native woods, trees and their wildlife for the future and; iii) to inspire everyone to enjoy and value woods and trees. Coed Cadw believes it can be a key delivery body in assisting the Government of Wales with its aspirations for woodland expansion.

Coed Cadw is an active member of Wales Environment Link and has also intends to sign up to the WEL joint response to this consultation. This response, however, goes into a little more detail about how the Assembly could make native woodland its hidden ally in managing and developing Wales' new approach on sustainable land and marine management.

We welcome the modern forward looking vision of approach and concepts of A Living Wales and agree that the opportunity should be taken to form a new integrated Single Environmental Body (SEB) tasked with delivering these ideas. This approach will be very challenging to both of the new body and Government generally. Our ambition is to see integrated approach and environmental sustainability a priority and at the heart of what it does.



Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environment body for Wales?

We offer a guarded welcome to the proposal by the Welsh Government to create a Single Environment Body for Wales. We have very real concerns, however, as set out below, which match many raised by the forestry industry.

Our position is based to a large extent on what we see as best enabling the people of Wales to benefit from trees, woodland and forestry. In particular we want to see a greater appreciation within Government of the role for trees and woods in delivering across and will want to see this recognised within the structure and priorities of the Single Environment Body.

Coed Cadw believes that FCW should be included within the new body. The alternative of creating a new Body not relating to trees and woodland, while retaining a separate independent but marginalised forestry commission with little influence over either policy development or grant support, can make no sense.

We support the view, expressed strongly by Wales Environment Link, that the new body should be independent of direct Government control. This however begs the question as to which functions of the existing bodies will be rolled into the Welsh Government civil service prior to merger.

We strongly support the principles of integrated multipurpose land management and an ecosystem services approach that lie behind Living Wales. The real challenge is to put these concepts into practice in the Welsh Government's approach to support for farmers and land managers, and to managing its own substantial forestry estate.

We support the concept of a public forest estate whose main responsibility is to deliver public benefit. If some future rationalisation of the estate takes place, we would wish to see revenue reinvested in the creation of woods close to communities and in woodlands that provide a combination of public benefit for the people of Wales. Coed Cadw itself is not actively seeking to acquire more estate from Government and does not anticipate Government disposals under terms that would be sufficiently attractive to make it interested.



Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

The Woodlands for Wales, the Welsh Government's Strategy for Woodlands and Trees should be retained. This is the driving force. Trees and woodland both existing and new, are hugely important to delivering our needs and the Government's agenda. The Welsh Government needs an energetic tree and woodland strategy, building on the existing successful Wales Woodland Strategy lead by the new Single Environmental Body.

There is now an opportunity to widen this Strategy to include more on trees and woods on farms and in our towns and cities and to promote the thousand woods up and down Wales whose owners already welcome visitors. It is vitally important that the new Single Environmental Body continues to engage with sector stakeholders and retain its voice for example through the WSAP.

The public forest estate offers a hugely valuable public access and this needs to be supported. We support the views expressed by Llais Y Goedwig that there remains to be concern about the internalisation of forest policy to Welsh Government – experience with the integration of grant support to forestry with Glastir has not been good.

The Woodlands for Wales Strategy includes a commitment to “promote the value of ancient woodlands *and veteran trees* [our italics], and support owners in managing them appropriately, so that they are safeguarded for the future.” Coed Cadw believes this commitment to promote the conservation of ancient trees is vital, but in reality has yet to be delivered. We urge that, for the avoidance of doubt, this commitment be incorporated as a power, or a duty, of the new single body.

Question 3: What are your views on this phased approach? How could we improve it?

Coed Cadw does have concerns about the process in setting this new body up, particularly relating to the very short timetable for decisions, with the consequences not really known. For example there are only a few weeks between the close of this consultation and the appointment of the Chairman, Board and Shadow Body. We are wary of the rushed change and think that this is insufficient time for the plans to reflect the results of the consultation and therefore concerned that a key driver is to save money. The Welsh Government needs to avoid the risks of corner



cutting, ensuring that there is the opportunity for creative development or considered building of a new body.

Many of the concerns that we and other stakeholders have about whether an effective SEB will emerge relate to the process timing and resources that will be invested in its creation. We believe that confidence would be enhanced if the Welsh Government could show what lessons have been learnt from previous agency mergers and reorganisations, both in Wales and elsewhere in the UK. The reputation of newly created agencies tends not to be very high, often reflecting the loss of experienced staff, poor communication, extended periods of disorganisation and poor service.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The proposed aim of the new body is to be: 'To maintain, improve and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future.' With five strategic outcomes:

- 1. Contribute to protecting public health and safety and to promoting economic, social and environmental well-being and outdoor recreation.*
- 2. Prevent, minimise, remedy or mitigate the harmful effect on the environment of pollution, alien species and diseases.*
- 3. Further the conservation, restoration and enhancement of ecosystems.*
- 4. Secure the sustainable use, management and consumption of natural resources and ecosystem services.*
- 5. Contribute to both mitigating and adapting to the effects of climate change.*

Coed Cadw feels that there is very little to object to in the aim and strategic outcomes presented here. We would support the points raised by Llais Y Goedwig in that Outcome 1 could perhaps be better phrased: why are public health, safety and outdoor recreation singled out – are they not part of social well-being? Outcome 3 needs to be reconciled with outcome 5 and ecosystems allowed to change and restoration to be forward as well as backwards looking.



Question 5: What are your views on the approach to the delivery framework?

Coed Cadw notes that section 4.2 states that the new body should deliver existing Welsh Government environment strategies. There should be clear cross-referencing to the various strategies to ensure that nothing is left out and that existing strategies and the partnerships established to deliver them are maintained. We share the view of the Woodland Strategy Advisory Panel that the existing Woodlands for Wales Strategy is extremely important and should be delivered by the new body. Here are a few more specific areas of importance Coed Cadw would like to highlight:

Coed Cadw believes that one of the key purposes for SEB must be to support a vigorous and actively expanding woodland sector in Wales; one that continues to deliver very significant economic benefits and has a crucial role in providing an attractive environment, protecting wildlife, securing water supplies, providing places to visit and involving communities and continues to deliver very significant economic benefits through commercial forestry. The woodland sector needs to both encompass and distinguish between urban trees, native woodland, and productive forestry. We believe that SEB could help in the wider championing of the role of trees and woodland to deliver Welsh Government Policy objectives across many different policy areas. We believe particular priorities should be:-

Stewardship of the public forest estate: The Welsh Government directly owns 40% of the forests in Wales and we support the retention of these assets in public ownership and managed for public benefit. An essential part of the governance of that estate is the application of the UK Woodland Assurance Standard (UKWAS) and monitoring against it through independent external audit. We believe it is essential that this auditing continues and it provides a good example of the practical application of sustainable development principles. The Woodland Trust's estate is also subject to external independent audit under the FSC standard. Woodland needs to be seen as more than just a habitat or landscape element; it is also a tool to be used proactively to deliver environmental benefits. This needs to be incorporated as a top level purpose of the new body. The forest estate will be its major asset, and brings with it influence and responsibilities over the whole forestry sector in Wales. Sound management of this asset by suitable experienced people needs to be given primacy within the new body. Productive and restoration elements of the forest estate need strong estate level leadership by experienced foresters, and not management of land by committee.



Woodland creation target: A well wooded landscape should be an important part of the SEB's vision for landscape improvement in Wales, and is an excellent example of the practical application of Living Wales. The SEB needs to take responsibility for facilitating the delivery of the target to create 100,000 ha of new woodland by 2050 in an appropriate manner. This targeted woodland expansion should be one of the visionary outcomes that gives an early focus and purpose to a new SEB. We also believe that the benefits of urban trees should be fully appreciated within the new SEB. Currently this is outside the FCW remit, and although is in the Wales Woodland Strategy there is no one to lead on this. SEB should naturally take on this role. There should be a commitment and an integrated strategy across agriculture, rural business support, forestry and conservation.

A duty relating to ancient trees: Wales has a particularly rich and internationally significant heritage of ancient trees. We would like to see a duty placed on the SEB to promote the survival ancient, veteran and notable trees by providing advice and support to land owners. As referred to above, the Woodlands for Wales Strategy contains a commitment to supporting the owners of ancient trees, which we feel has yet to be delivered.

The Planting Opportunity Map: For SEB, we think the Opportunity Map should be an important part of communicating their vision for landscape improvement in Wales, and reflecting the principles of NEF: Landscapes are dynamic – managing for stasis cannot achieve conservation objectives. Land management needs to meet multiple objectives, but objectives must be prioritised; one cannot achieve everything on the same patch of land. We must accept that the priority objective must not be undermined by secondary objectives. In using generalised mapping of this kind the role of the expert advisor must not be lost. Such approaches must remain capable of distinguishing between the large scale or cumulative impacts of forestry planting and the desirable biodiversity benefits of small scale native woods and native woodland expansion that can deliver ecosystem services benefits. This can be safeguarded by ensuring the appropriate level of knowledge and expertise resides in the single body to devise such systems and to advise in the case of any challenge to or appeal against the unreasonable or unintended consequences such generalised approaches.

Glastir: Whilst not responsible for Glastir, despite this being the principle tool for influencing land management in Wales, SEB must vigorously set out its expectations of agricultural land management and hold industry and government to account in meeting demanding environmental standards.



Delivering Welsh Government Strategies: There is a wide range of Welsh Government strategies and policies that we would expect a new body to help deliver and to ensure a joined up approach. These include:

Rural Development Plan and Glastir

Both RDP and Glastir have an important influence on land management and environmental outcomes across Wales. Currently the 3 separate bodies have various advisory and implementation roles within this policy process.

Wales Woodland Strategy

WWS sets out a vision for more diverse woodland estate, a substantial increase in woodland cover and a wider use of this natural resource, especially our public forest estate. The new body would be responsible for delivering these ambitions both through its direct management and via its promotion and regulatory role.

And Climate Change Strategy, One Wales One Planet, and Environment Strategy to name but a few.

Public access: This is an important and economically valuable objective but does not feature strongly in consultation document compared to say fisheries. Woodland access opportunities need to be fully realised as part of an integrated strategy which is not happening at the moment. In particular, the value of woodland access at a local and community level is not being supported. Woods offer valuable public access and this needs to be supported. Glastir targeting favours woods which provide for tourist recreational use and there is a danger that woods that principally provide local community access will not be supported through Glastir grant aid.

Question 6: Are the functions described in table 1 and 3 a reasonable summary of those required? How could they be improved?

Yes, Coed Cadw believes that the functions described in table 1 and 3 are a reasonable summary, however, we would suggest the addition of the following:

Coed Cadw believes that the ancient, veteran and heritage trees of Wales are a vital and irreplaceable part of our environment and heritage. So we are calling on the Welsh Assembly to provide greater



protection for them, for example placing a duty on the new Single Environmental Body to promote the conservation of such trees by providing advice and support for their owners, including grant aid where necessary. We suggest that this should be an additional function of the new body.

The delivery of agricultural policy through the Rural Development Plan and Glastir has not been included in the remit of the SEB despite being fundamental to the achievement of environmental outcomes. 80% of Wales is farmed. No biodiversity, water management, landscape or public access outcomes can be achieved without comprehensive engagement with farming. We believe there needs to be strong linkage between the work of the SEB and the delivery of Glastir and for this reason have proposed below that the SEB has an objective to set the standard for environmentally sustainable farming. We do not believe the Welsh Government department of Business, Education and Training which is responsible for Glastir is best placed to do this.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

This section also refers to Glastir and states that this function will not be transferred to the new body. We support Llais y Goedwig's view that this is a real concern not least because of the present apparent inability of the forestry sector to successfully lobby Glastir to address serious problems with the provisions and administration of the new scheme. The new body will need to have direct access and influence with the Welsh Government Glastir development and administration to safeguard delivery of timely and well-proportioned payments for forestry and biodiversity conservation in a manner which supports existing woodland management plans. It also needs to have a function in the development of other RDP strands to support economic development based on natural resources.

The responsibilities of the SEB will not include Glastir, despite this being the principle tool for influencing land management over 80% of Wales. Nevertheless the SEB must vigorously set out its vision for environmentally sustainable agriculture and set the standards it expects industry and government to meet. The forestry sector benefits from the Sustainable Management Framework provided by UKWAS, and the water sector has the Water Framework Directive. What is the equivalent framework for farming?

Coed Cadw doesn't feel qualified to comment on the majority of these functions listed. We do however seek clarification on one of the Functions listed in Table 1 on page 41 '*Prevention or*



reduction of the spread of pests and diseases affecting all trees and timber products' and the illustrative examples 'leading and supporting disease control measures & direct control of invasive species.' We need clarity as to what exactly the function is. Currently the Forestry Commission Wales rely on funding through from Westminster to deal with such problems. How will the new Single Body deal with it without this funding stream? Where will the money come from? What will happen if we have tree health problems confined to Wales only?

We believe the SEB requires a significant budget to use to commission, review and summarise scientific research including buying into UK and European wide research where appropriate. We expect the SEB to openly publish research results and use them to develop and provide advisory material, and provide advice to Ministers on the likely consequences and outcomes of policy options. One example of need is in research on tree health risks and responses, currently urgently needed at a UK level and may have to be supplemented by specific requirements in Wales which are not reflected in UK wide priorities.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Coed Cadw believe that Forest Research plays an important role at UK level and this function needs to continue. We agree with the proposals that the new body will continue to participate with the current arrangements for forest research which is undertaken at a national level and funded by Defra. Clearly, Wales need to contribute towards this and we wonder what capacity is there for the Welsh Universities to contribute to research needs in forestry and the environment?

We would support Llais y Goedwig's view that a missing element in this is the role and value of citizen science. Through NGOs such as RSPB, communities of people caring for local environments and as amateur experts, the people of Wales are very much interested and engaged in environmental monitoring. There is much that could be done using participatory research techniques to develop the contribution of citizen science to research and monitoring not just of the environment but also of the delivery of ecosystem services. This should be an additional function of the new body.



Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

Coed Cadw agrees with the proposals to make the new SEB at arms length, independent of direct control by the Welsh Government. We also welcome the fact that the new Body will have a probation period of two years to ensure the correct 'overview' of the new arrangements. The probation period and the scrutiny during this time should reflect the lessons learnt from previous amalgamations. This should be set as a challenge for the new SEB; ensuring that all areas of interest are fully represented. The scrutiny conducted by the relevant Assembly Committees need to have in place a realistic assessment of what it wants the new SEB to achieve in Wales within the first two years and beyond to ensure its delivering for Wales. The new body needs to be transparent and accountable with governance arrangements that ensure this.

The membership of the board will be 12 representing a range of interests; this is significantly less than the current 35 who between them govern the current existing 3 bodies however. The Board is to be independent of the Government in its decisions and the delivery of its work but with the chairman of the board being a direct ministerial appointment. Coed Cadw only presumes that steps will be taken to ensure that the new body is indeed independent delivering what is required, within its mandate. Clarification is required as to whether the SEB board also operates as the ultimate appeals body, as the CCW council currently does. In FCW this function is provided by a separate Wales Committee with external representation.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

Coed Cadw believe that some of the strengths demonstrated by FCW should and need to be embedded in the new Body. For example, its success with engaging with and listening to the wider woodland owner stakeholder community, including the retention of Woodland Strategy Advisory Panel (WSAP) as a tree and woodland focused advisory panel. We believe that the SEB should retain and build on the successful Wales Woodland Strategy including retaining the voice of external stakeholders through the WSAP. We would like to see the Strategy widened to include more on trees and woods on farms and in our towns and cities and to promote the thousand woods up and down Wales whose owners already welcome visitors.



We believe a woodland focused external advisory body similar to WSAP should continue as one of a several specialist external advisory groups. We think that the wide range of subject areas covered by the SEB external advice and oversight cannot be provided by “wide and shallow” groups, and therefore we do not believe the Strategy or the Advisory Panel should merged into a wider land use strategy.

External stakeholder engagement is crucial to the credibility and effectiveness of the SEB and will provide essential oversight that guarantees the SEB’s independence. We do not believe that this can be provided adequately just be external representation on the SEB board.

We also are of the view that the new body should include a serious professional land management advisory capacity, but retaining the use, pioneered by FCW of private agents to provide that service.

Given that Forest Policy development and monitoring is to be taken into Welsh Government and WSAP’s future is uncertain we hope there will continue to be a mechanism for stakeholder consultation on policy development and monitoring. The proposals say nothing about this. Will this be provided by the new Policy team? Or might it be sponsored by the new body? It is important that stakeholder consultation on forestry policy is maintained.

Coed Cadw will continue to contribute to both policy formation and delivery. Our particular contribution as a major national NGO will be through acting as champions for ancient woodland and trees, and for native woodland creation. We will continue to seek involvement in policy development and will participate in the delivery of appropriate policy in partnership with Government and others, both on our own estate, and through working with other landowners.

The SEB is described as a delivery agency and will not have responsibility for policy formulation. We ask that Ministers clarify responsibilities within the civil service for policy development and how advice will be sought from the SEB. We also seek a single clear framework for stakeholder engagement in both policy formulation by the Welsh Government, and in its interpretation and delivery by the SEB.



Question 11: What are your views on these aspects of the regulatory arrangements? This section deals with self-regulation e.g. FCW doesn't need felling permits.

Clarification is required as to whether the SEB board also operates as the ultimate appeals body, as the CCW council currently does. In FCW this function is provided by a separate Wales Committee with external representation.

Currently the FCW does not require or issue felling licenses to itself for five year felling periods. The felling and associated re-stock and landscape design plans are put together as three maps which are designated the 'Design plan' for each forest block. There is a presumption for local consultation on these with statutory bodies and with other interested local stakeholders. We support the views expressed by others that we would like to see the Design Plans evolve into true Management plans with better local consultation and engagement in operations, use of timber and development of social benefits. In addition, perhaps there ought to be more accountability on the operation of these plans and this could perhaps be achieved through a more formal process for regulating felling on the public estate.

We believe the issue of self-permitting needs to be fully and transparently addressed and we are not convinced that a robust Chinese wall within the SEB is a sufficient measure. We believe oversight by a group of predominantly independent external representatives is necessary.

Conclusion

Generally speaking, we are very positive to the overall proposals set out in Natural Resources Wales. We believe that this new approach is cutting edge and has the potential to put Wales on the map. The SEB is a valuable opportunity to grow a Welsh identity.

Coed Cadw believe that a lot of issues which are a priority for both us and the FCW can be effectively led on by the new body. Such examples include:

- Woodland expansion
- Development of the potential of the accessible woodland resource in Wales (over one-thousand)
- Urban trees – currently outside the FCW remit, and although is in the Wales Woodland Strategy no one has led on this in the past. There is a new opportunity for SEB to pick this up.
- Wider use of conservation land management and native woodland creation to provide solutions in flood defence planning and water resource management.



Coed Cadw (the Woodland Trust), Unit 3, Coopers Yard, Curran Road, Cardiff CF10 5NB

www.coedcadw.org.uk

www.woodlandtrust.org.uk/saveourtrees

For further information please contact:

Angharad Evans email: angharadevans@woodlandtrust.org.uk

Rory Francis email: roryfrancis@woodlandtrust.org.uk

From: Heather Galliford [heather@waleslink.org]

Sent: 02 May 2012 16:13

To: SEB mailbox

Cc: Quinn, Matthew (ESH - Director); Clarke, Dave (DES-DT); Westlake, Jon (DES-DT)

Subject: WEL Natural Resources Wales (Single Body) consultation response

Attachments: WEL Natural Resources Wales (Single Body) response.pdf

Dear Carrie,

Please find attached the full response from Wales Environment Link to the Natural Resources Wales (Single Body) consultation.

The following **22 member organisations** of Wales Environment Link support this document:

- Afonydd Cymru
- Bat Conservation Trust
- British Mountaineering Council
- BTCV Cymru
- Butterfly Conservation Wales
- Cambrian Mountains Society
- Campaign for the Protection of Rural Wales
- Council for British Archaeology Wales
- Coed Cadw / Woodland Trust
- Cymdeithas Eryri / Snowdonia Society
- Keep Wales Tidy
- Llais y Goedwig
- Marine Conservation Society
- Open Spaces Society
- Plantlife Cymru
- Ramblers Cymru
- RSPB Cymru
- Wildlife Trusts Wales
- WWF Cymru
- Wye and Usk Foundation
- Ymddiriedolaeth Genedlaethol / National Trust
- Youth Hostel Association

Best wishes,

Heather

--

Heather Galliford

Policy Coordinator / Cydlynnydd Polisi
Wales Environment Link / Cyswllt Amgylchedd Cymru
Baltic House / T• Baltic
Mount Stuart Square / Sgwâr Mount Stuart
Cardiff / Caerdydd
CF10 5FH

Tel / Rhif Ffôn: 02920 497 509
Email / Epost: heather@waleslink.org
www.waleslink.org

Charity No. 1022675

This message is confidential and for the sole use of the individual or entity to whom it is addressed. It may not be disclosed, copied or distributed in any form unless it contains an express statement to the contrary.

Wales Environment Link (WEL) does not accept responsibility for changes made to this message after it was sent. Personal opinions expressed do not necessarily reflect the policies of the organisation. No responsibility can be accepted by WEL for action taken on the basis of information in the message.



Natural Resources Wales (Single Body) consultation response

May 2012

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

Wales Environment Link values the opportunity to take part in this important consultation.

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

WEL believes that the Welsh Government's work on development of a Single Body for managing the environment in Wales in conjunction with 'A Living Wales' the Natural Environment Framework (NEF), presents a number of positive opportunities:

- To manage the land and sea in a sustainable and integrated manner for the benefit of society. This will include the protection and enhancement of Wales' urban and rural environments, biodiversity, landscape and heritage so that society can value and enjoy these assets.
- To embed consideration and stewardship of environment across all levels of government and all sectors of society.
- To halt and reverse the loss of biodiversity and the decline in landscape quality, not only in protected areas but also throughout the wider urban, rural and marine environments.
- To aid adaptation to our changing climate by planning for and investing in more resilient ecosystems.
- To widen access to and understanding of the natural environment, increasing the sense of ownership, responsibility and well-being in the people of Wales.
- To contribute to the delivery of Welsh Government's sustainable development agenda through its own actions and by empowering others.

WEL also acknowledges and welcomes the Welsh Government's aspiration for the new Single Body to be a Welsh body, designed to reflect the Welsh cultural identity, and be answerable to the people of Wales. However, we would like to highlight that local decision-making cannot take place in isolation from international legislation or agreements, or without recognition of the consequences on others in a global context.

In order to take full advantage of these opportunities, WEL believes that 'A Living Wales' the Natural Environment Framework (NEF) must sit at the heart of, and guide the strategy to create a Single Body. Although it is not yet fully formed, the NEF is destined to become the underlying context within which the Single Body will operate.

In creating the Single Body therefore, Welsh Government must build in flexibility and capacity for the new body to deliver a holistic and integrated ecosystems approach, as expressed in the draft terms of the NEF.

WEL also believes that Welsh Government has a responsibility to consolidate its work on the development of the Single Body and NEF with the creation of its sustainable development policies. This must set out the principle of ensuring that essential natural processes are safeguarded and enhanced to allow an ecosystems approach to be implemented effectively. The resulting approach must also recognise the intrinsic and full value of the environment as well as its economic and social values.

WEL has identified other important points and areas of concern, and has taken the opportunity to respond under the appropriate consultation questions in this document. These include:

- Considerations for Welsh Government regarding **process** for change (Question 3& 10).
- Clarification on the **purpose** of the Single Body and suggested amendments to **strategic** outcomes, so that the themes of protection and responsible stewardship of the Welsh environment are deeply embedded in both areas (Question 4).
- Recommendations regarding **functions, governance** and **stakeholder engagement** (Questions 6, 7, 9 and 10).

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

The issues identified in section 2.4 regarding conflicts of interest and transparency of decision-making are of particular concern to WEL. We will outline our concerns later in this response under Question 9.

We have additional concerns regarding the process for change. These include:

- The creation of a Single Body prior to full development of A Living Wales, the Natural Environment Framework and parallel development of Welsh Government sustainable development policies – these projects must be harmonised. (See Question 1.)
- Effective engagement and communication must be established with all stakeholders, and in particular between Welsh Government, the three legacy bodies and the organisations in the voluntary sector, which help deliver environmental services. (See Question 3 & 10.)
- Impaired operational capacity within the three legacy bodies is a serious concern during the interim (until 1 April 2013) and initial (immediately after 1 April 2013) periods. (See Question 3.)
- Changes to the current network of designations – there is a risk that well managed natural, historic and cultural resources could be placed in jeopardy if hasty changes are made in this area of work. WEL actively discourages any abrupt alteration to systems that have been effective in protecting our most precious and valued habitats, cultural heritage and wildlife.

Question 3: What are your views on this phased approach? How could we improve on it?

WEL would like to highlight to Welsh Government the need for open and effective communication with all partners and stakeholders involved in the process of creating the

Single Body. Particular reference is placed on the need to increase internal communication with the three legacy bodies.

A further concern shared by WEL is that during the interim period prior to inception, many functions carried out by the three legacy bodies will be severely restricted due to resourcing issues associated with the creation of the new body. For example the staff of the Work Streams created within Welsh Government to develop the new body and the NEF have been directly recruited from the parent bodies without replacement.

It is therefore of concern that the parent bodies will not be able to deliver the same level of service during this period. The consultation document states that a staged approach is favoured in relation to development of the new body. During this period the new body will inevitably be more inward facing. WEL is therefore seeking reassurance from Welsh Government that this situation will in no way hinder the delivery of environmental protection, nor lead to a negative impact on partnership arrangements such as the 'Environmental Compact' or other provisions for service delivery managed by the voluntary sector.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

WEL believes that the primary purpose of the Single Body must be: to protect, conserve, enhance and positively manage Wales' environment and so ensure its benefits for the people of Wales, now and in the future.

In addition, WEL understands that impacts on our ecosystems often have a knock on effect on people beyond our borders. In seeking to deliver the best outcomes for the environment, economy and people of Wales, the Single Body must look to achieve this in a responsible manner without shifting any burden or impact to ecosystems and people in other countries.

To accompany its clear purpose, the Single Body must also have measurable objectives. However, the current objectives are almost without exception, focussed on resource use and consequential benefits of using natural resources.

We believe that the primary purpose of the Single Body is to protect and enhance the Welsh environment, and consequently, WEL would expect measures of success to include the following amendments to the strategic outcomes proposed by Welsh Government:

- Contribute to protecting public health and safety, and to promoting environmental well-being and sustainable outdoor access and recreation, thus contributing to social and economic well-being.
- Prevent, minimise, remedy or mitigate the harmful effect on the environment of all anthropogenic impacts, including physical damage, pollution, alien species and diseases.
- Further the conservation, restoration and enhancement of ecosystems, maintaining the heritage and unique sense of place which exists in many locations, and halting and reversing the loss of biodiversity.
- Secure the sustainable use and management of natural and cultural resources and ecosystem services within environmental limits.
- Contribute to both mitigating and adapting to the effects of climate change.
- Work with and enable other organisations to contribute to the delivery of environmental targets, sustainable development and the management of ecosystems.

Question 5: What are your views on the approach to the delivery framework?

Provided that WEL's proposals for the primary purpose and strategic outcomes are taken into account, the Delivery Framework (Annex 5) sets out some useful high level themes. However, the lack of detail in the "Objectives" and "What will success look like" does not give confidence that the themes will be achieved.

WEL would expect to see measures of success centred on halting and restoring biodiversity loss in accordance with International and EU targets included in the Delivery Framework. Failure to achieve such targets in 2010 was a primary driver for Welsh Government's approach to the NEF, and as such WEL would expect to see these targets included.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

Tables 1 to 3 provide a reasonable starting point from which to determine key functions of the Single Body. However, WEL has concerns that detail in a number of specific functions has not been provided, and therefore presumes the tables are indicative rather than comprehensive. For example, there is very little about the new body's direct role in protecting and enhancing biodiversity, landscapes/ seascapes and the marine environment.

The Single Body must continue to deliver all existing legal responsibilities, especially those relating to protecting air, water and land, e.g. designated sites of national or international importance, vulnerable species etc. The body must also be required to have due regard to international and EU obligations in the exercise of its functions. The development of environment policy and its subsequent delivery should also operate seamlessly, both within and beyond the new body.

WEL also believes that potential exists to incorporate the delivery of agri-environment schemes and management of landscapes in the functions and remit of the Single Body. This would show genuine commitment by Welsh Government to a joined up approach; would enhance the body's capacity to deliver strategic land management and environmental outcomes for Wales, and serve to care for our most cherished and vulnerable landscapes.

WEL also believes strongly that a concerted effort must be made to ensure that all the expertise developed within the three legacy bodies is retained and incorporated into the Single Body, including roles such as environmental education.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Marine Licensing

The proposed transfer of marine licensing from the Welsh Government into the Single Body raises concerns in regards to the transparency of process between a body that both permits and provides its own advice (see our response to Question 9). Given the insufficient information and detail available at present regarding the transfer, WEL is unable to comment as to whether we would support such a proposal. In light of the complexities involved in the management of licensed activities at sea, we would be concerned about any diluting of expertise or resourcing of this function. The document states that a staged approach is favoured in relation to development of the new body. We therefore seek assurances from Welsh Government that during any transitional arrangements existing regulatory bodies will be able to deliver the same level of service as at present.

This highlights a further concern that there will be no increase in capacity of the new body, beyond that of absorption of existing staff and their present workloads, in relation to marine environment. The consultation raises concerns over terrestrial EPS licensing and potential conflict caused by the permitting body also acting in an advisory role. It should also be noted that EPS licensing also applies to marine protected species such as harbour porpoise, bottlenose dolphin, grey seals and a number of other marine species.

Wildlife Licensing

WEL supports the principle of consolidating wildlife licensing conditions, providing that safeguards are put in place to ensure full and adequate transparency, and acknowledges the potential benefits. For example, harmonising species licensing into a Single Body would be advantageous to those seeking European Protected Species licensing, meaning an applicant would need to liaise with only one body. This provides an opportunity for the new licensing body to set appropriate standards for training and CPD for ecological consultants.

If the issues of transparency of process for permitting and regulation are addressed to the satisfaction of all stakeholders, it would appear unnecessary to continue with a two-track system (Welsh Government and the new body) for some wildlife licensing e.g. Protection of Badgers.

WEL would need to see more detail on how the Welsh Government proposes to consolidate the licence conditions and functions within the new body however, in order to respond more completely.

Tree and Plant Health

WEL acknowledges the Welsh Government's proposal to transfer functions regarding tree health to the new body, effectively mirroring the existing arrangements on plant health, and agrees with this in principle.

However, we would like further clarification on the precise nature of the proposed functions regarding management of tree health. Under current arrangements Forestry Commission Wales relies heavily on funding from Westminster to deal with disease control measures and direct control of invasive species. How will the Single Body deal with this type of work without access to this funding stream? What will happen if we experience tree health problems confined to Wales?

It will be important to continue to work with other agencies across the UK on the issue of Tree and Plant Health, and indeed on any communicable diseases of wildlife, or domestic plants and animals, be they terrestrial or aquatic. The issue of invasive species is also one that needs to be tackled locally, and nationally, and undertaken in conjunction with others in the UK and further afield.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

WEL broadly supports the principles outlined in the consultation document in section 5.4 'Research and Evidence'. We support the 'pay once, use many times' approach to data that is collected using public money. Consequently we fully endorse the moves outlined to make data available to regulators, users and stakeholders.

We feel it important for environmental research to be co-ordinated in Wales, but also that the new body should be able to commission and undertake its own research as necessary to meet its functions and duties. WEL would like to see voluntary sector organisations included in the process of identifying priorities for future research, as well as being offered the opportunity to bid for delivery of or participation in appropriate projects. Research should also be linked with 'A Living Wales', the Natural Environment Framework, as well as sustainable development requirements.

Co-ordination of research should remove duplication, leading to the release of funds for additional environmental action and/ or research, which is particularly welcome; as is the assertion that a key Welsh Government priority for the new body is to gather evidence of

environmental issues. We would however like further clarity regarding the funding for this additional work. For example, more information is required on how the new body will develop funding mechanisms for forestry research as the budget currently lies with Defra.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

Ensuring the appropriate operational framework is critical to the success of the Single Body. The new body needs to be:

- Independent and accountable – a forward thinking organisation able to operate at ‘arm’s length’ from policymakers but with the freedom to challenge and act as a faithful guardian of the environment.
- Open, transparent and impartial – adopting an integrated approach to decision making, which considers all relevant requirements and gives each its due weighting.
- Properly equipped to manage potential conflicts inherited from the three legacy bodies.

Although Welsh Government has sought to address stakeholder concerns regarding transparency in decision-making within the Single Body, WEL believes the new body will face challenges and conflicts of interest inherited from the three legacy bodies. To build trust and confidence in the new body it is imperative that these conflicts are dealt with effectively and openly.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

Effective stakeholder involvement and influence (a genuine two-way process) must be cultivated to realise maximum potential for collaboration with all relevant partners. This includes working with, and enabling others to take action, as well as continuing to provide funding for on the ground conservation and management work.

National and local delivery mechanisms need to be clarified and developed with stakeholders to ensure adequate financial and staff resources are available for the effective delivery of the Living Wales agenda.

WEL itself is keen to work closely with Welsh Government in the process of developing the Single Body and NEF. The Welsh Government will be able to use the collective knowledge and expertise contained within WEL and gain valuable insight into the diverse relationships the environmental NGO sector has with the three legacy agencies: as a customer, a co-deliverer of services/ objectives and a challenger of policy.

Question 11: What are your views on these aspects of the regulatory arrangements?

WEL remains unclear as to how the new body will clearly differentiate between its advisory role and permitting roles, whilst remaining compliant with the International and EU habitat, species and environmental regulations.

We would agree with the requirement for strict division within the new body including in any matters relating to specific processes. However, clarification on this issue, for example: how the independent advice provided by the Countryside Council for Wales on issues relating to protected sites is to be delivered through the new body whilst remaining compliant with its functions defined under the Habitat regulations, is needed.

The following WEL members support this document:

Afonydd Cymru

Bat Conservation Trust

British Mountaineering Council

BTCV Cymru

Butterfly Conservation Wales

Cambrian Mountains Society

Campaign for the Protection of Rural Wales

Council for British Archaeology Wales

Coed Cadw / Woodland Trust

Cymdeithas Eryri / Snowdonia Society

Keep Wales Tidy

Llais y Goedwig

Marine Conservation Society

Open Spaces Society

Plantlife Cymru

Ramblers Cymru

RSPB Cymru

Wildlife Trusts Wales

WWF Cymru

Wye and Usk Foundation

Ymddiriedolaeth Genedlaethol / National Trust

Youth Hostel Association

From: Chris Burns [CPBurns@carmarthenshire.gov.uk]

Sent: 02 May 2012 16:25

To: SEB mailbox

Cc: Eifion Bowen; Mark James; Catherine Evans

Subject: Consultation Response

Attachments: Response to Welsh Government Consultation Carms CC.doc

Please find attached a response from Carmarthenshire County Council regarding the consultation on the establishment of the new Single Environmental Body.

If you require any further information please do not hesitate to contact us.

<<Response to Welsh Government Consultation Carms CC.doc>>

Chris Burns

Prif Weithredwr Cynorthwyol (Cwsmeriaid a Pholisi)/Assistant Chief Executive (Customer Focus & Policy)

Neuadd y Sir, Caerfyrddin/County Hall, Carmarthen.

Mewnol/Internal: 4112Allanol/External: 01267 224112

Ebost/ cpburns@sirgar.gov.uk •

Email: cpburns@carmarthenshire.gov.uk

Mae'r e-bost hwn ac unrhyw atodiadau yn gyfrinachol ac wedi'u bwriadu at ddefnydd yr unigolyn y'u cyfeiriwyd ato/ati yn unig. Os derbyniwch y neges hon trwy gamgymeriad, rhowch wybod i'r sawl a'i hanfonodd ar unwaith, dilwch y neges o'ch cyfrifiadur a dinistriwch unrhyw gopau papur ohoni. Ni ddylech ddangos yr e-bost i neb arall, na gweithredu ar sail y cynnwys. Eiddo'r awdur yw unrhyw farn neu safbwyntiau a fynegir, ac nid ydynt o reidrwydd yn cynrychioli safbwynt y Cyngor. Dylech wirio am firysau eich hunan cyn agor unrhyw atodiad. Nid ydym yn derbyn unrhyw atebolrwydd am golled neu niwed a all fod wedi'i achosi gan firysau meddalwedd neu drwy ryng-gipio'r neges hon neu ymyrryd hi.

This e-mail and any attachments are confidential and intended solely for the use of the individual to whom it is addressed. If received in error please notify the sender immediately, delete the message from your computer and destroy any hard copies. The e-mail should not be disclosed to any other person, nor the contents acted upon. Any views or opinions expressed are those of the author and do not necessarily represent those of the Council. You should carry out your own virus check before opening any attachment. We accept no liability for any loss or damage which may be caused by software viruses or interception/interruption of this mail.

Response to Welsh Government Consultation on:

Natural Resources Wales: Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

By: Carmarthenshire County Council

Introduction

We are supportive of the proposals. In particular we would hope that this new structure will remove the duplication and conflict which has arisen on occasion between the CCW and EA and which has at times led to extended delays in the determination of important planning applications.

Our main concerns are that we should not lose the good working relationships we have built up at a local level, including through the Carmarthenshire Local Service Board. We are also concerned that there should not be an over-centralisation of functions and that an adequate regional presence remains with sufficiently senior staff as to give effective leadership, representation and decision making.

1. Vision of the Single Body

We agree that the amalgamation of the three bodies has the potential to increase effectiveness through:

- Providing local delivery for Wales in Wales – more direct accountability and increased local flexibility and presence
- Potential to simplify and de-bureaucratise processes such as consultation on planning application and on the LDP
- Able to plan and focus on Wales' needs for expertise and delivery priorities
- In environmental terms it would provide a single voice for the environment in Wales with one set of duties and priorities
- Streamlined regulation and advice for regulated customers & planners
- Pooled expertise and powers
- Reduced corporate overheads frees up substantial resources for front line work - (£23m currently goes over the border for central services)
- Savings from joint management of estate, procurement, equipment and emergency resilience
- Reduced duplication of input to advisory and regulatory processes

Carmarthenshire County Council is a service user, delivery partner and regulated body amongst others in terms of the three organisations. The

complexity of these relationships and the extent of the differing roles are difficult to capture in terms of this response.

Carmarthenshire has an excellent partnership and liaison at LSB and how this must not be lost in new body. We are pleased to see that the document acknowledges that the new body would need to work with local government at all levels to facilitate its aims and form effective partnership working arrangements, including the sharing of services where appropriate.

We think there should be more emphasis on the opportunity to capitalise on the opportunities for more regional collaboration, back office efficiencies, premises sharing etc. However there is little or no reference in the consultation document to resources and how the transition is to be managed.

The relationship with the collaboration agenda as set out in the Simpson Report should be more strongly identified so as to ensure that the new body is able to consider closer joint working and collaboration with other bodies and particularly with local authorities.

In the past we have witnessed duplication between CCW/EAW and on occasion have had to wait a significant amount of time to get responses in relation to planning applications. Carmarthenshire would be anxious that the SB continues to support the authority in the joint delivery of services, objectives and strategies and provides the support and guidance as required by statute, e.g. response to planning applications. It is important that the SB ensures a local/regional presence and maintains a visible leadership.

The Carmarthenshire LDP will shortly be going to examination and CCW and EA have provided a major input to date it is expected that this support will continue and that resources are not diverted to the detriment of continued support from the three agencies.

2. Aim

The authority agrees that the proposals identified provide a good basis for the principal aim and strategic outcomes of the body.

3. Approach

The authority would wish to avoid uncertainty and would urge that a clear timetable is outlined to identify the programme of delivery of not only the establishment of the SB, identified as April 2013, but also the relationship with and timetable for key legislative changes. The Sustainable Development Bill, Environment Bill and Planning Bill may amend the role and function of the new body and local authorities resulting in duplication of work. In particular clarification on the matter raised in point (v), which states that:

‘Transfer any Welsh devolved function relating to the environment from the person whose function it is to (a) a new body, (b) the CCW, or (c) The Environment Agency or Forestry commission’.

It is not clear what the rationale behind seeking this power was and how it is envisaged that it would be exercised in the future, particularly when it is read in conjunction with roles identified for the SB as listed below as under review.

4. Functions of the Single Body

It is considered there is a need to identify a simpler framework, based on the suggested framework in Annex 5, if the SB is to ensure the public has a clear understanding of its purpose and functions and the concept of sustainable development.

There is no specific reference to screening and scoping in respect of TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999. Clarification of the role of the new body in respect these requirements is needed to avoid confusion and delays. Regulation 5 for example specifies a strict timetable for a LPA to respond to screening requests.

a. Wildlife Licensing

It is considered there is scope to review the arrangements in respect of certain aspects of wildlife licensing.

For example, a planning authority is required, when determining a planning application for developments involving potential habitat for bats, to assess the likelihood of a WG development licence being granted. Three tests are outlined within (Article 16 of) the EU Habitats Directive and (Regulation 53 of) the Conservation of Habitats and Species Regulations (2010) need to be addressed by the LPA. One of which is that the Countryside Council for Wales has examined the proposed scheme in detail and is satisfied that provided the proposed mitigation measures are implemented the conservation status of the bats should not be adversely affected.

Following the grant of planning permission the developer is also required to apply for a licence to undertake the work.

b. Research and Evidence

We do agree with the proposals for co-ordination of Welsh Government investment in environmental research. However, the potential for joint research is not highlighted either with local Government or through the developing links with further education institutions.

Currently research and evidence is developed within the three bodies and the Welsh Government, both through externally commissioned research and

through direct investigations. While it is important that the new body should be able to commission research and develop advice itself, WG believe that co-ordination and commissioning arrangements can be improved to secure efficiencies, ensure that duplication does not occur and align research investment with Welsh Government priorities. Central co-ordination and establishment of a single framework for external research commissioning, input into UK research programmes and contractual arrangements with the Wales Environment Research Hub should be led by the Welsh Government. To support this approach, the body would retain research and investigative resources, which would work within the framework established by Welsh Government.

5. Governance, Accountability and Transparency

a. Governance

We do agree with the proposals about the status, governance and accountability of the new body. It is clear that a wholly devolved structure with transparency over governance and decision making is a positive of this process; especially as the assembly will be able to hold the Minister to account for performance in Wales.

This must be balanced with an understanding of the expertise and capacity required to deliver on the range of functions these bodies currently deliver and what may be potentially denude through the loss of access to UK expertise. This must be carefully managed through ongoing relationships on a UK basis and indeed may be improved in terms of clarity about what services are being utilised and at what cost. However it is considered that better value for money can be sought and delivered through the creation of highly valued and skilled capacity within Wales that will be of wider benefit to the economy.

b. Stakeholder Engagement

We are broadly in agreement however there is no reference to the Local Service Boards. The Local Service Board in Carmarthenshire would present a major opportunity to develop stakeholder engagement. Both the Board and Environment partnership are existing arrangements where the EA and CCW work closely to ensure development in the County is both sustainable and strengthens the local economy. For example: the Memorandum of Understanding in relation to the Burry Inlet.

c. Regulatory arrangements

Welcome the proposal for a single point of contact

FURTHER INFORMATION

Further information or background to this response can be obtained from Eifion Bowen, Head of Planning, Carmarthenshire County Council. 01267 224850, EBowen@carmarthenshire.gov.uk

From : Jennifer Kelly [j.kelly@ccw.gov.uk]
Sent: 02 May 2012 16:28
To : SEB mailbox
Cc: ReisJ@cardiff.ac.uk; AlisonPalmerHargrave@gwynedd.gov.uk; sue.burton@mhpa.co.uk
Subject: Consultation Response

Attachments: European Marine Sites Officer's Single Body Consultation Response.pdf
Dear Carrie,

Please find attached a consultation response from European Marine Sites Officers in Wales.

We would relish the opportunity to discuss any of these points further so please feel free to use my contact details (below) for this purpose.

Please note that this response is in my capacity as the European Marine Sites Officer for Cardigan Bay SAC and has no connection to CCW as my email address may suggest.

Thank you for the chance to be involved with the consultation and we look forward to discussing our points further at the following stages.

Kind Regards,
Jennifer Kelly

Jennifer Kelly
Swyddog ACA Bae Ceredigion/
Cardigan Bay SAC Officer

CCGC/CCW
Welsh Government Building
Rhodfa Padarn, Llanbadarn Fawr
Aberystwyth, Ceredigion,
SY23 3UR
Epost/Email: j.kelly@ccw.gov.uk
Ffon/Telephone: 01970 631171

www.cardiganbaysac.org.uk

Consultation on ‘Natural Resources Wales’ (The proposal of a Single Environment Body)

A response from:

Jennifer Kelly, European Marine Sites Officer (EMSO) for Cardigan Bay SAC (An individual response incorporating views from individuals from the Relevant Authorities Group)

Sue Burton, EMSO for Pembrokeshire Marine SAC (An individual response - the Pembrokeshire Marine Relevant Authorities have made their own consultation responses as appropriate)

Alison Palmer Hargrave, EMSO for Pen Llyn a'r Sarnau SAC (An individual response – the PLAS Relevant Authorities have made their own consultation responses as appropriate)

Dr. Jeanette Reis, EMSO for Severn Estuary European Marine Site (An individual response - the Severn Estuary Relevant Authorities have made their own consultation responses as appropriate)

Key points:

- 1. Sustainable development is the central principle of the Welsh Government and is not appropriate for an organisation with substantial responsibilities to environmental protection and enhancement.**
- 2. Biodiversity is not a natural resource or an ecosystem function and should not be considered for ‘development’, whether sustainably or not.**
- 3. The new body should further consider its marine functions and the need for this management to be equal to that of the terrestrial – and more overtly recognised.**
- 4. The consultation is inconsistent with its approach to the marine environment – often making contradictions.**
- 5. Issues with fisheries management and justification for it remaining within WG have not been adequately addressed.**
- 6. The Habitats Regulations (2010) will need amending to define the new body as a Relevant Authority. This should also be used as an opportunity to clarify the role of WG with regards to management of protected sites.**
- 7. Concerning use of the words ‘resources’, ‘simplify’, and ‘streamline’ within the document that suggest that efficiencies can be made within regards to environmental protection and that the environment is a resource to be exploited for economic and social gain.**
- 8. The new body or WG directly, should ensure adequate funding for European Marine Sites to ensure that the sites are managed both effectively and efficiently as the two main contributors (EAW & CCW) are joined.**
- 9. Research should be a greater focus of the new body due to the number of identified gaps in knowledge currently damaging conservation efforts.**

In support of the single body:

- A single organisation with a more complete agenda focused on delivering better environmental (not development) outcomes should be the key driver of the new body's work.
- Similarly, the simplification (by reducing duplication of relationships) of stakeholder engagement would also release valuable staff time (please see disagreement too).
- Simplifying institutional arrangements – in so far as this means to bring together complementary teams from the three organisations to improve communications and delivery. Functions within WG that could also result in this benefit should also be considered for inclusion within the duties of the new body (E.g. Fisheries and Marine Branch).
- The removal of restricting boundaries in principle would allow a more efficient delivery of services. However, the definition of 'restricting boundaries' should be clarified to state that this must not jeopardise the protection of biodiversity and the function of the environment.
- In terms of legal functions, amendments will need to be made to the Habitats Regulations with regards to the single body being recognised as a Relevant Authority to avoid the complete dissolution of the management of Natura 2000 sites. It should also be considered a priority to acknowledge Welsh Government as a Relevant Authority with regards to their acquisition of the role of the Sea Fisheries Committees (a former RA).
- In general legal functions, it is vital to strengthen the accountability of Welsh Government to the recommendations and responsibilities outlined by the new body. At present, WG too easily ignore key advice and much staff time is spent re-writing advice to gain acceptance from WG.
- The use of the ecosystem approach is supported. It should be considered on a wider scale to link aspects of the management of designated sites that could be carried out on a site wide or cross Wales scale to allow for a more efficient delivery of objectives. This would require an expanded function within the new body with regards to Marine Protected Areas.

Key concerns:

- The consultation seems biased with little reference to the important advisory work that CCW conducts and how this will be retained within the new bodies function. Little justification for the alteration to CCW functions, except to fall in line with what is being altered with the FCW and EAW.
- The consultation implies a compromise on the values of the three organisations in order to agree a consistent objective for the new body – all three bodies have different cultures and as such the conflict between these has not been properly addressed. The concern is that this will result in the 'watering down' of some values (E.g. commercial aspects of the body being considered above protection of designated sites).

- The consultation suggests that the new body will have greater operational freedom but will this be achievable if the body sits too close to WG. The new body must have a defined agreement and allowed space to operate without WG influence over decisions.
- The consultation alludes to the ‘simplification’ of regulation and development – should a body driven by the protection of our ‘natural resources’ (which is an inadequate representation of the environment in itself) be looking to ‘simplify’ or ‘streamline’ the procedures in place to protect the environment?
- Whilst the body is given accountability to Welsh Ministers, there is no acknowledgement of reciprocal accountability and recognition for the body from either Welsh Ministers or Welsh Government.
- The consultation refers to “[maintaining] environmental standards”, which directly contradicts the legislation driving the ‘improvement’ of environmental standards that is a common objective of both the Environment Agency Wales and the Countryside Council for Wales. This suggests that the body may lose focus on the improvement of our environment, instead focusing on simplifying delivery.
- A key function of CCW is providing policy advice – this should be retained and expanded within the new body.
- The consultation places the responsibility for current issues in preventing “linking up environmental decision making” with the new body and looks to them to “simplify decision making”. The use of ‘simplifying’ (here and throughout the document) is worrying. The consultation fails to recognise the delays caused by WG and no suggestions are made as to how WG will improve their engagement with the decision making process with the new body.
- Section 4.2 fails to make any mention of marine strategy, though there are many documents that WG are supporting under this function. The marine environment covers over 15,000km² of Welsh territorial waters (36% of which is currently protected), 60% of the Welsh population live and work along the coast, and the marine environment contributes £2.5 billion to the Welsh economy each year – so why is the strategy for the protection of this resource not considered by the consultation on the body which will be responsible for this function?
- The document also suggests that the ‘Green Paper’ will provide the ‘overall challenge set out’ to the Single Body – there is an unacceptable absence of marine information within the Green Paper, which, coupled with the lack of direction within this consultation, poses a very high risk that the marine environment will suffer (not benefit) as a result of these proposals should appropriate action not be taken.

Additional points:

- A commitment not an intention for reinvestment is vital to ensure that money saved is used to improve the environment and not for deficit reduction. Reinvestment should look to increase the capacity of the body in areas that were previously short of funding but are vital to the principles of the body. A key example of this is the management of marine SACs.

- With the merging of CCW and EAW (the two main contributors to the management) in the Single Body, the new body should include a greater responsibility to Habitats & Birds Directive sites management into its new structure and look to extend its functions further into marine management as a whole. As part of this the body should consider the benefit of creating more secure roles for Marine Protected Areas Management. (E.g. European Marine Sites Officers).
- There is a need to ensure adequate central funding, monitoring/ reporting and support for European Marine Sites (EMS) Officers individual and network activities as well as maintaining a focus on EMS on the Single Body's agenda. The EA and CCW (along with local authorities) are the main funders of most RAGs. Without adequate funding to employ an EMS officer to coordinate, drive and support management of protected marine sites, any proactive management will grind to a halt. The new body or WG directly should ensure adequate funding to ensure that the sites are managed both effectively and efficiently.
- There is a need maintain support for outdoor education and awareness raising activities
- The regulatory measures of the new body should seek to improve marine regulation. A recent conviction of scallop dredgers fined the offenders £29,000, but the profits from their dredge through an internationally protected site were £37,000 – not acting as a deterrent to offenders.
- Current relationships between fisheries management (currently carried out within WG functions) and the environmental sector are poor and yet this function has been proposed to be unchanged. There will continue to be damaging effects of fisheries on the marine environment until changes are made to the current management structure. This could be rectified by including the function of fisheries management into the single body.
- In terms of physical area of jurisdiction – the new body's jurisdiction should extend seawards to the Welsh Fisheries Limit so that consistent conservation advice can be provided to government on all fisheries issues.

Consultation Questions:

Q1. It is a good idea theoretically to have a single organisation protecting and managing the environment. However, it is vital that 'environmental protection' and not our 'natural resources' or 'ecological services' be at the heart of the values of the organisation. There is a need to respect the strong evidence base supporting conservation in Wales alongside the commercial aspects of the other functions the body will carry out. The implementation should seek to aid coherence through a blend of priorities that are fair and appropriately weighted (but not necessarily balanced).

Q2. The consultation fails to fully acknowledge the likely conflict between nature conservation, commercial enterprise and regulatory systems that are being brought together. There is a real risk of there being a loss of focus on the environmental objectives that are required to safeguard biodiversity and protected species/habitats and a move towards greater conflict and commercial/regulatory influence over key environmental protection.

Q3. Whilst the use of a phased approach may allow flexibility for changing requirements and additional duties, there is no consideration of whether the structure of the organisation will be able to support these new functions. Will new functions mean an expansion of staff or an increase in already heavy workloads and a resultant reduction in efficiency of delivery in order to expand capacity?

Q4. The current aim of the new body gives a general re-wording of the accepted definition of sustainable development outlined in the Brundtland Report (1987), which does not promote the true aims of the body. Whilst the new body would be right to consider the social and economic implications of its functions, these should not be the driving force. The functions that will be incorporated into the new body have international (as well as national and local) responsibility for the protection of the environment – a focus that sets it apart from the social and economically driven organisations (sectors that are adequately represented) within Wales. The new body will, by definition within the consultation, be a single point of contact within Wales for environmental protection and it should be made clear that the environment is the principle aim of the body, with economic and social benefits being strategic outcomes. The strategic outcomes cover the bases well but a good addition would also be to ‘further the protection of ecosystems’ (to point 3) and ‘and other harmful human activities’ (to point 2).

The use of the term ‘natural resources’ suggests the view that the Welsh environment can be reduced to the social or economic gain that can be extracted from it – this must not be the case. There is no mention of the protection of sites to preserve some of the best examples of rare species and habitats, simply for their environmental benefit and not for the current or near-future populations gain.

Q5. The delivery framework gives a good base for pursuing positive change but this approach is unlikely to be fully successful for the delivery of conservation aims. The number of stakeholders involved and the lack of stringent, consistent management of sites (especially marine sites) means that without supporting legislation and funding, mean this would be difficult to achieve in the efficient manner proposed.

Q6. The table gives a specific example of the designation and management of NNRs and SSSIs but makes no reference to the required function to manage Marine Protected Areas. The suggestion that the only function of the new body will be to advise on designation of Natura 2000 sites is inadequate. In the marine environment, EAW and CCW form a large basis of the management of the sites and WG have little input to the management.

The breakdown of the three main functions of the body is inadequate and the suggestion that conservation should be an ‘issue’ to ‘consider’ when carrying out duties is cause for concern.

Q7. It is very concerning to see the use of the term ‘streamline present arrangements’ with regards to licensing aimed at protecting environmental features.

The consultation looks to be diminishing the new body’s power to influence policy, even though they will hold the greatest expertise once formed. Advice for policy should not be created within Welsh Government – it is essential to have external independent advice to ensure the policy is well evidenced and will achieve the desired outcome. WG should look to take greater, not less advice from the new body to support policy decisions. The suggestion of taking policy advice within WG is then directly conflicted by the suggestion that the body will ‘remain integral to effective policy development’.

There is huge inconsistency with the strategy for licensing and the compromise does not promote the ‘single point of contact’ that the rest of the consultation does. In addition, there seems to be conflicting viewpoints within section 5.3, where ‘potential conflict of interest’ is acceptable in the case of some wildlife licensing but not others.

In the case of marine licensing and the management of Sea Fisheries, current conflict between WG and those attempting to influence management of marine fisheries in European Marine Sites (designated under the EC Habitats Directive) is causing delays in delivery of environmental objectives. Therefore, due to the current unsuccessful arrangement there must be a marine fisheries management aspect, as well as marine protected area management functions in the new body to aid co-operation.

Q8. The consultation suggests that WG will take stronger leadership of the financial aspects of research with little responsibility for its delivery. There needs to be greater guidance on the responsibilities of research within the organisation. There is a need to acknowledge the new body’s requirement to fulfil research as a strategic aim and to pursue gaps in knowledge.

Q9. Bringing commercial aspects within the new body will give greater financial flexibility – however, commercial ventures should not become the sole focus for any function of the body.

Q10. The suggestion of twelve board members is inadequate, as there are many more than this in the three bodies currently. There needs to be an appropriate representation of all specialisms and functions of the organisation on the board (E.g. separate marine, terrestrial and freshwater board members). This should be decided through the structure of the new body.

It is important for the board to encourage WG to recognise their responsibility to improve communication with the new body above the current levels with the separate organisations.

Replacing board members on cross-border panels (E.g. JNCC) should be done with care to ensure similar values are represented as were before. Promotion of communications with non-Welsh organisations should be encouraged to promote best practice.

The consultation suggests abolishing advice committees and using a board elected by Welsh Ministers to guide the body – effectively removing stakeholders ability to influence the body’s work – this is concerning as independent advisory groups are vital to sound decision making and also contradicts the consultations aims to improve stakeholder engagement.

Time is the most important factor when considering effective stakeholder engagement. It is a very lengthy process that requires relationships to be built and maintained to retain valuable and efficient lines of communication. It is important to acknowledge the requirement of staff time to stakeholder engagement within the structure of the new body.

Q11. The consultation fails to acknowledge how the body will manage conflict over permitting should it arise. The suggestion of the ‘most efficient service to the applicant’ fails to address the staff time required to assess the likely environmental impact of proposals – rushing this process can only lead to greater environmental damage. Quality of environmental protection should be considered above the speed of service to customers.

Section 6.6.3. states that decisions should “[balance] all relevant interests and, in doing so, protects the environment”. Environmental protection should not be presented as a convenient outcome of the

decision making process once economical and social interests have been considered. Neither should we seek to “balance” interests...we should look to ‘protect the environment by giving appropriate weight to all interests’.

From: Communications [communications@wales.gsi.gov.uk]

Sent: 02 May 2012 16:50

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

(Unchecked)

Your name:

Rhian Nowell-Phillips

Organisation (if applicable):

Farmers Union of Wales

Email / telephone number:

rhian.nowell-phillips@fuw.org.uk

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?:

The FUW is generally supportive of the proposal to create a single Environment body for Wales, although it is concerned that the creation of such a new entity should be driven by a real need for change rather than a cost cutting measure by the Welsh Assembly Government. The success of the new body will of course be dependant on how well the wider public and stakeholders understand its role and purpose and therefore it needs to have clear, transparent outcomes. The FUW does have real concerns as to whether the Forestry Commission, with its commercial focus, should be incorporated into the new body and there is also genuine concern that the Welsh Governments policy on commercial timber production will change if the FC is incorporated into the new body. It is also not clear how the new body will deal with conflicting advice and guidance currently noted with the existing Agencies.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?:

The FUW believes that it is extremely important that the new body maintains and enhances the good practise and positive working relationships developed by Environment Agency Wales, to ensure that the positive approach to working with farmers is retained and enhanced under the auspices of the new body. The FUW is also concerned that the ‘environmental body’ should have the wider definition of sustainability, which includes economic, social and environmental benefits, enshrined within its mission statement. The Environment body will face a number of challenges over the transparency of its decision making and there are a number of potential conflicts of interests , such as forestry, where the potential polluter will also be the regulator, which require careful consideration if the new body is to be a credible agency in years to come. To this end, consideration should be given to how potential conflicts of interest will be handled and a clear, transparent reporting process developed to address these concerns.

Question 3: What are your views on this phased approach? How could we improve on it?:

The FUW is concerned that the timetable for implementation should not be driven by political timetables, but rather by a phased process which ensures that the new body is set up seamlessly with minimal disruption to the services and functions of the current institutions. The FUW does have some concerns that the new body is being set up prior to the development of the new environmental framework, which has been set out in a very broad scope within the current Green Paper, “Sustaining a Living Wales”, but is currently at a very embryonic stage of its development. The FUW is also keen to ensure that the frontline staff who deal with farmers and landowners on a daily basis are retained and that local offices that deliver services to stakeholders are maintained to facilitate delivery of services.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?:

The Union has two main concerns with the wording of the principle aim for the new body and they are as follows 1) The new body should recognise the important role agriculture has in the management of the environment, or its role in food security, It suggests that an outcome to “Work with the farming industry to promote sustainable food security” be incorporated. 2) It is important that the environment and its conservation should be enshrined within the need for sustainable use of resources and the sustainable development of rural areas. The FUW is concerned that the aims for the new body should not encourage the stagnation of rural areas, but instead recognise the needs of a vibrant rural economy. The ‘strategic outcomes’ alluded to in the consultation need to reflect business efficiency in addition to other drivers, to ensure value for money

Question 5: What are your views on the approach to the delivery framework?:

Whilst there is little detail in the consultation document, the FUW believes that the existing delivery framework is sufficient.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?:

Whilst the FUW agrees that the functions as described in tables 1-3 provide a reasonable summary of those required, it is concerned that it is merely a list of current functions with no consideration of how the amalgamation of the three bodies may affect this or indeed what functions the new body may need in future. In the Unions view, detailed consideration of the functions can only be done once the National Environmental Framework priorities have been agreed and thus there should be flexibility within the system to allow the new body to react to change. Additionally, there is a need to ensure that the ‘Working Smarter’ agenda is fully addressed within the list of functions to ensure no duplication or excessive burdens on the farming industry. The FUW believes that the longer term development of functions will need to be reviewed once the new body has been established and it has considered its resources and priorities.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?:

The FUW fully supports the view outlined in the document that no changes to current functions be made and that Welsh Government retain its functions for agri-environment, etc.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?:

The Union remains concerned that the considerable amount of research work that is currently undertaken covering England and Wales, should not be jeopardised by the creation of the new body and whilst it is important to ensure that Wales specific R&D is commissioned for specific measures, it is unlikely that the new body will have the resources available to fund the level of research available to the Forestry Commission and Environment Agency at present. The FUW believes it is vital to ensure that Wales does not lose out in terms of R&D and that existing frameworks are maintained to ensure the co-ordination of research work and ensuring that there is no duplication of effort across the devolved regions. The new body should also look to develop closer relationships with the universities in Wales, the UK and Europe to improve information flow and technology transfer.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?:

The FUW is concerned at the lack of detail on the arrangements for the Governance of the new body that have been set out in the document and believes that this does not help in terms of transparency and accountability of the new body. As the three existing bodies have varying degrees of independence from the Welsh Government, there is a need to ensure that there its level of independence from political institutions, albeit recognised that the body will be resourced by Government. The FUW also believe that, given the importance of farming to the management of the environment, there should be farmer representation on the board, to ensure that practical considerations are addressed as part of the new organisations functions.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?:

The FUW believes that the way the new body engages with its stakeholders is vital to its future success. Within the existing organisations, farmers have enjoyed varying relationships with the regulatory bodies and it is important to ensure that best practise is considered as part of the development of the new stakeholder engagement process. It is also hoped that there will be further opportunity to expand on the importance of effective stakeholder engagement as every sector will have different needs and these need to be developed, before the new body has been established. As outlined previously, farming is the major land use in Wales and so positive engagement with the industry is vital, if the new body is to fulfil its functions effectively.

Question 11: What are your views on the aspects of the regulatory arrangements?:

The FUW is concerned that there needs to be transparency regarding the self regulation of various functions within the new body, for example environmental permitting for forestry activities or the investigation of pollution incidences. There remains a great deal of concern about the inclusion of the Forestry Commission in the proposals for the new body and so it is extremely important that there are clear and transparent reporting lines for all aspects of its self permitting functions. The FUW supports the Welsh Governments view that effective regulatory decision making should be independent of the political process and believes that there may well be a need for an independent process to deal with potential internal conflicts of interest.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them:

From: Communications [communications@wales.gsi.gov.uk]

Sent: 02 May 2012 17:05

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email: /consultations/forms/sebresponse/

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: (Unchecked)

Your name: Colin Russell

Organisation (if applicable): West Wales Biodiversity Information Centre

Email / telephone number: colin@westwalesbiodiversity.org.uk

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?:

Wales would appear to be in an ideal place both geographically and politically for this move to integrate the three organisations. However the long history of independent working causes some concern and how this is managed for the large number of experienced staff and what it may imply for the knowledge base within Wales, one of our great assets. Another concern is how the proposal will affect way that the three bodies distribute funds to the many smaller organisations, private companies, not-for-profit and charities which do so much of the work on the ground and in many cases are reliant on this funding. I have a particular concern over this last point as a manager of one of the four Local Record Centres in Wales and work with a wide network of volunteers. This support is a contributing factor to cultural and social elements which the ecosystems services approach encompasses and therefore should continue under the new body.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?:

There are such a wide range of stakeholders which will be affected by the proposals, this section seems to be inadequate in its summary. Much of the work is underpinned by reliable data, gathered by many small organisations and individuals and support for them must be built in so that Wales can continue to demonstrate good practice in conservation and the enhancement of biodiversity. While a joined up approach to ecosystems services may be improved by an SB, Wales also wants value for money, and the value of volunteer effort must not be underestimated. As a Local Record Centre I have particular views on IT systems. The SB is an opportunity to bring together systems seamlessly, and to capture and deliver environmental information for Wales in new ways. Other countries have moved ahead with the development of the technology and this is our chance. Our research tells us that a

proprietary system, in global use, whilst carrying significant cost, is worthwhile in that it comes with support, is constantly being developed and is a way to futureproof the system. Is not the SB an opportunity to look at a system for itself and partner organisations to achieve this seamless flow of data?

Question 3: What are your views on this phased approach? How could we improve on it?:

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?:

Question 5: What are your views on the approach to the delivery framework?:

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?:

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?:

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?:

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?:

The approach seems reasonable. Again, an opportunity to design systems which will provide the evidence for the chosen indicators.

It is not clear from this to what extent the new body has to commission work in gathering the evidence base. My feeling is that integration provided by forming the SB is the opportunity to co-ordinate research and avoid duplication.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?:

Question 11: What are your views on the aspects of the regulatory arrangements?:

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them:

If I can make a specific point which is related to consistency. As a stakeholder, we currently experience different relationships with the three bodies. We provide data to all three under different agreements, but receive data from only one, CCW who are the principal supporter of LRC's in Wales as part of their remit. The new body should have this included in the remit. Through the services delivered by LRC's to other public bodies in Wales the SB will be more effective in the outcomes it seeks in the delivery framework.

From: David Lewis [drlewis27@yahoo.com]
Sent: 02 May 2012 17:10
To: SEB mailbox
Cc: Sarah Medcalf
Subject: SINGLE ENVIRONMENT BODY CONSULTATION

Attachments: Single Body response CESS.docx

Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government

Attached is a response from Cymdeithas Eryri Snowdonia Society to the Natural Resources Wales consultation document on creation of a single environment body.

David Lewis
Chair, Cymdeithas Eryri Snowdonia Society

Telephone number for queries on this email: 020 7622 8017

Contact details for Cymdeithas Eryri Snowdonia Society:

Caban
Yr Hen Ysgol
Brynrefail
LL55 3NR
01286 685498

info@snowdonia-society.org.uk



Caban
Yr Hen Ysgol
Brynrefail
LL55 3NR
01286 685498
info@snowdonia-society.org.uk

A NEW BODY FOR THE MANAGEMENT OF WALES' NATURAL RESOURCES:

RESPONSE TO THE CONSULTATION DOCUMENT BY CYMDEITHAS ERYRI SNOWDONIA SOCIETY

Cymdeithas Eryri Snowdonia Society welcomes the opportunity to submit comments on the consultation document *Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources*. Wales is very heavily dependent on its natural resources of all kinds, including its protected landscapes, and devising the best arrangements for protecting and managing those resources is therefore an issue of great importance.

Cymdeithas Eryri Snowdonia Society is a registered charity with some 1700 members, established in 1967. It works to ensure that the beauty and diversity of the Snowdonia National Park's landscape, wildlife and cultural heritage remain for present and future generations to enjoy.

A basic principle in designing organisations is normally that form follows function. The government is proposing to create a single body to replace the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales in order to implement the ecosystem services approach to the management of natural resources. That approach, however, is still in the process of being developed and articulated, and is the subject of a separate consultation document, *Sustaining A Living Wales*. There is thus considerable uncertainty about what exactly the new single body will be expected to do.

This also causes us some difficulty in responding separately to the two consultation documents; for example, *Sustaining A Living Wales* strays into organisational issues at some points. Our responses to the two consultation documents should therefore be read in conjunction with each other.

In this response we focus on the implications the creation of a single body would have for National Parks and Areas of Outstanding Natural Beauty, and do not offer answers to all the questions posed in this consultation document.¹

Question 1, page 12: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

We support the principle of an integrated approach to environmental management, provided this takes proper account of all the important aspects of natural resources, including the use of land and sea for recreation and the natural beauty and cultural heritage which National Parks and Areas of Outstanding Natural Beauty exist to protect.

Question 2, page 12: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

It is very important there should be more public involvement in future in decisions about use and management of the environment and natural resources. This is a fundamental aspect of achieving sustainable development, as recognised in Core Principle 1 of the Sustainable Development Principles of Policy Making in the Welsh Government's Sustainable Development Scheme.² Public involvement will become even more important because the natural resource management the new body is intended to undertake is a wider and more proactive role than the three existing bodies play. We therefore welcome the inclusion of increasing public involvement as one of the new body's functions in table 1 of the consultation document, which lists its main areas of work. We also welcome the commitment to complete transparency in the work of the new body.

Many issues about natural resource management have to be weighed and resolved at local level, and to be meaningful public involvement often has to be at local level. We are concerned therefore that the consultation document does not give sufficient consideration to how the new body will achieve its objectives at local level and how it will interact with existing bodies. We welcome the reference to 'new and innovative approaches and

¹ We do not offer answers to questions 3, 6 and 11.

² Core Principle 1 reads: '*Involvement - people and communities are at the heart of sustainable development, so we will be inclusive in our involvement of all our stakeholders in the development of our policies and programmes, and the identification of solutions that meet their needs, promoting innovation in the way that we deliver services*' (Sustainable Development Scheme, page 26).

partnerships for delivery, including work with third sector partners and local authorities' (page 4) but there does not seem to be any recognition of the need to take maximum advantage of existing partnerships and arrangements.

In particular there is no appreciation of the relevance and potential of the mechanisms already available in National Parks and Areas of Outstanding Natural Beauty, in particular their preparation of Management Plans. Yet 20% of the land area of Wales is within a National Park and a further 4% in an Area of Outstanding Natural Beauty. The greater part of those areas is of high importance for biodiversity and/or for the provision of other ecosystem services.

Our concern on this point could be met if the government gives a clear commitment that creation of the new body will not lead to an unnecessary and damaging centralisation of functions, and that it will wherever possible seek to achieve its objectives through National Park Authorities and local authorities.

The consultation document depicts National Parks as having simply a conservation role. Thus it says on page 53 (in Annex 2, 'The case for change') 'National Parks and Areas of Outstanding Natural Beauty (AONB) have been designated since 1949 to preserve their special qualities'. It fails to recognise that the statutory purposes of National Parks include (our italics)

enhancing the natural beauty, wildlife and cultural heritage of their areas

promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

We emphasise the point that these are indeed important aspects of natural resource management. Moreover, in pursuing the purposes of National Parks, National Park Authorities have a statutory duty to foster the economic and social wellbeing of local communities.

One other concern we have is about the effects of this reorganisation on funding for the third sector. The Countryside Council for Wales, in particular, is a major source of such funding at present. The consultation document recognises the potential contribution of the third sector, especially (as noted above) in developing new and innovative approaches to delivery of natural resource management. The new body may itself face severe financial pressure in its early years, before efficiency savings can be fully realised. We urge the government to recognise the value of the contribution already being made by the third sector, and to ensure that the new body gives sufficient priority to the viability of the third sector and that there will be no overall reduction in the scale of funding available to the third sector.

Question 4, page 18: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

We believe the primary purpose of this new body must be to protect, conserve, enhance and positively manage Wales' environment and so ensure its benefits for the people of Wales, now and in the future.

The set of strategic outcomes proposed to accompany this aim is:

1. Contribute to protecting public health and safety and to promoting economic, social and environmental well-being and outdoor recreation.
2. Prevent, minimise, remedy or mitigate the harmful effect on the environment of pollution, alien species and diseases.
3. Further the conservation, restoration and enhancement of ecosystems.
4. Secure the sustainable use, management and consumption of natural resources and ecosystem services.
5. Contribute to both mitigating and adapting to the effects of climate change.

This set of outcomes should be reviewed, revised and expanded to reflect more fully the primary purpose we have proposed above.

Among other changes we propose that the words 'terrestrial and marine' should be added before 'ecosystems' in outcome 3. We believe the remit of the new body should embrace both the land and the sea, and the government is proposing that it should have responsibilities for the marine environment (see question 7 below). Landscapes are an important dimension of natural resource management, as are seascapes: we therefore urge strongly that the words 'and landscapes' should be added after 'ecosystems' in outcome 3.

We welcome the references in outcome 1. to protecting public health and promoting well-being and outdoor recreation. In recognition of this the list of strategies (4.2) the government would expect the new body to help deliver, as part of a joined up approach, should also include *Creating an Active Wales* (2009), described by then Ministers in the foreword as 'central to our One Wales ambition for a healthier future for all'; and there should be a corresponding addition to Annex 1, 'Strategic delivery needs'.

Question 5, page 19: What are your views on the approach to the delivery framework?

The delivery framework must recognise that many of the outcomes sought by the new body will be achieved in whole or in part through partnerships with other bodies. See our response to question 2 above.

Question 7, page 25: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

We welcome the inclusion in the Delivery Framework of an objective relating to marine ecosystems (Annex 5, objective 2) with a corresponding success indicator (3) and an objective relating to marine fisheries (17). Marine fisheries are one of the aspects of the environment the National Ecosystem Assessment found have been degraded (Annex 2 to this consultation document, 1.1.1, page 53) and the new body will have some influence on their status. On balance, however, we accept the proposal that the new body should not take over the Welsh government's responsibility for sea fisheries management (5.3.5, pages 24-25).

We are concerned that the nature and extent of the new body's involvement with Glastir is not satisfactorily defined in the consultation document. Management of land is a crucial aspect of managing natural resources and providing ecosystem services, but outside forestry these proposals give the new body very few levers to influence land management. Annex 1 on 'Strategic delivery needs' recognises (1.6) that 'the Rural Development Plan and our new Agri-Environment Grant Scheme, Glastir, have an important influence on land management and environmental outcomes across Wales.' They are listed (4.2) among the 'wide range of Government strategies and policies that we would expect a new body to help deliver and ensure a joined up approach'. But, while Annex 1 refers to the three constituent bodies as having 'various advisory and implementation roles within this policy process', no change is proposed to current arrangements under which Glastir is a Welsh Government function (5.3.5). While we accept that the Welsh government must retain policy responsibility for the Common Agricultural Policy and its reform, we urge that the new body should have overall responsibility for implementation of Glastir and that National Park Authorities should have a key role in its management and delivery within their areas.

Question 8, page 25: Do you agree with the proposals for co-ordination of Welsh

Government investment in environmental research? How could we improve them?

We welcome the proposal that the new body should retain research and investigative resources within the framework established by Welsh Government and the priority assigned to gathering evidence of environmental issues on the ground in Wales to inform interventions. We also welcome the recognition given to the continuing value of the Wales Environment Research Hub.

Question 9, page 30: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

To achieve its full potential we consider the new body should be an independent and accountable body able to operate at arm's length from Welsh Government. It should have the freedom to challenge activities which threaten the integrity of the Welsh environment. To enable it to do this, the new body must have a direct role in strategic policy development and be able to challenge the Welsh Government where it believes its approaches are inappropriate or unjustified.

We strongly support the proposal that the board of the new body should be independent of the Welsh Government in its decisions and the delivery of its work. In view of the range and variety of the new body's functions consideration may have to be given to having more than 12 board members.

Question 10, page 32: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

We welcome the recognition (6.5) that the new body will need to engage effectively with a full range of stakeholders. We accept the general principle that the specific arrangements should be non-statutory and flexible. But we believe it is essential that legislation should place a duty on the new body to bring forward, consult upon, implement and keep under review a scheme for effective stakeholder engagement. Moreover, the process of producing a scheme must not be allowed to lead to a damaging hiatus in relations with stakeholders, in a period of change and transition when the need for effective engagement with stakeholders is likely to be particularly acute. Provision should therefore be made for existing consultative bodies to continue to operate until the new scheme is adopted and brought into effect.

We attach particular value to the National Access Forum for Wales set up by CCW, and we urge strongly that the scheme for stakeholder engagement should provide for this to continue.

In the light of our comments in response to question 2 above about the need for the new body to work through existing bodies at the local level we question the justification for the proposal (page 31) that it should retain a general power 'to run local committees as it sees fit'. At the very least the purpose of such committees needs to be clarified as purely consultative in order to avoid any confusion with the concept of local resource management committees, which is put forward in *Sustaining a Living Wales* and on which we shall be commenting in our response to that consultation document. But it would be preferable not to have any specific provision in legislation on this subject, which in any case seems unnecessary.

NOTE: This response conveys the views of Cymdeithas Eryri Snowdonia Society but the Brecon Beacons Park Society and the Friends of Pembrokeshire National Park are also in general support of the views expressed.

From: James Byrne [JamesByrne@wildlifetrustswales.org]

Sent: 02 May 2012 17:09

To: Moss, Carrie (DESH)

Cc: Tom Clarke; Rachel Sharp

Subject: RE: Single Body Consultation FINAL

Attachments: image001.png; WTW SB Response FINAL1.pdf

Dear Ms Moss

Please delete the last email/response – I have made a correction and updated.

Thanks

James

From : James Byrne

Sent: 02 May 2012 16:55

To : 'carrie.moss@wales.gsi.gov.uk'

Cc: Rachel Sharp

Subject: Single Body Consultation

Dear Ms Moss

Please find attached the Wildlife Trust Wales response to the consultation on 'Natural Resources Wales'.

Yours

James Byrne

James Byrne

Living Landscapes Advocacy Manager / Rheolwr Eiriolaeth Tirwedd Byw

Wildlife Trusts Wales/ Ymddiriedolaeth Natur Cymru

Baltic House, Mount Stuart Square, Cardiff CF10 5FH

T• Baltig, Sgwâr Mount Stuart, Bae Caerdydd, CF10 5FH

Protecting Wildlife for the Future

Gwarchod Natur ar gyfer y Dyfodol

Tel/Ffôn: 029 2048 0070 - 07714982961

<http://www.wildlifetrustswales.org> & <http://www.wildlifetrusts.org/alivinglandscape>

Description: cid:image008.
png@01CCE264.F8066F40

Disclaimer:

The information contained in this message and any attachments is intended for the addressee only and may contain confidential and/or privileged information. Any views or opinions expressed in this message are those of the author and do not necessarily represent those of Wildlife Trusts Wales. If you are not the intended recipient, please destroy this message immediately, you should not copy, use or distribute this message for any other purpose, nor disclose all or any part of its contents to any other person.

Wildlife Trusts Wales is a company registered in England and Wales under Company Number 3032775 and a Registered Charity Number 1045167 with registered offices at 376 High Street, Bangor, Gwynedd, LL571YE.

Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

2nd May 2012

Dear Ms Moss

Natural Resources Wales - Proposed Arrangements for
Establishing and Directing a New Body for the Management of
Wales' Natural Resources

Thank you for the opportunity to comment on the above consultation.
We welcome our response being made public.

The formation of a Single Body for natural resource in Wales is of critical concern to WTW and our ambition, to work in partnership with the new body, to create a Living Landscape and Living Seas across Wales. We hope it will strongly influence delivery of European and UK biodiversity targets in Wales, and will specifically influence delivery of the ambitions for ecological restoration set out in the 'Sustaining A Living Wales' (hereafter referred to as 'Living Wales').

Due to the complexity of the new approach proposed, WTW does not think it appropriate to answer the specific questions posed; rather our response is a general reflection on the consultation. I have detailed our response in Annex 1, and summarised below.

WTW (and other Wildlife Trusts) concerns are:

- That the new body should protect, conserve, enhance and sustainably manage the natural environment of Wales.
- The new body must engage in the Biodiversity Action Plan (BAP) process. The large number of NGOs and local authorities already engaged makes SB involvement with BAP crucial.
- The risk of removal of CCW partnership funding jeopardizes delivery of valuable community wildlife projects across Wales.
- There appears to be a genuine misunderstanding and appreciation of exactly how critical functioning biodiverse habitats are to providing the fundamental life support system – not just socio-economic services.
- Transparency of regulation and advice. This is a crucial part to establishing public trust in the new body and its competence and must be established by law.
- Minimise impacts of any transition on staff. This will be a major challenge. The scale of the effort required and the amount of change will have impacts that must be minimised.



Baltic House
Mount Stuart Square
Cardiff
CF10 5FH

Ffôn/Tel: 029 20480070

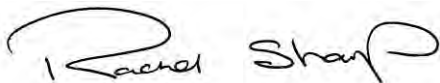
E-bost/E-mail:
rachelsharp@wildlifetrustswales.org

Mae Ymddiriedolaethau
Natur Cymru yn Elusen
Gofestedig Rhif: 104567

- A concerted effort must be made to ensure the expertise developed within the three legacy bodies is retained and incorporated into the Single Body.
- Legal responsibilities must continue to be delivered through the transition period.
- Systems must be developed to manage international compliance and cross-border issues.
- Clarity and detail is needed on specific roles of the Single Body, e.g. there is very little in the consultation document about restoring, protecting and enhancing the marine environment.
- Free from economically driven decision-making – must have the strength of purpose to make pro-environmental decisions independent of economic costs or benefits.
- Properly equipped to manage potential conflicts inherited from the three legacy bodies.
- Need to review the aim of the Single Body to align it with the aims of the NEF process.
- There hasn't been sufficient consideration of how the third sector will be enabled to work with the new Single Body this must in partnership and not just through a procurement relationship.
- Without the private sector being engaged and the development of new ecosystem markets by the new body there will not be sufficient resources to deliver a 'Living Wales', there is no acknowledgement of the third sector's role in enabling this.
- Continued protection and effective management of designated sites is essential to maintain the base on which Wales's biodiversity (and thus ecosystem services) can be built.
- Need more detailed consideration of the role of the new body in the management of the marine environment, and how this will integrate with terrestrial management. WTW would want to see the continuation of a target to ensure the favourable conservation status of protected sites. We acknowledge the need to review some sites in the light of climate change causing irrevocable changes in the fundamental composition of a site.

Once again, thank you for giving the Wildlife Trusts the opportunity to comment on the document. If you have any questions, please don't hesitate to get in touch.

Yours sincerely



Rachel Sharp
CEO, Wildlife Trusts Wales

Annex 1

Natural Resources Wales - Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources

Introduction

Wildlife Trusts Wales (WTW) is the umbrella organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales – working together in partnership to achieve a common aim. The Trusts in Wales collectively have more than 28,000 members and manage over 200 nature reserves, covering more than 6,000 hectares of prime wildlife habitat, from rugged coastline to urban wildlife havens.

Wildlife Trusts in Wales strives for a Living Landscapes and Living Seas, recognising this as an inspirational end point where our environment, society, and economy coexist for the benefit of wildlife and people. We want to foster the connectivity that links our urban and rural areas, our freshwater and coast, our land and sea. We aim, along with our partners, to create;

- ecologically functioning areas that can adapt to climate change; providing resilience and connectivity for wildlife
- access and enjoyment for people
- a sustainable, low carbon contribution to the economy;
- areas that provide a suite of essential ecosystem goods and services.

Our interests therefore lie in people, wildlife, and their interaction.

Purpose

The proposals in the consultation are too closely focused on use of natural resources. WTW believes that the primary purpose of the SB must be to protect, conserve, enhance and sustainably **manage Wales' environment** and so ensure benefits for the people of Wales now and in the future.

In general, WTW broadly agrees with the 'form follows function' principle and therefore the flexible approach to the specific structure of the body. However, as with a 'Living Wales', this lack of detail makes it difficult to make specific comments.

Notwithstanding the above, the WTW broadly supports the formation of a Single Body (SB), however we have a fundamental concern that this is not a single environment body but a body to manage Wales's natural resources, therefore we have a number of outstanding concerns.

Wales needs a public body with a clear purpose of protecting, conserving and enhancing the environment. CCW, FCW and EAW all currently have statutory purposes, or aspects of their primary duties, relating to this. Transferring their functions to another body could effectively separate those functions from the statutory purposes and duties that give them context.

'A Living Wales' talks about the need to get environmental issues and the ecosystem approach embedded in all elements of the Welsh Government's (WG) work. However, there is a real threat that the SB's work 'environmental work' may be being diluted with increasing socio-economic considerations (a net movement in the wrong direction) to achieve a Living Wales.

Opportunities

WTW believes that the SB management of the environment, in conjunction with 'A Living Wales', presents a number of positive opportunities:

- To sustainably manage the land and sea for the benefit of biodiversity and society in a more integrated way.
- To embed consideration and stewardship of the natural environment across all levels of government and sectors of society.

- To halt and reverse biodiversity decline, not only in protected areas but throughout the wider countryside and marine environment.
- To aid adaptation to our changing climate by planning for and investing in more resilient ecosystems.
- To widen access to and understanding of the natural environment, increasing feelings of ownership and wellbeing in the people of Wales.

Governance

In order to take full advantage of these opportunities, WTW believes that a 'Living Wales' / the Natural Environment Framework (NEF) must sit at the heart of the strategy to create a SB. Although it is not yet fully formed, the NEF is destined to become the underlying context within which the SB will operate. Therefore, in creating the SB, WG must build in flexibility and capacity for the new body to deliver the ecosystems approach, as expressed in the draft terms of the NEF. To assist this, we would welcome the SB aim becoming more in alignment with the NEF aim. Presently these are;

Present SB Aim

'To maintain, improve and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future.'

Present NEF Aim

'To ensure that Wales has increasingly resilient and diverse ecosystems that deliver environmental, economic and social benefits now and in the future.'

WTW also believes that the WG has a wider responsibility to consolidate its work (on the development of the SB and NEF) within the Sustainable Development Bill. This must set out a clear definition of Sustainable Development (SD) as it will provide the framework in which the SB will deliver the NEF. Critical to a successful SD approach of managing our environment, is the principle of ensuring natural processes are restored and enhanced to allow an ecosystems approach. The resulting document must also recognise the intrinsic value of the environment as well as economic and social values.

Function

The new body will be charged with implementing a 'Living Wales' and there is little doubt that the framework offers a great opportunity to truly integrate sustainable development principles. However, it is also important to remember that the SB will need to deliver on a whole raft of other policy and directives, including the outcomes within the WG Environment Strategy. Therefore, the governance of the new body should be determined by the functions required to achieve these outcomes.

We must learn from past mistakes of becoming too embroiled in process and therefore losing focus on delivery. The new body must champion the environment and be held to account to ensure that Wales' national and international commitments are fulfilled. Its outcomes must map on the protection, restoration, creation of the natural environment, **without which, the 'ecosystem approach' will not succeed.**

WTW recognises the need to make the environment more relevant to people and to gain more 'buy-in' from business and society. To achieve this, resources should be focused on communicating 'What nature can do for me'. The Welsh Wildlife Trusts have experienced time and time again, how people understand the importance of the natural environment to their life. We believe that a national awareness campaign could produce a 'values shift' towards appreciation of the services the environment offers business and society in Wales.

The new body will need a sufficient budget to ensure Wales can deliver on all of its national and international commitments. However, WTW also acknowledges that to deliver a 'Living Wales', WG will need to work with the third and business sectors to develop new ecosystem markets and to attract sufficient EU structural funds to Wales. Given these calls on the new Bodies finances, we

would not want a work programme based on risk management. If the latter does occur then flooding and tyre fires will be the high priority, therefore the budget must be a mix between environment risk and safeguarding the environment, obviously the two can have considerable overlap if ecosystem services principles are applied.

We accept that some delivery stream lining may be possible. However, WTW are concerned that there is a misinterpretation that where there is a duplication of function, there is a duplication of work, for example, the delivery of work by CCW's local conservation staff and EA's biodiversity teams. These teams although having a lot of overlap on paper, enable very different delivery. They fund and deliver different projects on the ground, with more work required than funds available. These teams have also built up working partnerships over many years with third sector organisations and we would welcome the continuation of these relationships.

With regard to species licensing functions, WTW would support the BCT view that the SB should carry out all licensing duties. This would simplify the process for those wishing to apply for licences and it will allow the new licensing body to set appropriate levels of training and standards for professional ecological surveyors. However, it will mean ensuring that the new licensing body has sufficient resources to carry out its work efficiently and in a timely manner. Appropriate safeguards will need to be built in where self-permitting is being sought. However, more information, and further consultation is required on this issue.

In addition, WTW would like to see agricultural environmental schemes transferred back to the SB, as they have the relevant expertise in biodiversity and land management.

Transitional Arrangements

During the interim period, prior to inception, we are concerned that many functions, carried out by the legacy bodies, will be severely restricted due to resourcing issues associated with the creation of the new body. For example many of the people on project groups that were created to determine the function of the new body have been directly recruited from the legacy bodies without replacement. It is therefore of concern that the legacy bodies will not be able to deliver the same level of service during this period. The consultation sets out a staged approach in relation to development of the new body. During this period they will inevitably be more inward facing, thus WTW has concerns that this will hinder the delivery of environmental protection and **delivery of a 'Living Wales'**.

WTW are also concerned that the formation of the new body will have a significant impact on legacy staff and is of the view that culture change management should be a key feature of the process.

There is still confusion over which functions of the current three bodies will be transferred to the new bodies, which will not be transferred and which are still under discussion. WTW are aware of duties in relation to the Aarhus Convention¹ which the UK are signatories to. In the environmental sector for example, National Park Authorities and those constituent Authorities responsible for Areas of Outstanding Natural Beauty are directly accountable to their local communities through their elected representatives. Accountability and the ability to engage with local communities are important aspects of effective environmental management and promoting a culture of environmental law awareness; both should therefore be retained.

WTW are also keen that some of the important non-statutory functions, such as education and awareness raising, are retained. In addition, we would welcome these functions becoming statutory duties.

It is not clear how services provided outside of Wales by the UK arms of the legacy bodies will be secured. For example, the FC's GB functions such as research, standards setting, woodland survey and monitoring must be secured for Wales. Furthermore, questions remain regarding how

¹ <http://ec.europa.eu/environment/aarhus/>

the new body will relate to DEFRA and JNCC. There is also a lack of recognition of the need to clearly address cross-border issues. This includes the need to work efficiently and effectively with other UK agencies at a European and International level.

Objectives

To accompany its clear purpose, the SB must also have measurable objectives. However, current objectives are almost without exception focused on resource use and the benefits from natural resources. If it is agreed that the primary purpose of the SB should be to protect and enhance the Welsh natural environment, WTW would expect measures of success to include the following outcomes:

- Bringing sites into favourable condition; seeing no net loss of biodiversity and reversing declines in priority species and habitats.
- Improving water quality (freshwater and coastal).
- Furthering the principles of European Landscape Convention, i.e. championing protected landscapes.
- Improved physical access to, and intellectual understanding and awareness of, the environment.
- Enhancement of the cultural heritage of Wales.
- Timely publication of advice which allows stakeholders to be informed and engaged prior to any decisions.
- Undertaking of research to constantly improve the delivery of the body.

Sustainable Development

The single body's 'central organising principle' is to be sustainable development; this will only be positive move if applied appropriately. However, the definition of SD will be critical and an equal emphasis given to all three pillars of SD. WTW would be concerned if we were to lose a voice for biodiversity within if SD is the new focus would lead to a downgrading of the role of CCW (e.g. research and conservation of species and habitats for their inherent value). If the SB's primary driver is SD, there is no statutory voice for biodiversity outside a development framework.

SD appears to be only one of many competing priorities within the WG rather than the overall guiding principle that sets priorities for all departments. Whilst, in theory SD includes the environment, economy and social aspects in equal terms, many people view the environment in terms of energy, waste and transport and not biodiversity. Therefore, a 'Living Wales' and the SB need to champion biodiversity, both for its intrinsic value but also to be able to take an ecosystem services approach.

Without biodiversity, and its natural process, healthy habitats cannot be achieved. Without this you cannot take an ecosystem services approach and therefore exploiting any available ecosystem services will further degrade the system. In other words you can't just take the end product without investing in your raw materials.

In addition, the fact that WG failed to achieve the 2010 biodiversity target; this wasn't due to a lack of process or will, rather a lack of resources for delivery. Therefore, significant investment in restoring natural systems and process will need to be put in place in order that multi-functional benefits can arise. Instead, there seems to be an oversimplification of this systematic process and a lack of acknowledgement that the SB will need to 'explain' the need for investment into biodiversity to realise a 'Living Wales'. We therefore hope that the re-investment of the expected £68 million savings, from the merger, over 10 years will be targeted towards on the ground delivery.

For this approach to work, the three pillars of SD have to be integrated together rather than traded off against each other. It will require buy in from all levels and all departments of Government sponsored bodies, those organisations that they fund, and their supply chain. In this way, the SB can affect powerful change.

Despite its inclusion as a clear principle within W G 'One Wales, One Planet'² report, the SB consultation does not set out how Wales will 'live within environmental limits'.

Third Sector Engagement

To increase resources, a key factor is that the environment has to become more relevant to the people of Wales. WTW would like to highlight to W G the need for open and effective communication with all partners and stakeholders involved in the process of creating the SB.

To this end, the Welsh Wildlife Trusts alone have more than 28,000 members; manage over 200 nature reserves which cover more than 6,000 hectares of prime wildlife habitat. They also hold over 8,000 events per year achieving direct contact with over 10% of the Welsh population, and are actively engaged in restoring biodiversity and ecosystem services to large swathes of the Welsh landscape.

WTW welcomes the commitment to '*... new and innovative approaches and partnerships for delivery, including working with third sector partners and local authorities*'. WTW looks forward to working closely with the SB to deliver a 'Living Wales'. The third sector and the Wildlife Trusts in particular, are uniquely placed to increase resources through volunteers and external funding.

We have documented evidence of how we add value to the legacy bodies' work and we would not want these relationships to be diminished in any way. One example of best practice is the WTW and CCW Concordat Strategic Partnership. This is an equal partnership designed to maximise limited resources to enable both organisations to deliver their corporate plans together. This partnership is in its 5th year and last year - this partnership received £368,966 of W G funding which enabled the release of £1,117,896, involved hundreds of volunteers and enhanced **Wales's biodiversity**.³

We feel that this demonstrates how working in partnership increases benefits to both the environment and people in Wales. WTW would also like to highlight that these benefits are only possible when working in partnership. If there were to be a shift to procurement based funding in the new Body, this would preclude **this ability to 'add value'**. WTW would also like to draw attention to the principles set out in the Environment Compact⁴ which sets out principles of how statutory environment organisation work with the voluntary sector.

It is not clear how and which project team will ensure that third sector organisations are integral to the outcomes of the SB. In fact there are worrying signs that the new body will be procurement based, looking at the cheapest, rather than best value for delivery. Stakeholders should feel involved and able to influence (in a genuine two-way process). These principles must be cultivated to realise maximum potential for collaboration with partners.

It is WTW's view that delivery mechanisms need to be developed with stakeholders thus ensuring resources for the delivery of a 'Living Wales'. We hope this is in line with the government's communication ethos and that there will be an opportunity for genuine public debate and consultation before firm positions or proposals for changing the current arrangements are adopted.

Taking an Ecosystem Services Approach

WTW welcomes and acknowledges that '*... developing and implementing an ecosystem services approach is a major challenge and would put Wales at the forefront globally on delivering sustainable development*'.

It is WTW's view that delivery mechanisms need to be developed with stakeholders thus ensuring resources for the delivery of a 'Living Wales'. The Wildlife Trusts have ambition to develop 12 Living Landscapes project across Wales. Although we have been able to attract resources from

²Welsh Government, 2009 'One Wales: One Planet, The Sustainable Development Scheme of the Welsh Government'

³ CCW/WTW Report 2010, 'Protecting Wildlife Together'

⁴ <http://www.walesenvironmentcompact.org/>

our traditional funding base and from the legacy bodies, this is not sustainable. We need to develop new markets with WG which will attract the necessary levels of investment needed to create healthy ecosystems to deliver ecosystem services. WTW are examining new market mechanisms such as Land Bank⁵ and Environmental Bonds and Payments for Ecosystem Services (PES)⁶ and would welcome developing these aspects with the SB.

Designated Sites

Designated sites in Wales represents some of the best examples of key habitats and areas where threatened species can still survive. Unfortunately, they don't represent all the examples or all areas that are important for wildlife.

WTW believe that securing environmental assets can only be done by building on the measures already in place, and what has been achieved so far, in order to enhance and safeguard Wales' natural environment. The protected sites approach has proved successful, to an extent, in defending wildlife where it remains. Protected sites including Natura 2000, Ramsar, SSSIs, Local Wildlife Sites and future Marine Conservation Zones (MCZ) continue to be crucially important. However, it is vital that these designations are given the opportunity to succeed and therefore need adequate resourcing to manage and enforce these sites so they are able to fulfill their objectives. Continued protection and effective management is essential to maintain the base **on which Wales's** biodiversity (and thus ecosystem services) can be built.

Therefore, any review in number or area of sites would need to be science based argument to show that it would create better outcomes for biodiversity. Therefore, the Wildlife Trusts have not welcomed the rhetoric of a '**reduction**' in sites, and are concerned that the process surrounding designated sites is unclear and in some places contradictory. The Wildlife Trusts have been heavily involved in Professor John Lawton report '*Making Space for Nature*'⁷ where there is a call for, "more, bigger, better and joined", protected areas to enable an ecological network. Therefore, WTW would suggest that the WG should review its designated sites in light of this report and consider designating further sites in the future.

Regulation Review

WTW still remain to be convinced that there is a need for any regulation review except that needed to form the new body, and welcome the recent Law Commission work. However there has been considerable political rhetoric **that the new body should 'streamline environment** regulation'. This is despite the recent red tape challenge showing that people wanted to see further environment regulation.

The current management and regulatory measures are not inherently at fault at failing to deliver environmental gains but it is how they are, or are not, implemented or resourced that is at the root of the problem. The Wildlife Trusts would resist any moves to water-down existing legislative instruments, including removing the '**precautionary principle**'.

WTW are particularly concerned of promises made within the document to achieve '.....earlier and more constructive resolutions to conflicts.....'. All organisations want to see the simplification of the administrative process but there are times when environmental assessments will be required over certain time frames.

We feel it would be more constructive to increase knowledge and awareness of environmental requirements to prompt early investigations. WTW are not sure what is meant by more constructive resolutions? We would welcome that, if it meant fully utilising the 'precautionary principle'. Therefore, objecting to developments early in the process, that have the potential to cause degradation to ecosystem services and its underlying biodiversity. Thus, saving both time and money on all sides.

⁵ <http://www.environmentbank.com/>

⁶ <http://archive.defra.gov.uk/environment/policy/natural-environment/documents/payments-ecosystem.pdf>

⁷ DEFRA 2010, '*Making Space for Nature: A review of England's Wildlife Sites and Ecological Networks*'

We would also welcome the fully implementation of the 'polluter pays principle'.

Marine Environment

At 15,000km², the Welsh marine environment almost doubles the size of Wales. However, WTW feel that this is not reflected in the limited consideration of marine issues within the consultation, and believes that more detailed attention to the role that the new SB in the management of the dynamic marine environment is needed.

The marine environment provides numerous ecosystem goods and services, contributing £2.5 billion to the Welsh economy each year, £700 million of which is from coastal tourism. Whilst difficult to quantify, work to value the benefits our marine ecosystem goods and services provide is increasing, highlighting the social and economic contributions our marine environment makes, and therefore the value of maintaining its health for the future. For example, it is estimated that the oceans absorb between 30 – 50% of the CO₂ produced through the burning of fossil fuels, while between 45 – 70% of the available oxygen comes from photosynthesis in the oceans. However, for us to continue to benefit from these services, we need to first ensure that they are underpinned with a healthy marine environment, and thriving marine biodiversity. Only when this has been achieved, can we look to gain the benefits from the ecosystem services provided.

WTW is calling for current marine legislation, including the Marine Strategy Framework Directive and notably the Marine and Coastal Access Act 2009, to be swiftly and effectively implemented in Wales, to enable sustainable management of Welsh seas and adequate protection of marine wildlife. However, WTW believes that the implementation of legislation and the practical application of the ecosystem approach in Wales are currently being affected by resource and capacity constraints, within both the statutory bodies and WG to deliver areas of work. For example, this is creating difficulties in developing marine planning and achieving favorable conservation status for Marine Protected Areas.

Whilst our awareness and knowledge of the marine environment is improving, the consultation does not recognise the need to invest significantly in furthering our understanding of this dynamic and complex environment. Furthermore, there needs to be a strong relationship between marine planning and marine licensing to achieve sustainable development in the marine environment. However, to achieve this, the Marine Team within the new Body will need to additional resourcing to undertake research and surveys in order to have a robust science based approach to these issues.

WTW agrees with the WEL's concerns that the proposed transfer of marine licensing from the WG into the SB raises further concerns in regards to transparency of process between a body that both permits and provides its own advice. Additionally, it raises concerns that there will be no increase in capacity of the new body, beyond that of absorption of new staff and the existing workloads, in relation to marine environment. We would like to seek assurance that existing regulatory bodies will be able to maintain the level of service during transitional periods. The consultation raises concerns over terrestrial EPS licensing and potential conflict caused by the permitting body also acting in an advisory role. It should also be noted that EPS licensing also applies to marine protected species such as harbor porpoise, bottlenose dolphin, grey seals and a number of other marine species.

Furthermore, consideration of the marine environment regarding the theme entitled "protecting, maintaining, improving and developing our natural resources" appears to be limited to protected sites, the wild bird index and bathing water quality. However, WTW would welcome the inclusion of further indicators, particularly to determine the success of a well-managed network of Marine Protected Areas.

WTW believes that there should be greater consideration and integration of the land and sea interface. The document appears to place its emphasis on management of the terrestrial

environment, with little consideration of the new Body's role in protecting the marine environment, despite the obvious benefits of providing an integrated approach to natural resource management. For the ecosystem based management in Wales to be effectively achieved, it is crucial that greater integration of marine and terrestrial management is considered. We welcome the introduction of marine plans for the inshore and offshore area to provide strategic and long term plans for the management of the Welsh marine area.

Expertise and Transparency

An emphasis must be given to enable the new body to have both the capacity and expertise to provide science-based advice to government both in terms of policy development and casework. The new body will have, within its estate, some of the prime wildlife habitat in Wales. Therefore, there needs to be capacity to manage, monitor and enforce the protection of these habitats and associated species. The new body should be recognised within science and academia by undertaking research, publishing its findings and providing advice.

Having a respected, independent and transparent body is critical for the WG decision making process to be respected. However, the Wildlife Trusts remain concerned that there will not be sufficient human and financial resources made available to ensure this. One test will be if there is sufficient expertise within the new body proportional to its obligations within the Section 42 list.

While the legacy bodies deliver government policy, we believe that to be fully effective, they need to have a significant and recognisable degree of independence from government. This is the case for instance, where an agency exercises regulatory powers over government (e.g. Environment Agency) or has quasi-judicial powers (e.g. through a statutory or advisory role related to the planning system, or the protection and designation of sites or areas of national conservation significance) for which WG is the ultimate decision-maker.

A lack of independence in such cases could leave the government open to challenge under EU legislation such as the Human Rights Act. Moreover, environmental policies should be informed by sound scientific evidence, which in turn requires an independence of judgment. Reviews of Environmental Governance elsewhere (for example the Macrory Report 2004, relating to Northern Ireland) have highlighted this need for formal independence from government.

From: Nitz, Tracey [Tracey.Nitz@eon-uk.com]

Sent: 02 May 2012 17:14

To: SEB mailbox

Subject: E.ON response to Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

Attachments: Welsh Government Consultation E ON response_final.pdf

Please find attached E.ON's response to the consultation on proposed arrangements for establishing and directing a new body for the management of Wales' natural resources. We look forward to your response to the consultation responses and further details about the proposals.

Regards

Tracey

Tracey Nitz

Corporate Environment Manager

E.ON UK

Westwood Business Park

Westwood Way

Coventry

CV4 8LG

t: 02476 183864

m: 07515 752612

Disclaimer Notice

This message and any attachments are confidential and should only be read by those to whom they are addressed. If you are not the intended recipient, please contact us, delete the message from your computer and destroy any copies. Any distribution or copying without our prior permission is prohibited.

Internet communications are not always secure and therefore the E.ON Group does not accept legal responsibility for this message. The recipient is responsible for verifying its authenticity before acting on the contents. Any views or opinions presented are solely those of the author and do not necessarily represent those of the E.ON Group.

E.ON UK plc, Westwood Way, Westwood Business Park,

Coventry, CV4 8LG.

Registered in England & Wales No. 2366970

Telephone +44 (0) 2476 192000

Fax +44 (0) 2476 42 5432



Natural Resources Wales – Proposed arrangements for establishing and directing a new body for the management of Wales’ Natural Resources

Consultation by Welsh Government

Response by E.ON

We support the principles of natural resource management that the Welsh Government has outlined in this and related consultation documents. The Welsh Government proposes a unique approach to pursuing sustainable development – we support this approach in principle and look forward to further details about its implementation. We are, however, surprised that there is no mention of the role of renewable energy within this approach. We hope that such details will be consulted on in future.

We particularly support the principles of simplifying the institutional arrangements, modernising and simplifying the regulatory and management framework. We also welcome the intention to identify a single set of priorities, plans and objectives between the formerly separate bodies in Wales. We hope this does achieve the objective of overcoming differences between those bodies which have occurred in the past, which have caused delays and prevented clarity of the Welsh Government’s expectations of businesses.

We do, however, have concerns about how the Welsh Government will ensure consistency in their approach with that of the environment agencies in England, Scotland and Northern Ireland. We are already seeing divergence in environmental regulation between England and Wales and Scotland. We have serious concerns about the implications of this for business in general, but also specifically for businesses such as our power generation sites that are operating in a common electricity market across Great Britain. This divergence in regulatory approach is likely to create greater inconsistency and uncertainty for such industrial activities, increasing the regulatory burden on them. Therefore, we believe that cross border coordination must be a high priority as part of any changes to the approach to environmental regulation in the UK. We look forward to receiving more detailed plans about how consistency will be ensured. We believe there is an opportunity for the Welsh Government to play a lead role in improving coordination between all environmental authorities in the UK.

Information about how changes to legislation and regulations will work in the proposed arrangements between Wales and England is lacking. Specifically, how will disagreements between the various arrangements be resolved?

Another concern is that the Environment Agency Wales will be regulating approximately 300 sites; this is a fraction of the number of sites currently regulated in England and Wales by the Environment Agency. We have concerns about how the Environment Agency Wales will ensure its officers maintain the specialist expertise, for example in emissions monitoring, which is required to

effectively regulate sectors such as power generation. We hope the Welsh Government will provide further information about how it will address this issue.

The Environment Agency Wales is proposed to become the competent authority for the EU Emissions Trading Scheme (EU ETS). The EU ETS is a significant issue for many sectors, which may not be a focus area of the new environmental body in Wales but has significant ramifications for business if it is not regulated effectively and with the right level of expertise.

Another specific concern for our organisation is how our Connah's Quay power station, which is located in North Wales but is currently regulated by the Warrington office of the Environment Agency. Will this station continue to be regulated by the Environment Agency in England or by the Environment Agency Wales. The station currently has a permit variation in process. While we expect this to be concluded by the time the proposed changes take effect, we would like further details about how such situations will be managed as part of the transition.

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

We support the proposals in principle. However, we would like to see more details about how the objectives of the bodies will be aligned, particularly when they have held conflicting views in the past.

We also support improvements in the planning process and having a single point of contact, however we would like further details about how the proposed changes will impact the planning process. Specifically, what role and powers the new body will play in the planning process.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

As discussed above, we would like more information and further measures about how consistency between and coordination with other environment agencies within the UK will be monitored and managed.

Question 3: What are your views on this phased approach? How could we improve on it?

We support the proposed phased approach, provided the Welsh Government continues to ensure appropriate consultation and engagement to implement their ambitions fully. We also believe that an ongoing process for seeking and responding to feedback is essential throughout this process.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

We believe that the proposals have the potential to provide a good basis for the principal aim and strategic outcomes of the body, provided they simplify environmental regulation, ensure consistency and remove conflict and duplication. We welcome the proposal to develop standards and guidance to provide regulated industries with greater certainty and transparency.

Question 5: What are your views on the approach to the delivery framework?

The approach to the delivery framework appears adequate, provided the principles of transparency, clarity, consistency, accountability and feedback and learning are adhered to.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

Yes.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

We have no issues with the proposals.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Yes, provided there is sufficient coordination and removal of duplication.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

Yes, provided there is coordination with other UK environmental regulatory agencies and the new body is sufficiently transparent and consistent.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

No.

Question 11: What are your views on these aspects of the regulatory arrangements?

None.

E.ON
May 2012

From: Conor O'Gorman (Policy) [Conor.Ogorman@basc.org.uk]

Sent: 02 May 2012 17:16

To: SEB mailbox

Cc: Meurig Rees (Wales); Derek Williams (Wales)

Subject: BASC response to Natural Resources Wales consultation

Attachments: BASC response to Natural Resources Wales consultation.doc

Dear Sir/Madam,

Please find attached BASC's response to the consultation entitled "Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources".

Please acknowledge receipt of the response.

Regards,

Conor.

Dr Conor O'Gorman

Policy Development Manager

The British Association for Shooting and Conservation

BASC, Marford Mill, Rossett, Wrexham LL12 OHL

Landline: +44-1244-573-035

Mobile: +44-7766-7766-39

conor.ogorman@basc.org.uk

Key Issues - [click here for updates of interest to shooters](#)

Consultations - [click here to get involved](#)

Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify me at Conor.Ogorman@basc.org.uk then delete it.

BASC may monitor email traffic. By replying to this e-mail you consent to BASC monitoring the content of any email you send or receive from BASC.

Any views expressed in this message are those of the individual sender, except where the sender specifies with authority,

states them to be the views of the British Association for Shooting and Conservation. BASC can confirm that this email message and any attachments have been scanned for the presence of computer viruses but recommends that you make your own virus checks.

Registered Industrial and Provident Society No.: 28488R. Registered Office: Marford Mill, Rossett, Wrexham, LL12 OHL.



Ms Carrie Moss
Department for Environment and
Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

Derek Williams
Country Officer
BASC Wales,
The Station House,
Caersws, Powys,
SY17 5HH
derek.williams@basc.org.uk
Tel: 01686 688 861

Submitted by email to: SEB@wales.gsi.gov.uk

Date: 2nd May 2012

Dear Ms Moss,

BASC Wales response to the Welsh Government's consultation entitled Natural Resources Wales: proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

The British Association for Shooting and Conservation (BASC) is the largest representative body for sporting shooting with 7,000 members in Wales and 130,000 members throughout the UK. It aims to promote and protect sporting shooting and the wellbeing of the countryside. It actively promotes good firearms licensing practice, training, education, scientific research and practical habitat conservation. BASC believes that all who shoot should conduct themselves according to the highest standards of safety, sportsmanship and courtesy with a full respect for their quarry and a practical interest in wildlife conservation.

BASC's expertise in shooting matters is widely recognised and is routinely consulted in Wales by the Welsh Government, Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales.

BASC realises that the Environment Agency Wales has few responsibilities for sporting rights in Wales but BASC acknowledges its involvement in existing leases for wildfowling. BASC also acknowledges the agency's role in flood defence and water quality management and its importance for sporting shooting, biodiversity, conservation and project funding for BASC's Green Shoots project within riparian habitats. Environment Agency England has in the past revoked wildfowling leases due to managed retreat schemes. However, it has provided a compensatory habitat for the wildfowling clubs affected. Should such exceptional circumstances arise in Wales BASC recommends that the new Single Environmental Body adopts a similar policy in order to safeguard wildfowling sites.

The Countryside Council for Wales (CCW) has statutory involvement in legislation and conservation sites affecting sporting shooting in Wales and therefore has a direct involvement in decision making on sporting shooting. It is a major supporter of the BASC Green Shoots project, helping to deliver its biodiversity targets. CCW's role as the statutory agency directly responsible for maintaining the status of SSSIs and SACs means that it has a major influence on existing and new shooting consents, be they on land, foreshore or over water. The legislative decision making can at times be prolonged due to cross-agency agreements, therefore one hopes the new Single Environmental Body could move forward to conclusions at a faster pace.

Forestry Commission Wales do not provide any sporting leases other than historical shooting rights. However, it allows the flushing of foxes with hounds from forest estates to be dispatched on private land as a method of fox control for farming, game shooting and other related businesses and organisations. BASC feels that this approach is at odds with England and Scotland and that there is a potential opportunity for the Single Environmental Body to consider game and deer stalking leases in view of the economic benefits it could potentially bring. BASC Wales can provide a structure used by BASC for its deer stalking members in England and Scotland could be adopted in Wales. Deer stalkers offer an important resource for the control of deer in woodlands, preventing significant damage to crops, flora and fauna and newly planted trees. Where farms have shooting interests more woodlands are planted, helping towards national targets and habitat creation, including improving biodiversity.

Sporting shooting is worth £73 million annually to the Welsh economy and manages over half a million hectares of land in Wales¹ for quarry species and wildlife.

Sporting shooting has strong and positives role with realising the ecosystem approach to land and resource management.

Sporting shooting's relationship with the following ecosystem services is positive:

- *provisioning services* - food production. In 2004 the number of waterfowl and gamebirds shot was over 19 million, 99% of which where destined for the human food chain. Also over 120,000 deer were shot by recreational stalkers and over 3.4 million woodpigeon in the course of protecting crops from serious damage. This makes a small but significant contribution to the over food requirements of people as this food is secured locally of most often consumed locally.
- *cultural services* – over 600,000 days shooting takes place in Wales each year which provides an indication of how important shooting is for people's appreciation of landscape and biodiversity, recreation, well being and tourism.

¹ Source: an independent study called *The Economic and Environmental Impact of Sporting Shooting in 2006* (www.shootingfacts.co.uk)

- *regulating and supporting services* – the habitat management and creation provided because of shooting in Wales supports these services. The management of at least half a million hectares of land in Wales is influenced by sporting shooting and over 40,000 hectares is managed directly for sporting shooting. Over £9.6 million is spent on improving habitat and managing wildlife by shooters.

BASC Wales recognises the difficult task undertaken by the Welsh Assembly Government in restructuring three existing agencies into one Single Environment Body for Wales.

BASC Wales requests involvement in the decision making process where relevant to sporting shooting interests.

BASC Wales requests involvement in the setting up of the new outdoor recreation body to ensure that opportunities to promote shooting are not overlooked.

BASC Wales requests recognition by the new Single Environmental Body of the contribution of sporting shooting to the Welsh economy and the environment.

Yours sincerely,

DEREK WILLIAMS
Country Officer
BASC Wales

From: Rachel Evans [rachel-evans@countryside-alliance.org]

Sent: 02 May 2012 17:24

To: SEB mailbox

Subject: Consultation response

Attachments: Countryside Alliance response.doc

Dear Carrie Moss

Please find attached our observations on the consultation re: single environmental body for Wales. We will be responding in greater detail to the Sustaining A Living Wales consultation.

Yours Sincerely,

Rachel

Rachel Evans

Director for Wales

Countryside Alliance

Tel: 07825 337978

Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

2nd May 2012

Dear Carrie

The Countryside Alliance welcomes the opportunity to respond to the Welsh Assembly Government's consultation on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

Whilst we have not responded to individual questions, we would like to put forward some of our observations.

We welcome the proposal to bring together the Environment Agency Wales and Countryside Council for Wales and we can also see the rationale for bringing the Forestry Commission for Wales within the new body as well. However, we note and share the concerns regarding the Forestry Commission for Wales expressed in the Environment and Sustainability Committee's recent report 'the business case for a single environment body' published this month.

This new single body will be bringing together a very wide range of experts and powers which will impact on every aspect of rural life from farming, water management to recreation and wildlife management. There is undoubtedly a strong case, as set out in the consultation document, for rationalising the existing arrangements, removing areas of duplication and making better use of resources. However, the Countryside Alliance Wales would seek assurances that in creating this new body that the vital expertise found within the existing bodies will not be lost and that the new body will be adequately resourced.

One of the key benefits of bringing together the existing organisations is to ensure the coherent implementation of sustainability policy across a wide range of areas and to ensure proper joined up decision making. However, this will only happen if there is a shared vision amongst those leading and working for this new body. Sustainability must not be limited to, or confused with, environmental protectionism. Sustainable development must look at environmental, social and economic factors together and realise that without vibrant welsh communities addressing climate change, encouraging biodiversity etc simply cannot happen. As such we believe more needs to be done to

ensure public understanding that the new agency is as much about sustainable communities as it is about environmental protection.

We would also point out that if a new body is to command the confidence of those who live and work in the countryside and who enjoy its recreational benefits then it is also vital that in exercising its functions it must operate in a transparent and accountable fashion. There must be full engagement with stakeholders, individuals and local communities all of whom will be directly impacted by the work of this body and the decisions it takes. This will be particularly important given that it will act as both a permitting body and have its advisory role.

The Countryside Alliance Wales believes that local community engagement is essential and that local people are most often those best placed to identify solutions to local problems. This is particularly the case in areas such as the delivery of local affordable housing. However, it is equally true in areas such as land and wildlife management.

While broadly supportive of the proposals we believe there is much still to do and significant areas where greater clarity and assurances are needed. We would respectfully suggest that the timetable is perhaps a little ambitious, but look forward to continuing to contribute to this process which is of the greatest interest to our members across rural Wales.

We will be responding in due course to the consultation “Sustaining A Living Wales – a green paper on a new approach to natural resource management in Wales” delivery of which would seem to fall to the proposed new body.

Should you wish to contact me please do so.

Yours sincerely,

Rachel

Rachel Evans
Director for Wales
Countryside Alliance
Gosen
Llangadog
Carmarthenshire
SA199LS
Tel: 01550777997

From: Jason Reeves [jasonreeves@ieem.net]

Sent: 02 May 2012 17:29

To: SEB mailbox

Subject: Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources (Welsh Government)

Attachments: IEEM Nat Res Wales response May2012.pdf

Dear Sir/Madam

Please see attached for the IEEM response to the above consultation.

Thank you and best wishes,
Jason

Jason M. Reeves AIEEM

Policy and Information Officer and In Practice Editor

INSTITUTE of ECOLOGY and ENVIRONMENTAL MANAGEMENT

43 Southgate Street, Winchester, Hampshire, SO23 9EH, UK | Tel: +44 (0)1962 868 626 | jasonreeves@ieem.net | www.ieem.net

2012 Summer Conference – "Enhancing Biodiversity through Soil Management" – 13 June 2012, London
BOOKINGS NOW OPEN – www.ieem.net/conferences.asp

IEEM is a company limited by Guarantee and registered in England and Wales at Companies House, Cardiff, No 2639067.

The information in this email is confidential and intended to be solely for the use of the addressee. If you have received this message in error, please inform IEEM immediately and delete the message from your computer. Copying, distributing, using or disclosing its contents is strictly prohibited. Whilst IEEM makes every effort to keep its systems virus free, it is your responsibility to check/scan all messages and attachments if any. No responsibility can be accepted by IEEM.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

CONSULTATION

Response Document



Institute of Ecology and Environmental Management

43 Southgate Street
Winchester SO23 9EH
Tel: 01962 868 626
Fax: 01962 868 625
enquiries@ieem.net
www.ieem.net

**Natural Resources Wales: Proposed Arrangements for Establishing
and Directing a New Body for the Management of Wales' Natural
Resources
(Welsh Government)**

2 May 2012

IEEM Company Limited by Guarantee, No. 2639067
Established 1991

Introduction

The Institute of Ecology and Environmental Management (IEEM), as the leading membership organisation supporting professional ecologists and environmental managers, welcomes the opportunity to comment on the **Natural Resources Wales consultation**.

Institute of Ecology and Environmental Management

IEEM was established in 1991 and currently has approaching 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

IEEM is a member of:

- Society for the Environment
- European Network of Environmental Professionals
- IUCN - The World Conservation Union
- Europarc Federation
- Professional Associations Research Network
- United Nations Decade on Biodiversity 2011-2020 Network

Comments from IEEM

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

IEEM supports the desire of the Welsh Government to maximise efficiency and integration through the creation of a single body to oversee the management of Wales' natural resources. We particularly welcome that "*the new body would have a clear remit to protect the environment*" (Para 6.6.3), and trust that mechanisms will be put in place to ensure that this remains at the core of delivery in the context of 'balancing' the priorities of the new body's various functions, and that the safeguard (and enhancement) of biodiversity is central to this, particularly in relation to provision of ecosystem services.

IEEM is concerned over the timing of this consultation, as it is taking place prior to the outcome of the Living Wales natural environment framework consultation. Seeking arrangements for the single 'environmental' body before asking about the needs of the natural environment in Wales appears to be putting the cart before the horse.

With reference to the factors driving change, we are disappointed to note that these do not cover the challenges facing the natural environment, but rather focus on regulation, Government priorities, and financial efficiency – these are not the only reasons to create a new body.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

Section 2.4 on Stakeholder Concerns highlights only two of the many stakeholder groups, namely forestry and industry. The single body must be an all-encompassing entity that does not unnecessarily prioritise one function over another.

Question 3: What are your views on this phased approach? How could we improve on it?

IEEM is concerned that the new body will find itself predominately focused on the regulatory and enforcement aspect of its role and less so on delivery. IEEM urges the Welsh Government to ensure that along with the obvious priorities of commercial forestry and flooding management, that the protection and enhancement of the natural environment is encouraged through innovative and creative approaches. The new single body must have a clear remit that includes the protection and enhancement of biodiversity and ecosystems.

In having an all-encompassing role in advice, regulation, delivery and enforcement, the IEEM welcomes the commitment to make the new body transparent and open in its activities in order to provide an independent and uncompromised voice (Para 6.6.3).

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

With reference to the ambition of the single body, IEEM highly recommends going beyond "securing healthy functioning ecosystems" to also include the protection and enhancement of biodiversity.

We do however support the Welsh Government for its commitment to science and evidence in informing its operational practice.

Further to the body being "*independent, respected and professional*", IEEM must stress the importance of maintaining the right technical skills, knowledge, expertise and competencies that will enable the body to deliver its aims and strategic outcomes both now and in the longer-term

for the benefit of people, the environment and the economy.

Question 5: What are your views on the approach to the delivery framework?

No comment.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

IEEM feels that the list of functions is broadly complete. However, we must highlight the omission of “preventing, managing and eradicating invasive species” as an important issue that has not been included in its broadest sense.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

IEEM supports the inclusion of marine licensing, species licensing, fisheries management and agri-environment schemes within the single body.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

No comment.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

As implied in response to Question 3, IEEM strongly recommends that the single body must be transparent and open in its activities and governance.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

IEEM supports the Welsh Government for its commitment to “more radical” approaches to stakeholder engagement. In addition, we hope that the reference to more locally-based decision-making will result in greater support for local government (amongst others) and its role in protecting and enhancing the natural environment.

Question 11: What are your views on these aspects of the regulatory arrangements?

As stated in response to Questions 3 and 9, IEEM strongly recommends that the single body must be transparent and open in its activities. We must also stress the importance of early engagement with all relevant stakeholders, and also that we recognise the importance of reducing costs on business, but that this must not be done by weakening regulation, nor by lowering the quality of the natural environment.

From: Roisin Willmott [roisin.willmott@rtpi.org.uk]
Sent: 02 May 2012 18:05
To: SEB mailbox
Subject: Natural Resources Wales - RTPI Cymru Response

Attachments: Natural Resources Wales RTPI Cymru Response.pdf

Please find attached a response from RTPI Cymru to the Natural Resources Wales consultation.

If you have any queries, please do not hesitate to contact me.

Regards,
Dr Roisin Willmott MRTPI
National Director / Cyfarwyddydd Cenedlaethol

RTPI Cymru
PO Box 2465
Cardiff / Caerdydd
CF23 0DS

Tel / Ffôn: 029 2047 3923
Mobile / Symudol: 07725 798 383
e-mail / e-bost: roisin.willmott@rtpi.org.uk
www.rtpi.org.uk

Find us on [Facebook](#) and follow RTPI Cymru on [@RTPICymru](#)

Registered Charity Number 262865
Charity Registered in Scotland SC 037841



RTPI

mediation of space · making of place
cyd drefnu gofod · creu cynefin

RTPI Cymru
PO Box 2465
Cardiff / Caerdydd
CF23 0DS

Tel / Ffôn: 029 2047 3923
email/e-bost: walespolicy@rtpi.org.uk
www.rtpi.org.uk

Registered Charity Numbers
England 262865
Scotland SC 037841

Patron HRH The Prince of Wales KG KT PC GCB

2 May 2012

e-mail response sent to: SEB@wales.gsi.gov.uk

Dear Sir/Madam,

RESPONSE TO: Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development. RTPI Cymru represents the RTPI in Wales, with 1,100 members.

This response has been formed drawing on the expertise of the RTPI Cymru Policy & Research Forum which includes a cross section of planning practitioners from the private and public sectors and academics from different parts of Wales.

General comments in relation to the consultation are set out below.

We support in principle the bringing together of the three bodies (Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales) into a single environmental body (SEB) for Wales. However, the proposal for the single environmental body will only work for planning if the various component organisations are able to agree a joint response on planning matters. A method for integrating comments must be built into their operational arrangements for plans, applications and national planning policy development. This will help to ensure that all internal SEB conflicts are resolved and there is clarity in the process.

We note Annex 1(1.5) of the consultation document confirms that the SEB will contribute to various strategies and policies including Planning Policy Wales and also Minerals Planning Policy Wales and Technical Advice Notes. It notes that these provide the policy framework for development plans and planning applications and further states that the new body would “retain a number of important statutory consultee roles in relation to the preparation of development plans and decisions on planning applications and development consent orders”. It also recognises the need to discharge its statutory planning function in an efficient and timely manner.

One of the main criticisms of the planning system and the cause of many hold-ups is the involvement of statutory consultees. Pro active engagement is a major tool for reducing risk and overcoming potential hurdles, particularly for development plans, planning briefs and major applications. Timing problems could be caused by the resourcing of this activity by statutory consultees, the priority they give to consultations on planning applications and a lack of appreciation of the fundamentals of the planning system by non-planning technical specialists involved in the process.

A positive development management culture needs to be adopted by statutory consultees to mitigate issues and promote and enable good projects. RTPi Cymru has previously called for clear cut-off time periods for statutory consultee comments and their pro-active involvement at an early stage of discussions, such as in pre-application discussions. Statutory consultees also need to become more involved in long term planning and to be more effectively engaged in Local Development Plans (LDPs) and the proposed Local Resource Management Plans. The existing and well established role of planning in protecting natural resources and promoting their sustainable use through development planning and development management activities needs to be coordinated with the activities of the new body to secure a complementary and coherent framework of plans and to achieve clarity for stakeholders and users. RTPi Cymru would be happy to meet with the relevant bodies in the future to discuss some of these matters further and would be pleased to assist with any training of the new SEB.

Figure 4.2 and Annex 1 of the consultation document sets out a list of strategies and policies that the new body would be expected to help deliver, ensuring a joined up approach. However, we note the Wales Spatial Plan (WSP) is not listed. If the WSP is not to be updated, the RTPi strongly suggests the need for the SEB to promote a joined up approach to the integration of their work with the planning of infrastructure, services and the various other service demands on land use. Otherwise, Wales could be faced with the spatial fragmentation and lack of coordination recently revealed in England. [New research](#), titled 'Map for England' commissioned by the RTPi from Manchester University shows that individual government departments now have more than 100 major maps for England relating to policies and programmes on the economy, transport, communications, housing and the environment. None are available in one place or through a single data source and can be very difficult to find as they are scattered across web sites and within departmental reports. With a more joined up approach policy makers could make better judgments about how individual policy proposals interact with and affect development of Wales as a whole. It would also increase consistency in appraisal, improve security and resilience, and provide a better understanding of sectoral issues that might complement or conflict with each other.

Page 18 of the consultation document sets out the proposed aim and strategic outcomes of the new body. An additional outcome might be to engage collaboratively with users and stakeholders, including those with planning responsibilities, and provide quality and timely advice and information to support the planning process that operates in the public interest.

Table 1 (pg 38) sets out the functions of the new body. Planning could be included in several more of the functional areas. As well as reference to development management (referred to in the table as control) there should be mention of advice and input to local planning authorities and LDPs.

Table 2 (pg 43) should include reference to collecting, collating and publishing data on natural resources and environmental factors.

Annex 5 (pg 62), an objective to complement and support the planning system, through LDP and development management advice and information, to achieve more sustainable development could be added. Also, in the customers section, some measure for timely responses to planning application consultations would be useful.

This response should be read in conjunction with our response to "Sustaining a Living Wales", a consultation by the Welsh Government that will be [available on our website](#) from the 31 May 2012.

If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or email Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Willmott', with a horizontal line above the 'i'.

Dr Roisin Willmott MRTPI
RTPI Cymru National Director

From: Communications [communications@wales.gsi.gov.uk]

Sent: 02 May 2012 18:05

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email: /consultations/forms/sebresponse/

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

(Unchecked)

Your name:

Cath Ranson, Development Plans and Conservation Manager

Organisation (if applicable):

Pembrokeshire County Council

Email / telephone number:

cath.ranson@pembrokeshire.gov.uk / 01437 775325

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single

Please note that this response is in draft and subject to confirmation, within the next week. As a local authority with a rich and diverse natural environment Pembrokeshire County Council is committed to the delivery of sustainable development, drawing on its unique rural, coastal and maritime environment, its strong sense of identity and its economic foundations, in agriculture, tourism, defence, industry, ports and energy / renewable energy. PCC is committed to ensuring that Pembrokeshire is prosperous and that it remains vibrant and special (Community Plan 2010) and is committed to partnership working to deliver this. Such work spans partnership working with all three bodies proposed for consolidation into the Single Body, for example the Pembrokeshire Biodiversity Partnership. In addition a number of authority functions involve the role of CCW, EAW and FC in their regulatory capacity. This response is in relation to those functions proposed for transfer to the Single Body for which PCC has a County wide interest, or for planning, in relation to the PCC Local Planning Authority area (ie excluding the national park). PCC would expect the arrangements for a single Body to result in: • A significant improvement in coherence of approach to delivering sustainable development, • Improved service to business, with a more timely, holistic and coherent approach to assessing the potential constraints to development • reduced risk of detriment to the natural environment / biodiversity • optimising opportunities to improve the economy of the county PCC has concerns that • streamlining services / striving for cost savings may result in a reduction in capacity

environmental body for Wales?:

to respond to planning and conservation matters leading to consequential brakes on the planning system and increased uncertainty for developers ? • A recent review in England (DEFRA, 2012 03) has identified a number of measures to achieve the more effective implementation of the Habitats Regulations to improve decision making: this could usefully be a consideration for the Single Body. PCC is broadly supportive of the WG proposal, but has a number of concerns that it would wish to see addressed: • Democratic accountability should balance Ministerial accountability with local scrutiny, • transparency of decision making, with mechanisms founded on sustainable development required for conflict resolution between different aspects of the Single Body's work; • Continued assistance is needed to support local biodiversity, countryside and sustainable communities; • Close co-operation will be required with local government to ensure clarity of roles and responsibilities within an integrated public service approach; • Functional efficiency will be required to ensure timely delivery of integrated services, particularly those that input into local government decision making on land use planning, emergency planning, community engagement and environmental protection; • Particular emphasis will be needed in translating the 'ecosystems services' approach into community understanding.

Co-ordinated input to planning and environmental protection decision making will be very welcome, but it will be important that such co-ordination doesn't come at the cost of timeliness of response. The new organisation will require sufficient resources to meet the demands placed on it.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?:

Communication within the new body must be sufficiently effective and efficient to achieve holistic responses to planning consultations within existing time constraints and without risk of conflicting advice Fundamental principle should be no detriment to the environment Choices over the location of the offices of the new body could have a significant impact on local economies and on access to specialist advice, particularly in response to emergency planning. Relevant local authorities will need to be kept fully involved in any such decisions and may be able to assist, for example in co-location of staff.

Question 3: What are your views on this phased approach? How could we improve on it?:

The full engagement of stakeholder and partners will be required to inform decision making on evolving legislation. Adequate transitional arrangements will be required for • phased amendments to legislation: eg that implementation of any new legislation impacting on Local Development Plans could be incorporated into the programmed review of the Plan, rather than causing delay to its initial preparation or prompting an un-planned review. • Implementation of strategies, such as the planned Water Strategy.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?:

Explicit reference is needed to: • the intrinsic value of biodiversity • a commitment to furthering the principles of sustainable development • the application of the aim of the strategic outcomes to land and sea.

Question 5: What are your views on the approach to the delivery framework?:

Clear measurable outcomes are needed, with a transparent monitoring framework, together with Stakeholder views to inform the proposed remit letter and quinquennial review.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?:

The tables could be improved by alignment with the aims and strategic outcome, to better identify gaps in delivery, such as economic opportunities arising from the ecosystems services approach.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?:

Consolidation of licensing into the Single Body would be a significant and welcome rationalisation, with added clarity for those seeking licences. The issues raised in relation to badger licensing are not considered sufficient as to justify the retention of this aspect of licensing by WG. Rather it is just one example of the wider potential for internal conflict of interest within the Single Body which demonstrates the need for clear separation within the organisation of operational and regulatory functions, the need for clear conflict resolution mechanisms and the need for transparency / external scrutiny.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?:

Co-ordination of WG investment in research could be improved by the establishment of a stakeholder research advisory group to inform identification of research priorities.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?:

The proposals are broadly agreed, subject to noting the need for local government involvement in the process of establishing the new body and representation on the Board of the SB. Governance arrangements should be locally responsive and subject to LG scrutiny at the local level, complementing the central scrutiny on behalf of the Minister.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?:

Clarity is needed with regard to the role and spatial extent of local committees as standing committees; Stakeholder input into research /evidence base preparation would improve credibility; The Single Body should feed in to a development team approach to economic regeneration planning and environmental protection, sub-regionally and locally, taking responsibility for its contribution to the timeliness of decision making.

Question 11: What are your views on the aspects of the regulatory arrangements?:

There needs to be clear functional separation within the organisation to separate out operational and regulatory functions. Full transparency in respect of self-permitting will be crucial.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them:

From: Andy Limbrick [andy.limbrick@energy-uk.org.uk]

Sent: 02 May 2012 18:24

To: SEB mailbox

Subject: ENERGY UK RESPONSE TO CONSULTATION ON "NATURAL RESOURCE WALES - PROPOSED ARRANGEMENTS FOR ESTABLISHING AND DIRECTING A NEW BODY FOR THE MANAGEMENT OF WALES' NATURAL RESOURCES"

Attachments: EnvC92-12 Energy UK Response to Welsh Govt Consultation on Natural Resources Wales 02-05-12 final.doc

Dear Ms Moss,

Please find attached our response to the above consultation.

Yours sincerely,

Andy Limbrick
Environment Consultant
Tel: +44 (0)20 7930 9390

Description:

EUK logoCMYK

www.energy-uk.org.uk

Follow us on Twitter: www.twitter.com/energyukcomms

Charles House
5-11 Regent Street
London SW1Y 4LR
United Kingdom

Energy UK is the trading name of the Association of Electricity Producers Limited, a company limited by guarantee, registered in England & Wales, Company Registration No 2779199. Registered office Charles House, 5-11 Regent Street, London SW1Y 4LR

AEP has merged with the ERA and UKBCSE to become Energy UK.

This message and any attachments are confidential and should only be read by those to whom they are addressed. If you are not the intended recipient, please contact us, delete the message from your computer and destroy any copies. Any distribution or copying without our prior permission is prohibited. Internet communications are not always secure and therefore Energy UK does not accept legal responsibility for this message. The recipient is responsible for verifying its authenticity before acting on the contents. Any views or opinions presented are solely those of the author and do not necessarily represent those of Energy UK.



Energy UK Response to Welsh Government Consultation on “Natural Resources Wales – Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales’ Natural Resources”.

2 May 2012

About Energy UK

Energy UK represents a wide spectrum of interests across the sector. This includes small, medium and large companies working in electricity generation, energy networks and gas and electricity supply, as well as a number of businesses that provide equipment and services to the industry.

We appreciate the opportunity to contribute to this consultation. Our responses to the individual consultation questions are set out below, followed by some general comments on issues that are not addressed within any of the specific consultation questions.

Consultation Questions

Q1. What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

Energy UK welcomes the proposals in principle. We consider that by taking an overall view based on a properly defined ecosystem approach giving sufficient weight to economic, social and cultural as well as ecological and wider environmental factors, the single environmental body (hereinafter the “Single Body”) will be able to make a substantial positive contribution to sustainable development in Wales. This applies especially to development management, working closely with local planning authorities and the expanded Planning Inspectorate (including the latter in its role as successor to the Infrastructure Planning Commission).

To achieve this will require the Welsh Government and the Single Body to develop an integrated policy position which balances economic, environmental (including ecological), cultural and social objectives. This in turn requires a culture change from the predecessor bodies (especially CCW). CCW has often appeared institutionally opposed to development, especially (but not only) in the case of onshore wind power. In our view, such a policy position is not compatible with the proposed role of the Single Body.

The focus of the Single Body (and its remit from the Welsh Government) needs to be on delivery of ecosystem services in both the short and the long term to people and businesses in Wales, rather than on conservation for its own sake. This is an active role, which will need to be discharged mainly by guiding, facilitating and regulating the activities of others, rather than a purely reactive regulatory role. The Single Body needs to facilitate the delivery of ecosystem services and their sustainable use by business and the community, while meeting the relevant specific legal requirements (such as those of the Habitats Directive).

A major challenge for the Single Body will be to strike the right balance between duties and priorities so that compliance with narrow statutory duties (e.g. the protection of European Protected Species) is delivered without frustrating the achievement of the Single Body's wider ecosystem services delivery and sustainable development responsibilities. In this respect, the Single Body will need to allocate fair and appropriate resources to environmental (including ecological) research and protection, development case work and licence compliance work.

Q2. In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

It is critical to the success of the Single Body that it resolves internally any conflicts between policies and priorities of its constituent units and presents externally a single united position and co-ordinated responses to developers, planning authorities (including National Park authorities) and other stakeholders. This co-ordination is often lacking, even within Environment Agency Wales, at present. Officers of the new body liaising with developers and local authorities need to have the responsibility and the necessary discretion and authority to mediate in a timely manner between conflicting requirements from its constituent parts, when contributing to development plans and responding to development proposals.

It is also of the utmost importance to the energy sector that the Single Body adopts an open and constructive approach to the provision of consistent environmental regulation across the UK. For example, Energy UK has expended considerable effort in the last year to bring together environmental regulators from England & Wales, Scotland and Northern Ireland to develop a UK-wide approach to the regulation of large combustion plants under the Industrial Emissions Directive. We would wish to see representatives of the Single Body participating in such discussions in future with the same spirit of co-operation and common purpose.

In addition to the concerns about potential conflicts of interest between the Single Body's operational and regulatory roles, we have concerns about the potential conflict between its roles as a regulator and as a landed proprietor of the Welsh forest estate.

In particular, it is our view that FCW's Wind Energy Programme (WEP) should ideally be kept outside the Single Body and be managed by the Welsh Government (who are in effect landowner and beneficiary of revenue should wind farms be built on the Welsh forest estate). This would eliminate, or at least move to an 'arm's length position' the potential for conflicts of interest between the roles of landowner and environmental regulator. Should the WEP be separated from the regulatory functions of the three predecessor bodies, we would expect to see as a consequence a more 'directive' approach to the Single Body to facilitate wind farm development on the forest estate on the part of the Welsh Government and a commensurate reduction in bureaucracy.

In this context, we welcome the proposal to allocate dedicated policy resources to forestry within the Welsh Government. We would suggest that the role of "proprietor" setting policy for the Welsh forest estate, as distinct from the role of "operational manager" of that estate, should reside with the Welsh Government itself.

Q3. What are your views on this phased approach? How could we improve on it?

The phased approach is a practical way forward given the timescales required for the legislative and other changes needed to give full effect to "Sustaining a Living Wales".

The Single Body is being set up before the ecosystem approach foreshadowed in “Sustaining a Living Wales” is fully incorporated in legislation and Welsh Government policy. However, the key role of the Single Body, beyond the very short term, will be to interpret and implement that approach, balancing competing calls on ecosystem resources. In these circumstances, it is critical that an institutional culture of delivery and facilitating delivery of ecosystem services to its customers (i.e. businesses, local communities and the general public) is established in the Single Body from the outset. Strong and decisive leadership of the Single Body and consistent policy direction and guidance from the Welsh Government will be essential to establish this culture in the Single Body from the start.

The existing approaches and cultures within the individual constituent bodies are not entirely appropriate for the intended role of the Single Body. They should not be allowed to become institutionalised in the Single Body by default, during the interim period before the new policy and legislative frameworks governing its functions are in place.

There remains considerable doubt and scope for debate about what is meant by an “ecosystem approach”. Simply because of its name, it is apt to be interpreted as meaning that priority is to be given to the protection of natural habitats and species to the exclusion of all other requirements. It needs to be clearly understood that this approach includes facilitating sustainable economic development and the sustainable use of natural resources. In this regard, we would specifically ask that in Section 4.1 of the consultation document, the reference to “developing our natural assets” should include renewable energy, which Wales has in abundance.

Q4. Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

As noted in our response to Question 1 above, we consider that the Single Body should focus on delivery and facilitating delivery of ecosystem services both now and in the long term. The conservation of ecosystems *per se* should be viewed as an important means to that end, rather than as the over-riding end in itself. We therefore suggest that the proposed aim of the Single Body should be re-phrased as follows to put the focus clearly on the delivery of benefits from Wales’ natural resources:

“To deliver benefit to the people and economy of Wales both now and in the long term through the maintenance, improvement, development and efficient sustainable use of Wales’ natural resources.”

We consider that the stated strategic outcomes give insufficient weight to economic benefits and the sustainability of local communities, whether in urban or rural settings. We would therefore suggest splitting outcome (1) into the following:

(1a) Contribute to the economic viability of Wales as a whole and of the communities within Wales;

(1b) Contribute to protecting public safety and promoting: public health, social and environmental well-being, and outdoor recreation.

Outcome (4) should positively encourage sustainable beneficial use of natural resources, especially genuinely renewable resources.

Outcome (5) could be construed as seeking only to mitigate and adapt to the effects of climate change. It should make clear that the Single Body should contribute to minimising the emissions causing climate change. Minimising such emissions generally would help mitigate the pressures on habitats and species brought about by accelerated climate change, although such mitigation cannot be achieved by action in Wales alone. Emissions contributing to climate change must be minimised without compromising outcome (1a).

Q5. What are your views on the approach to the delivery framework?

We strongly support the mechanisms set out in Section 4.5, especially the Annual Remit Letter and the detailed Financial Memorandum. There should be processes to scrutinise the Single Body's behaviour and performance in line with these mechanisms. This would be an appropriate role for a committee of the Assembly, but any such committee would need to have the supporting resources to carry out reviews and investigations at all levels of the Single Body's activities.

There should also be a process to allow the Single Body's customers (in the widest sense of the term) to challenge behaviour or performance (or lack of performance) which appears to be inconsistent with the Single Body's remit. This mechanism should preferably provide for such challenges to be referred to an independent ombudsman. Any such process should be primarily to deal with situations where the Single Body appears to be failing to implement its remit, including in its operational capacities and as a landed proprietor. It should not provide a route for applicants or third parties to challenge specific licensing or consent decisions of the Single Body, for which statutory processes for appeal to the Welsh Ministers should remain, or be established where they do not already exist.

Q6. Are the functions described in Tables 1 to 3 a reasonable summary of those required? How could they be improved?

There is some overlap and some inconsistency in the way areas of work are described and associated examples are expressed in Table 1. In particular the phrase "Environmental Permitting Regulations" includes several other items such as discharge consents. This could be rationalised.

Liaison with local planning authorities will be a very important means by which the Single Body can discharge its remit. In Table 1 this appears under several headings to which it is relevant, but only incidentally in each case (e.g. reducing the effect of pollution etc., climate change mitigation and adaptation, conservation etc. of ecosystems, conservation etc. of landscapes etc., among others). ***Input to town and country planning*** and development management should be viewed as a function of the Single Body in its own right. It should be made clear that the Single Body has a role in providing advice and input to both the development planning and development management processes. In the latter case it needs to include providing coordinated advice and input to prospective developers, as well as to local authorities, and this needs to be made absolutely clear.

There is a mention of the Infrastructure Planning Commission (now subsumed in the expanded Planning Inspectorate) in Table 1 as a body to which the Single Body will provide advice. However there is no explicit indication of the effect of the establishment of the Single Body on the consultation arrangements for Nationally Significant Infrastructure Projects under the Planning Act 2008. Logically, consultation with the Single Body should replace consultations with the Environment Agency, CCW and the Forestry Commission in relation to projects in or affecting Wales, and we would support this approach.

It must also be clear that the Single Body will be the appropriate nature conservation body, in relation to Wales, within the meaning of the Conservation of Habitats and Species Regulations 2010 (as amended). The effect on the consultation arrangements for cross-border projects and projects in either England or Wales having cross-border effects does however need to be fully thought through and defined. We would request the opportunity to comment on proposals for these and other cross-border arrangements which are not yet fully defined.

There is no mention of Forestry Commission Wales' Wind Energy Programme, neither is there any mention of the role of the Single Body in delivering UK and Welsh Government energy policies. Both of these should be included.

Under "Climate Change Mitigation and Adaptation", "Renewable Energy Programmes" are mentioned. The Single Body should not normally develop and operate renewable energy projects such as wind farms and hydro schemes on its own account, but should facilitate their delivery by the market and work with the market to develop renewable energy opportunities on Welsh Government land including the Welsh forest estate.

Q7. What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Energy UK supports the transfer of the Welsh Government's marine licensing functions to the Single Body, with appellate functions remaining with the Welsh Ministers. If possible, the existing recently established Marine Consents Unit should be transferred as a whole to the new body; it is important not to disrupt its functioning or lose the experience and expertise it has gained so far, often with the direct assistance of applicants.

With regard to wildlife licensing generally, we have no objection to the proposal to concentrate these functions in the Single Body. The present division of responsibilities is both unnecessary and confusing.

In the special case of badger licensing, we would support the concentration of this function in either the Welsh Government or the Single Body: it should not continue to be divided.

We would support the abolition of all Internal Drainage Boards in Wales and the transfer of their functions to the Single Body. This should significantly simplify obtaining the necessary consents for works such as cable routes or gas pipelines which may need to pass through an IDB area and whose construction may affect watercourses in that area.

Q8. Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

It is important that maximum benefit is obtained from all investment in environmental research and to this end continued co-operation between the relevant Government departments and agencies in all parts of the UK, including the Single Body, is essential to avoid duplication of effort.

We note with some concern that it is a "key priority for the Welsh Government" for the Single Body to take the opportunity to gather evidence of environmental issues on the ground in Wales to inform interventions. While we support the principle of gathering and recording environmental data, it has

been our experience that developers of major projects are frequently expected to undertake (and pay for) very extensive environmental surveys, whether by way of baseline surveys to inform environmental impact assessment, or ongoing environmental monitoring. It is developers' perception that these surveys, especially those required by CCW and those for offshore projects, have been required as much to advance underlying environmental knowledge as for the purposes of the particular project. The provision of this survey data therefore often amounts to what would be described, in a town and country planning context, as "planning gain". The Single Body should not seek or be encouraged to seek to use conditions of licences, permits or planning permissions in this way, unless it is strictly necessary to confirm the predictions of an Environmental Statement or to resolve a specific scientific uncertainty directly relevant to the project. Requirements for environmental monitoring should be limited to those which are reasonably necessary for the purposes of the particular development(s) in question, including for the purposes of effective enforcement of consent conditions.

In areas of particular environmental sensitivity, especially where there are several industrial activities in close proximity to one another that are required to undertake background environmental monitoring as a condition of their permits, there may be an advantage in setting up a local non-statutory joint group to co-ordinate environmental monitoring between the Single Body, local authorities, industry and possibly other local stakeholders. This would allow environmental monitoring activities to be co-ordinated, and the results to be pooled among the group's members. A group of this type (the Milford Haven Waterway Environmental Surveillance Group) already covers the Milford Haven waterway. A group along these lines might provide a suitable model for some other areas (not necessarily coastal) where industrial and ecological interests interact. The Single Body should consider promoting the establishment of such arrangements where they are deemed appropriate.

Q9. Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

We support these arrangements and in addition would like to see the suggestions included in our response to Q5 above implemented.

Q10. Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

We agree that over-prescriptive and inflexible statutory local and /or special purpose committee arrangements are best avoided. However local engagement by the Single Body will be essential. Any local committees which are established should include representatives of businesses in the locality concerned.

The Single Body should take advantage of, and participate in, existing established non-statutory local co-ordination and consultation arrangements, where these are relevant to its work.

Please also refer to comments made under Q8 above about establishing local non-statutory joint groups to co-ordinate environmental monitoring between the Single Body, local authorities and industrial interests where appropriate, on the model of the Milford Haven Waterway Environmental Surveillance Group.

Q11. What are your views on these aspects of the regulatory arrangements?

We consider that the constituent bodies are currently too fragmented: even within individual bodies different specialist groups tend to act in isolation. The present arrangements would be unlikely to meet the aspirations of the last paragraph of Section 6.6.3. Too often responses from the Environment Agency Wales (for example) to planning applications or consultations on proposed developments comprise a disparate set of specific, but unconnected and sometimes mutually contradictory requirements and requests. In some CCW responses it is not clear which points reflect serious concerns and which do not (and which hitherto unrecorded or spurious considerations cause “scope creep”).

It is critical that the decisions of the Single Body itself, and its inputs to the determination of planning permissions and other consents granted by local authorities and other agencies, are transparent and demonstrate objective and evidence-based decision making. Where there is genuine scientific uncertainty, the Single Body should address this reasonably and pro-actively using a risk-based approach. This is particularly relevant to assessments under the Conservation of Habitats and Species Regulations, where there can be very tenuous links to potential impacts on species, or concerns about impacts on Natura 2000 sites which are clearly marginal to the assessment due to distance from the proposed development.

We strongly support the concept of a Decision Document, but this should not become so lengthy and detailed that its preparation itself becomes a bureaucratic barrier to timely determination of applications. A similar document explaining the Single Body’s reasons for its views, should also be provided in response to consultations from local planning authorities on planning applications etc., except in the most trivial of cases. This is especially important where the Single Body objects to a planning application, where it would also be helpful to all parties if the Single Body would indicate which of its points it would defend in the event of an appeal or a call-in (including at a public inquiry if necessary) and which it would not.

General Comments

Powers to make Charges

The consultation document makes no specific reference to the powers of the Single Body to charge for its services. We have a concern that the Single Body might have more general powers to make charges than the predecessor bodies do at present. We wish to see confirmation that the principle of not conferring additional powers on the Single Body at the outset will extend also to its ability to charge for its services.

We would urge the Welsh Government to clarify beyond all doubt that the provision by the Single Body of all statutory services, such as consultee responses etc, should not be subject to any charges. Any consideration of charges, which will further increase costs for developers, would need to be limited to discretionary services considered against firm deliverables and/or an enhanced level of service, which would be offered as an option for developers to choose to use or not.

Charging for consultations and pre-application advice, including meetings, places an administrative burden upon business which increases the cost to business of the imposition of charges far beyond the amounts of the charges themselves. In the case of the Single Body it could also inhibit and delay engagement between the Single Body and the business community in relation to new developments.

This would run contrary to the achievement of the purposes of the Single Body as we see them (see responses to Questions 4 and 6 above) given the importance of the Single Body's co-ordination role.

In circumstances where fees are levied currently, the rationalisation associated with the formation of the Single Body should result in economic benefits to all, including a reduction in charges.

The importance of timely decision making

The establishment of the Single Body offers the opportunity to simplify the process for scrutinising proposals and determining a variety of consent applications for the implementation and, where relevant, the operation of a wide range of proposed developments. This offers the opportunity for reductions in cost, delay and uncertainty of outcome which should substantially benefit developers and increase the attractiveness of Wales as a location for investment, with consequent benefits to the Welsh economy, without any detriment to the environment or to the quality of decision making.

These benefits will not be realised if appropriate reasonable timescales for the consideration and analysis of projects, consultation responses and determination of consent and permit applications generally by the Single Body are not clearly prescribed and adhered to. In the case of major applications this applies as much to each of the main stages of the determination process as to the final decision. Current experience is that where there are statutory timescales laid down, they are frequently not adhered to.

A key part of the focus of the Single Body must be on delivery, particularly in relation to the Single Body's input to consent processes to the prescribed timescales. Where additional time is genuinely needed, this should be agreed with the developer and other interested parties at the outset and adhered to thereafter.

Notes

The views expressed in this consultation document may not always reflect those of all members of Energy UK, but will most likely be a consensus position.

Contact details

Andy Limbrick
Environment Consultant
Energy UK
Charles House
5-11 Regent Street
London SW1Y 4LR

Tel: 020 7930 9390
andy.limbrick@energy-uk.org.uk
www.energy-uk.org.uk

From: Leighton Jenkins [Leighton.Jenkins@cbi.org.uk]

Sent: 11 May 2012 15:08

To: SEB mailbox

Subject: CBI response: clarification

Attachments: sebresponse 2012.pdf; ATT3611737.txt; ATT3611738.htm

Apologies, due to illness and a clerical error, we attached the wrong document as our response to your consultation. Please find attached the right version. It differs in some key places from the version you received.

Kind regards

Leighton

Leighton Jenkins MScEcon LLB AKC

Assistant Director and Head of Policy

CBI Wales/Cymru

02920977600

www.cbi.org.uk/wales

Twitter: @CBICymru

Description: Description: Description: cid:image001.png@01CCCFA5.9A1C6F50

Description: Description: cid:image001.png@01CCDB68.31F95F90

May 2012

Single Environment Body

CBI Wales response

Leighton Jenkins | Assistant Director Policy | CBI Cymru/Wales
Email: Leighton.Jenkins@cbi.org.uk

The development of a Single Environment Body is an opportunity to recast the relationship with industry, creating a closer, more co-operative and effective relationship in the interests of sustainable development. The goal for the Welsh Government should be clear: the creation of a streamlined, cost efficient single-voice regulatory body that will help business and others deliver more for Wales and its people.

Introduction

CBI Wales welcomes this opportunity to respond to the consultation on the creation of a new body for the management of Wales' natural resources. The CBI is the UK's leading business organisation, representing some 240,000 businesses that together employ about a third of the private sector workforce. In Wales we represent the country's biggest employers, including 75% of anchor companies and a range of growth SMEs. The CBI is the main business organisation working with the Welsh Government to deliver a more competitive business environment.

For the private sector to drive economic recovery in the wake of a shrinking public sector, Wales must be an attractive place to build a business and create jobs. Therefore all policies must be measured against their capacity to support private sector growth.

The implications of the new Single Environment Body for business are likely to be significant so is critical that the Welsh Government gets this process right. This is a once in a generation opportunity to recast the relationship with industry.

The creation of a new body brings with it:

- a new remit
- a new culture
- a new legal framework
- a new governance structure
- a new strategy

The outcome of this process will tangibly change the way companies operate and their relationship with the environment.

For the CBI the four key aspects of this process are:

- Forging a new relationship with business
- maintaining operational independence of the new body
- Clarity and certainty on regulatory powers
- An effective Natural Environment Framework

Given the weak state of the UK economy, the goal for the Welsh Government should be clear: the creation of a streamlined, cost efficient single-voice regulatory body that will help business and others deliver economic growth for Wales. The new body should take a proactive role in supporting business fulfil its environmental duties while enabling a stronger economy.

The CBI believe the Welsh Government is right to state in the consultation document that the new body must "... ensure value for money and achieve the best outcomes for all the people of Wales and our economy." This is the litmus test that many in business will use to determine the success or otherwise of the new body. The CBI and its members are keen to be an active partner in supporting and helping to shape the new body's creation and operation.

Culture

The right culture of the new body is of fundamental importance. Out of the three organisations, the Countryside Council has had a particularly difficult relationship with parts of the private sector. The Environment Agency in contrast is seen by most as having succeeded in creating a strong partnership with business. The ethos of the new organisation therefore is of vital importance, as it will determine the kind of relationships it forges with the private sector.

Leadership

The senior management of the new organisation, particularly the chair and the CEO, will play a fundamental role in shaping the culture, direction and ultimate success of the organisation. The CBI believes the new board should be led by a person with high-level business experience in change management.

We advocate a PLC-type board made up of nine people, a mixture of directors and non-executive directors. A bigger board, divided by sectoral interests would not work. There are many other and better ways of securing sectoral buy-in which should be explored.

One voice

There are clear benefits of one organisation speaking on issues with one voice. The CBI supports this approach with some caveats. The new body will have significantly stronger powers to influence environmental policy than before. As a result, the process for determining "consistent views on issues and proposals" must be a thought through and inclusive process with a strong evidence base that embraces business principles, not just environmental ones.

Maintaining the benefits of a level playing field

The CBI believes it is right that Wales has a new environmental body that is able to "focus on Wales' priorities, opportunities and challenges reflected in Welsh legislation and policy." Policy of interest to Wales derives from the Assembly, Westminster and Europe.

The CBI believes that the Welsh Government must commit to fully consult with business before they substantially change the new body's processes.

Currently, a significant amount of Environment Agency activity is the same in England and Wales and the benefits of this level playing field are significant. Implementing Wales-only processes just because we can should not be the guiding principle. As this will have significant implications for business. Only where the new process can be shown to add value for business and the environment (either through a more efficient or cost effective process) should the Welsh Government proceed with it. The new body should maintain close working links with Nature England at all levels.

Operational independence

Independence of the new single environment body will be critical. It will need to provide a long-term vision for industry regulation in Wales, enabling businesses to plan with confidence. A natural environment framework or Single Environment Body subject to frequent changes by different Welsh Governments will damage business confidence and impede companies' ability to invest for the long-term. The importance of certainty also applies to the current process. Now that a firm commitment to its creation has been expressed, the single environment body must be delivered quickly and effectively. The Government must work hard to ensure the organisations continue to deliver and do not turn inward.

New powers

Clarification is needed from the Welsh Government over rumours that the new body may have additional powers to implement additional Wales-only duties on industry. If this is the case, the Welsh Government must be clear under what circumstances such powers will be used, what level of pre-consultation will be required and what steps will be taken to ensure industry has sufficient time to prepare for the new duties.

Natural Environment Framework

While outside this consultation, the Natural Environment Framework must not be forgotten in this process. The framework will set a new approach to the management of our environment. The right framework could significantly improve the Welsh environment while enabling Welsh business to grow. It should complement not constrict the Welsh Government's forthcoming 'Infrastructure and Investment Plan'. As the Environment Agency stated in their evidence to the Environment and Sustainability Committee

last week, key to the success of the new body will be its ability to get ‘the most appropriate development in the right place, not only for the environment but also the economy and people.’

Proactively help business grow

The CBI strongly believes there is a real opportunity for the new body to lead the way in pro-actively helping industry grow sustainably. We see a key function of the new organisation is more actively engaging with business to inform them of the suitability (or otherwise) of potential business and industrial locations. This kind of pro-active intelligence, inputted at a formative stage in a business development cycle, could significantly improve the perception of Wales as a place to do business.

If handled correctly, this would turn into a win-win for business and the Welsh Government’s sustainable development aspirations. The CBI is keen to work with the Welsh Government, and known experts like the Office of the Sustainable Development Commissioner, to feed into this process.

The new body’s pro-active role could include:

- Prioritising their input into key planning or permitting applications by implementing challenging turn-around times for SEB staff
- Identifying areas where industrial developments (e.g. where wind farms should be ideally placed)
- Appointing a named relationship manager within the SEB who would remain the lead business contact through key processes (such as permitting or planning applications).

We are pleased the Welsh Government have identified that a new body would improve ‘outcomes for business and the economy’ by 25%. This statistic should be broken down into more meaningful operational areas and inputted into the new organisations’ business plan. Businesses will be expecting to see a progress report on the 25% figure once the new body has been fully operational for a year. Too many times such figures are identified and then not properly delivered, this could damage the reputation of the new body and a founding principle upon which it was created.

Legal Framework

The consultation document rightly raises questions about the legal framework. The CBI sees two distinct sets of issues. The first relates to the obvious issues around establishing a new body. It is unfortunate that the creation of a single new body requires three Welsh Government Bills (Planning Bill, Environment Bill, Sustainable Development Bill). Welsh business will need to understand the legal foundations of the new body and its powers. A single Bill for a single body

would have been our preferred approach, rather than three bill with different timeframes and engagement windows.

Secondly, the CBI sees this as a perfect opportunity to look at the legal framework that underpins the powers of the new body. While some of the institutional powers will be tackled, the CBI is unsure to what extent the Welsh Government will look at operational powers. The CBI would value a discussion on this point, going forward.

Conclusion

The Welsh Government is changing the way our environment is managed and protected. While the process may have begun as a cost-cutting exercise it cannot end there. This is a once in a lifetime opportunity which if we get right, could really deliver for the environment, the economy and its people. The CBI looks forward to continuing to shape its development.



For further information or a copy
in large text format, contact:

Leighton Jenkins
Assistant Director Policy
T: +44 (0)2920 977600
E: Leighton.Jenkins@cbi.org.uk



INVESTOR IN PEOPLE

2012

© Copyright CBI 2012

The content may not be copied, distributed,
reported or dealt with in whole or in part
without prior consent of the CBI.

CBI

The CBI helps create and sustain the conditions in
which businesses in the United Kingdom can compete
and prosper for the benefit of all.

We are the premier lobbying organisation for UK business
on national and international issues. We work with the UK
government, international legislators and policymakers to
help UK businesses compete effectively.

Our members benefit from our influence, a wealth
of expertise, business services and events.

www.cbi.org.uk/Wales

From: Ian Dutch [Ian.Dutch@ceredigion.gov.uk]

Sent: 02 May 2012 19:39

To: SEB mailbox

Subject: Natural Resources Wales - Ceredigion County Council response

Attachments: CCC natural resources wales response may 2012 FINAL.docx

Re: NaturalResourcesWales'

Thank you for the opportunity of commenting on the Natural Resources Wales consultation.

I now have pleasure in enclosing comments on behalf of Ceredigion County Council (these comments have been made at officer level on account of the local authority elections).

The Council will respond later this month on the Sustaining a Living Wales Green Paper.

Ian Dutch

Rheolwr yr Arfordir a Chefn Gwlad / Coast and Countryside Manager

Cyngor Sir Ceredigion / Ceredigion County Council

(01545 572148 / 07779 318606

Ian.Dutch@ceredigion.gov.uk

www.ceredigion.gov.uk

--

Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chyngor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich

awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y negest ebost hon.

Disclaimer:

While reasonable care is taken to ensure the correctness of any information and advice given in this correspondence no liability is accepted for losses arising from any errors contained in it and you are reminded of the need to obtain your own professional advice.

The information in this email and any attachments is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or person responsible for delivering this information to the intended recipient, please notify the sender immediately. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it.

Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

Natural Resources Wales: Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

<http://wales.gov.uk/consultations/environmentandcountryside/singlebody/?lang=en>

Response by Ceredigion County Council:

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

The integration of processes *can* help achieve positive outcomes. The new arrangements and systems new body should seek to deliver protection and enhancement of Wales-wide healthy and diverse ecosystems.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

It is important that the new body has a wide-ranging role; not just regulation, but encompassing innovation, research, best practice and facilitating action (e.g. through grant aid and other support to its partners) and generally promoting a vision for the wise use of Wales' resources.

Concern that:

- Countryside access (and the positive contribution that makes to the economy, health and general well-being) is not given sufficient emphasis.
- There should be a commitment rather than an intention to ensure that the money envisaged being saved by the creation of a single environment body will be 'reinvested' in the environment and not used for deficit reduction.
- The new body will be unable to provide a single focus for the management of natural resources unless its remit includes the management of agri-environment schemes or marine fisheries.
- It is important that the simplification of regulation does not mean the removal of protection for sites important for biodiversity or geodiversity. As stated in the answer to Q4, the principle aim of the body should be protection and enhancement of the Welsh environment.
- The EA currently have BAP responsibilities. This should be explicitly transferred to the new body. There should also be a responsibility to include BAPS within their core work.

Question 3: What are your views on this phased approach? How could we improve on it?

A phased approach is required in view of the complex issues that need to be addressed. The document focusses on the legal / administrative context for achieving the change; it should also give consideration to operational / practical issues arising from the proposals.

Transition arrangements will be of importance with regard to partnership working with local authorities.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

P18, 4.1: “The new body would have sustainable development as its central principle”. Sustainable development is the central principle of the WG. The Environment Body should have protection and enhancement of the environment as its central principle, thus playing its role in assisting the WG to achieve sustainable development. The fundamental requirement is an effective / functioning ecosystem and the principal aim should reflect this. This is the foundation of sustainable development. The alternative that has been suggested by ‘Natur’ would be suitable, i.e.: “To ensure that Wales has increasingly resilient and diverse ecosystems that deliver environmental, economic and social benefits now and in the future.”

Question 5: What are your views on the approach to the delivery framework?

There is a need for both a strategic framework and the capacity for local delivery / action. A mechanism for independent overview / review of delivery could have merits, especially during the formative stages of the organization.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

Other matters that could be referred to in Table 1 are:

- Meeting 2020 biodiversity objectives should be referenced
- Climate change – protection of peat
- Support for the Coed Cymru initiative
- Grant aid to local authorities in respect of ecological / LBAP support
- Implementation of SAC Management Schemes and contribution to the activities of SAC Relevant Authorities Groups.
- Support provided to the National Access Forum and Local Access Forums

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

No comment

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

It will be important for the new body to have the freedom to undertake and commission research as it deems necessary, and not only as directed by WG.. The suggested approach could restrict the new body from being able to provide independent advice.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

The role of independent advisor to the Government (as is currently the case with CCW) performs a valuable function and this independence should not be diluted or boundaries between the body and government blurred.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

Local authorities and LBAP partnerships are key stakeholders and their role in local delivery should be promoted.

Question 11: What are your views on these aspects of the regulatory arrangements?

No comment.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them.

- The body's role in rights of way and access should be given greater prominence.
- The Habitats Regulations (2010) will need amending to define the new body as a Relevant Authority (also require consideration attention is the inclusion of Welsh Government and its various departments (i.e. Fisheries Unit, Marine Branch etc) are included as Relevant Authorities. This would facilitate ensure joined-up management of the marine environment.
- The EA and CCW (along with local authorities) are the main funders of most RAGs. Without adequate funding to employ an EMS officer to coordinate, drive and support management of the sites, any proactive management is likely to cease; adequate funding is required (in cases such as this, savings made in the establishment of new organisation need to be 'reinvested').
- How does the ecosystem approach relate to biodiversity action plans? BAPS provide a valuable mechanism for local conservation delivery at present.
- Table 1 has a number of omissions:
 - No mention of enforcement functions. This would include felling licences, discharge permits, abstraction licences, protected species, fisheries etc.
 - Under the climate change function, no mention of carbon sequestration or peat conservation – a key example
 - Under conservation of ecosystem structure and function there is no mention of biodiversity (and geodiversity) conservation, e.g. many SSSIs are notified for a single species, which may not have a critical role in ecosystem function but still of high intrinsic value. Other illustrative examples which would be useful to include are involvement in BAPS, RAGS (for European Marine Sites), ecosystem groups, and a role as a statutory consultee for planning decisions, etc.
 - Under providing advice there should be the example of providing advice on the conservation objectives of marine sites to competent authorities under Regulation 35 of the Habitats Regulations, 2010.
 - No mention of a duty to provide information and advice to the public.

Other comments:

- There is a strong case for locating the new body in the WG offices at Aberystwyth, where there is more than ample spare capacity (with regional offices in Bangor and Cardiff). Aberystwyth has been recognised over several years as being a centre for rural advice and support; FC and CCW are in Aberystwyth and we have HE and IBERS. The Leader of the County Council has previously conveyed this view acting in his capacity as Chair of the Aberystwyth Regeneration Board.

- The County Council has worked closely with CCW, EA and FC and has valued the relationships that have developed since 1996. The Council looks forward to developing a positive working relationship with the new Single Environmental Body.
- Many environmental outcomes in Ceredigion have been delivered with the support of CCW, EA and FC. Without this support many initiatives would have not have been realised and the Council would wish to emphasise the importance of continuing these partnership / funding arrangements.

Ceredigion County Council
April 2012

From: matthew.roberts@landmarc.defence.gsi.gov.uk
Sent: 02 May 2012 19:53
To: SEB mailbox
Subject: Natural Resources Wales Consultation Response

Attachments: Natural Resources Wales Landmarc Response 020512.pdf

Please find attached our response to the above

Mat Roberts
Head of Ecosystem Services
Landmarc Support Services Ltd

E-mail: matthew.roberts@landmarc.mod.uk

Tel: 01980 636528/ Military 94 325 4618
Cell: 07827 281330
Fax: 01980 636501/ Military 94 235 4619
Web: <http://www.landmarcfm.com>

Mail: Building 9, Westdown Camp, Tilshead, Wilts, SP3 4RS

This E-Mail and any files transmitted with it are intended for the use of the addressee only and may contain confidential information. If you are not the intended recipient, you are hereby notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error, please notify the sender immediately then delete all copies of this email.

Any views or opinions presented in this E-Mail are solely those of the author and may not represent those of Landmarc Support Services Limited or the Defence Training Estate.

Warning: Although we have taken reasonable precautions to ensure that no viruses, worms or other malign code are present in this E-Mail, we cannot accept responsibility for any loss or damage arising from the use of this E-Mail or attachments. Recipients are advised to ensure that their own anti-virus software is up to date before opening E-Mails.

Landmarc Support Services Limited - Registered in England - Number 4396241 - Registered Address: Capital Tower, 91 Waterloo Road, London SE1 8RT



Our ref: MR/2012/02/05
Your ref:WG14788

Landmarc Support Services Limited
Building 9, Westdown Camp
Tilshead, Wilts
SP3 4RS

Carrie Moss
Living Wales Programme Team
Department of Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

Tel 00000 000000
Fax 00000 000000
enquiries@landmarcfm.com

2nd May 2012

Dear Ms Moss

Re: Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources

Landmarc Support Services welcomes the Welsh Governments invitation to comment on its ambitions to create a single environment body in Wales.

As an integrated facilities management business supporting the Defence Training Estate (DTE) we provide a safe, sustainable training estate and facilities to meet the requirements of Defence. We deliver this comprehensive facilities management service across 8 sites in Wales. These include Sennybridge and Castle Martin Training Areas and Camps in mid and west Wales and Caerwent, Kimnal Park and Sealand Training Areas and range complexes in south east and north Wales

Our services include:

- A national booking system to enable military units to book the training facilities they need.
- Temporary accommodation services to support troops whilst on exercise.
- Range and Targetry support services to enable the ranges and training areas to operate and function.
- Environment, Conservation and Rural Estate Management
- Catering services.
- Management of tenanted properties on the MoD Estate.

In addition, on behalf of the MoD, Landmarc arranges income generating opportunities (for example motorsport and filming rights) to provide additional revenue for reinvestment back into the Estate. Further details are available on our website www.landmarcfm.com

Cond/.



Many of the above activities will fall within the scope of the new body and we look forward to working with it. We support the general idea of a single body, single point of contact, reduced duplication, lower costs and an integrated service that this proposal promises.

We understand that it is the Welsh Government's ambition to foster a positive relationship with business in Wales and we feel that the creation of a single body will enable this to take place.

We have also identified a need for sector leadership in environmental sustainability and believe that this body will be well placed to achieve this both within Wales and on a wider stage. Elsewhere the Welsh Government have set out its ambition to lead in the field of integrated ecosystem management and it is our belief that the creation of this body is fundamental to achieving this aim.

Business and industry has made significant progress in the practical delivery of sustainable development through its own operations, its supply chain and in the products and services offered to its customers. There is significant capacity in the business community to assist both the Welsh Government and this new body to achieve its "Sustaining a living Wales" ambitions.

A positive and open attitude to the skills and experience of business that the proposal outlines will ensure that Wales is an attractive destination for industry to build new and existing operations.

The opportunities that future markets in ecosystem services and natural capital offers to a natural resource rich country such as Wales are significant. The effective regulation of these opportunities, to ensure that they create sustainable economic growth from low carbon activities, must be the principle focus of the new body. We feel the above point should be more robustly stated in the establishment of the new body.

Whilst we understand the positive view the Welsh Government has towards business we would like to see this more clearly articulated in the future documents and actions taken to mobilise the new body. The business sector (not just Landmarc) has the capacity, experience and appetite to assist The Welsh Government in meeting its needs if asked.

Your Questions

1. We support the proposal for a single environment body provided it reduces duplication and offers a joined up service that encourages sustainable business and a level playing field across the UK and Europe.
2. The interests of a wide range of businesses need to be clearly represented in the governance of the new body. Particular attention must be paid to new business sectors to ensure an innovation culture is driven throughout the new body.
3. A phased approach is appropriate for business. More importantly is clear and timely visibility of the ambitions, intentions and actions of the new body.

Cond/.

4. The aim and strategic outcomes of the new body are excellent. The successful delivery of them will require significant skill and dexterity in integrated service delivery across a very wide range of organizations with wildly differing goals. This is an area where the support sector has significant experience and it is our belief that The Welsh Government could ensure the success of the new body by seeking the advice and support of this sector throughout the establishment and operation of the new body.
5. Early visibility and consultation on the proposed delivery framework will enable our business and many others to best support the Government ambitions.
6. We have no additional comment to make on the lists of functions
7. A single plant and tree health body in Wales will be an advantage to our business only if it has synchronous working arrangements with neighboring governments in the UK and Europe. Many of the plant health issues our business faces stem from highly mobile estate users (military & civilian) transferring potentially infected material from across the UK and Europe.
8. The encouragement of innovation will be critical to the successful transition to a low carbon Wales. We support the central focus on sustainable solutions that the creation of the new body will bring. We would like to see the body using challenge funds that harmonize with R&D tax credits to encourage business innovation centers to be established in Wales.
9. We believe that slim governance is more effective at creating change. To this end we would recommend that The Welsh Government consider a board of no more than 10, with terms of not more than 5 years. Within this group at least half should be drawn from business and industry.
10. It is our belief that in the area of natural environment engagement, sector groupings are more effective than geographical committees. To this end we would urge the new body to establish sector forums operating under "Chatham House Rules" to seek views, guidance and support from the sectors that will be covered by the new body.
11. The general direction of permitting and regulations is supported. Flexible, risk based regulation that enables rather than stifles innovation, change and development is required to meet the many challenges faced in achieving the Government's vision.

The document outlines a commitment to change and an understanding that this change needs to be rapid and transformational. The business sector has a long track record in delivering this speed and scale of vision and change. This has not always been true of the public and NGO sectors. Historically the loudest voices in the environmental sector have been the NGO community. Whilst we acknowledge that these bodies do excellent work, most struggle to deliver the levels of investment that will be needed. The same is true of the levels of risk that will need to be managed through a period of disruptive change.

Cond/.



We believe that many businesses not just Landmarc, will take up the challenge and opportunities the Welsh Government is orchestrating. We wish to see this new body as a catalyst for action rather than a brake.

We look forward to seeing the outcome of your consultation.

Yours sincerely

Mat Roberts

Head of Ecosystem Services

matthew.roberts@landmarc.mod.uk

From: Communications [communications@wales.gsi.gov.uk]

Sent: 02 May 2012 19:55

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email: </consultations/forms/sebresponse/>

Responses to consultations may be made public - on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: (Unchecked)

Your name: Fay Sharpley

Organisation (if applicable):

Email / telephone number: pyffgwernogle@aol.com

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?:

Given that there seem to be no significant savings and that there are no quantified outcomes, although an integrated body seems attractive in theory, the proposals do not seem to have been adequately thought through.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?:

I note that you have declared your intentions to retain the forest estate, I am not that its management will be improved or even maintained at its existing low level. Timber production has a negligible contribution to local economies and in fact its effect can be negative because of the constraints imposed by timber operations on tourism. Similarly with renewable energy projects on the forest estate - perhaps nationally good, but locally disastrous.

Question 3: What are your views on this phased approach? How could we improve on it?:

It looks as if some decisions have already been made and some systems already put in place. Given the timescales, this isn't surprising but it does seem to be rather in contradiction to the process of consultation. How about a more realistic, open and honest process. Is that too much to ask in a democracy?

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?:

How can I comment on something which has not been specified (see Clause 4.4 paragraph 1 which states that "the statutory purpose will be established..... after consideration of responses to this consultation"). The proposals put forward are not grounded in a statutory purpose for the body and so represent merely a pious hope.

Question 5: What are your views on the approach to the delivery framework?:

Seems a bit like the Welsh Government determining what they want to do with only token consultation.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?:

Too many aspirations for a centralised body - there should be more delegation and localism.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?:

Why are some functions which are clearly within the remit of the SEB retained within WG? (e.g badger licences)

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?:

I would hope that the valuable work undertaken by Forest Research would be retained.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?:

No. Less centralisation, more independence and clear accountability to stakeholders (i.e. every tax payer in Wales).

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?:

The existing arrangements are to be discontinued. The new arrangements will be determined after the new body is established so there is no assurance that there will be any stakeholder arrangements.

Question 11: What are your views on the aspects of the regulatory arrangements?:

It looks as if the Minister has total power. Possibly cost effective (but not necessarily so if the wrong decisions are made), probably time effective in terms of getting things done (hopefully the 'right' things) but a distinct lack of democracy.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them:

From: Adam Rowe [adam.rowe@sewbrec.org.uk]

Sent: 02 May 2012 21:49

To: SEB mailbox

Subject: Response from SEWBReC to Natural Resources Wales consultation on the proposed single body for the management of Wales' natural resources

Dear Sir/Madam

Please accept my apologies for the lateness and brevity of this response. I hope it reaches you before the closure of the consultation.

My details are in the footer at the bottom of this email. I am responding on behalf of the staff and management of South East Wales Biodiversity Records Centre (SEWBReC), one of the four Local Records Centres (LRCs) which operate across Wales.

I have not had sufficient time to consider a response to each of the questions as set out in the consultation, but have decided to give some general comments on the proposal for a Single Body (SB).

From an LRC perspective, we have had mixed experiences of engagement with the three existing bodies. CCW has been a unstinting and stalwart supporter of LRCs from Day 1 (circa 1998/9 when the development plan was being put in place for the first LRC in Wales). They have consistently supported, steered, mentored and funded LRCs, utilised our products and services well and recognised that we are the best repository and managers for all biodiversity data in Wales, including their own. Environment Agency Wales has been utilising LRC products for the past three years, but they have not fully bought into the range of services we offer, nor have they been forthcoming regarding the sharing of their data for wider benefit. Forestry Commission Wales have, with the exception of one year (2010/11), utilised a small range of LRC products and services, but we have only really scratched the surface of what could have been achieved. Funding has been low and agreements have in recent years been slow and difficult to establish. FCW have not actively shared any of their biodiversity data with the LRCs over the course of our existence.

I sincerely hope that the SB will enable one significant funding agreement for the Welsh LRCs, preferably in conjunction with WG (the Pan Wales Agreement which has been discussed, but not progressed to date), to supply a full range of biodiversity data products and services, as well as to be fully utilised as data managers and data repository for the large and untapped data reserves of the current EAW and FCW. Further work is needed to ensure data currently gathered and received by CCW continues to be integrated into LRC data holdings, as well as to ensure that relevant WG data is also shared much more readily for public benefit. A single agreement between SB and the Welsh LRCs will save an enormous amount of administration, however, it is vital that the overall financial contribution to the LRCs is not reduced (and is preferably increased) as a result of the establishment of the SB. LRCs are run on a shoestring budget and any attempts to cut our public funding would jeopardise our very existence. In an ideal world, the LRCs will receive core funding from the SB and in return the SB will receive the full range of products and services that we are able to offer.

The consultation document makes very few (if any) references to biodiversity data needs of the proposed SB. LRCs hold a wealth of information on the biodiversity resources of Wales and we hope that the data we hold will be considered a key part of the evidence-based assessment of future policies and schemes. We will be responding separately to the Living Wales consultation, but we hope that

LRCs are considered a key stakeholder by the SB in the developing thinking on the implementation of the ecosystem approach in Wales.

In terms of the practical implementation of the new SB, it is hoped that the ambitious time-scale that has been set out does not mean that the many vital functions of the current bodies suffer any loss of priority or focus. One of our concerns is that the vast amount of internal reorganisation that will be required will prevent the officers of the SB from being in a position to enter into agreements with outside bodies, such as the LRCs for some time to come. Fortunately CCW and EAW have had the foresight to enter into new multi-year agreements with the LRCs and it is hoped that FCW will follow suit. This will allow some breathing space for us as the SB will hopefully honour these pre-existing agreements and be in a position to negotiate the anticipated all-encompassing integrated agreement with the LRCs prior to the expiry of current agreements.

Finally I would like to echo comments from my colleague Roy Tapping of Cofnod, regarding the fact that the level of practical support and steering we have been receiving from CCW has dramatically reduced in the past year or so. Regular meetings have been dropped or postponed and not re-arranged. The focus on CCW staff has clearly been on the SB and indeed key CCW staff have been seconded to the SB and not adequately replaced. This has impacted on the strategic development of the four Welsh LRCs. Similarly, partnership working in the biodiversity sector appears to have suffered. The Wales Environmental Information Forum and Steering Group (which were heavily steered by CCW) appear to have fizzled out, the Wales Data Sharing Charter has not been rolled-out and implemented as planned and regular meetings with external bodies such as the NBN Trust seem to have stopped. It is our sincere hope that the level of engagement by the SB with the LRCs and the biodiversity data sector in general returns to previous levels as soon as possible and that the work areas that were being pushed forward by CCW staff are not lost within the SB.

Thank you for considering my comments. Apologies for their slightly rambling nature.

Regards

Adam Rowe

Adam Rowe

Manager, South East Wales Biodiversity Records Centre (SEWBReC)

13 St. Andrew's Crescent, Cardiff, CF10 3DB.

T: 029 2064 1110; F: 029 2038 7354; E: adam.rowe@sewbrec.org.uk

W: www.sewbrec.org.uk; www.lrcwales.org.uk

Find SEWBReC on Facebook: <http://www.facebook.com/pages/South-East-Wales-Biodiversity-Records-Centre/103544599683127?ref=ts>

From : James Walmsley [james__walmsley@hotmail.com]

Sent: 02 May 2012 23:36

To : SEB mailbox

Subject: Consultation Response to NRW WG14766

Attachments: Dr James Walmsley response to NRW 2.5.12.docx

Dear Carrie

Please find attached a brief response to the consultation.

Best wishes

James

--

Dr James Walmsley

Mobile +44 7828 743724

Email james@walmsley.org.uk

Skype jamesdwalmsley

Dr James Walmsley
1/1 Goronwy Street
Gerlan
Gwynedd
LL57 3TS
james@walmsley.org.uk

Carrie Moss
Living Wales Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

2nd May 2012

Individual response to Welsh Government consultation ‘*Natural Resources Wales*’ (NRW) - Proposed arrangements for establishing and directing a new body for the management of Wales’ natural resources

I welcome the opportunity to comment on this consultation document. Time has got the better of me hence I only offer my thoughts on Question 1, as my background lies in environmental assessment and this is where I feel I can make the most valuable contribution to the consultation.

The over-arching ambition of the NRW and the creation of the Single Body are laudable and would make Wales a world leader in terms of how it enshrines the ecosystem approach through the re-organisation of its government agencies. Yet I have concerns about how the decision to create a Single Body has come about, specifically with respect to the principles of environmental assessment.

Yours sincerely,

James Walmsley

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

I have been fortunate enough to have studied the history and development of environmental assessment, up to and following the landmark US National Environmental Protection Act (1969). Prior to this, when formulating plans, programmes or projects, governments often carried out 'appraisals', which merely presented what they wanted to do and how much money it was going to make / save. Alternatives were rarely considered, opportunities for key stakeholders to engage in the formulation of the plan / project were absent and little, if any, assessment of the indirect or cumulative impacts was made. Few would contend with the notion that this was a sensible way to achieve sustainable development and protect the natural environment. Since then, and particularly since the enactment of Directives 85/337/EEC 97/11/EC and 2001/42/EC, huge strides have been made to provide both statutory and non-statutory bodies, as well as private individuals, with the opportunity to participate and influence decision-making processes that affect the environment. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters has further enshrined the principle that the public should be given an opportunity to participate in governmental decision-making that relates to both the local and national environment.

As a member of the European Union, the Welsh Government is required to comply with European legislation. Directive 2001/42/EC Environmental Assessment of Plans and Programmes, transposed in Wales as [The Environmental Assessment of Plans and Programmes \(Wales\) Regulations 2004](#). Indeed, mention to the concept of strategic environmental assessment is made in 6.6.2 of the consultation document.

Appendix 1 of '[A Practical Guide to the Strategic Environmental Assessment Directive](#)' lists those plans and programmes which should be subject to a strategic environmental assessment under 2001/42/EC. Although a plan to reform those components of government which are responsible for the environment (i.e. the creation of a Single Body) is not specifically identified in this appendix, it would seem to me to be best practice for Welsh Government to at least apply the principles and spirit of Directive 2001/42/EC when considering a reform of such importance.

One of the key elements of Environmental Assessment, whether for the assessment of plans, programmes or projects, is to consider alternatives, and to communicate these clearly. Having followed the process leading up to the announcement of the Single Body on 29.11.11, I am not at all convinced that alternatives have been seriously considered, including the 'do nothing' approach. The impression is that there is a presumption that all has failed with the existing structures (CCW, EA and FCW operating separately) and that they must be replaced by a Single Body as soon as possible.

Yet, despite these developments, it appears that the process by which the decision to establish a Single Body has been arrived at has neglected the spirit and principles of these initiatives. For example, page 10, section 2.4, clearly states, '*During the development of the business case...*' which does not give any sense that other alternatives were given any consideration during discussions with stakeholders.

What is missing from the consultation document, as well as the associated documentation and communications that I have seen, is any sense that the principles or spirit of environmental assessment, as enshrined in EU and Welsh legislation, have

been followed during the process by which the landmark decision to establish a Single Body has been reached.

I confess I am not an expert in case law relating to environmental assessment (specifically 2001/42/EC), but, reflecting on the nature and magnitude of the consequences of establishing a Single Body on the environment of Wales, I would be surprised if such a plan did not fall under the scope of the directive. **END**

From: Scott, Mike (Environment) [Mike.Scott2@swansea.gov.uk]

Sent: 03 May 2012 13:23

To: SEB mailbox

Subject: Consultation Response - Natural Resources Wales - Draft Response from Gower AONB Partnership

Attachments: Natural Resource Wales - Draft Response - 4 May 2012.pdf

Please find a draft response to the consultation on Natural Resources Wales.

This is in draft form due to complications caused by the current Local Authority elections – we are currently unable to submit a formal response.

However, I hope to be able to submit a suitably approved response shortly.

We are grateful for your understanding in allowing us to provide a draft response, and to provide a formal response later.

Many thanks,

Mike Scott,
Gower AONB Team Leader,
City & Council Of Swansea,
Regeneration Department,
Civic Centre,
Oystermouth Road,
Swansea SA1 3SN

01792 635741

07974 798969

Mike.Scott2@Swansea.gov.uk

www.swansea.gov.uk/aonb

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify the administrator on the following address:

administrator@swansea.gov.uk

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation

Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, dylech hysbysu'r gweinyddydd yn y cyfeiriad canlynol:
administrator@swansea.gov.uk

Bydd yr holl ohebiaeth a anfonir at y Cyngor neu ganddo yn destun cofnodi a/neu fonitro yn unol A'r ddeddfwriaeth berthnasol



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Carrie Moss,
Living Wales Programme Team,
Department for Environment and Sustainable
Development,
Welsh Government,
Cathays Park,
Cardiff.
CF10 3NQ

Please ask for: Mike Scott
Gofynnwch am:
Direct Line: (01792) 635741
Llinell Uniongyrchol:
E-Mail: Mike.Scott2@swansea.gov.uk
E-Bost:
Our Ref:
Ein Cyf:
Your Ref:
Eich Cyf:
Date: 4th May 2012
Dyddiad:

Dear Ms Moss,

Natural Resources Wales – A consultation on the proposed arrangements for establishing and directing a new body for the management of Wales’s natural resources.

A RESPONSE ON BEHALF OF THE GOWER AONB PARTNERSHIP

The Gower AONB Partnership brings together local communities, the local authority, interest groups and national agencies to promote the environmental, social and economic well-being of the Gower Area of Outstanding Natural Beauty for present and future generations. The aim of the Partnership is to deliver the statutory purposes of AONB designation, and to deliver the statutory duties and other requirements in managing the AONB on behalf of its members.

Our response is brief, and highlights the main area of concern for our members on behalf of Gower AONB. In addition, the NAAONB have provided a more detailed response on behalf of the Welsh AONBs, which we also support. The individual members of the AONB Partnership may also submit responses, highlighting issues of particular concern to themselves.

As a body which has sustainable development at the core of its work, the Partnership supports the aims and objectives of the Welsh Government in adopting Sustainable Development as its central organising principle.

However, we are concerned that “landscape” barely features in the consultation document – only being mentioned briefly in Tables 1 & 3. We feel that this puts at risk the whole work of the Protected Landscapes family (AONBs & National Parks) within Wales. They provide a wide range of benefits:

- Promoting ecological, social, and economic well-being and sustainable outdoor recreation
- Furthering the conservation, restoration and enhancement of ecosystems and landscapes (including cultural)

Regeneration and Housing Department / Adran Adfywio a Thai
Economic Regeneration and Planning / Adfywio Economaidd a Chynllunio

Civic Centre, Oystermouth Road, Swansea SA1 3SN
Canolfan Ddinesig, Heol Ystumllwynarth, Abertawe SA1 3SN
☎ (01792) 635701 ☎ (01792) 635719 ☎ Minicom 1800201792835708
✉ planning@swansea.gov.uk www.swansea.gov.uk

To receive this information in alternative format,
please contact the above.

I dderbyn yr wybodaeth hon mewn fformat arall,
cysylltwch â'r person uchod.

- Fostering the sustainable use and management of the landscape (including cultural)
- Contributing to both mitigating and adapting to the effects of climate change

Like all Protected Landscapes, tourism plays a very important part in our local economy. In 2009, 4.1m visitors came to Gower & Swansea Bay, spending £295.9m, and supporting about 5,400 jobs. The Partnership work to manage the impact this has on the designated and other sites within Gower.

This includes the following sites and features

- 5 SAC's, 1 SPA, 3 NNR's, 25 SSSI's
- 3 LNR's, 42 SINC's
- 78 SAM's, 128 Listed Buildings, 17 Conservation Areas
- 2 Landscapes of Outstanding Historic Interest, 5 Historic Parks & Gardens

The European Landscape Convention, which was signed and ratified by the UK Government on 1st March 2007, outlines some common core principles and actions:

- Putting people – from all cultures and communities – and their surroundings, at the heart of spatial planning and sustainable development.
- Recognising that landscape exists everywhere, not just in special places, and, whether beautiful or degraded, is everyone's shared inheritance.
- Increasing awareness and understanding of landscape and its value, as a unifying framework for all land-use sectors.
- Promoting a more accessible, integrated and forward looking approach to managing inherited landscapes and shaping new landscapes.

These commitments are implemented within the context of UK domestic legal and policy frameworks. The ELC also stresses that landscape is not merely scenery, but links people with place, culture with nature and past with present. It stresses that landscape has many values that matter to people (not all tangible), because it is they who create and value the landscape.

Equally important, the ELC takes a realistic and forward looking view, rather than a preservationist one: creating future landscapes is regarded as being just as much an aim as managing sustainably those we have inherited.

The cultural influence on AONBs is recognised by the IUCN¹, which has classified AONBs along with National Parks and Heritage Coasts as Category V Protected Landscapes and Seascapes. These are defined as 'a protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values'.

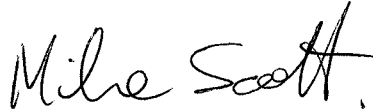
The Welsh AONB's operate with limited resources (relying very heavily upon grant support from CCW) yet they have achieved a great deal through active partnerships with the communities and organisations within their areas. Through an understanding of the importance of sustainable development, we have worked to protect some of Wales most precious landscapes, while supporting local communities.

¹ International Union for Conservation of Nature

Under the Countryside & Rights of Way Act 2000, (Section 85) Public Bodies have a duty to "have regard to the purposes of conserving and enhancing the natural beauty of AONB's".

The Gower AONB Partnership would draw your attention to this duty, and the benefits which landscape provides for the Welsh nation. We consider that the lack of recognition of the importance of "landscape" within the proposals for the Single Body represent a serious threat to the Welsh environment and people. We would urge you to look again at the proposals for the Single Body, recognising that "landscape" must play an important part in its work.

Yours sincerely

A handwritten signature in black ink that reads "Mike Scott". The signature is written in a cursive, slightly slanted style.

Mike Scott
AONB Team Leader

Footnote

This response is currently in draft form, due to complications as a result of the current Local Authority elections. The Gower AONB Partnership hopes to be able to submit a final version of this response shortly.

Although a key member of the Partnership, CCW do not feel that it is appropriate for them to be part of the response – they do not wish to express any comment.

From: Davies, Natalie G [DAVIENG@CAERPHILLY.GOV.UK]

Sent: 04 May 2012 13:03

To: SEB mailbox

Subject: RE: Single Body Consultation

Attachments: Single Body Natalie Davies Private.doc

Hi Carrie,

Due to ongoing management issues here, I have decided to submit my response as a private resident, if that is OK with you?

It's still pretty much written from a local authority's point of view though, I just can't claim to represent my organisation this time.

I've tried to remove the track changes feature, so I hope that doesn't come out in the version you receive.

Good luck with the collation, sounds like it's going to be a busy few months for you.

Kind regards,

Natalie

Living Environment Officer

(01495) 235510

From : Moss, Carrie (DESH) [mailto:Carrie.Moss@Wales.GSI.Gov.UK] On Behalf Of SEB mailbox

Sent: 04 May 2012 12:11

To : Davies, Natalie G

Subject: RE: Single Body Consultation

Natalie

Apologies, I have only just picked up your email as we have been inundated over the last few days. If you still wish to respond to the consultation, we are happy to accept responses by today.

Carrie Moss

Adran yr Amgylchedd a Datblygu Cynaliadwy

Department for Environment and Sustainable Development

Llywodraeth Cymru/Welsh Government

Ffon/Tel: 02920 82 5527

e-bost/ e-mail: Carrie.Moss@wales.gsi.gov.uk

From : Davies, Natalie G [mailto:DAVIENG@CAERPHILLY.GOV.UK]

Sent: 02 May 2012 15:56

To : SEB mailbox

Subject: Single Body Consultation

Importance : High

Dear sir / madam,

We are compiling a response to the Single Body consultation on behalf of Caerphilly county borough council and have a last minute addition.

We are trying to integrate this as quickly as we can - would you be prepared to accept our response in a day or so, to ensure we have sufficient internal approval before submitting it to yourselves?

We would be very grateful of an extension of the deadline until Friday to ensure all the views of our internal stakeholders can be put forward.

Kind regards,

Natalie Davies

Living Environment Officer

Caerphilly County Borough Council

'This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email.'

'Mae'r e-bost yma ag unrhyw ffeiliau trosglwyddwyd ynnddi yn gyfrinachol ar gyfer defnydd yr unigolyn neu'r sefydliad cyfeiriwyd ati yn unig. Os ydych wedi derbyn yr e-bost yma mewn camgymeriad rhowch wybod i reolwr eich system. Nodwch taw unrhyw sylwadau neu farn soniwyd amdanynt yn yr e-bost yma ydi sylwadau a barn yr awdur ac nid yn angenrheidiol yn cynrychioli rhai'r Cyngor. I orffen, dylid y person sy'n derbyn yr e-bost sicrhau nad oes firws ynnddi nac mewn unrhyw ddogfen sydd ynghlwm i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws trosglwyddwyd gan yr e-bost yma.'

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes. Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Consultation on the Natural Resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

Respondent:

Natalie Davies, private resident and Local Authority employee.

Address:

1, Penywaun Lodge,
Heol Fawr,
Nelson,
Treharris,
Caerphilly.
CF46 6PL.

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

With all due respect, the decision has already been taken to form a Single Body in November 2011, therefore it is somewhat untimely to be consulting on stakeholders' views on a proposal to form a Single Body now. Nevertheless, we feel that it is important to take the opportunity to share our views on the consultation document.

Since the decision has been taken that a Single Body will be formed and vested by April 2013 (October at the latest), then our view is that the process of change necessary to bring this about in such a short time frame, should be strongly led and managed to ensure the risks to the staff are minimised. In our view, there are a number of opportunities and a number of threats from amalgamating the three bodies, however with full and detailed consultation with the three bodies, we feel that the risks can be mitigated and staff concerns allayed.

The opportunities to make medium to long-term financial savings are evident from the business case and the consultation document. Whilst it is not the only driver for the "merger", it seems to be the main one. However, having worked closely with partners within the Environment Agency Wales, Countryside Council for Wales and the Forestry Commission in Wales over many years, we feel that the opportunities to enhance partnership collaboration and deliver more - and possibly better - work to protect and enhance the natural environment, are highly motivating.

Our concerns are many, particularly with regard the futurity of jobs within the Single Body. However we feel that value can be added to natural resources management in Wales without losing posts - in fact, we feel that the Single Body and the Natural Environment Framework ought to be strongly supported to generate more employment opportunities for valuable environmental professionals from Wales as part of the "green" economy in Wales.

The change management system used to regulate the phased implementation of the Single Body is the Welsh Government's choice, however, we suggest that staff within the organisations that are to form the Single Body should be kept fully informed and should be properly consulted at each stage of the transition. The effects of reorganisation on each organisation's staff ought to be minimised, as major change of this nature is extremely disruptive to individuals and can make for a highly distressing time. In our view, existing staff within the three organisations ought to be protected and retained, to ensure that staff morale can be kept up. Staff acceptance and co-operation will also make the change process easier and enable a new routine to form more quickly.

We feel that a new Single Body has the potential to provide Wales with an organisation whose distinct identity will generate more awareness and a new respect for the natural environment. The public will recognise and identify the Single Body as their own national agency and will be confident that public money is being used more efficiently whilst the environment is being protected more effectively.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

From a Local Authority's point of view, there are issues to be resolved in due course, such as changes to duties and areas of responsibility, operational intricacies and collaborative opportunities, funding streams, regulatory arrangements, partnership support and of course the new Single Body officers who will be involved.

On the whole, the move is welcomed, as the potential benefits are great, both locally and nationally, and it is important to see how one's work at Local Authority level fits into the bigger picture. We do however empathise with our partners in the three Single Body organizations and the anxiety that such major change is likely to be incurring. In particular we support the view of the Forestry Commission that the Forest Estate in Wales ought to be protected and – where appropriate – enhanced to ensure that forestry plays a major role in a sustainable Welsh economy, and that the risks to the estate in terms of a capital asset are minimized.

Question 3: What are your views on this phased approach? How could we improve on it?

The phased overall approach to a legislative framework seems sensible. As the approach is quite brief at this time, and we are not aware of the implications of the various Bills mentioned, we have no further comments to make at this time.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

We very much welcome the focus on sustainable development as the central guiding principle of the proposals, and we have considered the proposals in the context of the Natural Environment Framework and the ecosystems services approach. In our view, such a major stride forward in addressing the need to use sustainability as the focus of all work on the natural environment can only be a positive move and is to be welcomed.

The principle aim of the Single Body is more anthropocentric than was expected, and we are conscious that management of the environment could be seen as serving a purely human purpose with this particular wording, i.e. if the work does not offer a human benefit then it is not worthwhile. We are confident that this possibility has been considered, particularly with regard the Countryside Council for Wales' input into the consultation, given that much of their work involves management of habitats and landscapes for their intrinsic and ecological worth as opposed to their human value. Of course this has a bearing on the ecosystems services approach as a whole, and the methodology for valuing nature in economic terms is still being refined. There is a very real danger in applying economic criteria to the natural world.

Nevertheless to some extent our concerns are allayed via strategic outcome 3, and on the whole we believe the strategic outcomes are good ones and will be a suitable footing for the Single Body.

Question 5: What are your views on the approach to the delivery framework?

Given the brevity of this section and the absence of more context of the delivery framework, we have no comments to make on this at this time.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

The functions, powers and duties given in tables 1 to 3 seem to be reasonably thorough and we acknowledge that the illustrative examples given might not be an exhaustive list.

Although we acknowledge that outdoor environmental education is included in table 1, we would like to see the role of forests/woodlands in education strengthened as an ongoing area of work for the Single Body, particularly as the Forestry Commission's woodlands learning teams have a key role in Forest School and other education initiatives throughout Wales. This is highly valued as very important on a local level to increase young people's knowledge and understanding, awareness of and confidence in the natural environment and to the development of the next generation of environmental managers.

As the lead body of a strong local environmental partnership, Caerphilly County borough Council would like to see the Single Body take forward a role in Community Planning. We acknowledge that the Sustaining a Living Wales consultation recognizes the role of Community Planning in the Natural Environment Framework, but we do not see a link within this particular consultation. Currently, our "Living Environment Partnership" has critical memberships of officers from the Countryside Council for Wales, Environment

Agency Wales and Forestry Commission Wales. Ideally we require the continuation of support from the Single Body in our partnership and the partnerships of other Local Authorities across Wales.

On page 40, we would like to see clarification of the grant aid for access opportunities being extended to Third Sector organizations as well as Local Authorities and community groups. With regard the planning and management of water resources, we would like to see reference made to managing water for public benefit i.e. access and leisure activities such as fishing, boating canoeing etc.

We have no specific comments on Table 2 General Powers.

With regard Table 3 Duties, we feel that it should be a duty to consider Sustainable Development as a central organizing principle and also that the Single Body should have a duty to consider, protect and enhance Biodiversity.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Getting the balance right between the levels of authority needed to control and manage an issue and the capacity of the organization to deal with the issue adequately is key. Also the issues of conflicts of interest and internal accountability ought to be minimized within the Single Body. The centres of authority and expertise must be clear and where the Single Body holds the expertise, it ought to be held in a position of authority.

However, we feel that due to the potentially contentious nature of badger protection and the conflict associated with this, we agree that badger licencing ought to remain a Welsh Government responsibility, at least for the time being. We do not feel that a split role is desirable unless the current arrangement with CCW works seamlessly and efficiently and could be replicated with ease within the Single Body.

With regard Tree and Plant Health, we agree that the operational facets of this ought to be an area of remit for the new Single Body but that the more legal and high level policy ought to be a Welsh Government function. We are certain that the Single Body will continue to have a critical role in shaping WG policy as at present the FCW do and that various partnerships and cross-border relations will be retained and enhanced. We feel that forest policy is quite a strong area within FCW and that bringing it within the WG will serve to further add weight to this.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Yes, we agree with the proposals. We are of the view that research that could support the natural environment framework and all the fields within, ought to be aligned and effectively co-ordinated. Duplication ought to be minimized to ensure that our best minds

are applied to work that will contribute new science to their field and to strengthen the evidence base upon which all environmental decisions are made. Effective co-ordination would mean that students and researchers across Wales would build a new knowledge based asset for Wales, and effective translation into real employment opportunities, for example within the Single Body or wider NEF structure, will reduce the environmental brain drain out of Wales. A successful NEF in Wales will only be possible with a high caliber workforce and an equally high caliber research and scientific community.

There are a number of excellent Universities and higher education colleges in Wales contributing vital research in the environmental sphere, and the organisations that will form the Single Body each have centres of research and expertise. We feel that there are many opportunities to align research drivers with the Natural Environment Framework, perhaps through Welsh Government sponsorship of research programmes designed to bring Wales to the forefront of ecosystems services expertise and make Wales a world leader in truly sustainable development. Collaboration across Welsh Universities and other institutions would be highly beneficial.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

The approach seems a logical one. We agree that the Board ought to be independent and authoritative. We would hope that local government would have a strong representation on the Board, since Local Authorities are key stakeholders, responsible for much of the local implementation of many of the policies emanating from the current bodies and are affected by other policies. We feel that local government therefore ought to be included in the central decision-making and steering body, since the Natural Environment Framework will not be delivered without Local Authority effort.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

The stakeholder engagement proposals are reasonably thorough, except that Local Government is not clearly identified as a stakeholder. In addition, the public is not really given much focus in the stakeholder engagement stakes. Whilst we feel at this stage, the consultation is of more immediate concern to the organizations involved in becoming the Single Body, there ought to be a little more public engagement, even if this is purely informative.

Question 11: What are your views on these aspects of the regulatory arrangements?

We do not foresee major issues with the arrangements, but we feel there ought to be a clear distinction between the regulatory roles of the Single Body and the operational aspects, in order to avoid conflicts of interest and help assure public confidence.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them.

The proposed shift to a Single Body is quite a major change and the decision was taken with insufficient wider consultation with stakeholders. As time goes by and movements are being made to amalgamate the organizations, very little information is filtering through to partner organizations and other stakeholders. Indeed, very little information seems to be cascaded down within the Single Body organizations about changes that will affect them in the imminent future. Not only does this risk creating poor morale but it erodes confidence and disempowers stakeholders. In order to realize the Welsh Government's aspirations for transparency, contained in the Summary section, will only be realized with full stakeholder engagement from now on. There is a suite of consultation tools that can be implemented to properly engage key stakeholders, but the way in which changes are communicated is going to be of vital importance during the process of change. It is our view that the Welsh Government ought to seek to improve communications linkages and networks with stakeholders, including Local Government in order to facilitate better reciprocal engagement.

From a Local Authority perspective, there is a concern that the proposals regarding Internal Drainage Boards will lead to removal of accountability for decision making and that this might result in alienation of stakeholders.

Finally, we are conscious that there is a real need for consultation with the Single Body organisations on the Single body brand, in order to ensure the name of the Single Body and the design of its logo is of high quality so as to inspire professionalism, confidence and pride amongst staff and the respect and pride of the public. The name ought to reflect the status and role of the Body and not detract from its powers and public perceptions of these.

From: Westlake, Debbie (DESD)
Sent: 03 May 2012 10:23
To: Rookyard, Philip (ESH - DT)
Subject: Mr M Jackson - 67

From : mr-m.jackson@virgin.net [mailto:mr-m.jackson@virgin.net]
Sent: 02 May 2012 13:33
To : Living Wales
Subject: green paper

The idea of combining the bodies responsible for Wales is good. I witnessed a ridiculous squabble between Forestry and CCW over access to Newborough. But there is the basic conflict between protection and exploitation which do not sit well within one body. They need to be distinct and separate. Protection of habitat and individual species should be monitored and promoted – indeed prioritised - without any conflict of interest . Where the exploit v protect lobbies clash there should be an independent arbitration. I pointed up the conflict over skylark protection and human access to their nesting grounds – a conflict between right of access and protection of wildlife which could be problematic within one body especially behind closed doors. So combine the bodies under one umbrella but keep the conflicting interests separate.

M. Jackson
Anglesey

Declaration: I was marginally involved in the development of the NEF, stemming from my membership of the Ministerial Reference Group for the Environment Strategy. I commented on several early narratives, and pressed for an approach centred on ecosystem services and not purely biodiversity.

General: The aim for the Welsh environment must be to optimise food, energy and water security for the people of Wales whilst preserving the species and habitats that are not directly exploited. Not only do the wilder parts of Wales and the species in them provide solace and inspiration to many people in Wales, but they deliver a significant part of the ecosystem services that are the proper concern of the NEF and the Green Paper.

Ecosystem services: The thrust of the NEF-based part of the Green Paper is that Wales should base its environmental thinking on the concept of ecosystem services. Note that this does not mean that the services that Wales' environment provides have to be costed; indeed such an approach is far too narrow and misunderstands the integrative aim of the ecosystem service approach. This base in ecosystem services is to be welcomed. It need not – indeed must not – reduce emphasis on biodiversity and habitats.

The two main weaknesses I see in the Green Paper are these. First, in the transition from the NEF to the Green Paper the emphasis has shifted from environment to people. It is essential to embed the understanding that the short-term benefits of exploiting the environment must not be bought at the expense of the long-term vigour of the environment of Wales – it's the only one we've got. Second, the wording around ecosystem services is basically qualitative. I believe this will need to shift to being truly quantitative; as we learn to measure the components of ecosystem services we will need a clear idea of whether what we have matches what we should have.

A single environmental body: The concept of a single environmental body (SEB) for Wales is a good one. Not only is a country of just 3M people too small to sensibly support three separate bodies, but the advantages of having a seamless view of Wales' environment, and bringing together the strengths and best features of the three current bodies, promises well. As ever, change will be fiercely resisted by some, but this is a case of the potential gains far outweighing the risks. A body that combines CCW's ethos and detailed knowledge of the environment, EAW's regulatory and analytical experience, and FCW's commercial understanding, could serve Wales very well indeed.

The two main risks are I think these: that there will be active or inertial resistance to true integration, and that a SEB will be more open to swings of politics or pressure. The two solutions to these risks are, first, a strong and committed chief executive; and second a strong, knowledgeable and independent Council. This latter component of governance is crucial to a successful SEB.

Planning: The ideas about planning are to be welcomed, although how they are implemented is of course the key to whether they will work. Arguably, the biggest legislative threat to our environment now is that planning decisions are taken piecemeal in the absence of any realistic environmental framework. The Green Paper opens the way to what one might call, perhaps cheekily, a proper spatial plan for Wales, based on the functioning of the natural and semi-natural environment which underpins all our futures.

Professor John Farrar



Pentwyn Road
Nelson
Treharris
Mid Glamorgan
CF46 6LY

Tel: +44 (0)1443 452 192
Fax: +44 (0)1443 452 332
Web site: www.dwr.cymru.com

Heol Pentwyn
Nelson
Treharris
Morgannwg Ganol
CF46 6LY

Ffôn: +44 (0)1443 452 192
Ffacs: +44 (0)1443 452 332
Safle gwe: www.dwr.cymru.com

Carrie Moss,
Living Wales Programme Team,
Department for Environment and Sustainable Development,
Welsh Government,
Cathays Park,
CARDIFF
CF10 3NQ

May 2012

Dear Ms Moss,

'NATURAL RESOURCES WALES' CONSULTATION PAPER

Thank you for consulting us on your proposed arrangements for establishing and directing a new body for the management of Wales's natural resources.

These comments are from Dŵr Cymru Welsh Water, the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. We are owned by Glas Cymru, a single purpose, not-for-profit company with no shareholders.

We work closely with the Environment Agency Wales who regulate our 190 water abstractions and 3,700 treated wastewater discharges. We also have frequent contact with the Countryside Council for Wales as a significant proportion of the major rivers in Wales are designated in recognition of their conservation importance. Against that background, Dŵr Cymru has a vested interest in the new arrangements working well.

Dŵr Cymru supports the Welsh Government's proposals, particularly the merger of the Environment Agency Wales and Countryside Council for Wales. We want the new body to be a credible and well respected environmental regulator that puts the needs of Wales – economic and social as well as environmental – at the top of its agenda.

With the continuing weakness of the economy, and with further UK Government austerity measures still to bite, the new body must work to overcome the general perception that environmental regulation is bad for business. The new organisation must be seen as an enabling body that supports sustainable economic development while protecting our environment.

Its performance should be measured by environmental outcomes, but taking account of measures of economic and social prosperity - we would like to see something along these lines within the new body's strategic outcomes.



We welcome correspondence in Welsh and English
Rydym yn croesawu gohebiaeth yny Gymraeg neu yn Saesneg

The outcomes should also refer to the need for an improved and robust evidence base to support decisions. An evidence based approach to decision making would go a long way toward overcoming some of industry's current concerns about environmental regulation.

One of the assumptions underpinning the business case is that the merger will bring financial savings. These savings should be used to reduce charges for the new body's customers – and would give evidence of the merits of the merger.

The Environment Act 1995 limits the Environment Agency's charges to cost recovery. Hypothecation of charges should continue to be a central principle of the new body's remit and reflect the cost of environmental regulation here in Wales. Such a principle would not only reflect the value that we place upon the environment, but could also be used as a means of engagement with Welsh business – better environmental performance should mean lower charges for customers of the new body.

We hope that the new body will be encouraged to forge partnerships with third parties, including business partners like Dŵr Cymru. For example, our company continues to investigate our impact on the environment and the flora and fauna it supports: we would welcome greater involvement of our regulators in this research effort. This might extend to joint procurement to avoid duplication and to enable better use of finite resources.

Strong leadership of the new body will clearly be key. Both the Chair and in particular the CEO of the new organisation need to be individuals of the right calibre, both of whom enjoy the confidence of the staff and so can lead them through the period of uncertainty and upheaval that merger will inevitably bring. Board membership should encompass representation from industry, including the water companies and other sectors that are key players in the Welsh economy. The Board will also need to include members with a proven track record of successfully driving through large scale mergers that have delivered efficiency savings.

One theme running through the consultation paper is whether there are other organisations or functions that should be brought within the new body. We feel that some of the smaller UK specialist bodies should be retained as separate entities, (e.g. the Drinking Water Inspectorate and the Food and Environment Research Agency) so as to avoid any inefficient use of national resources.

Having said that, we think that there is a strong case for enhancing the new body's flood risk management functions at some point. As well as incorporating the Internal Drainage Boards (which you confirm you are considering), you should consider transfer into the new body the flood risk management functions of local authorities. This would be more efficient, would facilitate a more holistic approach to flood risk management and clarify where responsibilities lie during flooding emergencies. In the attached more detailed response we have also suggested some other local authority functions that the new body might assume in future.

You propose retaining within the Welsh Government functions relating to agri-environment policy. Unless more is done to tackle diffuse pollution from agriculture, Wales will struggle to meet some of its European environmental obligations (such as the Water Framework and Bathing Water Directives) irrespective of how much money companies like ours spend on reducing our own environmental impact. We therefore hope that formal arrangements will be put in place to ensure that the new body can use its environmental expertise to influence agri-environment policy going forward.

One of the benefits that Dŵr Cymru hopes that the amalgamation of the Countryside Council for Wales and Environment Agency Wales will bring is greater "buy-in" of both parties to the evidence the new body gathers. There will need to be arrangements made with relevant regulators on the English side of the border to ensure that they are also "on board". For example, Dŵr Cymru is currently having to cope with inconsistencies in the regulatory approaches adopted by Natural England and its Welsh counterparts regarding the standards applied in cross-border rivers such as

the Wye – this sort of inconsistency hampers effective regulation, can damage the reputation of the relevant bodies, and can frustrate sustainable economic development.

Lastly, in our experience, it is essential that the right governance arrangements are put in place from the start; getting these wrong will undermine the effectiveness of the new organisation. Glas Cymru is a company limited by guarantee, has no shareholders, and as such our governance arrangements are different from other companies. Key to the success of our model has been (a) a Board comprising a majority of independent non-executive directors (including Chair), individuals of high standing with a broad spectrum of experience, (b) incentives and disciplines which are hard, and objective and align management and staff with the purpose of the company (the water industry is very “measurable”), and (c) a body of Members, individuals drawn from across our region and from all walks of life, who are independent of the company and hold the Board to account for the performance of the company (this feature has worked particularly well, in part because we are in Wales). We feel that certain of these arrangements might be of relevance to the new body and we would be happy to share with you our experience of what has worked well and what has not as well as the practicalities.

I hope that these comments are helpful. They are elaborated in the paper accompanying this letter, which also includes other, more detailed points. I would be very happy to meet you to discuss any of the issues raised.

A copy of this letter has been sent to Chris Mills at Environment Agency Wales.

Yours sincerely

A handwritten signature in black ink that reads "Tony Harrington". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Tony Harrington

Director of Environment

Email: tony.harrington@dwrcymru.com

COMMENTS BY DŴR CYMRU ON WELSH GOVERNMENT CONSULTATION ‘NATURAL RESOURCES WALES – PROPOSED ARRANGEMENTS FOR ESTABLISHING AND DIRECTING A NEW BODY FOR THE MANAGEMENT OF WALES’ NATURAL RESOURCES’

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

Dŵr Cymru supports the Welsh Government’s proposal to merge Environment Agency Wales and Countryside Council for Wales. When delivered successfully, it will give Wales an independent, streamlined, cost efficient and “single voice” regulatory body that will help us and others to deliver more for Wales. At its best, it could put the Welsh economy at a competitive advantage by delivering a more integrated, consistent and simplified approach to regulation.

The new body should set out to be confident, nimble and easy for business to deal with, concerned with “positive outcomes” based on strong evidence rather than just “abiding by the rules”. It must be seen as a body that wants to support economic development in Wales while being committed to protecting and, where necessary, improving our environment.

The new body should therefore champion sustainable development, putting Wales’ needs – economic and social as well as environmental – at the top of its agenda. As we say in our response to question 4, this should be an explicit part of its remit.

By way of illustration, Dŵr Cymru is committed to protecting Wales’s water environment, not least because it provides the raw material that our business relies on. However, meeting ever tighter environmental standards is likely to cause water bills to rise (putting more customers into water poverty) or squeeze out much needed investment to maintain our existing network of assets or hamper our ability to provide infrastructure for new development. We hope that the new body will work with us to weigh the full costs and benefits of its regulatory decisions.

There have been inconsistencies of approach between the Environment Agency Wales and Countryside Council for Wales: this is particularly unhelpful for a regulated business like ours and has hampered successful implementation of, for example, the Water Framework Directive. More generally these inconsistencies can damage Wales’s reputation as a place to do business and harm the Welsh economy as a result. We hope that the amalgamation of these bodies will improve the “buy-in” of both parties to its shared policy objectives and the evidence it gathers.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

We are less persuaded of the merits of combining the commercial parts of the Forestry Commission Wales into the new body. The synergies are more limited and its inclusion significantly increases the complexity of establishing the new body. It could also undermine the new body’s credibility as an independent environmental regulator by introducing an element of “poacher-cum-gamekeeper”: we explore this concern more fully in our answer to question 11.

We are slightly wary of “one-on-one” regulation. This is because our economic regulator (Ofwat) uses water industry comparisons as part of its price setting process. For our sector, it will be important that there continues to be a level playing field with the Environment Agency in England so that comparisons between our performance and that of our peers elsewhere is fair and based on consistent standards.

In terms of the body's approach to regulation, we would like to see a firm timetable set for streamlining environmental regulation in Wales: the consultation includes several references (e.g. at 1.1 and 2.4) to a general aspiration to simplify the regulatory framework, but is far less clear about when that might actually happen. A more straightforward environmental regulatory regime could be a useful tool in helping to attract new business to Wales.

The way in which the Habitats Directive has been transposed in England and Wales has encouraged an over-precautionary approach to its implementation, often with too little weight being given to the need for evidence to support decision making. The ethos of the new body must recognise that evidence based decision making is far more convincing to regulated industry and that an over-precautionary approach may not represent the best overall outcome for Wales.

Question 3: What are your views on this phased approach? How could we improve on it?

Dŵr Cymru has gone through some major upheavals/reorganisations including at privatisation and, more recently, during our in-sourcing of a number of functions. Our own experience suggests that the best results are achieved when change is implemented without delay so that uncertainty is minimised and people can get on with making it work.

The phased approach you propose will inevitably prolong the upheaval for the new body - and uncertainty for the staff that work within it – for several years to come. A long transitional period will also bring unwelcome uncertainty, including to regulated businesses such as Dŵr Cymru.

The consultation paper refers to “further phases” (at 3.3) involving the development of proposals for delivering the ecosystem approach, environmental planning and future regulation: this will culminate in further – and by implication fairly fundamental – changes to the single body through the Environment and Planning Bills. Thus the period of uncertainty will last until at least 2016 (the target date for the Planning Bill according to your Green Paper).

This prolonged uncertainty will be unsettling – and potentially very demoralising - for staff. The new body's leadership team will need to attach a high priority to retaining the many talented and committed staff that it will inherit from the constituent organisations.

With so much still to be decided, there is also a danger that significant numbers of staff will be engaged in transition planning and so be diverted away from the body's important “day job” of understanding and protecting the Welsh environment and the flora and fauna it supports.

Your consultation paper refers to the provision in the Public Bodies Act 2011 that enables Welsh Ministers to transfer any devolved environmental function to the new body. Once the new body has had the chance to “bed down”, we think there may be a case for considering whether to shift some of the environmental functions that currently rest with local authorities.

To give some specific examples, many local authorities in Wales seem ill equipped to undertake their functions relating to private drinking water supplies. The new body and local authorities will have some common functions (e.g. fly-tipping and air quality): if the new body assumed sole responsibility for these functions in Wales it would ensure a more consistent approach to regulation and reduce the risk of confusion about where the line is drawn between the organisations' responsibilities.

The problem of potential confusion between roles is also relevant to the allocation of flood risk management functions under the Flood and Water Management Act 2010. Your consultation paper confirms that you are considering incorporating the functions of the Internal Drainage Boards within the new body: we think you should go further and consider transferring the flood risk management functions of local authorities, so making the single body responsible for delivering flood risk management in Wales. This would be more efficient and would facilitate a more holistic approach

to flood risk management. It would also clarify where responsibilities lie – which is of critical importance during flooding emergencies.

We look forward to being consulted on any consequential amendments to UK legislation that you refer to in section 3.4.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The single body must strive to be seen as enabling – not obstructing - business to thrive in Wales. The new body’s aims and strategic outcomes should give greater recognition of the important role that the new body could play in facilitating economic development here in Wales. The need to consider social impacts should also be explicitly acknowledged.

The proposed aim of the body quoted in section 4.4 therefore needs to have something added along the lines of “and so help deliver sustainable development”.

Environmental improvements, however desirable, have to be paid for. Dŵr Cymru wants to reduce its environmental impact, but we know that some of our customers already struggle to pay for the essential services we provide. The new body must be required to consider costs and benefits of any new burdens they place on business, giving proper weight to their affordability for Welsh businesses and their customers. To this end, the first strategic outcome should be extended by the phrase “, weighing the costs, benefits and affordability of its actions”.

We welcome the explicit reference to climate change mitigation and adaption though we think that there is an emergent challenge for Welsh Government to integrate the risks of climate change into policy and (new) legislation - updating the Habitats Regulations to accommodate anticipated climate change impacts is an obvious example for this point.

“Adopting an evidence based approach to regulation” should be added to the strategic outcomes for the new body. An improved evidence base would go a long way toward helping the new body to “sell” environmental improvements to the business sector.

Flood risk management also warrants an explicit mention.

More generally, we are less than clear about the weight these strategic outcomes will be given (e.g. will they be statutory?), what their purpose is and how they will interrelate with the complex suite of functions and duties that the new body will inherit. It needs to be recognised that the new body’s actions will be largely dictated by its statutory duties and functions.

Given that you are proposing a new statutory aim for the amalgamated body, we had assumed that you would repeal the Environment Agency’s existing statutory principal aim under section 4 of the Environment Act 1995 (*to discharge its functions so to protect or enhance the environment, taken as a whole, as to make the contribution towards attaining the objective of achieving sustainable development....*) – hence we have suggested that a reference to sustainable development be added to the new body’s aim. However, your consultation paper says that the existing statutory aim may also be retained, albeit in a modified form. The relationship between the new and old statutory aims remains unclear to us. Having said that, we welcome the commitment to consult on the Welsh Government’s statutory guidance to be issued under section 4 of the 1995 Act.

Question 5: What are your views on the approach to the delivery framework?

Dŵr Cymru considers that the proposed framework illustrated in Annex 5 of your consultation looks too vague.

The new body should be put onto a much more transparent, business footing. So, for example, the delivery framework should have specific and measurable targets (e.g. to ensure that X% of water bodies in Wales are good status under the European Water Framework Directive by 2015) and its funding should be at least partly dependent on the delivery of those targets.

These focussed targets would underpin the new body's budgeted Business Plans.

We would also like to see much greater emphasis given to the need for an improved evidence base to support decisions

The Delivery Framework in Annex 5 of your consultation paper refers to the new body becoming an exemplar of environmental management. Dŵr Cymru agrees that, to be credible, Wales' main environmental regulator must aspire to be a top environmental performer. However, we think that this might put additional pressure on the new body, inevitably increasing its costs.

For example, we suspect that the Welsh Government may have underestimated the amount of work – capital as well as operational - that will fall to the new body to help Wales comply with the European Water Framework Directive. Figures we have seen recently¹ suggest that the forestry sector (not necessarily just Forestry Commission Wales) is thought to account for 7% of water bodies in Wales that fail to achieve good status. The new body will also inherit a significant work programme to improve fisheries and reduce the impact of flood defences. The new body will be in some difficulty if it is trying to persuade others to comply with obligations such as the Water Framework Directive if its own performance is less than exemplary.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

The tables respectively list the main areas of work; the general powers that apply across functions; and the main factors which the proposed new body will have regard to in exercising its functions. We found the distinction between the tables less than obvious and the wording is too inexact (e.g. "strategic planning of water resources" implies an overlap with the Welsh Government's own statutory role and the body's powers of entry etc seem to have been omitted). Although we realize that its production would have been laborious, we would have preferred to have an Annex listing the statutory duties and functions that currently apply to these three bodies, distinguishing between devolved and non-devolved functions.

The consultation says that when you transfer the existing functions to the new body you intend to "rationalise duplicate functions, taking the opportunity to simplify or update the legislation". Any changes in legislation should be accompanied by clear impact assessments and be consulted on.

As a point of omission we think that the new body should have the power to make byelaws. These are an underrated regulatory tool and could prove useful in delivery of the Water Framework Directive.

¹ Environment Agency Wales' *"Living waters for Wales – communicating our approach"*

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Dŵr Cymru agrees with the underlying premise that strategic policy making should stay within the Welsh Government and operational delivery should rest with the new body.

We also agree that it therefore makes sense to transfer marine licensing from the Welsh Government to the new body, with the Welsh Government assuming an appellate role in the process.

We hope that the new body will have a role in monitoring the marine environment around Wales to improve the evidence on which it bases its decisions on licence applications. An improved understanding of our marine environment will also help the Welsh Government successfully implement the European Marine Strategy Framework Directive in Wales.

The consultation paper says little about the future of marine planning in Wales. We think that it should sit with whichever body is responsible for the national resource management plans proposed in the Green Paper "*Sustaining a Living Wales*": this would ensure that there is full interface between the marine and terrestrial management planning processes. The single body will certainly have an important role in gathering the evidence base that should underpin the new plans.

As regards plant health, we feel that there may still be a role for some of the smaller, specialist bodies such as the Food and Environment Research Agency being retained as separate entities.

You propose to retain agri-environment and sea fisheries within the Welsh Government. We can see some attraction in the single body having responsibility for inland and sea fisheries to enable a more joined up regime of protection; particularly for migratory fish.

Dŵr Cymru – and therefore our customers – is investing in many schemes to reduce our impact on the environment and so help Wales' compliance with European obligations such as the Habitats and Water Framework Directives. The value of our customers' investment will be undermined if other sectors are not doing their fair share. Wherever the agri-environment and sea fisheries functions sit in future, greater acknowledgement must be given to their importance in terms of meeting Wales' obligations under the European Water Framework; Habitats; Birds; and Marine Strategy Framework Directives.

If these functions are to remain in-house within the Welsh Government, it must work closely with the new single body (and bodies such as the statutory Relevant Authority Groups) to ensure that the environmental and conservation impacts of these activities are better understood and, if needs be, addressed.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

We agree with the suggestion that the Welsh Government should provide the strategic direction for environmental research in Wales.

Dŵr Cymru plans to undertake a programme of targeted and leveraged environmental research and long-term monitoring to improve our understanding of the operation of our assets and their impact on the environment. We would like to work closely with the Welsh Government, including its Sustainability and Environmental Evidence Division team, to maximize the potential synergies.

The new body's focus should be on monitoring and investigation to improve the understanding of the Welsh environment and so help to justify the expenditure it demands of others. Dŵr Cymru

continues to be frustrated by the lack of evidence to support our regulators' work (e.g. a fundamental understanding of the river flows necessary to support protected fish species). We hope that the merger will target these knowledge gaps.

Having said that, the Welsh Government should not underestimate the extent – and implied cost of rectifying – the gaps in the evidence base. For example, proof of the achievement of many of the indicators listed in Annex 5 (Delivery Framework) will rely on the availability of robust evidence, e.g. point 8 (trends in Biodiversity Action Plan species and habitats); point 9 (% of features on Protected Sites in favourable or recovering condition); point 16 (biological and chemical river water quality); point 18 (% of sensitive habitat area exceeding critical levels for acidification and eutrophication).

The conservation status of too many SSSIs and Natura 2000 sites in Wales has remained uncertain up to now. Much is also unknown about the environmental requirements of many features that are protected under conservation legislation. This hinders species' long term survival, as well as unnecessarily hampering local development. We hope that the new body will give a high priority to addressing this key information gap.

Dŵr Cymru stands ready to collaborate with the new body. For example, we continue to believe that there is some overlap – and thus wasted resources – in the monitoring programmes that we and the Environment Agency Wales undertake, e.g. for our drinking water safety plans. We have also instigated various investigations to try to improve our understanding of our environmental impact (e.g. fish entrainment at our abstraction points) and would welcome greater involvement of the relevant regulators in this sort of project. This might extend to joint procurement, where appropriate, to avoid duplication of effort and deliver better targeting of finite resources.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

We agree that, to be a credible regulator, the new body must be seen to be independent and at arm's length from the Welsh Government.

Leadership of the new body will clearly be key. We would like to see the Chair and CEO being people with the right experience and stature to bring the staff from the component organisations through the merger. They will need to provide convincing leadership that staff (and other stakeholders) can buy into and hopefully be inspired by. The Board that supports the Chair and executive team is equally important and we would like to see a good mix of experience and expertise represented on the Board, including the water industry and other sectors of the Welsh economy. The Board will also need to include members with a proven track record of successfully driving through large scale mergers that have delivered efficiency savings.

At 6.3 you raise the issue of cross-border governance. Cross-border environmental standards will need to be agreed with relevant English regulators, such as Natural England. Dŵr Cymru is having to cope with inconsistent approaches (e.g. to levels of phosphorus) adopted by regulators on either side of the border in respect of the River Wye. This can put businesses like ours in an impossible position and does nothing to enhance the reputation of the relevant bodies in terms of their willingness to understand the position of the industries they regulate.

We welcome the suggestion (at 6.3) that the Welsh Government intends to play a bigger role on the European stage. Dŵr Cymru would be happy to support you in this, e.g. by providing briefings on the practical problems we face in trying to meet European standards.

In addition to the organisations listed in section 6.6, the new body will need to establish a formal arrangement with bodies such as UKTAG which advises on the technical standards that the UK should adopt in implementing the Water Framework Directive and UKWIR which leads on water industry research.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

You propose (at 6.5) to abolish the Environment Agency Wales' statutory Environment Protection Advisory (EPAC) and Fisheries, Ecology and Recreation Advisory Committees (FERAC). We have often wondered why the fisheries sector warranted such special treatment over other environmental sectors so would welcome FERAC's abolition. We would question whether there is a convincing case for a replacement committee being established, albeit on a non-statutory basis. Perhaps the non-statutory successor to EPAC should include fisheries and recreation in its remit.

You intend to enable the Board to run local committees if it wishes (6.5). We have some sympathy with this proposal (assuming it is geographic rather than topic based) so long as the benefits the committees' deliver justify the costs of servicing them. We also welcome the acknowledgement of the role of the third sector in terms of future delivery options.

Question 11: What are your views on these aspects of the regulatory (governance) arrangements?

Dŵr Cymru believes that much more thought needs to be given to the proposals outlined in your paper, with a view to increasing the safeguards, as well as increasing transparency and credibility.

Prior to the privatisation of the water industry, the then Welsh Water Authority was the aquatic environment regulator, even though it had a major impact on the water environment itself through its many discharges and abstractions. This dual role undoubtedly undermined its credibility as a regulator. The epithet of "poacher-cum-gamekeeper" was only lost when the water industry was privatised in 1989, and the Welsh Water Authority was split into the National Rivers Authority (since subsumed into the Environment Agency Wales) and Dŵr Cymru Welsh Water.

We wonder whether the new body's credibility will similarly be undermined, particularly by the activities of the commercial arm of what is now the Forestry Commission Wales.

Wind farm developments are a case in point. The Forestry Commission Wales is actively promoting wind farm developments at several of its sites, which has already proved a controversial policy. The Forestry Commission Wales generates considerable income from this activity. Wind farms are usually subject to close scrutiny in terms of their environmental impacts including, for example, on local ecology such as birds: the Countryside Council for Wales is seen by local planning authorities as the source of independent, authoritative advice. We wonder how the environmental regulator's direct involvement in such schemes – and its associated financial gain - will affect its perceived independence and environmental credibility.

Similarly, the Forestry Commission Wales is promoting hydroelectricity schemes on its land, which require Environment Agency permits.

In section 6.6.1 the consultation paper refers to self-permitting, particularly in relation to the new body's forestry activities. We believe that there will need for additional statutory safeguards. Prior to the privatisation of the water industry, the Welsh Water Authority had to give the (then) Welsh Office advance notice when it proposed granting itself consent: this gave the Welsh Office the opportunity to intervene. We think that similar safeguards will need to be introduced to defuse the accusation of a conflict of interest within the new body.

Another example of a potential conflict of interest may be the single body's willingness to prosecute itself for causing pollution – a situation that could easily arise from the circumstance of becoming a major land owner. The consultation paper is silent on this key issue. This will be critical to the new body's wider credibility, particularly amongst the other parties it prosecutes for similar offences.

The Welsh Government will need to be far more upfront about how it intends to address this conflict.

With particular reference to 6.6.2, given the responsibilities that the new body will have in relation to Natura 2000 sites, we wonder whether the arrangements proposed for the new body constitute a 'Plan or Project' under the Habitats Regulations 2010?

Section 7: Managing the Change

The consultation paper says (at 7.3) that you expect, at least initially, to have common charges and licences with cross border validity with the Environment Agency in England. The consultation paper also says (at 2.2.3) that you intend to invest projected savings expected from the amalgamation of the three bodies in "improving our environment and in environmental services to people and businesses". At least some of these savings should be used to reduce the charges for the new body's customers – this could help to reinforce the message that the new body wants to be business friendly.

Having said that, given the better fisheries we have here in Wales (salmonid rivers are prevalent here whereas in England coarse fisheries are more widespread), should the cost of rod licence in Wales rise to reflect to the cost of the (provisioning) ecosystem service the fisheries provide? We also think that there should be much more effort put into understanding the (adverse) impact that angling has on achieving Favourable Conservation Status under the Habitats Directive in those rivers that are Special Areas of Conservation to protect their fish populations: an appropriate assessment of this activity under the Habitats Regulations would be the obvious tool.

The discussion in 7.4 talks about making provision for the new body to contract services from other (English) regulators. We accept that this may be a pragmatic choice in the short term. As noted in our answer to question 7, we also believe that some of the specialist bodies like FERA should be retained. However, we would encourage Welsh Government to do all it can to build the scientific and professional skills of the new body in Wales so that a more able workforce can bring wider economic benefit to Wales.

At 7.5 the consultation paper refers to funding arrangements, but is silent on the issue of hypothecation. The Environment Act 1995 constrains the Environment Agency's charges to cost recovery of the relevant functions.

Abstraction charges levied by the Environment Agency currently have a regional element, including for Wales, reflecting the different costs incurred. By contrast, charges for discharge permits are set on an England and Wales basis without regional factors.

We hope that hypothecation of charges will be a central principle of the new body's remit and properly reflect the cost of environmental regulation in Wales. Such a principle would not only reflect the value that we place upon the environment here in Wales, but could also be used as a means of engagement with Welsh business – better environmental performance should mean lower charges for customers of the new body.

Section 7.6 refers to laboratory facilities. The new body will need to have access to the requisite laboratory facilities from day one. Dŵr Cymru is establishing new laboratories in North and South Wales and stands ready to work with the new body if that would help, particularly during the initial transitional period.

We would have found it helpful to have had greater clarity within Section 7 about transitional arrangements in respect, for example, of current outstanding applications for permits, or on-going disputes.

From: Read Eve M. [Eve.Read@dwrcymru.com]

Sent: 04 May 2012 14:48

To: SEB mailbox

Cc: Moss, Carrie (DESH); Leeb, Gretel (SF - Operations); chris.mills@environment-agency.wales.gov.uk; Ceri.Davies@environment-agency.wales.gov.uk

Subject: Natural Resources Wales consultation

Attachments: DCWW response to Natural Resources Consultation final.pdf

Dear Carrie,

Many thanks for agreeing to give D•r Cymru Welsh Water an extra couple of days to respond to the Welsh Government's consultation paper, "Natural Resources Wales – Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources".

I attach D•r Cymru's response.

Regards,

Eve

D•r Cymru Welsh Water

(tel) 01443 452518

(mob) 07585 964092

Dwr Cymru Welsh Water is investing heavily and working hard to ensure top quality services to all its communities. The company is investing £1.3 billion in its water and sewerage network between 2010 – 2015.

It is a 'not-for-profit company' which has been owned by Glas Cymru since 2001. Welsh Water does not have shareholders and any financial surpluses are reinvested in the business for the benefit of customers. Visit our website at www.dwrcymru.com to find out more about us.

This email and any files attached are intended for the recipient(s) only. It may contain proprietary material, confidential information and/or be subject to commercial privilege. It should not be copied, disclosed to or used by any other party. If you are not a named recipient please delete this e-mail and any attachments and promptly inform the sender.

Company Name - DWR CYMRU CYFYNGEDIG. Registered Office: Pentwyn Road, Nelson, Treharris, Mid Glamorgan CF46 6LY Company No. 02366777

Mae Dwr Cymru Welsh Water yn buddsoddi'n hael ac yn gweithio'n galed i sicrhau gwasanaethau o'r ansawdd uchaf i'w holl gymunedau. Mae'r cwmni'n buddsoddi £1.3 biliwn yn ei rwydwaith dwr a charthffosiaeth rhwng 2010 a 2015.

Mae'n 'gwmni nid-er-elw', sydd wedi bod ym mherchnogaeth Glas Cymru ers 2001. Nid oes gan Dwr Cymru Welsh Water gyfranddalwyr, ac mae unrhyw wargedion ariannol yn cael eu hail-fuddsoddi yn y busnes er budd cwsmeriaid. Manylion pellach ar ein gwefan www.dwrcymru.com

Mae'r neges hon ac unrhyw ffeiliau atodedig at sylw'r bobl y cyfeiriwyd nhw atynt yn unig. Gallant gynnwys deunydd perchnogol, gwybodaeth gyfrinachol a/neu fod yn destun breintiau masnachol. Ni ddylid eu copio, datgelu i neu ddefnyddio gan unrhyw barti arall. Os derbyniwyd trwy gamgymeriad, dilëwch y neges ac unrhyw atodiadau a hysbyswch yr anfonwr yn syth.

Enw'r cwmni - DWR CYMRU CYFYNGEDIG. Swyddfa gofrestredig: Heol Pentwyn, Nelson, Treharris, Morgannwg Ganol CF46 6LY Rhif y cwmni 02366777

Re: A Living Wales

From: Georgina Harper [georgina.harper@sustrans.org.uk]

Sent: 04 May 2012 16:32

To: Moss, Carrie (DESH)

Subject: Natural Resources Wales SEB consultation

Attachments: Natural Resources Wales SEB consultation.doc

Hi Carrie,

Russell De'ath passed on your contact details to me, I have attached a response to the SEB consultation that represents Sustrans Cymru's views.

Russell advised me I was able to submit this up until the end of today!

Many thanks,
Georgina

From : Russell De'ath [mailto:r.de'ath@ccw.gov.uk]

Sent: Fri 04/05/2012 12:02

To : Georgina Harper

Subject: Re: A Living Wales

Send it to Carrie.moss@wales.gsi.gov.uk

Russell

----- Original Message -----

From: Georgina Harper [<mailto:georgina.harper@sustrans.org.uk>]

Sent: Friday, May 04, 2012 11:57 AM

To: Russell De'ath

Subject: Re: A Living Wales

Hi Russell,

Thanks for the reply. Is the weblink still working for the consultation? I could not get to it last night when I searched. If not, how do I submit it?

Thanks
George

Sent from my HTC

----- Reply message -----

From: "Russell De'ath" <r.de'ath@ccw.gov.uk>

To: "'georgina.harper@sustrans.org.uk'" <georgina.harper@sustrans.org.uk>

Subject: A Living Wales

Date: Fri, May 4, 2012 08:33

Unofficially, we'll be accepting responses up to end of today, so get it in!!
Sustaining a Living Wales (Green paper) consultation closes on 31st May
Russell

From: Georgina Harper [<mailto:georgina.harper@sustrans.org.uk>]
Sent: Thursday, May 03, 2012 10:33 PM
To: Russell De'ath
Subject: FW: A Living Wales

Hi Russell,

I hope all is well. I understand the consultation around the SEB closed yesterday, but my diary marker I had for this was for tomorrow. I have been away on a course all week, but had assembled a response for Sustrans - see attached. I wondered if there was any chance I could still submit this?

Apologies for it being late.

Cheers

George

Sustrans believes every child deserves to be free range, with freedom from their front door to explore, play outdoors, and make their own way to school and beyond. Join in and add your voice at www.sustrans.org.uk/freerangekids

Sustrans makes smarter travel choices possible, desirable and inevitable. We're a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. It's time we all began making smarter travel choices. Make your move and support Sustrans today. www.sustrans.org.uk

Sustrans Limited. Registered Office - Sustrans, 2 Cathedral Square, College Green, Bristol, BS1 5DD. Registered Charity 326550 (England & Wales), SC039263 (Scotland). Company Limited by Guarantee No: 1797726
Company Registered in England.

Sustrans believes every child deserves to be free range, with freedom from their front door to explore, play outdoors, and make their own way to school and beyond. Join in and add your voice at www.sustrans.org.uk/freerangekids

Sustrans makes smarter travel choices possible, desirable and inevitable. We're a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. It's time we all began making smarter travel choices. Make your move and support Sustrans today. www.sustrans.org.uk

Sustrans Limited. Registered Office - Sustrans, 2 Cathedral Square, College Green, Bristol, BS1 5DD.
Registered Charity 326550 (England & Wales), SC039263 (Scotland). Company Limited by Guarantee No:

1797726 Company Registered in England.

Sustrans believes every child deserves to be free range, with freedom from their front door to explore, play outdoors, and make their own way to school and beyond. Join in and add your voice at www.sustrans.org.uk/freerangekids

Sustrans makes smarter travel choices possible, desirable and inevitable. We're a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. It's time we all began making smarter travel choices. Make your move and support Sustrans today. www.sustrans.org.uk

Sustrans Limited. Registered Office - Sustrans, 2 Cathedral Square, College Green, Bristol, BS1 5DD. Registered Charity 326550 (England & Wales), SC039263 (Scotland). Company Limited by Guarantee No: 1797726 Company Registered in England.

Natural Resources Wales (SEB) Consultation Response form

Response from Sustrans Cymru, drafted by Georgina Harper (Active Travel Manager)

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

We believe that the creation of a new SEB in Wales would be a positive move, and would better bring together the strengths of the three member organisations to ensure the new changes within other frameworks and policies (e.g. Sustainable Development and NEF) are better carried out in Wales. The ecosystems approach is a new way forward, being led in Wales, and a Wales led SEB will be better able to respond.

However, we hope that the newly created body maintains the relationships that had been built up with external organisations (such as the 3rd sector) by FCW, CCW and EAW, and also with regard the strategic objectives they met; for example the promotion of walking and cycling and green exercise was one that CCW both funded and promoted, and we would urge that in the coming years where increasing physical inactivity comes at a high cost to the NHS in Wales, that this momentum and strategic focus is maintained by the new SEB.

From a Sustrans perspective, we have links to all three organisations, ranging from biodiversity projects with CCW, Community engagement alongside FCW, through to infrastructure projects. Consolidating these links to three organisations will be of benefit, so long as the new organisation maintains the importance of all areas. In recent times we have been seen as a key partner to CCW, with a committed regular funding arrangement. This has enabled us to promote walking and cycling, biodiversity, outdoor recreation, link with the CCW Come Outside project, and work alongside the strategic aims around health and community engagement. The outcomes of this improved relationship has been to effectively see walking and cycling better integrated into the environment agenda; indeed we would see the forthcoming active travel (Wales) Bill as having links to the work of the SEB, not least through creating traffic free paths, an integrated network for walkers and cyclists, and also shared space and traffic free greenways.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

As in the previous point, we would wish to ensure the new body maintains all relationships with stakeholders. The support from CCW has added value to the walking and cycling agenda, and it is clear that through the new ecosystems services approach that the SEB could work equally well with Sustrans to promote this agenda.

Question 3: What are your views on this phased approach? How could we improve on it?

A phased approach makes sense in principle. However, the document itself covers in detail the phases up to the creation of the new body, perhaps the latter phases could be expanded upon. The timescales are short for the creation of a new body by April 2012.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The creation of a new body with Sustainable Development as a central organising principal is likely to be of benefit, and better able to respond within the strategic areas. We note that in section 4.4 the aims of the body will encompass public health and safety, wellbeing and recreation. We would suggest that Public Health should be more clearly referred to here, as we believe that health protection via physical activity could fall into point 1 as a core element. In the era where transport and active travel could be linked to the environment through climate change,

and traffic free paths a route to engaging the public with the ecosystem, this seems like an omission (particularly when increasing access to the natural environment is a stated area of work for the SEB). Perhaps this could be expanded upon, and the new body explicitly given a responsibility towards promoting walking and cycling within its remit.

Question 5: What are your views on the approach to the delivery framework?

This seems a logical approach to delivery, and is reporting against the aims set out in 4.4. Though as highlighted above, public health should be included within the aims covered by the delivery framework.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

We are pleased to see that health and wellbeing is referred to in table 1, however we would suggest this is taken a step further and that the new body is tasked with promoting walking and cycling within the context of ecosystems services and outdoor recreation.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

Nothing to add

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Section 5.4 outlines how research would be conducted. We are supportive of the statement that coordination and commissioning of research could secure efficiencies, however, we are cautious of this statement and believe that the SEB itself should retain some ability to carry out its own research. We are supportive of the proposal for the new body to gather evidence on the ground to inform interventions. CCW has carried out an outdoor recreation survey for many years, which has provided good data and evidence for the need of walking and cycling interventions and the positive outcomes achieved.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements? :

Yes

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach? :

Nothing to add

Question 11: What are your views on the aspects of the regulatory arrangements? :

Nothing to add

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them :

Nothing to add

From: Yana Bosseva [Yana.Bosseva@RenewableUK.com]

Sent: 04 May 2012 16:53

To: SEB mailbox

Cc: Llywelyn Rhys; Sara Powell-Davies

Subject: Single Body for the Management of Natural Resources in Wales - consultation

Attachments: 120504 RenewableUK Response Natural Resources Wales F.pdf

Dear Ms Moss,

Please find attached RenewableUK's response to the consultation above. If you have any questions please do not hesitate to contact me.

Kind regards

Yana

Yana Bosseva

Planning Advisor | RenewableUK

Tel: +44 (0)20 7901 3024 | Fax: +44 (0)20 7901 3001 | Mob: +44 (0)781 358 0730

RenewableUK, Greencoat House, Francis Street, London SW1P 1DH

Carrie Moss
Living Wales Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

Via Email: SEB@wales.gsi.gov.uk

4 May 2012

Dear Madam,

Natural Resources Wales - Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources - Comments by RenewableUK

This document outlines RenewableUK's comments on the Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources consultation.

RenewableUK is the trade and professional body for the UK wind and marine renewables industries. Formed in 1978, and with 660 corporate members, RenewableUK is the leading renewable energy trade association in the UK. Wind has been the world's fastest growing renewable energy source for the last seven years, and this trend is expected to continue with falling costs of wind energy and the urgent international need to tackle CO2 emissions to prevent climate change.

Please feel free to contact me on 020 7901 3024, or at Yana.Bosseva@RenewableUK.com should you require any additional information.

Yours sincerely

Yana Bosseva
Planning Advisor,
RenewableUK

Natural Resources Wales - Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources - Comments by RenewableUK Cymru

Introduction

RenewableUK Cymru welcomes the publication of the consultation on the Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources. We are pleased to provide this response on behalf of the wind, wave and tidal energy industry.

RenewableUK (formerly BWEA) was established in 1978 and is the representative body for companies active in the UK wind, wave and tidal energy market. We represent all aspects of the renewables industry from manufacturers of the technology, through to developers and installers, legal and environmental specialists, construction and investment firms. We also have members in the education and training sector – helping to develop the skills needed for the future. As the largest renewable energy trade association in the UK, our membership has grown rapidly over recent years and now stands at just under 700 companies - representing the vast majority of all grid connected renewable energy projects currently installed.

In 2006, a branch of the organisation was established to champion the wind, wave and tidal renewable energy technologies in Wales with a focus of achieving the Welsh Assembly Government 2010 renewable energy targets. This submission is made on behalf of RenewableUK Cymru Strategy Group.

RenewableUK Cymru would be pleased to clarify any issues raised in this paper and offer any further information which may be required.

Renewable Energy Context

All areas of the UK will need to significantly increase their levels of renewable energy generation. In addition, given the large number of power stations which will close and require replacement over the next fifteen years, it is essential that we take this opportunity to rebuild our energy infrastructure – at a local as well as national scale – using renewable and low carbon technologies wherever possible. The contribution of renewable energy to carbon reduction and climate change objectives; job creation and other local benefits; and the stabilising of energy prices should therefore be recognised, together with the need to meet our energy needs and preserve the environment. This is in line with the national policy context.

The UK is under a legal obligation under EU Directive 2009/28/EC of June 2009, and failure to deliver the renewable energy generation needed (i.e. 15% of energy consumption from renewable

sources by 2020) could leave the UK exposed to infraction proceedings from the European Commission.

The renewable energy policy context in Wales is set by the introduction of TAN8 and the 2010 Energy Policy Statement, which radically increased the renewables target for 2025. This was confirmed by a written statement from the Welsh Assembly Government in June 2010. Planning Policy Wales 2011 also states that planning policy at all levels should facilitate delivery of both the Welsh Government's overall Energy Policy Statement and UK and European targets on renewable energy.

Statement of Understanding

In May 2011 RenewableUK Cymru and CCW signed a Statement of Understanding recognising the mutual benefit of a close working relationship. It also recognised that while renewable energy has the potential to impact on habitats, species, landscapes and visual features, it also plays a key role in addressing climate change by helping to meet renewable energy targets in Wales. The Statement identifies a number of areas for joint working between RenewableUK Cymru and CCW such as communications, cumulative landscape issues and joint habitat management schemes. RenewableUK Cymru would seek to establish a similar relationship with the new Single Body.

Responses to Consultation Questions

THE CASE FOR CHANGE

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

In principle, RenewableUK Cymru supports the proposal as it is an opportunity to improve the three statutory bodies' engagement with the planning system, which is key to delivering Wales' key policy objectives. It is vital that the Single Body works together with stakeholders and developers in order to deliver a more integrated system. We believe that the body should simplify regulation, have a planning focus and have clear and consistent aims and purposes, aligned with Welsh Government's objectives.

At the same time, while a simplified approach should enable planning applications to be more swiftly determined, this must accord with the positive provisions of a new Planning Act for which the Welsh Government is currently gathering evidence. If the new Planning Act reduces bureaucracy, this should be in conjunction with the new body reducing planning delays.

Sustainable Development as the new body's central principle should also include sustainable economic development and the generation of renewable energy as key elements.

RenewableUK Cymru welcomes the proposal to provide earlier and more constructive resolution of conflicting issues in order to reduce delays to major applications, as suggested in the consultation document. We also support the efforts to simplify regulation as this and any other additional certainty is likely to encourage investor and developer confidence in Wales.

However, we have the following concerns with the proposal as it currently stands:

- How would bodies that at the moment have differing priorities be able to come together to provide a clear and consistent advice that balances Wales' economic and environmental needs - RenewableUK Cymru would welcome further clarity on how these priorities will be addressed and how it would be ensured that the new Single Body would provide a unified and consistent view.
- A culture change will be required from the predecessor bodies, some of which have often appeared institutionally opposed to development, especially onshore wind energy. This policy position would not be compatible with the proposed Single Body's role.
- The Single Body will need to have appropriate resources allocated to allow it to carry out environmental research and protection, development case work and licence compliance work. This is in order to be able to balance its duties and priorities to comply with its narrow statutory duties (such as the protection of European Protected Species) without frustrating its sustainable development responsibilities. Currently, the three separate bodies do not have sufficient resources to deal with the volume of renewable energy projects in a timely manner.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

In the opinion of RenewableUK Cymru it is vital that regulatory uncertainty in Wales is minimised in order to inspire investor confidence in the renewables sector. Wales has significant wind, wave and tidal resources and RenewableUK Cymru believes it should lead by example in harnessing these renewable energy resources. The proposed Single Body will have a key role in delivering this certainty and efforts should be made to work constructively with the renewables industry.

The Single Body must resolve internally any policy and priority conflicts that may arise from the three bodies which are currently separate.

In simplifying regulation in Wales, care needs to be taken to ensure that scrutiny is not reduced and that there are measures in place to ensure that all decisions follow a clear process that balances Wales' economic and environmental needs. Additionally, care needs to be taken to manage and avoid the potential for increased uncertainty during the transition period coming up to the establishment of the new body. It is vital therefore that there is consistency from the commencement of its operation as well as an orderly transition, as stated in the consultation document.

RenewableUK Cymru has a concern about the definition of the ecosystem approach and its implications on infrastructure developments. In our view, a dedicated planning team with renewable energy expertise would be required to assist with the Single Body's assessments.

Furthermore, RenewableUK Cymru has concerns about how the commercial interests of the Forestry Commission Wales (FCW) will be balanced with the ecological needs of the Single Body and that neither is compromised. We also have concerns about the transparency of recommendations. In addition to timber supply, the Forestry Commission is also managing its Wind Farm estates. This is a commercial activity in partnership with developers. At the same time, CCW and Environment Agency Wales are currently statutory consultees to the process. It should therefore be ensured that there is no conflict of interest and that new body does not impair the progress of wind energy projects. We welcome the proposal for Welsh Government to allocate a dedicated policy resource for the Forestry Commission, however clarity on its role and functions as part of the new Single Body should be provided. Ideally, FCW's Wind Energy Programme should be kept outside of the remit of the Single Body and be managed by the Welsh Government.

LEGAL POWERS

Question 3: What are your views on this phased approach? How could we improve on it?

The phased approach appears to be sensible and logical, however it should be ensured that it allows an opportunity to review priorities and change processes. For this restructure to be successful, full and detailed consideration should be given to reviewing these priorities and processes – both at the outset and as the process evolves.

As stated above, managing the transition period coming up to the establishment of the new body would be crucial in not undermining investor confidence and providing continued support for the renewables sector in Wales. With the UK's legally binding target of securing 15% of energy from renewable sources by 2020, and achieving reductions in climate change emissions of 80% by 2050, this is of vital importance. Additionally, more details should be provided on what functions are being considered to be transferred to the new body from UK Ministers.

It is critical that the Single Body be established with an institutional culture of delivery and facilitating delivery to its customers. Strong leadership and guidance of the Single Body from the Welsh Government will be essential for this process. The existing culture and approaches of the individual constituent bodies are not entirely appropriate for the Single Body's intended role. These should not be allowed to become institutionalised during the transition period of the new Single Body.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

RenewableUK Cymru welcomes the proposal for sustainable development to be the central organising principle for the new body. The principle of sustainable development however needs to be

strengthened to emphasise the need to protect global environment from climate change by reducing reliance on fossil fuels. The conservation of ecosystems per se should be viewed as an important means to that end, rather than as an overriding end in itself. Additionally, the aims and outcomes of the body should reflect the balance of environmental and social and economic needs which can be enhanced by development of renewable energy.

In terms of the proposed Strategic Outcomes, Strategic Outcome 1 should be expanded to include the economic wellbeing of Welsh communities and Wales as a whole.

Additionally, we welcome the inclusion of the contribution to climate change adaptation and mitigation as a strategic outcome. However, in our view renewable energy, which is a key element of sustainable development, must be explicitly stated within Strategic Outcome 5 – climate change mitigation and adaptation. This Outcome should also explicitly refer to the reduction of emissions contributing to climate change.

FUNCTIONS OF THE BODY

Question 5: What are your views on the approach to the delivery framework?

In RenewableUK Cymru's view the delivery framework needs to relate to the key objectives and strategic outcomes, including the deployment of renewable energy as a key element of sustainable development. The delivery framework should be measured against other aims and objectives of Welsh Government, such as increasing renewable energy generation, creating green jobs, diversifying land use and tackling fuel poverty by ensuring affordable and secure energy supply.

In terms of the details proposed, we support the Annual Remit Letter and the detailed Financial Memorandum. In our view there should be a process in place to scrutinise the behaviour and performance of the Single Body in line with these mechanisms. Appropriate resources should be allocated for reviews and investigations, which may be a function appropriate for a Welsh Government committee.

There should also be a process for the Single Body's customers to be able to challenge behaviour or performance which is inconsistent with the Single Body's remit. This process should be primarily to deal with situations where the Single Body appears to be failing to implement its remit, including its operational capacities. The objective should not provide a route for applicants or third parties to challenge specific licensing or consent decisions of the Single Body, or be established where they do not already exist. The statutory processes for appeal to the Welsh Ministers for such cases should be retained.

It is also crucial how progress towards the objectives and outcomes will be measured. RenewableUK Cymru would be keen to participate in the consultation and formulation of the delivery framework.

These need to be linked back to indicators on renewable energy generation capacity, the percentage of electricity that is generated from renewable sources and the level of greenhouse gas emissions from energy production and use per capita. Below are three indicators which were suggested by RenewableUK Cymru to be included as Statutory Performance Indicators for Welsh Local Authorities from April 2012 as part of a recent Welsh Government consultation:

- ***Renewable energy capacity***

This indicator would allow local authorities to review the success or otherwise of their renewable energy policies. This has a direct impact on the low-carbon energy agenda as listed in the Programme for Government.

- ***The percentage of electricity that is generated from renewable sources.***

This indicator would allow the more specific monitoring of the percentage of electricity generated from renewables, and is taken directly from the Programme for Government. It has a direct impact on greenhouse gas emissions savings and climate change.

- ***The level of greenhouse gas emissions from energy production and use per capita***

This indicator measures the total, the per capita emissions of greenhouse gases from energy production and use that have a direct impact on climate change.

Question 6: Are the functions described in Tables 1 to 3 a reasonable summary of those required? How could they be improved?

Assuming that the functions in Tables 1 to 3 are just illustrative examples in our view renewable energy as a theme cuts across more than Climate Change Mitigation. The deployment of renewable energy would also contribute to the following functions/areas of work:

- Regulation of industry impacting on, or making use of, the environment and natural resources of Wales, using an integrated approach
- Reducing the effects of pollution (by prevention)
- Conservation, restoration and enhancement of ecosystems – through mitigation of the effects of climate change which would profoundly affect ecosystems
- Encouraging the sustainable use of the environment and natural resources
- catchment management and reduction in flash-flooding through habitat management (restoration of peatlands and hydrology management in the hills will even out the flow of water run-off).

Additionally, the Management of woodland estate in Table 1 needs to refer to the current and potential future aim of leasing land for purposes of renewable energy generation. Therefore functions of giving advice for renewable energy applications with reference to WG targets also need to be included.

In addition, we are concerned that there is no recognition in the draft document of the new body's important role in relation to the planning system. Therefore RenewableUK Cymru would suggest the inclusion of a new function – Input into town and country planning - relating to planning for sustainable development and renewable energy deployment as a central theme. This function should include providing advice and input to both policy planning and development management processes. In terms of development control, the Single Body needs to include providing coordinated advice and input to prospective developers as well as to local authorities, and this needs to be made absolutely clear in its remit.

Furthermore, there is no explicit indication of the effect of the Single Body's establishment on the consultation arrangements for Nationally Significant Infrastructure Projects under the Planning Act 2008. Logically, consultation with the Single Body should replace consultations with the Environment Agency, CCW and the Forestry Commission in relation to projects in or affecting Wales, however this needs to be stated explicitly in the remit of the new body.

On the basis of the comments above, the tables should be reworked and possibly illustrated in a more integrated fashion (potentially as diagrams).

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

RenewableUK Cymru is concerned about the transfer of forestry policy to the Welsh Government because of the balance between the commercial interests of the Forestry Commission and the ecological/environmental focus of the new Single Body.

In terms of Marine Licensing and its move from the Welsh Government to the new body, we believe that this would simplify regulation and provide a single point of contact, which would be welcome. However, it must be ensured that its move into the new body does not result in losing the expertise in this area.

A resource increase must be provided to avoid a negative impact on marine renewable energy projects. The way the Single Body will be set up should reflect the particular nature of the Welsh marine environment and the way its resources are harnessed, and in particular:

- The open and dynamic nature of the marine environment and its ecosystems;
- The limits of our basic knowledge of the Welsh marine environment and the ecosystem goods and services that it provides;
- The need to effectively link the management of land and sea; and
- Limitations to 'enabling' opportunities - these generally relate to owners/occupiers of land and as this regime of ownership does not apply in the marine environment, it is unclear how policy objectives could be readily delivered.

Whilst we support the Government's intention to implement the new marine legislative framework, we suggest the need to address a number of complex issues that are restricting activity, and in some instances stalling the practical application in Wales of the ecosystem approach. Most notable and concerning are the current resourcing and capacity constraints within both the statutory agencies and the Welsh Government to deliver new areas of marine work, such as marine planning.

Marine Planning, based on an ecosystem approach, requires different types and levels of evidence, for example, to understand the marine environment both in its current state and how it is likely to change in the future. It is clear that marine planning, like natural resource management planning requires an intensive data and evidence process. As such we need to continue to develop our understanding of ecosystem functioning and services, and how they should be safeguarded and managed for the future. Whilst investment and greater coordination with regard to marine evidence gathering, such as greater sharing and use of private sector and third sector data is welcomed, we believe that risk-based decision-making should make best use of existing data, adopting a Precautionary Principle and utilising expert judgement where necessary.

GOVERNANCE, ACCOUNTABILITY AND TRANSPARENCY

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

RenewableUK Cymru would welcome a more coordinated and transparent approach to environmental research. Such research would need to cross-refer and relate to other Welsh Government policies such as the need for renewable energy deployment. In terms of renewable energy, research needs are largely driven by the fact that the technology is relatively new and requires rapid deployment. There is also a need to challenge or address some of the perceived 'impacts' brought about by renewable energy technologies. A closer working relationship would be required between the new Single Body and the renewables industry. This could be very helpful in helping to achieve renewable energy targets.

In terms of gathering and recording environmental data, we note that developers of major projects are often expected to undertake (and pay for) very extensive environmental surveys. It is developers' perception that these surveys have been required as much to address concerns with a particular project as to advance underlying environmental knowledge. In RenewableUK Cymru's view the Single Body should not seek or be encouraged to seek the use of conditions of licences, permits or planning permissions in this way, unless it is strictly necessary and directly relevant to a given project. Requirements for environmental monitoring should be limited to those which are reasonably necessary for the purposes of a particular development(s), including for the purposes of effective enforcement of consent conditions.

In cases where there are several applicants required to provide environmental data for projects which are located in close proximity to one another, there may be advantage in setting up non-statutory

joint groups to coordinate environmental monitoring and data collection between the Single Body, local authority and other local stakeholders. This would allow activities to be coordinated and for the data to be pooled among the group's members.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

While the independence of the new body would mean independent advice and decisions, these need to be in accordance with Welsh Government and UK policy. The Welsh Government's aspirations on renewable energy targets are particularly relevant. The Single Body's management board should reflect expertise and interest in sustainable business and economic development.

It is important that accountability to the Welsh Ministers is continued through the Sponsorship Minister (currently the Minister for Environment and Sustainable Development), and subject to scrutiny by the relevant Assembly Committees. RenewableUK Cymru also supports the proposal that the body will be subject to a two year probation period and that the conclusion of the two year probation period is independently assessed.

One issue regarding accountability which may require consideration is how to deal with poor performance. With regard to not achieving targets (e.g. response times to planning application consultations), clear guidelines must be set at the outset of the Single Body's establishment regarding how such issues will be addressed.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

RenewableUK Cymru welcomes the idea of a more flexible approach to stakeholder engagement. We also support the proposal for the new body to ensure effective stakeholder engagement, as stated in the document. However, it is important to ensure that there are not too many subgroups formed that could lead to more layers of communication and potentially result in fragmented outputs. It should therefore be ensured that clear objectives and stated remits would be developed for all groups to ensure clarity of function.

Local engagement by the Single Body will be essential. Any local committees which are established should include representatives of local businesses. Additionally, the Single Body should take advantage of and participate in existing established non-statutory local co-ordination and consultation arrangements where these are relevant to its work.

Question 11: What are your views on the aspects of the regulatory arrangements?

As the three bodies operate separately at the moment, there can sometimes be conflicting views between them. They are currently fragmented and even within individual bodies different specialist groups tend to act in isolation. In some cases responses from the statutory consultees comprise contradictory requirements and requests; in some responses it is not clear which points reflect

serious concerns and which do not. This culture should not be transferred to the operation of the Single Body. Decisions by the Single Body need to be transparent and demonstrate objective and evidence-based decision making.

In order for the proposed regulatory arrangements to function properly and equitably, it is key that the decision making should have a rationale that balances the relevant interests of environmental protection and sustainable development, which can sometimes be opposing.

We support the concept of a Decision Document, however this should not become so lengthy and detailed that its preparation itself becomes a bureaucratic barrier to the timely determination of applications. A similar document explaining the Single Body's reasons for its views should also be provided in response to consultations from local planning authorities on planning applications. This is especially important where the Single Body objects to a planning application, where it would also be helpful to all parties for the Single Body to indicate which of its points it would defend in the event of an appeal or a call-in and which it would not.

In terms of the establishment of a Shadow Body, RenewableUK Cymru would welcome clarification on how planning applications currently in the pipeline with the Shadow Body would be transferred to the new Single Body. We would also welcome clarity on how the juxtaposition of possibly judging similar applications against differing criteria will be managed.

Additionally, pilot schemes to be carried out under the Shadow Body were announced before the Single Body consultation was launched. We have concerns about the pilots because of the lack of clarity on their aims and legal status, as well as their application of the ecosystem approach. Any clarity on these would therefore be welcomed.

MANAGING THE CHANGE

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them.

Inclusion of CADW

We question why CADW was not considered to be included as a part of the Single Body. In our view this would enable further bureaucracy to be reduced when considering the areas of their responsibility.

Timely decision making

The establishment of the Single Body offers the opportunity to simplify the process of scrutinising proposals and determining a variety of consent application for a range of developments. This presents the opportunity for reductions in cost, time delays and uncertainty of outcome which should substantially benefit developers and increase the attractiveness of Wales as an investment location,

with consequent benefits to the welsh economy, without any detriment to the environment or to the quality of decision making.

Powers to charge for services

The Single Body should not have more general powers to charge for its services than what the predecessor bodies have at present. There should therefore be a confirmation that the principle of not conferring additional powers to the Single Body at the outset would extend also to its ability to charge for its services.

A key focus of the Single Body must be on delivery, particularly in relation to the Body's input to the consent process to the prescribed timescales. Appropriate and reasonable timescales for the consideration and analysis of projects should be clearly prescribed and adhered to. Current experience of developers is that statutory timescales are laid down however they are frequently not adhered to. Where additional time is genuinely needed, this should be agreed with the developer and other interested parties at the outset and adhered to thereafter.

Peat issues

The Single Body would need to address peat issues. This is an issue that has been discussed within the renewables industry and with CCW and others. There has been inconsistent advice within CCW between projects, as well as inconsistent advice between CCW, Natural England, the NI Environment Agency and Scottish Natural Heritage. We therefore call for the Single Body to address concerns regarding and the need for clear guidance on peat issues that is not then subject to change and 'moving goal-posts'.

Response from Gwynedd Council's Biodiversity Unit

Natural Resources Wales – Consultation Document 02/05/12

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

- The proposed SEB would meet the three factors driving change (2.2), and has the potential to be a very effective and powerful body. However there is a danger of losing the main functions of each of the three bodies by combining them together, and diluting their powers and specialty by reducing duplication and cutting costs.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

- There needs to be a full and detailed audit of all of the three bodies' functions and expertise, in order to ensure these are not lost in the new body. It's also an opportunity to fill in the gaps and close any loopholes, but also creating a more effective and efficient body.
- The new body should not lose the current local feel the three bodies currently have. The level of regular contact and access with relevant officers should remain. It should remain separate from WAG, and should not adopt their style of contact which is very much at arm's length. In particular the Marine and Fisheries section of WAG do not have any real form of communication on any level with Local Authorities. For example currently LA Ecologists work closely with many of CCW's teams (conservation, marine, Case work, sites) and we do not want to lose this level of contact and communication.
- Innovation and research should remain a function of the body. The Forestry Commission and CCW currently carry out this valuable work, and this level of R&D should be retained

Question 3: What are your views on this phased approach? How could we improve on it?

- It seems to be a very ambitious timetable. In the meantime staff are being transferred into the shadow body, leaving all three bodies hugely understaffed and under-resourced to carry out the current work. This must be creating low morale and high levels of stress, and some work not being tackled at all. This should be addressed.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

- The concept of sustainable development and the ecosystem approach is a good basis to develop the SEB. However sustainable development is poorly

defined, and can be interpreted differently by many different sectors, depending on their objectives. Sustainable development should be clearly defined from the outset.

- The ecosystems approach is a very holistic way of approaching conservation and development, and our natural resources should be managed in this holistic way. The concern is whether there is the capacity and financial resource to tackle all issues in this way, on such a large scale. This is a new approach, and we don't yet fully understand the mechanics of making it work. There should be a lot of flexibility and opportunity to adapt in adopting this approach.
- There is a concern that this could create a trading system where low biodiversity areas are developed in order to allow high biodiversity areas to flourish. Biodiversity should not be tradable.
- Also ecosystem services cannot be measured economically - you cannot always put a price on the loss of habitat and hope that it's cash value will automatically recreate it. Habitats take time to develop, and loss of habitat should be avoided where possible.

Question 5: What are your views on the approach to the delivery framework?

- This approach should build on the strengths of the 3 bodies, and learn from the approaches that have worked in the past. Spatial planning seems to be the way forward.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

- These 3 functions are very broad and vague. Section 7 gives more detail on these functions, but as expressed earlier there needs to be a detailed audit of the three body's current functions in order to ensure they are carried out. It's easy to group similar functions together in order to be more effective; however this is not always practical. Functions the SEB do not intend on adopting should be made clear from the outset, with information on where else these functions could be met.

Question 7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

- We can see positive benefits in transferring WAG licensing functions to the new body. If marine licensing was transferred then the new body would also benefit from establishing a stronger marine section, rather than being currently placed within WAG. Currently there seems to be no benefits what so ever to Local Authorities or NGO's in WAG's Marine section, and much confusion as to what is their current role.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

- We agree with the proposals about investing in environmental research.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

- Yes, we agree.

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

- It's important the new body should continue to use current forms of engaging such as LBAP partnerships and other local partnerships. However they should also continue to seek out new and innovative ways of engaging with stakeholders

Question 11: What are your views on these aspects of the regulatory arrangements?

- In theory the regulatory arrangements seem logical. However permitting consents could be conflicting and controversial for the body at times, especially when they are already giving advice on the matter, and therefore there should be another body (perhaps a special team within WAG) involved in the process.



STRONG HERITAGE | STRONG FUTURE
RHONDDA CYNON TAF
TRIE TADAU TH CADARN | DYTO DOL SICR

Elwyn Castan,
Library Road/Hteol y Llyfrgell
Pontypridd CF37 2YA

Tel/Ffôn: 01443 425001, Fax/Ffacs: 01443 405184

Carrie Moss
Living Wales Programme Team
Department for Environment and
Sustainable Development
Welsh Government
Cathays Park
CF10 3NQ

My Ref/Fy Nghyf:
Natural Resources Wales Consultation

Date/Dyddiad:
25th April 2012

Dear Ms Moss,

**Welsh Government Consultation
Proposed Arrangements for Establishing and Directing a New Body for
the Management of Wales' Natural Resources**

Thank you for the opportunity to comment on the above, please find attached our consultation response; which reflect the opinions of the Local Access Forum as a whole.

Yours faithfully

Steve Carter
Chairman of the Rhondda Cynon Taf Local Access Forum



RHONDDA CYNON TAF CBC LOCAL ACCESS FORUM
REPLY TO WELSH GOVERNMENT CONSULTATION DOCUMENT
WG14766

“Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales’ Natural Resources”

Rhondda Cynon Taf Local Access Forum find that the single body, as proposed, does not take into account the importance of public access to, and enjoyment of, Wales’ natural resources. We emphasise the necessity to include public access in all its forms, whether walking, cycling, by horse or on water and taking into account both local circular and national trails and diversity issues. Without addressing public access in all its forms, the single body could lack wider support, and even undermine the sustainable future of natural resources.

As a Local Access Forum representing the various users and owners of land and water, we are concerned that public access has not been considered enough and that Rights of Ways could get lost if not prioritised and supported with funding.

1. What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

Rhondda Cynon Taf Local Access Forum (RCT LAF) has concerns about potential neglect of issues without priority in the single body’s remit like public access and recreation, and concerns about the delivery of integrated management *per se*.

The single environmental body would bring together three bodies with unequal strength or interest in different issues, for example, public access. If one of the three with less interest in access dominates, this issue will be neglected.

In addition to public access in all its forms, on local and national highways and water, RCT LAF notes that the proposal lacks a historical dimension such as Cadw in its management.

Furthermore, when the Welsh Government consults on proposals, the single body may be more limited in its response than if three separate organisations provided responses.

At a practical level, the reduction of 3 directors to one raises problems of conflict and bias. Arguably, a director should be recruited from within and it should be someone with the ability to bring people together and with an overview of the areas that the single body will focus on. They should be open to differences in views and debates.

There is a serious risk that the single body will be a massive and amorphous organisation that is unable to devote sufficient priority or resources to all parts of its remit. While recognising that this would negatively affect the business case, RCT LAF view is that the single body may become too self reliant and should still consult external organisations.

RCT LAF members have experience of attempts to integrate management and are not persuaded that the proposal will work or deliver the business case savings, and find that risk mitigation (in Annex) by appointing "high quality senior managers" is not convincing.

The Welsh Government are looking at a system which will work from the top down, but a "common shared view" or "shared vision" cannot be forced top down. Debate and disagreement are ignored at peril.

One way that RCT LAF considered this is as 3 overlapping circles, one FCW interests, one CCW and one EAW. The area of overlap may be smaller or larger: either will have consequences for resourcing all interests (including public access in all forms), and for discussion and debate. The savings may not be as substantial as planned.

2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

RCT LAF questions how the single body will ensure that areas, sites and events of historical importance will be maintained.

The single body should embrace improved access for work, transport and recreation. As it is proposed, it could even seek to prevent public access and have an exclusionary impact on common land – which the LAF views as negative.

3: What are your views on this phased approach? How could we improve on it?

Because the approach is top-down, it appears to lack adaptation, for example if there are unintended impacts. More flexibility will be required in the development of the single body in order for it to achieve sustainability.

4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

RCT LAF views the proposals as inadequate. They need to refer to the promotion and maintenance of public access in all its forms (walking, cycling, by horse or on water; local circular and longer national trails; able and limited members of the public).

For example, the strategic outcomes could include "Secure high social valuations of Wales' natural resources through wide accessibility for the public." The purpose is to secure sustainable public support for the actions of this new body.

The consultation document makes very little mention of finance and the management of it. For example, how is funding to be allocated and will it be ring fenced?

The marketing and maintenance of the All Wales Coastal Path has not been mentioned. In Table 1, there should be reference to the Coastal Path which promises major well-being benefits.

The economic necessity to address climate change is overlooked and Strategic Outcome 5 is very weak.

5: What are your views on the approach to the delivery framework?

RCT LAF finds no mention of improving access to water and bridleways.

Indeed, the LAF further suggests that this could be an opportunity to make updates to Rights of Ways and Definitive Maps, and allocate more funds for proactive work to be done as well as reactive, for example through review of historical evidence. The delivery could include digital maps.

Possibly, the single body could lead on and enforce laws such as the countryside acts if these were incorporated into their work.

RCT LAF questions whether Welsh Government will be drawn into micro management of the single body.

6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

No comments

7: What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

RCT LAF notes that there is no mention of canals and asks whether they should be considered.

Similarly, Glastir is concerned with environmental management and could be included.

8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

RCT LAF finds this section weak.

There is a gap in economic or social anthropological research into how people use rights of way, and, as a result, the economic and health benefits from better access to paths and open spaces.

9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

RCT LAF strongly advises the inclusion of the Chair of the LAF Chairmen's Panel on the Board of the new body. Other Board members might include Cadw and Canals.

More local and regional representation is needed and clear rights to information and public consultation.

There should be the opportunity to submit comments or objections throughout the later stages of the single body formation.

10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

RCT LAF is concerned that the evidence is lacking for following the English arguments. This risks high regional variations. It is unclear how often the committees will meet, and organisations with the most funding may overrule others.

Partnership can work and save money, for example working with universities to do research and partnering people with parallel interests that can benefit each other at a lesser cost.

11: What are your views on these aspects of the regulatory arrangements?

RCT LAF prefers more public access to information and rights to make comments on the decisions that get made.

Prepared from the meeting of the Sub-Group on Friday, 13TH APRIL 2012 at Llwyn Castan, Library Road, Pontypridd

Rhondda Cynon Taf CBC Local Access Forum

From: Hill, Deborah [Deborah.Hill@swansea.gov.uk]
Sent: 14 May 2012 07:01
To: SEB mailbox
Subject: Consultation response- Natural Resources Wales

Attachments: Natural Resources Wales consultation NCS response.doc

Hi Claire, please find attached our response to the above consultation which has been delayed due to staff absences. I hope that you will still be able to consider it.

Best regards,
Deb

Deb Hill
Planning policy and Environment Section

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify the administrator on the following address:

administrator@swansea.gov.uk

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation

Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, dylech hysbysu'r gweinyddydd yn y cyfeiriad canlynol:

administrator@swansea.gov.uk

Bydd yr holl ohebiaeth a anfonir at y Cyngor neu ganddo yn destun cofnodi a/neu fonitro yn unol Ã'r ddeddfwriaeth berthnasol

Welsh Government Consultation - Natural Resources Wales

Proposed arrangements for establishing and directing a new body for the management of Wales' Natural Resources: Consultation response from City and County of Swansea -Planning Policy and Environment Section

Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

- Potentially this could be a positive improvement, if full regard is taken of issues raised in responses to the consultation exercise.
- Welcome the commitment to not reducing the existing combined budget and to reinvesting any efficiency savings back into the new body to extend and improve service delivery.(2.3.3)
- Concern that possibly too much emphasis is placed on the economic value of the natural environment as a resource to be used. Need to acknowledge the intrinsic value of habitats and species to be protected for their own sake and not just as a resource that is useful to the human race.
- Suggest using the term natural *environment* instead of natural *resources*.
- The key focus for the single environmental body should be leading on and championing environmental protection and.Supporting development and the economy should be a secondary priority, with environmental protection taking precedence
- It is important that the functions and positive features of the 3 existing bodies are retained and strengthened through a single body.
- Important to ensure transparency and accountability between regulatory and operational functions and the ability to manage the potential conflict between these functions. Possible risk that issues will be internalized and not scrutinized.
- Concern that the aim to 'improve and simplify how we regulate in Wales' does not result in reduced protection for the environment and biodiversity.
- Seems to be a disproportionate focus on the role of Forestry in the new body-compared for example to biodiversity conservation and enhancement.
- More emphasis needs to be placed on the conservation of biodiversity. Biodiversity, forms the planet's life support infrastructure and protecting biodiversity is critical to our long term survival
- There is limited scientific evidence of the true value of ecosystem services so if the new body's operational practice is to be informed by this, it is

- essential that precautionary principles should be applied.
- Need to ensure that habitats and species with no immediate or obvious ecosystem services benefits are also afforded protection for their intrinsic value

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have? :

- Important to retain a good geographical spread of local offices and staff to enable service users to maintain close working relationships and convenient access to expertise at a local level.
- The new body should be seen as independent and advisory to WG. It should also retain links to relevant UK organisations.
- The new body needs to have grant giving and research powers.
- Need to ensure continuing commitment and support is provided to LBAPs, LRCs, the Wales Biodiversity Partnership (WBP) and its sub groups. Currently local biodiversity action depends heavily on grant aid from the three bodies -CCW in particular –Concern that grant aid may be reduced with the creation of the single body.
- There is little/ no mention of the importance of urban biodiversity or urban green Infrastructure
- Concern about possible loss of experienced staff. Need to consider how best to retain expertise.

Question 3: What are your views on this phased approach? How could we improve on it?

- Timescale seems very ambitious and could constrain achieving best outcomes.
- Welcome the commitment to further consultation on future phases

Question 4: Do these proposals provide a good basis for the principle aim and strategic outcomes of the body? How could they be improved? :

- Need to strengthen and promote the importance of biodiversity and maintaining healthy diverse ecosystems as central to achieving

sustainable development.

Question 4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved? :

- Concern there is no reference to the conservation of biodiversity and its intrinsic value in the aims and strategic outcomes. Biodiversity is the underlying basis of the ecosystem approach upon which the services and outcomes we need for society are reliant upon.
- This is an environmental body first and foremost which should be championing the protection of the natural environment. Its functions aims and strategic outcomes should reflect the importance of protecting our natural environment.
- *Suggest rewording :*
'To maintain, improve and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future.'

To read:

'To maintain, PROTECT and ENHANCE Wales' natural environment, to deliver benefit to the people, wildlife, and economy of Wales now and into the future.

- The list of strategic outcomes which clarify the aim should be reordered so that 'Further the conservation ,restoration and enhancement of ecosystems' is number 1(not 3)
- There is little mention of the marine environment in the consultation document. A new environment body should have the same duties and responsibilities to marine as to terrestrial nature conservation, e.g. the management of marine protected areas and marine fisheries.
- Also, seems to be no mention of the urban environment

Question 5: What are your views on the approach to the delivery framework? :

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved? :

- The list is by no means exhaustive:
- There is no mention of Biodiversity or the 2020 Biodiversity objectives.
- Conservation grants are not covered in the functions, at present these grants fund a high proportion of local conservation/biodiversity project delivery.
- Research functions and monitoring functions are not covered in the tables
- Concern no reference to general biodiversity conservation and support for local biodiversity action. Need to increase the focus on protection of the natural environment. Biodiversity conservation and enhancement should be a key consideration in any sustainable development approach.
- There is no reference to the urban environment/ green infrastructure /sustainable urban communities etc
- Need to say more about the role of the new body in relation to schools and ESDGC
- There is no reference to any functions in respect of the marine environment. Functions should at least include marine protected area management and management of marine fisheries.

.....

Question 7: What are your views on our proposals for changes to Welsh government functions, including Marine and Wildlife licencing and tree and plant health? How could they be improved? :

- Generally support the proposed changes for wildlife licensing and marine licensing.
- There are potential benefits to the single body dealing with all marine and derogation licensing. However for this role to function properly it will need to be adequately resourced to enable compliance monitoring and undertake enforcement as required.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

The importance of research should be more clearly identified as an important role of the single body. The single body must be able to commission its own research without the sanction of WG and therefore retain its specialist functions.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements? :

- Need to clarify the role of the new body and its board in shaping policy,

and need to ensure that WG takes account of advice coming from the new body.

- Possibly consider a wider membership on the board (up to 20?) to ensure adequate spread of knowledge and expertise.
- It is important that any advice given is not watered down to take account of the varying interests within the organisation, but there will need to be some means within the new body to overcome the potentially conflicting functions. Effort should be made to ensure that the differing views are properly accounted for.
- No mention of the future role of WBP- assume this will continue?

Question 10: Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach? :

- Flexibility to take local circumstances into account is essential. Local biodiversity action planning and associated partnerships are key stakeholders and NEF delivery mechanisms.
- Essential all existing functions are retained and strengthened in the new body and properly financed.
- Effort should be made to ensure the local relationships are maintained where they are important to local communities.

Question 11: What are your views on the aspects of the regulatory arrangements?

- In relation to self-permitting, this would be supported if there was a mechanism in place to make such decisions transparent and accountable.
- There needs to be clear separation between regulation and implementation. It would not be appropriate for the single body to issue its own consents.
- Consenting and operational functions should be kept separate in the organizational structure with separate management streams.

Question 12: If you have any related issues which we have not specifically addressed, please use this space to report them:

- Concern about the lack of reference to land use planning and land use decision making and consenting.
- There is a need to include how existing funding arrangements for LPA biodiversity, countryside management and sustainable communities will

be maintained. Many Biodiversity Officer Jobs rely on existing CCW s9 funding and jobs will be lost if it does not continue.

(NB Didendum vexillum is a sea squirt and no threat to trees and timber (last words on page 41))

From: Morgan, Huw [mailto:Huw.Morgan@swansea.gov.uk]
Sent: 14 May 2012 22:13
To: SEB mailbox
Cc: Owen, Reena
Subject: single environment body - response to consultation

Thank you for the opportunity to comment on this consultation. The following response is on behalf of Reena Owen, Director of Environment, City and County of Swansea.

Question one

It is agreed that there are advantages in strengthening the agencies in Wales dealing with environmental regulation in the widest possible sense. However there are concerns, particularly around the risks of separating the Environment Agency from its English counterpart. If these risks can be addressed, particularly those risks rooted in funding issues, there are opportunities for improving the way we deal with environmental issues in Wales.

Question two

There are additional concerns apart from those mentioned in section 2.4. Although it is noted that potential conflicts of interest and transparency of decision-making have been issues in the past. It doesn't seem that long ago that the Royal Commission on Environmental Pollution had major concerns on this matter in relation to water authorities. When the water companies were formed, the government created the National Rivers authority so that decision-making could be more transparent and poachers and gamekeepers would be in separate organisations. There will be complex issues where the right thing to do environmentally is not clear for the new body. This is inevitable where the new single body contains so many different environmental interests within its organisation.

There are concerns over the potential loss of expertise caused by splitting the existing England/Wales EA. This could be an inevitable problem on issues where the number of specialists available are few e.g. radiological regulation or certain water resources policy issues. It is hoped that the creation of a permitting team in Cardiff will have minimised this risk in terms of environmental permitting. However the centralisation of laboratories has already caused difficulties in Wales. It is vital for a number of reasons to strengthen the Welsh resources for analytical services, particularly in terms of environmental chemistry.

Some very useful projects have been funded by England and it is particularly important that any disaggregation of EA funds does not disadvantage Wales in terms of new pilot projects.

There are also many examples of excellent work being carried out collaboratively between local authorities and their local EA team. It is hoped that the inevitable restructuring can be done in a sensitive and imaginative

way so that we do not lose momentum for a few years while new management arrangements affect local collaboration.

Question three

The phased approach outlined in section 3 seems sensible, however there are concerns that certain functions mentioned, such as air quality or contaminated land, are primarily carried out by local authorities. It is assumed that good collaboration will continue, but there are concerns that local authorities have not been involved in developing the necessary models for the single body to be successful. These two examples are classic environmental problems where local authorities abilities to blend public health, development control, highways planning, transport planning and local politics, are essential in terms of, investigation, assessment and resolution. Clearly the new body will have a role to play in terms of certain site specific permitting issues, but a collaborative approach will be essential to resolve some of these very difficult issues.

Question four

Section 4 is a very broad start in terms of strategic outcomes for the new body. Again from a local authority perspective there are concerns that many of the Welsh government strategies listed require considerable input from us and it is disappointing that there seems to be no mention of any process where we can fully engage before the single body is up and running.

Question five

Some of the issues in annex five are important for Wales and certainly highlight opportunities for the new body to improve on delivery. However many of the most important issues require a broad cross cutting effort from other public bodies including Welsh government and local government. This highlights the difficulty in setting high standards and brave targets in an environment where no one organisation can achieve the desired outcome. Clearly this particular issue is very important for the new body but will require much more detailed work over the next year.

Question six

The functions described are a reasonable summary of those required, however given the comments made above, some of these functions cannot be effectively delivered without allowing for more collaborative work even in a formal regulatory setting. Examples of this could be;

- Permitting officers working more closely with L.A.'s on noise control.
- Greater collaboration on the water framework Directive and the bathing water Directive.
- A formal arrangement in Wales to use LA air-quality monitoring stations in emergencies given that DEFRA may not want to continue funding air-quality cells.

Some of these issues are good examples of where the single body can be seen as an opportunity given that collaboration between the EA, L.A.'s and Public Health is generally better in Wales.

Question seven

The proposals around WG functions seem sensible and it is pleasing to see that Marine licensing could become part of the new single body.

Question eight

Research and evidence is a vital area for Wales. It is critical that WG coordinates high quality research in the environmental field. Whilst it is important for all the reasons mentioned, it should not be allowed to become overly bureaucratic and stifle the rapid response sometimes required by an agency of this sort. It is also a sensitive issue in that Welsh universities are already strong players in the environmental research field. Any single framework should not be seen as prejudicing the opportunities for Welsh universities who already undertake much research for the Scottish and English government departments. Evidence gathering in Wales is also important and there needs to be a strengthening of the relationship between all the players including public health and local government.

Question nine

The arrangements in terms of status and governance seem adequate however section 6.3 touches on some very important areas where Wales has not been active enough in the past. It is understood that discussions are ongoing but it would be useful to see some of the options outlined before firm commitments are made.

Question ten

It seems logical to abolish some of the statutory committees and engage with stakeholders in a more flexible way. Clearly many of the issues dealt with by predecessor committees are of great interest to local authorities and we would wish to see mechanisms for us to positively contribute.

Question eleven

Self permitting is an important issue but it is believed that the organisational structure could help to provide a degree of separation which combined with transparent processes and published decision documents would achieve a safe outcome that should not damage the reputation of the new body.

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received

this e-mail in error, please notify the administrator on the following address:
administrator@swansea.gov.uk

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation

Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, dylech hysbysu'r gweinyddydd yn y cyfeiriad canlynol:
administrator@swansea.gov.uk

Bydd yr holl ohebiaeth a anfonir at y Cyngor neu ganddo yn destun cofnodi a/neu fonitro yn unol A'r ddeddfwriaeth berthnasol
