



Llywodraeth Cymru
Welsh Government

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Summary of Consultation

Natural Resources Wales

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



Summary of consultation responses to ‘Natural Resources Wales – Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales’ Natural Resources’.

1. Introduction

The Welsh Government consulted on the proposed arrangements for establishing and directing a new body for the management of Wales’ natural resources. The consultation ran from 9 February 2012 to 2 May 2012 i.e. for a period of twelve weeks. The consultation document was available from the Welsh Government’s website.

In particular, the consultation sought views on the following:

- The overall proposals for establishing the new body.
- Proposals for implementing the legal changes required to establish the new body.
- Our ambitions for the new body, together with the way in which we intend to frame its overall purpose.
- Our proposed arrangements for customer and stakeholder engagement, including mechanisms for ensuring accountability and transparency in the work of the new body.
- Our proposals for the main functions and powers of the body, including consideration of some elements of Welsh Government functions and Internal Drainage Boards.
- Our proposals for the status of the body and how it will be governed, including arrangements for an executive board and wider stakeholder engagement.
- How we propose to take forward issues around cross-border governance and our proposals for the links to Welsh Government Ministers to ensure that the body will be fully accountable to Ministers.

The consultation document sought views on 12 specific questions covering the above issues.

2. Overview of responses

A total of 308 consultation responses were received. There were 223 responses from organisations and 85 responses from private individuals.

The breakdown of responses is provided below. A list of the organisations which responded to consultation is provided at Annex A.

An executive summary of the main issues raised in the consultation responses is at Section 3. A more detailed analysis of the comments received on each of the 12 questions is provided at Section 4.

Category of respondent	Number of responses
Private individuals	85
Fisheries sector	36
Forestry sector	32
Other business or industry	30
Access, recreation and tourism sector	25
Other public sector body	22
Local partnership group	19
Local authority and/ or representatives	15
Environmental/ conservation body	14
Professional body	9
Third sector/ other	7
Trade Union	6
Academic/ research body	4
Consultancy	4
TOTAL	308

3. Executive summary

The overall analysis showed that more than 60% of the 308 respondents to the consultation supported the overall proposal to manage natural resources in a more integrated way and to establish a single body by bringing together the existing functions of EAW, CCW and FCW. Approximately 10% of respondents were opposed, with the remainder not expressing any specific views on the overall proposition, or expressing views which were closely balanced.

The sectors which broadly supported the proposal to establish a single body included private individuals, environmental/ conservation bodies, local authorities and/ or their representatives, the fisheries sector, the access and recreation sector, other business and industry, other public sector bodies, academic/ research bodies and the third sector.

Just under half of the responses from the forestry sector were broadly in favour of the proposal, with the remaining responses unsupportive or neutral. Other sectors which were less supportive of the proposal were professional bodies, local partnership groups, trade unions and consultants.

The key themes emerging from the consultation were:

- Many of the respondents in support of the overall proposal cited a wide range of potential benefits in establishing a single body.
- Some respondents set out their concerns about establishing a single body. These included environmental concerns, issues around resources and transition, as well as specific issues raised by the forestry sector and industry.
- The phased approach to the creation of the body and further development of the legislation was generally supported as respondents agreed that there was a need to carry out the approach efficiently so there is no detrimental effect on existing services and to ensure business continuity.
- There were a lot of views on the principle aim and strategic objective, with most of the respondents suggesting amendments to either the principle aim or strategic objectives or both.
- There was broad support for the approach to the delivery framework, although it was recognised that more work was needed on the actual outcomes and objectives.
- The list of functions for the new body was generally thought to be reasonable, though many detailed points were suggested.
- Many respondents agreed with the proposal transfer the marine and wildlife licensing and tree and plant health functions to the new body.
- There were differing views on the proposal to transfer policy to the Welsh Government.
- The importance of the new body having a good scientific base was emphasised. There was support for the proposal for the Welsh Government to co-ordinate investment in environmental research, although

many thought that that the new body should have flexibility to define and implement its own research.

- In general the proposals for the status, governance and accountability of the new body were welcomed. Most respondents agreed that the body should be established as a Welsh Government Sponsored Body which is independent from government. There was widespread support for transparency and accountability across the whole range of the body's work.
- Overall the proposals for the stakeholder arrangements were welcomed. Respondents emphasised the importance of pro-active stakeholder engagement and that the success of the new body was dependent on having strong stakeholder arrangements. Many respondents highlighted that any arrangements must be developed in conjunction with stakeholders.
- In general there was support for the proposals relating to the regulatory arrangements, including clear separation of regulatory and operational work in situations where the body regulates its own activities.
- Many respondents supported the need to simplify regulatory systems, though there were concerns from some that this should not be allowed to impact on environmental protection. Transparency of decision-making and the publication of decision documents was widely supported.

Detailed comments on each of the 12 consultation questions are provided in the next section. The common themes raised under each question are set out, followed by a list of other key points that were made. Where similar points have been made in response to different questions we have sought to cover the point under the most appropriate question to reduce duplication.

The consultation responses will continue to be of use in helping to shape the vision, values and ways of working of the single body. In particular, the responses will inform ongoing work on stakeholder engagement, together with the work on the detailed drafting of the orders to establish the body and transfer functions to it.

4. Analysis of 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?

Overview

The overall analysis showed that more than 60% of the 308 respondents to the consultation supported the overall proposal to manage natural resources in a more integrated way and to establish a single body by bringing together the existing functions of EAW, CCW and FCW. Approximately 10% of respondents were opposed, with the remainder not expressing any specific views on the overall proposition, or expressing views which were closely balanced.

Common themes

Establishing a single body

Respondents identified a wide range of benefits of establishing a single body, including:

- The opportunity to have an organisation that best meets the needs of Wales and the potential to promote Wales as a progressive country.
- The opportunity to have a more focused policy direction from the Welsh Government.
- The potential to facilitate environmental management by local community groups.
- Having a more unified and better integrated face to stakeholders; providing a more streamlined service to customers.
- Simplification of liaison arrangements; greater organisational efficiency and reduced bureaucracy.
- A reduction in regulatory burden; providing a more coherent approach with greater consistency of policies.
- The opportunity to provide a greater degree of autonomy in decision-making and greater savings.
- As the three bodies would increasingly face complex issues, having a single body would enable these difficult issues to be more easily addressed.
- The establishment of a single body is consistent with more collaborative and partnership ways of working.

Concerns about establishing the body

A number of concerns were raised about the creation of a single body, including:

- The agencies are well established with distinct roles, cultures and philosophies. Bringing them together poses risks to environmental protection.
- The business case is unconvincing.
- The costs of change have been underestimated and savings are small.
- That the business case does not take account of human uncertainties and loss of production.
- That the savings do not take account of the loss of benefit to the 'parent bodies' (EA and FC).
- That the savings are highly sensitive to external factors.
- The scale and complexity of change must not be underestimated, including IT, pensions, cultural change issues and the challenging timetable.
- That the payback time for the savings is too long.
- That the business case is biased.
- It is unclear how the estimated cost savings will be captured, measured and reinvested within the functions of the body to improve the environment and services to people and business.
- The case for change was unclear and that more detail was needed.

Some respondents commented that they would support the proposal to bring together the EAW and CCW, but that FCW should be kept separate. Others supported the inclusion of FCW. These views are consolidated in the response to Question 2.

Ecosystem approach

Many respondents welcomed the move to the ecosystem approach. Some respondents commented that the body should have a statutory duty to conserve, restore, enhance and manage the natural environment. Appropriate land management was considered an important part of the ecosystem approach.

Some others felt that there should be emphasis on the body facilitating the delivery of ecosystem services and their sustainable use by business.

Sustainable Development

In general there was support for embedding sustainable development within the body, although some respondents requested a clearer definition of this. This definition should be consistent with the one contained in the forthcoming Sustainable Development Bill.

A number of respondents highlighted the importance of achieving the right balance between the demands for economic growth and development with the

effective management and regulation of the natural environment i.e. balancing the three pillars of sustainable development. One respondent said that rather than balancing the three pillars, which implies trade offs, the body should integrate them with the objective of achieving a win: win situation.

Many respondents supported the view that the body would need to ensure that it's regulatory and delivery functions should be separated in respect of its own work. A smaller number said that a more fundamental separation was needed – the body cannot protect natural resources and exploit them.

Some respondents thought that the central organising principle of the body should be that of putting in place environmental safeguards and the promotion of sustainability rather than social and economic advances. Other respondents commented that forestry in Wales is already being managed in a sustainable way, so the body needs to have the same balanced remit for sustainable development.

Timing of establishing the body

Some respondents commented that the development of A Living Wales should be taken forward more quickly, to minimise disruption and uncertainty for staff and stakeholders.

A larger number of respondents supported the view in the consultation that the proposed timetable was challenging, and felt that more preparation time should be allowed to develop the conceptual framework, which may provide the opportunity for the body to become a new entity with a new culture and mission. Some stated that “form should follow function” and that the body should be established once the ecosystem approach is settled and once the forthcoming legislation is in place.

Name

There were some comments on the name of the new body. The name of the body should reflect its purpose and that ‘Natural Resources Wales’ may not be understood by the public. Some respondents commented that it was disappointing that the body was now being referred to as ‘single body’ rather than ‘single environment body’ as this could signal that there had been a downgrading of the environmental role of the body.

Regulatory Simplification

There was widespread support from business and industry for the proposals to simplify regulatory arrangements. Some respondents highlighted that whilst simplification is welcomed, more emphasis should be on making regulation more effective. The emphasis on simplification understates the complexity of the environment of Wales and the wide range of issues the body would need to take forward. For some sectors, the planning process may not be simplified because there would be consultees outside Wales. Some

respondents asked for more information on how simplification will be achieved in the future.

There was also a view that there must be measurable improvements to ensure benefits, for example, the aims should be turned into concrete goals with measurable outcomes. For the general public, success will be assessed on delivery against long term benefits for the environment as a whole.

There was also concern that expertise contained in the three bodies should not be lost. Existing staff should be protected and retained.

Structural arrangements and change

A range of suggestions was made in respect of future organisational structures.

The exercise must result in simplified institutional arrangements, aims, plans and processes. The opportunity to modernise and simplify the framework must be grasped. The body should have a positive attitude to change and not maintaining the status quo. The body should not be top heavy and would need to have a flat structure with the emphasis on high quality technical advice and expertise.

There should be an emphasis on localism to ensure that the body does not become an inaccessible bureaucracy and the needs of a particular area or region are not overlooked. 'One size does not fit all'. A network of locally based teams and offices were supported by a number of respondents from a range of sectors. There should also be a presence, including senior staff, across Wales.

We should build on what works well. In some areas there will be synergies between the bodies which will offer clear benefits. However in areas such as field operations potential gains are less likely so in these cases where existing structures work well they should not be broken up.

Developing new structures and processes will take time. It may take up to 5 years to achieve the desired outcome and for the body to work effectively.

Data

A number of respondents raised opportunities to manage data better.

The body presents an opportunity to ensure the systematic collection, management of and access to environmental information in Wales.

Local records centres should be supported and funded. There were opportunities to join up more and do things more consistently across the functions of all three bodies.

Geographical information should be central to the operation of the new organisation if the benefits of the ecosystem approach are to be realised.

Investments in information systems outside of Wales will need to be considered.

Planning

Some respondents thought there was a lack of information about resource management planning, both locally and nationally.

Whilst welcoming a single point of entry and a single response to planning consultations concern was expressed that in view of the size and complexity of some applications the need to consult more widely internally, could result in unacceptable time delays.

More information is needed on how the future management of natural and environmental resources will interact with a range of other Welsh Government policies such as climate change and economic development

Other issues

The statement about maintaining a close working relationship with similar bodies in England and the UK Government was welcomed, for example, to maintain common environmental standards and to ensure consistency of advice and decision making was highlighted by a few as being important. Some respondents commented that there needs to be a greater emphasis on maintaining a British, European and global perspective, as well as a Welsh perspective.

Finally, there was some concern about the lack of detail contained in the consultation document, the terminology used and the difficulty for the lay-person to understand the proposals. Many respondents asked for the use of clear definitions to ensure greater clarity and understanding going forward.

Further points raised

- The principle of improving the management of the rural sector is welcomed.
- The body should be independent and resist political control.
- The body should not affect the provision of advice e.g. for small woodland owners.
- There should be ongoing and effective joint work with local government.
- The regulatory and statutory consultation roles should be brought together, but not the land management and business element, as there are tensions between them.
- Strong leadership is needed from the top level to secure a merger of three distinct bodies.
- More attention could have been paid to the experience in other countries and from other large scale reorganisation such as the establishment of CCW.

- There is a risk that the body will be such a massive, amorphous organisation that it may not be possible to devote sufficient priority or resources to all parts of its remit.
- In order to reap the benefits of integration, the body should retain a strong involvement in the co-ordination and promulgation of best practice on all aspects relating to the countryside.
- Many of the failures under the Water Framework Directive are linked to farming issues. There needs to be close links between the new body and farming interests.
- All activity areas should be assessed for cost/ benefit. The body should be scaled down, more efficient and assessed annually on what it actually delivers.
- There should not be any change to the minimum environmental standards that water companies have to meet.
- There is a need to bring in planning authorities and highway authorities to make up genuine catchment authorities.
- There needs to be properly based ecosystem driver targets.
- Integrated land management is vital for a sustainable countryside, so agriculture should be within the body's remit.
- It is unclear how the body's priorities will be set in order to achieve the compatibility of delivery across the large number of strategies that the body must deliver.
- The consultation doesn't refer to energy policy.
- Public Health Wales supported the change but raised queries regarding health protection issues including industrial regulation and reducing the effects of pollution; preventing or remedying the effects of incidents and emergencies and the provision of specialist advice. The Health Protection Agency also identified the need to maintain a consistent approach to providing health protection advice to both England and Wales.
- The body's Welsh Language Scheme should be adopted as soon as possible after the shadow body is established. The body should adopt the most innovative and ambitious elements of the existing schemes. There is an opportunity for a large new employer within the public sector to fully embrace all aspects of the Welsh language to the public, clients and customers and staff.
- The role of the body should be to help manage the natural resources, not just protect them.
- Mineral deposits that occur in Wales have been and will continue to be a significant natural resource.
- 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 on which we depend.
- There are fears that the body would not be able to exert influence and win support from other sectors, particular if it lacks a well-communicated vision.
- Locally agreed voluntary agreements for access for recreation are more effective than a top down regulatory and enforcement approach.
- The body must undertake its future activities efficiently and effectively, with an unrivalled commitment to improved transparency and reduced bureaucracy.

- Greater integrated management should be based on streamlined decision-making processes.
- The new body should deliver better outcomes than current arrangements.

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?

Overview

The consultation document highlighted existing concerns of stakeholders and asked for views on ways to address these matters. A number of respondents emphasised these concerns and raised concerns from a wide range of other sectors. There was some overlap with issues raised were expressed under Question 1.

Common themes

Resources

A number of respondents supported the need for cost saving and best use of public money as set out in the business case. Some respondents also expressed concern that the exercise may be perceived as being about reducing costs.

Some respondents emphasised the need for future resources, expertise and ambition to at least match present levels to undertake the challenges of managing the Welsh environment. Others thought that more resources were needed in some areas. Some respondents noted the reference in the consultation to reinvestment of some savings, and suggested that there needs to be a clear commitment to reinvest all savings on activities that deliver environmental improvements.

Concerns were raised that the marine legislation and marine functions of the new body are not fully understood and therefore the marine sector would not be adequately resourced or represented.

Concern that there would be a shortfall in consenting matters may result in delays, indecision or additional burden which may be a disincentive for investment.

Rod licence fees purchased in Wales should be spent in Wales and there should be some financial recognition from licences purchased in England when the purchaser uses that licence to fish in Wales.

Forestry sector

The consultation acknowledged the concerns previously raised by the forestry sector about the security of future timber supply, the continuity of public ownership and forestry skills. Within the consultation responses a number of other concerns were highlighted in relation to forestry.

The UK Forest Products Association recognised that some assurances had been given about the potential impact on wood supply, but that businesses in the sector remained nervous. The Wales Forest Business Partnership indicated that Wales must grow timber of sufficient quality and volume so that its use can be promoted within the construction industry, so there must be a viable planting programme. Some respondents also advised that the body must have an economic and development vision given that forestry offers opportunities for the sustainable economy – a sound economic basis is needed. Others commented that the commercial arm does not fit easily within the body and that it may create conflicts of interest and may have implications for bringing together skills and the culture of the body. The body could result in increased unnecessary regulation and potentially stifle development if the transition is not undertaken smoothly. A further concern was that forestry currently falls within two government departments and therefore does not demonstrate a co-ordinated approach.

Some respondents highlighted that to date the importance of the forestry industry had not been fully taken account, both in terms of its contribution to employment and the economy but also the ability of the sector to positively contribute to the goal of developing an economy based on sustainable development. Concern was raised that there could be dangers to the forest industry if the goals of the body are different to those of government. The value of the private sector is not emphasised enough. A further concern was that the driver does not appear to be about delivering better and more efficient regulation. The body should not over-regulate the private sector woodland and land management.

A range of measures was identified that would provide positive steps to ensure that forestry could be successfully integrated into the body.

The delivery of Woodlands for Wales should be central to the body's responsibilities. The body should adopt the philosophy demonstrated by Woodlands for Wales in recognising the environmental value, the social and economic context of trees and woodlands and the crucial part they play in defining the landscape, history and culture of Wales. Stakeholder engagement would remain important, and they needed to understand how Woodlands for Wales would be delivered.

Specific proposals included the need to:

- Retain skills and manage forestry using knowledgeable and experienced staff.
- Ensure forestry has a clear focus within the body.
- Task the body with ensuring the successful delivery of Woodlands for Wales.
- Have effective communication between the body and the forest/ forest products sector.
- Consult further with the timber sector in Wales.
- Hold the body to account on these issues and the need for forestry representation on the board.

Some respondents emphasised the concern about the continuity of public ownership and there were different views on whether the forest estate should be retained in the public sector. There was also a concern about the potential conflict of interest as the body would be a regulator and owner of the Welsh forest estate, therefore, some respondents thought these should be kept separate.

Whilst some respondents expressed concern about the forestry aspects, some from the forestry sector also welcomed its inclusion. Arguments in favour included the opportunity to widen the 'Woodlands for Wales' approach; facilitating environmental management by grass roots community woodland groups; potential for there to be a powerhouse for integrated woodland management and use of woodland resources across the landscape; could save costs and improve value for money; real opportunities to start from scratch; and that the body could strengthen forestry regulation and could improve delivery. There was also a view that including FCW's commercial activities within the body could reinforce a culture of financial discipline.

Some respondents welcomed the proposal to continue to allocate dedicated policy resources to forestry within the Welsh Government, though some disagreed. A further view was that FCW skills are too narrow at present. Additionally, there was a comment that the continuation of forestry practice, policy and regulation in the FC silo will not result in a delay in the ecosystem approach.

One respondent commented that the consultation had an overemphasis on forestry and the potential conflict of interest between the various functions of the body.

Concerns from industry

The consultation also mentioned industry concerns which were raised in the business case preparation. Most of the responses from the industry sector supported the general approach and welcomed proposals to simplify processes.

A number of respondents emphasised the concerns set out in the consultation document by stating that the new body should not adversely affect industry, the forest sector etc, either during transition or after the body has been established. A further concern was that the body could increase regulation and environmental pressure on business. Suggestions from respondents on how to overcome these concerns included the need for any changes to legislation to be done in discussion with industry the need for staff to understand the needs of industry and the economic environment. Some respondents commented that industry concerns regarding regulation and stifling of development are unlikely to become a reality as the body has the potential to resolve existing regulatory issues.

Environmental concerns

Several respondents cautioned that establishing the body should not result in the removal of existing protections for the environment - environmental protection should be at the heart of the values of the new organisation. There must be a strong mandate to not only deliver environmental protection but enhancement. The body should have conservation objectives, functions, powers and duties.

A large number of respondents highlighted that the body needed to have a greater emphasis on conservation and biodiversity. There was a concern that the focus on nature conservation would be diluted in the body. Ten responses were received from members of RSPB which suggested that the new body should be established as a champion for nature conservation.

The RSPB itself cautiously welcomed the overall proposal but felt that the document needed to place much more emphasis on protecting or building resilience in wildlife and nature in Wales and ensuring that human activities do not stretch natural resources and ecosystems beyond our limits. Other respondents were similarly concerned that having a single body may weaken the voice that currently exists for the environment. There should be greater emphasis on protecting and enhancing the natural environment of Wales.

A range of respondents with interests such as natural beauty, historic environment, access, recreation and tourism earth science and geodiversity expressed general support and identified potential benefits with the approach. However, many of these also expressed concern that there was insufficient mention of the role of Areas of Outstanding Natural Beauty and National Parks and cross-border protected landscapes such as Wye Valley AONB.

A further view was that whilst the territorial environment was covered, there was limited mention of seascapes/ marine environment and their value as natural assets, as well as the land-sea interface and cross-border issues.

Similarly, a number of respondents felt that the references to the body's role in promoting public access to the countryside, open-air recreation and the use of Welsh rivers, lakes and reservoirs were too limited. There was also felt to be little reference to green spaces and encouraging the health and well-being benefits of the natural environment.

A number of respondents highlighted that more emphasis was needed on urban ecosystems, urban green spaces and urban environments. In particular, the body should have a role in promoting an integrated approach to local environment improvements in both urban and rural areas. Similarly the body would need a strong emphasis on community engagement, education and training, including continuing the existing work of FCW and CCW in use of the environment for educational purpose notably continuation of support for Forest schools.

Many of these respondents sought confirmation that existing duties and powers would be transferred to the body, and that protections and resources would be maintained or enhanced. A small number of respondents commented that the body will need close links with CADW and there was an opportunity to explore the option of including CADW within the body, as there could be additional savings.

Transition

The transition needs to be managed to avoid 'performance dip'. A number of respondents commented that the effect on service for customers and stakeholders must be minimised whilst the new body is established. There were a number of suggestions in relation to this, including that objectives and outcomes should be established for the body early on and that there should be strong leadership to ensure that risks to the staff of the existing bodies are minimised. Communication is important.

There was also some concern about the effect on existing bodies given that large numbers of staff are now employed within the delivery of the body. Existing functions and processes should not be compromised. A suggestion was that there could be signposts to the phasing of the new body to avoid unnecessary disruption to the environmental sector.

There was also a concern about the potential loss of specialist staff and expertise. Unison accepted that there was a case for change and explained that there needs to be a focus on the skills that members of staff have, not just their current roles, as staff often have wider skills and capabilities that can be used. Some respondents thought that expertise might need to be drawn in from elsewhere, e.g. private sector. A further concern was that there is currently a lack of information for staff.

There will be cultural differences which will present challenges. Change and change management are special skills and change needs to be handled in ways which avoid disruption to establish working relationships.

The transition period is important in establishing a process of organisational learning and development. There will need to be clarity on management of the ICT aspects to ensure it is delivered within budget.

Other issues

Some groups claimed to have had limited opportunity to feed into the development of the consultation to date. While the document highlighted concerns from the forestry and industry sectors, concerns from other sectors were not taken into account. Therefore, concerns of sectors such as fisheries, conservation, recreation, access and tourism sectors have not been expressed in the consultation document.

There was a view that more explicit reference was needed on the body's role in delivering sustainable development of Welsh seas.

Some respondents highlighted that issues around conflict resolution need to be understood. One suggestion for major issues where legal views could differ was to use an environmental judge or independent inspector on quasi-judicial matters.

Some respondents highlighted that where current arrangements were working well, they should not be changed. There should be no loss of relationships with stakeholders at a local level. The inclusion of stakeholders is needed to ensure equanimity and transparency.

Many respondents requested more clarity on how the new body would work with the third sector. Greater clarity is needed on whether existing grants will continue.

There was a view that the body should have a role in developing social and educational opportunities such as education and training.

In general further clarification was thought to be needed on how the body will interact with other agencies and departments, including on cross-border issues such as the River Dee and also in relation to specialist issues.

Further points raised

- Certain shared services should continue to be 'bought in' from the parent bodies, unless better provided from within Wales. Greater clarity was needed on the continued provision of cross-border specialist services. No decision had been taken on analytical services that the other bodies have embedded within their functions. There was a view that having a dedicated laboratory service at Llanelli would strengthen this.
- The need to ensure continued focus on dealing with water resources and flooding issues.
- The complexity of undertaking large scale reorganisation was emphasised, including IT and pensions. Experience in the public sector has shown that resolving issues such as IT often takes longer and can exceed cost estimates.
- There should be caution in transferring other functions to the new body, as environmental law is complex.
- The link to the planning system needed to be clarified. The body must have efficient, timely and effective ways of responding to development proposals.
- There should be a commitment to retain the National Access Forum, which is a valuable asset for sharing best practice.
- Further clarity was needed on the role between the body and the Welsh Government.
- FCW's Wind Energy Programme should be retained by the Welsh Government to ensure that this potential conflict of interest is at 'arm's length'.

- Effective delivery will be compromised because responsibility for land-based activities, particularly agriculture and support mechanisms for such as Glastir will lie outside the remit of the body.
- Effective delivery of the body's functions within the private sector will depend on the policy instruments it has available.
- The consultation document does not clearly define the overall challenges facing FC, EA and CCW.
- Whilst it will be beneficial to have a 'one stop shop' for environmental regulation it will be important to have clearly defined points of contact.
- A real improvement would be to bring consenting timetables in line with the relevant planning consent/ committee timetables.
- It is a major risk to undertake massive organisational change at the same time as implementing significant change in policy.
- Further clarity was needed on the role of the body in developing and delivering the Wales Infrastructure Investment Plan.
- FCW should work as a commercial concern maximising planting, thinning, maintenance, harvesting and marketing top quality timber. If this is done the value of the crop could increase by £4-6million p.a.
- Consideration should be given to importing management expertise from the public and private sectors.
- The terms 'environment' and 'natural environment' are used synonymously. There needs to be greater clarity in how the body relates to those delivering protection of the historic environment, which is part of the 'environment' and which contributes part of ecosystems.
- Concern that there will be a loss of in-house expertise of archaeological staff based in FC and EA.
- The body should not become a purely regulatory body; it should be responsible for regulation, vision and innovation.
- It would be useful to unify consents into one issued by the new body.
- Greater emphasis is needed on local records centres, local and regional biodiversity and environmental partnerships.
- A greater emphasis on geodiversity is required. Within Wales there is a very limited pool of expertise in this field, so there needs to be closer joint working between the relevant sectors. Geology, geomorphology and geoconservation are also not mentioned within the consultation document.
- The body should be represented at the Welsh Government's Wales Water Industry Forum and during the next price setting at the Welsh Government's Price Review 14.
- The consultation does not reflect the positive role played by FCW in relation to access, recreation and landscape work.
- Changes to the current regime may reduce consideration given to the three agencies' non-core, statutory services. These should not be reduced.
- Concern that Better Woods for Wales, a fifty year vision for Welsh forestry, is not continuing.
- Concern about lack of capacity within the statutory bodies and Welsh Government to deliver marine planning.
- The proposals do not clarify the interaction with local authorities, for example, in the role of environmental permitting.

- Concern that the body will adopt an enforcement and sanctions approach at the outset and will result in a less co-operative approach to industry. The potential to impose more rigorous conditions than in the EU may not encourage business.
- The approach to include FCW within the body at 'arms length' from itself creates a wholly new approach by any government in Europe by removing the responsibility and accountability of forestry outside of direct government jurisdiction. This radical approach has not been fully explored.
- New models for evaluation of projects may be required to take greater account of non-market benefits that may accrue.
- Disentangling the Welsh aspects of the UK-wide bodies may prove a significant administrative and legal distraction.
- An opportunity also exists within the body to develop co-ordination in promoting the development of wood fuel from both the public and private sectors.
- Unless the development of renewable energy projects is set as one of the key objectives, there will not be a pathway for the Welsh Government to influence consenting decisions according to policy priorities.
- The board must have good land management experience.
- There should be staff called rural business enablers to assist in situations where a balance is needed between facilitating profitable businesses and enhancing the environment.
- If sustainable development is the organising principle, social, economic and environmental issues must have equal weighting.
- There should be clear guidance on a fair and transparent appeals process.
- Would like to see more clarity on the practical measures that can be taken to demonstrate the commitment to Wales being 'open for business'.
- The ability of the body to reclaim Value Added Tax would be essential.
- Participation and citizen engagement is an essential aspect of sustainable development.
- The strong evidence base supporting conservation in Wales should be respected alongside the commercial aspects of other functions.
- Implementation should seek to aid coherence through a blend of priorities that are appropriately weighted and not balanced.
- The proposal to form the single body should be subject to a strategic environmental assessment.
- It should be remembered that local decision making cannot be done in isolation from international legislation or agreements.
- Assurances should be given that each relevant discipline is equally accounted for during the course of the body's functions and in dealing with external organisations.

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

Overview

The phased approach was generally supported as respondents agreed that there was a need to carry out the approach efficiently so there is no detrimental effect on existing services and to ensure business continuity. The proposal to establish the body in “shadow form” was generally supported in order to ensure responsibilities are transferred effectively without disruption.

Common themes

Detailed comments on the approach

In general respondents advised that the process should be carefully planned to ensure no delays. There need to be management controls in place to ensure no drop in performance, which will require careful management and scheduling as well as continuous review.

There were different views on the timetable for establishing the body. Many respondents recognised the challenges in establishing a new body and that the timeframe is ambitious. Some respondents thought that the proposed vesting date of 1 April 2013 was realistic and achievable. However, a number of other respondents thought that the vesting date was too soon and that the work should be developed at a steadier pace than is planned. There were a number of views that there could be negative consequences of rushing into change and that there were complex issues to be resolved such as the need to have proper systems in place. In addition, some respondents thought that the timetable allowed little time for reflecting stakeholder discussions e.g. following the consultation. More opportunities for discussion with existing clients/ partners could help to develop the public interface.

A smaller number of respondents considered that the new body should be established on a quicker timeframe than proposed.

There were different views on the phased approach to transferring functions to the body. In general, most respondents supported the proposal. Some quoted the advantages of this approach, including that it would enable the new body to reflect the wider policy and legislative changes and the development of A Living Wales, so this provides a unique opportunity for Wales. Some respondents believed that the proposals for A Living Wales should be completed first so that the body has a clear environmental remit. Others thought that whilst ideally the consultations on A Living Wales and the proposed Sustainable Development, Planning and Environment Bills should be completed before starting to plan the detail of the body, from a pragmatic approach it was possible to undertake the processes in parallel.

Nonetheless, the body should have input into the drafting of the proposed bills.

Further points raised

- There should be more focus on maintaining efficiencies for the customer's business.
- The approach seems to be largely about reordering current powers, so is not ambitious enough.
- Establishing the body and reviewing priorities has the potential for delay, especially if more consultation is planned.
- There should be a flexible, settling-in period for the new body, before further phases are planned.
- Support the body providing detailed advice to the Welsh Government on the new legislation aimed at improving environmental standards.
- There is a need to ensure stakeholder/ public engagement during the phased approach.
- Some respondents thought the phased approach needed to be better explained.
- A new body should be able to influence agriculture.
- Ensure a seamless, smooth and rapid transition for staff involved in order to minimise uncertainty and to retain business continuity.
- Support for an independent annual audit of financial and staff performance as well as a review of the progress of the effectiveness of the body.
- Needs to be a model for environmental protection.
- Any new legislation in this respect should take account of the historic landscape as well as environment and planning.
- Essential that responsibility for regulation, enforcement and monitoring is integrated into the body.
- Ensure that the role and interaction of single body interacts with and cuts across the terrestrial planning/consenting framework of emerging legislative requirements.
- Suggest following the Scottish Geodiversity Charter, available in June 2012.
- Any approach should be assessed against environmental costs and benefits.
- Look forward to a more integrated approach to the sustainable management of the environment.
- Consult and engage stakeholders, external expert organisations and partners during the phased approach.
- Ensure existing commitments such as contracts and access rights are honoured.
- Build on best practice examples of existing relationships.
- It is critical that an institutional culture of delivery and facilitation of delivery is established from the outset.
- The phased approach should not impact on partnership arrangements or other provisions for service delivery managed by the voluntary sector.
- Ensure that there is due consideration to cross border issues (England/Wales) and designations.

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

Overview

There was widespread comment on the principle aim and strategic objective. Nearly 70% suggested amendments to either the principle aim or strategic objectives or both. Some respondents (less than 10%) expressed objection to the principle aim and/or strategic outcomes.

Common themes

The aim of the body

Many respondents considered that the aim should include reference to the environment and in particular should explicitly mention nature conservation and biodiversity. Other respondents considered that the aim should also include a reference to the economic benefits to the people and the economy of Wales and the social and health benefits which may accrue

Many respondents strongly supported the concept of sustainable development being at the heart of the body.

Sustainable Development

A number of respondents suggested that a clear definition of the term should be included to avoid confusion. The balance between the three pillars of sustainability in the body was emphasised by many, with diametrically opposite views being expressed, some suggesting implied bias to development, others to conservation and recommending amendment accordingly. Some respondents from the business sector indicated that there was not enough contribution in the principle aim towards fostering economic development, acknowledging the place of extractive industries and the benefit to sustainable development from renewable energy production. Forestry's place in delivering sustainable development was very clearly and strongly made as was the widely held view that the body should be responsible for delivering the Wales Woodland Strategy.

A number of respondents believed that there should be a clear link between the body's aim and that of the Sustaining a Living Wales Green Paper and Natural Environment Framework documentation.

Biodiversity and wildlife

The purpose of the body must be clear and its primary function of ensuring healthy, functioning ecosystems on behalf of the Welsh people and wildlife.

There was a clear view that the importance of biodiversity, designated sites (SSSI etc) had not been addressed sufficiently, especially with regard to the intrinsic value of biodiversity, beyond the direct use to man in ecosystem services. Protected sites were seen as being important keystones in the environment. The view that a primary purpose of the body should be to halt biodiversity loss was expressed by a number of respondents.

The single body needs an appropriate central organising principle and purpose which ensures that environmental standards are not degraded, in accordance with Section 16 of the Public Bodies Act.

Landscape

The concept of landscape, especially in relation to the European Landscape Convention was one which it was felt was not sufficiently addressed, this was especially true in relation to protected landscapes and historic/cultural landscapes. A clear link was made between well managed landscape and tourism with the economic and social benefit from that.

Outdoor recreation and public access to countryside

It was suggested that the aim should include reference to outdoor recreation and public access to countryside, with clear links made between this topic and economic benefits from activity tourism, social aspects of access to green space and countryside as well as very clear health benefits.

Further points raised

- There was a clear view that it should be explicitly stated that the single body had a role in the marine environment as well as on land especially in relation to natural resource management. There was also a view that sea fisheries management and enforcement should be brought into single body.
- A significant number of respondents noted that geodiversity and earth science was not given the prominence it should have as the 'basis of all ecosystem services'
- Education was seen to be lacking from the document with the links between life-long learning and education generally to sustainable development and understanding of environment being seen as very important
- Public/stakeholder participation was seen to be vitally important to ensure that the single body was committed to engage with stakeholders in a meaningful way at all levels; both locally and at a Wales level, in particular due to the demise of the FERAC and other Environment Agency committees.
- A number of respondents believed strongly that there should be a greater emphasis on flood risk management.
- The emphasis appears to be on use rather than protection and responsible stewardship.
- a number of respondents claim that there is insufficient reference to the cultural and historic environment

- Several respondents commented on the need for the single body to be more joined up with Welsh Government and recognise contribution of forest products to sustainable development and mitigating effects of climate change.
- A number of respondents considered that enforcement should be specifically mentioned

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

Overview

Respondents were generally supportive of the approach to the delivery framework. Comments in support of the approach included that it was heartening that there was a focus on customers and staff; that having sustainability objectives was welcomed; the framework was useful in distinguishing between how natural resources are looked after and how they are used.

Common themes

Delivery Framework

Many respondents recognised that the delivery framework was a preliminary framework and that it should be refined with actual outcomes and objectives. There were suggestions of what specific detail should be included. These included greater emphasis on social dimensions such as community participation, education and training, public health and more emphasis on the marine dimension.

A number of responses highlighted the need to identify and establish much more explicit economic and social objectives and measures. It was also noted that there appeared to be insufficient emphasis on the economic opportunities that the natural environment is able to deliver.

The delivery framework should also seek to measure outcomes which would give a much more accurate measure of success or failure.

Some concern was expressed that the focus of the delivery framework table was almost entirely on resource use and that it could be interpreted that the body would have as its primary function facilitating the exploitation of the environment.

A number of respondents commented that the views of stakeholders and service users should be taken into account in drawing up the aims and objectives, delivery targets and performance indicators. There should also a suggestion that the relationship with strategic partners should be more closely defined. It was suggested that the delivery framework outlined how the body intends to work with key partners, including local authorities, businesses and local communities to deliver the outcomes sought.

There were some views that the framework should be based and built on the existing frameworks of the three bodies.

Many commented that it was important that the delivery framework adhered to the principles of transparency, clarity, consistency, accountability, feedback and learning.

Clarity and transparency would be greatly aided by a simpler approach which would focus on the strategic objectives set by the Welsh Government and Welsh Government strategies should be cross-referenced in the framework.

Measures of success and failure should relate to performance against specific policy targets. The framework should include a closer analysis of the Government's own policies which the body can influence relating to climate change, housing, bio energy, biodiversity, education, learning and skills and employment.

Many believed that the Woodlands for Wales' strategy should inform and direct the new body's focus for the woodlands and forests of Wales. However other respondents considered that there was an over focus on forestry and woodlands and that there was very little mention of other habitats and species with biodiversity only getting the briefest of mentions.

A small number of respondents, largely those who did not support the overall proposal of establishing a single body, also disagreed with the delivery framework. Other concerns were that the approach was not focused enough on outcomes for customers. A small number thought it was not fit for purpose.

Some respondents, particularly members of the public, suggested that the delivery framework was unclear and was not user-friendly so there needed to be a clearer definition with jargon-free language. The linkages between the categories in the Delivery Framework need to be more obvious i.e. Objectives, Success, and Indicators.

There was a view that the delivery plan should be made readily accessible on the internet and it should be kept as simple as possible.

The objectives could be set out in accordance with the ecosystem services categories with practical examples of initiatives to deliver those objectives with links to the green paper.

It was suggested that the delivery framework should be more specific for different sectors and it would seem appropriate to include an assessment of how each sector succeeds within a policy framework against measurable outcomes.

The new body should also be given a leadership role in resolving some of the difficult problems and trade-offs inherent in the complex landscape of environmental management, as well as tightly defined roles and responsibilities.

The new body should, in a few people's opinion, have a clear objective to seek to align its consenting activities as much as possible and it should be set out clearly in the purpose of the body, the delivery framework and any supporting guidance. The body should work very closely with project promoters and the Welsh Government at pre-application stage with a view to aligning consents as far as possible.

Many respondents expressed that research, monitoring and evaluation and spreading of best practice should be a duty of the single body.

Monitoring and evaluation should be built in from the outset with stakeholder feedback and it would be useful to implement baseline monitoring against which achievement of the new body's objectives could be measured (i.e. comparing how those objectives are met now, compared to how they are met in future once the new body is established).

It was suggested that the Groundwork Wales Green Infrastructure Valuation Toolkit could be developed for measuring outcomes.

The link between environmental management and the presumption in favour of sustainable development should be clearly recognised and built in to the framework.

Timescales for delivery of outcomes should be clear and realistic otherwise the risk is that all effort is concentrated on one area to the detriment of others.

Annual Remit letter

Whilst overall the approach to having an Annual Remit Letter and detailed Financial Memorandum was welcomed by many a small number of respondents expressed concern with the annual approach proposing a strong governance framework setting a clear remit at the start with a review after 5 years instead.

It was proposed that there should be processes in place to scrutinise the single body's behaviour and performance in line with Annual Remit letter and Financial Memorandum and that there should be an early commitment to performance standards agreed and reviewed with users. There needs to be full transparency about the success or otherwise in meeting these standards

Customers should be able to challenge behaviour or performance (or lack of performance) which might appear to be inconsistent with the body's remit. Such challenges should be able to be referred to an independent ombudsman.

A few respondents were of the view that additional guidance to the annual remit letter and financial memorandum was not required as there would be a risk of the new organisation being micro managed. The new organisation should be allowed the freedom to operate flexibly within broad parameters.

It was assumed that the delivery framework and annual remit letter should signal a clear intention that the body will be independent and able to operate as a critical friend to the Welsh Government and other organisations whether in the public or private sector.

Concern was voiced that some interests would not have the chance to input into the formation of the Annual Remit letter and that the inclusion of interested parties with lay people is viewed as an important feature of equanimity and transparency.

People and partnerships

The staff focus in the framework was welcomed by many as good staff engagement was viewed as central to good customer engagement. The body should recognise that staff are the key component of any successful organisation and they must be motivated and enthused. Staff must believe that they are a part of its conception and be fully involved in its development. The internal culture should be a priority under the delivery framework. The success of the body will depend on staff being well led, well trained and well-motivated.

It was suggested that the framework should allow the expertise held by the staff of the existing organisations to be nurtured and not allow it to become diluted.

Dedicating staff to specific regulatory and advisory work streams was highlighted, as was ensuring that the staff interacting with customers are excellent communicators, with service provision in both Welsh and English. For many they will be the face of the Single Body and arguably the most important staff members it will have.

It was felt that there should be a concept of a one stop shop which would only work in a large organisation if the right system was in place for accessing the appropriate person to deal with queries effectively and quickly. Strong management of staff will be important with clear lines of demarcation and a 'can do' attitude.

The proposal that strategic partnerships with "trusted partners" should be adopted. Accredited trusted partners should be subject to light touch regulation allowing resources to be concentrated on high risk areas.

Many respondents suggested that the need exists for a strategic spatial plan framework to set the context and a requirement for appropriate skills at a local level.

The suggestion was also made that the framework should include a resources column to emphasis what might be needed to deliver and a training and education column to illustrate how staff might be supported in the delivery of the aims

Financial aspects

The emphasis on value for money was welcomed and this should be extended to work and projects likely to be paid for by water customers to meet environmental standard and their value should be proved before they are approved.

End of year flexibility was an issue highlighted as being required to allow for timber trading as the FC is currently able to carry over funds at the year end.

Detailed financial accounts should be produced to assess value for money and to measure the financial savings against those promised by the Business Case.

Further points raised

- The delivery framework approach should provide flexibility to deal with emerging issues.
- The delivery approach implies that what the organisations have at the moment is not working, which is not the case.
- The body should develop solutions as opposed to dealing with problems and be customer focussed.
- Having the body as a champion of sustainable renewable energy was of concern to many as it was viewed as a private sector activity and not the role of the new body. Its role will be to give advice to the regulator and it must have an independent and unbiased view if that advice is to be credible. However others felt that the framework should include 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.
- It would have been helpful to consider a transfer of functions away from the body to Welsh Government or others especially in relation to Flood Risk Management and the functions formerly carried out by Forest Enterprise.
- The delivery framework should give more emphasis to societal issues as it is currently too environmentally orientated.
- Many respondents highlighted that there were gaps in the objectives, success criteria and indicators with no mention being made of the physical environment, resources, geodiversity or any aspect of the abiotic environment. Measurable objectives for the physical and historic environment should be included.
- Inland waters were also missing and should be referenced alongside landscape and greenspace.
- The view was promoted that the framework should consider all aspects of countryside use and the protection of the countryside and enhancement of biodiversity.
- Education, particularly 'out-of-classroom learning'/ outdoor education plays an essential role in increasing public understanding of their natural

- environment and encourages their engagement in conservation and adopting more sustainable lifestyles and this appeared to be missing.
- Concern was expressed with the low level of representation of waste as an issue relative to water and managing local ecosystems as it would negatively influence the position of waste within the management of the new body.
 - Disappointment was expressed that there are no positive references to the Protected Landscapes or the partnership role of AONB Units and National Park Authorities, not least in administering the Sustainable Development Fund.
 - Responsibilities in relation to urban ecosystems was not addressed in the framework and the body should be required to promote the proper provision of green infrastructure and high quality urban greenspace in human settlements to ensure the health and well-being of both people and nature.
 - It was suggested that a key factor was missing in the outcome themes namely to work to develop a vibrant rural economy that allows businesses to grow and prosper in a sustainable manner.
 - One view expressed was that the temptation to extend the body's remit too far should be resisted.
 - Concern was raised as to how aspirational and ambitious the strategic outcomes were and whether they would enable the single body to take a truly innovative approach towards the management and utilisation of the natural resources of Wales.
 - A few responses indicated that they would like to see a greater emphasis given to the need for an improved evidence base to support decisions.

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

Overview

Most respondents believe that the list of functions were reasonable, although some commented that a full list of statutory duties currently applying to the three bodies would have been preferable.

Common themes

Nature Conservation and Landscape

A number of respondents called for the new body to become a champion for nature conservation and to ensure that biodiversity targets are met and that biodiversity and urban biodiversity should be encouraged. Respondents also called for powers to control the spread of invasive and non-native species. Some respondents also called for integrated landscape management and that there should be a specific duty in respect of landscape management.

Recreation and Tourism

The responses proposed that the new body should be tasked with promoting walking and cycling within the context of ecosystems and outdoor recreation. Access to outdoor recreational facilities should be recognised as key contributor to local economic development and should have greater acknowledgment. One response suggested that Forestry Commission's support of outdoor sport and recreation facilities should be maintained.

There should be a mention of the importance of tourism and tourism infrastructure to the Welsh economy

Inland fisheries

In general respondents thought that body should be responsible for protecting fisheries and for fisheries management. The impact of river impoundments and abstractions on water quality should be subject to monitoring by the new body

Woodlands

A number of responses included the need to reflect the importance of woodland management, with wider commitments than environmental objectives. One respondent argued that the new body should not be involved in producing and marketing timber; this should be left to the private sector.

Climate change

Climate change should be a key target and a number of responses called for the protection of peat, to meet the 2020 biodiversity objectives.

Energy

Comments received included the fact that renewable energy cuts across more than *Climate Change Mitigation*, and also applies to: industry regulations on resources, reducing pollution, conservation, restoration and enhancement of ecosystems, encouraging sustainable use of resources, catchment management and reduction in flash-flooding through habitat management. Other responses called for wind energy and energy generation targets to be met and functions for giving advice for renewable energy applications should also be included. Comments were also received that the function relating to management of woodland estate in Table 1 needed to refer to powers to lease land for the purpose of renewable energy generation.

Comments on Tables 1 to 3

The consultation document included three tables. Table 1 summarised the functions that require or allow the body to carry out work. Table 2 set out the general powers which enable the body to fulfil its functions across a wide range of its work. Table 3 listed the duties on the body to consider issues when carrying out its functions. A number of respondents provided specific comments on these tables, including:

- Table 1 requires better references to linking recreation, education and health.
- Table 1: Management of woodland estates, biodiversity, flood and coastal protection. Economic responsibilities contained in Table 1 should be moved to Table 3.
- Table 1 'Promotion of the use of the countryside by all and the health benefits it brings': the word 'countryside' should be changed to 'outdoor environment, land and sea'.
- Table 1 makes no distinction between duties and discretionary functions.
- Administrative and financial support of Local Access Forums should be included in Table 1.
- Table 1 point 1 should list 'costs and benefits' to the environment, people and organisations.
- Table 1 point 3 should be environmental, not ecological.
- Tables 1 and 3 should include the capacity to: understand causes for water quality, ensure decisions on delivery are made against a robust cost/benefit analysis that takes into account all types of pollution, ensure measures implemented are sustainable in the long term, ensure that any decisions consider impact on customers water bills, provide guidance on climate change and resource managements, work across administrative boundaries, sustainable drainage and surface water management and to the efficient use of water across all sectors.

- Tables 1&3: mention of global limits and targets, speak of management of resources, more education for the public on the environment, more proactive tone, not just protection, but improvement.
- Table 2 should include the development of strategic partnerships with other bodies where there is mutual benefit and requires more information on all fields.
- Table 3: costs and benefits need to include non-market benefits.
- Table 3: having future sustainable policies (future proofing).
- In Table 3, references need to be made to the significant role geology has played in the national industries of Wales: gold, coal, copper and iron mining, as well as steel and the future use of shale and coal gasification and added to Table 1.
- The tables make no suggestions on the function to manage Marine Protected Areas. This is an oversight.
- The references in Table 2 to environmental crime and wildlife crime should be expanded to include the current powers of the Environment Agency Wales, the countryside Council for Wales and the Forestry Commission Wales in this area. In particular, the powers to advise the police should be included. One response suggested conferring a duty to investigate environmental and wildlife crimes may also be prudent.

Further points raised

- The single body's consultation arrangements for Nationally Significant Infrastructure Projects under the Planning Act should be stated explicitly.
- More delegation and localism is needed.
- There is support for Coed Cymru initiative.
- There should be grant aid to local authorities for ecological, implementation of Special Areas of Conservation (SACs) and Management Schemes.
- The use of 'Spatial Planning' should be built upon.
- More explanation is needed on the capture, collation and distribution of data.
- The powers should be adopted using a flexible approach, allowing the body to adapt to changes arises from the integration of functions from the three existing bodies.
- Concern about the potential loss of expertise.
- Concern that the outsourcing powers of the new body will pave the way for privatisation of this sector.
- Clarify it is coastal erosion and not erosion generally that is covered by the new body.
- Grant aid should include other public and third sector bodies.
- The importance of research should be emphasised.
- More references to functions and powers such as compulsory purchase, access to land, stakeholder engagement, grant making powers (inc. to third sector) are needed.
- Designated landscapes should feature under multiple headings

- The single body powers should note that the Infrastructure Planning Commission no longer exists and has been replaced by a department in the Planning Inspectorate.
- Reference should be made to promoting access to the countryside and to high quality urban green spaces. Given that 80% of Welsh citizens live in towns and cities, the body must also have a focus on urban ecosystems, not just the rural perspective.
- Illustrative examples did not include extraction industries, the marine environment, the effects of climate change on the land and seascapes, geodiversity: it's effect on outdoor activities, it's response to floods and coastal erosion, it's role in underpinning the landscape, the role of Local Geodiversity Action Plans, RIGS, geological SSSI and national and local nature reserves in raising awareness of geodiversity.
- Geodiversity should also be taken into consideration alongside biodiversity.
- The strong focus on anthropocentric functions at the expense of environmental protection functions needs to be redressed.
- More information relating to the depth and breadth of functions envisaged for the new body needs to be provided to better inform stakeholders of the priorities of the new body.
- A method of applying for multiple licences under a single application form should be considered as a means of promoting efficiency.
- A matrix demonstrating the current and post-merger interactions between the functions of the three existing bodies would aid clarity.
- Several respondents have suggested the inclusion of policies to expand the public forestry estate or increased emphasis on productive conifer forestry.
- The new body should endorse the National Principles for Public Engagement in Wales putting them into practice which would encourage public engagement.
- No mention of how the new body will work with Public Health Agencies. Clarification needed on current working together agreements
- Concern about the lack of emphasis on incident response.
- No mention of how the new functions could be enhanced over time.
- The body should have a dedicated enforcement team on fisheries.
- There is a need for eco/ sustainable based tourism.
- The body should be proactive in advising the Welsh Government on appropriate land use from urban to land areas, which is damaging water environments.
- The body should address concerns regarding peat issues and to produce clear guidance that is consistent with other countries.
- Powers to charge for services, currently held by the EA, should not be extended. Confirmation is required of the principle of not conferring additional powers to the body would extend to its ability to charge for services – especially those relating to its statutory consultee role.
- Health and well-being issues should be given more emphasis.
- More emphasis is needed on skills, training and enterprise as the sustainable development model is at risk of being skewed to the environmental strands.

- The commercial imperative of the countryside appears to be lost in the proposals.
- The consultation contained little information about SSSIs and designated sites. The body should have wider representation from the business community on committees dealing with these.
- The environmental monitoring role should be extended to directly monitor certain types of development or environmental impacts e.g. the effects of multiple wind farms.

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?

Overview

The majority of those who responded to this question supported the changes to marine and wildlife licensing and tree and plant health, although there were some contrary views. This would result in a more unified system and greater clarity for businesses.

A range of views were expressed on the transfer of policy to the Welsh Government.

A number of respondents argued for the inclusion of sea fisheries and Glastir in the new body as well as the extension of the proposals to other organisations such as CADW.

Common themes

Marine and Wildlife Licensing

The majority of those that responded supported the view that marine licensing and even marine planning should move to the new body with the Welsh Ministers retaining an appellant function. There was some concern that there was not an understanding of the wider implications for the delivery of marine planning, regulation and management.

Some were less supportive. There was a view that having marine licensing under the auspices of the single body might raise a concern regarding transparency. One respondent considered that the proposals for licensing are inconsistent with the 'single point of contact' promoted in the rest of the consultation functions. Another respondent advised that current functions could be improved by transparency and scrutiny.

An interface between marine and terrestrial planning processes should be established and maintained.

Tree and Plant health

A number of respondents emphasised the important role of forest research. Response to disease and pests needs to be strengthened. One comment received suggested that some responsibility for plant health should be retained by smaller, specialist bodies such as the Food and Environment Research Agency, though another considered that plant and tree health should be vested in one body and not split between the Welsh Government and the single body. One response received advised that links with shared services in FCGB should be maintained for tree health matters as disease and pests do not stop at the border.

Glastir

A number of consultation responses called for Glastir to be managed by the single body.

Sea fisheries

Most responses from the fisheries sector recommended that responsibility for inland and sea fisheries, including marine management and enforcement, should be conferred upon the new body to enable a joined-up scheme of protection for marine wildlife. Other respondents advised that greater acknowledgement should be given to the importance of agri-environment and sea fisheries functions in meeting European obligations for habitats, birds and marine strategy. If these functions remain with the Welsh Government, close work with the new body will be required to ensure these aims are met.

Policy

Some respondents agreed that the Welsh Government should retain the power of setting strategic policy with the new body having responsibility for operational delivery.

There was concern that the transfer of policy to the Welsh Government could weaken the quality of that policy and the responsiveness with which it is formulated. A further concern was that the body could lack focus if it has no responsibility for policy.

Others raised concern based on the argument that good policy formulation requires staff who had practical and operational knowledge. Those involved in forestry policy in the Welsh Government must be professionals with a full understanding of forestry related matters.

Further points raised

- Welsh Government should consider whether canals and powers of environment management should be given to the single body.
- Reducing conflicts of interests through use of a single body is encouraging.
- Concern that new body will have less policy influence.
- Concern regarding funding.
- The licensing of wild deer management should be split with policy falling to Welsh Government and delivery to the new body.
- The new body must clarify its position on access and navigation on rivers in Wales, particularly cross-border rivers.
- The single body should foster strategic relationships with “trusted partners” to reduce administration.
- The new body must ensure that the separation of policy and delivery does not lead to policy makers becoming divorced from practitioners.
- More focus on pests and diseases affecting plants.

- Badger licensing should remain with the Welsh Government.
- Put in place Chinese walls to ensure no conflict arises between commercial and licensing functions.
- Vesting policy functions in the new body to enable planning beyond a five year political cycle.
- Close work with the Scottish and English Forestry Commissions has been recommended from several respondents, as a means to reduce duplication of effort and promoting efficiencies.
- Transfer of functions should involve consultation with trade unions and other stakeholders.
- The new system should focus on general principles centrally while ensuring sensitivity to knowledge and experience in local areas.
- It may be prudent to withhold responsibility for marine licensing during the body's infancy to ensure that it is not overstretched, with the potential conferring of such powers following a further review of capacity.

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

Overview

Most of those who responded on this question highlighted the importance of the new body having a good scientific base, which was seen as critical to delivering the ambitions of the body. On the whole respondents agreed with the proposal for the Welsh Government to co-ordinate investment in environmental research. However, in general respondents thought that that the new body should have flexibility to define and implement its own research.

Common themes

Co-ordination of research by the Welsh Government

Views were mixed on the proposal for the Welsh Government to co-ordinate investment in environmental research. A large number of respondents supported the proposal. Reasons included were that it was thought essential not to duplicate effort. In addition, there was a view that the ecosystem approach would require fully integrated, large-scale and big budget projects involving different sectors and therefore the Welsh Government was best placed to co-ordinate such research. However, even where respondents supported this proposal there was generally a view that it should not preclude the body commissioning its own research.

Respondents who disagree state that although the Welsh Government could co-ordinate research, the single body should be able to commission its own without the sanction of the Welsh Government in order to maintain an objective, impartial and independent role.

A number of other responses suggested that the new body itself should have flexibility to define and implement its own programme of research, although it was acknowledged that there should be closer integration with the Welsh Government. There was a concern that the independence of the new body could become lost if research was designed and commissioned by the Welsh Government and that as a result the new body would not be able to meet the aspiration of being an independent and evidence-based organisation. There was a suggestion that the body could build on the FCW model whereby research priorities inform practical work on the ground. A further issue was that having research commissioned from a single body could result in narrower perspectives research, whereas the involvement of a number of separate bodies would provide more independent results and form a broad view. An additional concern was that research may become policy driven (top down) and may result in some research opportunities being overlooked.

Some felt that there could be potential for the body to lag behind similar agencies if the body was not able to commission its own research.

Views on the proposal to have a single framework for research were generally supportive, although respondents felt that this should not be overly bureaucratic or onerous.

Research undertaken within Wales

There were also differences in opinion on whether research is carried out within Wales, or across boundaries. On one hand there was a view that in order to develop capabilities, research should be supported within Wales and that it should only be outsourced where costs are high or if it is highly specialised. One respondent commented that this would be good for Welsh natural resource functions and also provide opportunities and expertise. On the other hand some respondents thought that there should be closer liaison with England and Scotland, particular on issues such as tree and plant health. There was concern not to lose research and development currently undertaken in England.

Other common themes

Many respondents acknowledged that there was already considerable expertise in the three bodies, which should be retained in the new body. This would be particularly relevant to understanding research.

A number of respondents highlighted that the new body should use the Llanelli laboratory as its dedicated laboratory service.

A common theme was that research currently undertaken by the voluntary sector needs to be retained. Support through grants would enable the body to access expertise contained in the voluntary sector.

A further issue raised by a number of respondents was that there should be sufficient funding to ensure that robust research is carried out.

A number of respondents commented that there should be greater co-ordination of research by Welsh universities.

Further points raised

- There could be improved liaison with other public, private and charitable bodies which carry out research.
- The consultation document did not reflect the role of the JNCC in funding and co-ordinating UK-wide research and monitoring.
- Opportunities for funding research must be well advertised and open to public and private research organisations.
- Proposals lack clarity. Co-ordination of Welsh Government investment in environmental research is essential, especially in relation to pests and diseases of plants and trees.

- Doubts whether the Wales Environmental Research Hub is qualified to co-ordinate research on behalf of the single body.
- There should be engagement with stakeholders at grass roots. Existing area offices have a role in gathering evidence, which should not be weakened.
- Citizen based science such as environmental monitoring through the RSPB was felt to be missing and could be a function of the new body.
- There could be a 'panel of experts' drawn from relevant disciplines.
- There needed to be a robust monitoring programme.
- Developers of large-scale projects are expected to undertake and pay for environmental surveys which may be used to advance underlying knowledge and are not specific to the particular project. The body should not therefore seek to use conditions of licenses, permits or planning applications in this way, unless strictly necessary.
- In areas of environmental sensitivity, especially where there are several industrial activities in close proximity, there may be an advantage in setting up local non-statutory groups to co-ordinated environmental monitoring.
- Some respondents thought the emphasis on environmental research had not been fully explored within the consultation document.
- Any scientific approach needs to be objective and should be balanced with experience and knowledge from wider sources of intelligence.
- Should be backed up by evidence and be of primary support to the Welsh environment.
- Retain scientific specialisms within the new body e.g. water, forestry, nature conservation, social science.
- Consult on and publish a list of research priorities as soon as possible.
- The risks regarding the loss of research links as a consequence of the formation of a new single body need to be assessed.
- All research should be co-ordinated and connected to the wider scientific community for a 'pay once, use many times' approach to the use of public funds.
- Huge benefits in continuing participation in UK-wide Forest Research work, they are world leaders in forestry-related research in not only research into pests and tree diseases but also in relation to social, economic and environmental matters.
- Provide combined and disaggregated data for AONBs and National Parks
- Research should be linked in with the needs of specific areas such as industry, health, society.
- The ecosystem approach will help to identify gaps in knowledge.
- Produce an Annual Digest of Environmental Research in Wales.
- Take lead in an annual meeting drawing together scientific practitioners.
- Not enough data sharing is currently practiced between the 3 legacy bodies and this should be encouraged in the new body.
- The dynamic nature of the marine environment should be factored in to baseline data.
- Should be able to commission research in respect of efficiency and effectiveness of the new single body's operations.
- Delivery of business, community engagement and environmental benefits should be retained within the Welsh Government. Clear benefits for the

Welsh Government in being able to use the Welsh Government woodland estate which will provide a good evidence base on which deliver its policies and objectives.

- Maximise use of technology and IT in order to manage research and data capture.
- Strong scientific evidence provides a robust basis on which good decision making is made and the well-informed development of policies and strategies.
- Research should take a structured approach and should include all aspects of activities that take place within a single land management body including industry and business.
- Establish better links with universities and educational establishments.
- Work in partnership with others and share information and knowledge.
- Citizen science should be considered because there are many community-based experts who can contribute in this way, as well as gathering/monitoring evidence that is useful for ecosystem service delivery.
- Should be linked in with the Sustaining a Living Wales Green Paper work and prioritised accordingly.
- Identify gaps in research and knowledge in key areas (e.g. social, economic, business), identify benefits of key research areas that fit in with LW delivery strategies.
- The value of the Wales Environment Research Hub should be reinforced.
- A more joined up approach would increase consistency, improve security and resilience and provide a better understanding of sectoral issues.
- How will research priorities be identified, through a stakeholder group of various interests?
- Maximise the benefits from all research that is commissioned and avoid duplication.
- Maximise potential collaboration and synergy in partnership with other parties (including the private sector, such as renewable energy companies) with an interest particularly those with a regulatory role.
- Avoid overlap to avoid duplication and to deliver better targeting of finite resources (particularly financial).

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?

Overview

In general respondents welcomed the proposals for the status, governance and accountability of the new body. Most respondents agreed that the body should be established as a Welsh Government Sponsored Body which is independent from government. This was felt to be essential in order to maintain public trust and confidence. There was also a view that the body should be able to advise and challenge the Welsh Government.

A small number of respondents questioned whether the proposals would lead to the body being sufficiently independent, given that Ministers would have powers of Direction and would be involved in agreeing plans and objectives for the body.

Common themes

Governance arrangements

There was a view that the appointment of the senior management structure and board should be open and as transparent as possible.

Overall, respondents agreed with the proposals on the size of the board and many suggested that there should be a minimum of 12 members. Others suggested the need for more members to take account of the wide range of interests. On the other hand there were views that the board should not be too large as this could make it unmanageable and ineffective.

Many respondents welcomed the commitment that non-executive board members would be drawn from a wide range of sectors to ensure a balance. There were a number of suggestions of different sectors which members could be drawn from, including the voluntary and charity sectors, local government, national parks, trade unions, education and social sectors, forestry sector and forest products sector, fisheries, conservation and biodiversity.

Several respondents expressed the view that the new Chief Executive will be key to ensuring that there will be an equitable approach to the three existing bodies that will make up the new body. The body should employ a strong committed Chief Executive and a strong, knowledgeable and independent board. A further view was that the Chair and Chief Executive need to impose a new culture on the body, so strong leadership will be essential.

Accountability

Many respondents emphasised that the body should be transparent and accountable to the public. There needed to be clear lines of accountability. There was also a view that governance arrangements should not be too centralised, so that they can engage with communities and be responsive to regional and local levels. Local accountability was thought to be important.

Some respondents suggested that the procedural arrangements for public scrutiny had not been fully explained in order to ensure public confidence. More detail was needed on how the body would be held to account.

Suggestions included setting up a statutory committee to oversee the work of the body. It was presumed that there would be a role for the Wales Audit Office. A further suggestion was that the body should present annual reports to the Welsh Government.

There was a view that the Framework Document and Scheme of Delegation would be important to achieve a good working relationship between the body and the Welsh Government. However, some respondents thought that the nature of the relationship between the body and the Welsh Government should be made clearer.

International and cross-border governance

With regard to the proposals on international engagement, a number of respondents thought that it was essential the new body should be clearly represented on the international front, especially at EU level, but also beyond. Some respondents commented that the consultation document downplayed this role.

Some respondents emphasised the need for a clear and formal inter-governmental processes to be established with the UK Government. A few respondents commented on the need to review cross-border arrangements on a periodic basis.

Some respondents stressed that there was more of an emphasis on commercial pressures rather than the management of the environment as a whole.

Further points raised

- The statement that appointments to the board would be made on the basis of 'ability' is too open. Suggest that this could be based on having personal knowledge of their topic area, have negotiating and communication skills and have a proven track record of experience and achievement of multi-functional and team working within the general field of environmental protection, regulation and management, preferably in Wales.
- Individual board members should assume the corporate role of 'champion' for a discrete topic area.

- The body could draw on the experiences of local authorities and Local Service Boards in securing wider public engagement in decision-making.
- The body's Audit Committee and the annual audit arrangements should test that systems are in place to ensure the board is receiving all relevant information and views of relevant staff. There should be similar arrangements for audit and scrutiny of self-permitting arrangements, of SEA and Habitat Directives and of conservation advice.
- The current good dialogue with external bodies must continue, if not, then this could result in the possible dilution of expertise and delivery within the board of the new body.
- There should be a distinction between 'forestry' and 'forestry products'.
- Local specialist partnerships may be necessary to coordinate policy and delivery in a more effective way rather than 'all Wales' groups.
- Procedures should be considered to deal with poor performance and the missing of targets.
- The CEO of the body should be neutral and not currently employed by the three bodies.
- The board should have full confidence in the Chair, so should be able to appoint them.
- Concern that the timetable for establishing the shadow body has slipped.
- More information needs to be presented regarding how the board and CEO are selected. There is concern that appointments could be politically motivated rather than having individuals in place that have expert knowledge or experience in their specialist areas.
- Interests of businesses need to be clearly represented in the governance of the body.
- The body could consider establishing an environmental registry (as in Ontario, Canada) which contains proposals and decisions for environmentally significant policies and legislation.

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?

Overview

Overall the proposals for the stakeholder arrangements were welcomed.

In general there was a view that flexible approaches are needed and that local engagement is essential. Existing arrangements should be enhanced. Respondents emphasised the importance of pro-active stakeholder engagement and that the success of the new body was dependent on having strong stakeholder arrangements. Many respondents highlighted that any arrangements must be developed in conjunction with stakeholders.

Many respondents emphasised the need for local engagement with stakeholders, including communities, the third sector and local authorities and local authorities. There was also a view that stakeholders need to be involved in the setting-up of the body. More detail was needed on how stakeholders will liaise, interact and communicate with the body on key areas such as how the body would achieve its objectives at a local level and interact with existing bodies and established mechanisms. A 'people centric' approach to delivery was advocated.

Fisheries interests in particular emphasised the need to ensure that effective engagement mechanisms are put in place from the start to replace statutory committees and ensure that there was no vacuum when the existing committees were abolished. Whilst stakeholder engagement can be streamlined, it is important to maintain essential involvement.

Numerous respondents emphasised the need to maintain current good working relations through the transitional period.

Common themes

Approaches to stakeholder engagement

Many respondents welcomed the more flexible approach for replacing statutory committees. The Environment Agency's existing FERAC Committee itself acknowledged that the structure of this committee was no longer fit for purpose, however, there needed to be an alternative arrangement. However, some respondents did not support removing the statutory committees as they felt there could be loss of input.

Overall the establishment of local committees was supported. This was seen as an interesting and novel approach. However, some respondents requested more information on this.

The response from FERAC set out an approach incorporating both Wales wide and local committees.

A number of respondents commented that the body needed to consult with other bodies to engage stakeholders, in particular how the body's functions will be delivered by other agencies, both locally and nationally. There was a view that grant schemes should continue to support environmental initiatives.

There were suggestions of ways to involve different sectors. There was widespread support from the fisheries sector for Local Fisheries Advisory Groups. The new body should maintain links with and consult Local Fishery Groups and establish/enable an Inland Fishery Stakeholder group to focus fishery strategies.

A further suggestion was the use of formal advisory groups such as the Landscape Advisory Forum.

There was a question about how the forestry sector will be involved if the existing mechanisms change.

Some respondents raised concern over the lack of detail pertaining to the role of Non-Government Organisations, charities and voluntary sectors. Many respondents commented that there is a need to ensure continued successful delivery of social and community outputs. Financial support to local groups should not be reduced.

A number of respondents stated that local input is essential and local representation should be encouraged on the main board.

It was felt that the body should also have an educational function which would help develop a deeper understanding of local environmental issues and assist other outdoor environmental education programmes.

A number of respondents commented that some stakeholders had limited opportunity to input into the process to date. It was felt that the way the changes are implemented and communicated is going to be of vital importance during the process of change. Some respondents requested further consultation to improve and increase the amount of information about the body to stakeholders. There was one suggestion to consult on the single body brand to ensure the name and design of the logo are high quality.

Further points raised

- There was a view that decision-making should be transparent and open to communities. There needed to independent scrutiny and clear accountability.
- The term 'single body' needs to be replaced as soon as possible by something that reflects the purpose of the organisation and that is meaningful to stakeholders.
- Information for stakeholders should be clear, concise and jargon free.

- There was a suggestion about drawing up a Stakeholder Liaison Charter to set out the way stakeholders will be engaged.
- Users should have direct access to the new body.
- Should be close liaison with developers and consultants when preparing planning applications etc.
- Young people need to be involved.
- The new body needed to explore opportunities to use new technologies in order to reach out to different demographic groups.
- Regional partnerships may be necessary to coordinate policy and delivery.
- Concern that the removal of statutory committee arrangements will be a backward step.
- Some respondents stated that there is too much emphasis on 'natural resources' rather than 'the environment', raising concerns that environmental protection will become a secondary concern.
- Concerns were raised by the reduced role of geology and geophysical factors thus there is the possibility that the new body would not have available a complete picture in key areas of the natural environment.
- Procedures and mechanisms for the giving of grants needs to be explicit.
- Emergency responses and co-ordination must remain unchanged.
- The new body should have a function which liaises with law enforcement agencies to counter environmental crime.
- The new body should employ a greater use of communications technology to fully engage stakeholders.
- There was also seen to be a lack of clarity about the opportunity for third sector organisations in assisting the new body to deliver its functions.
- Consultation with other departments especially Business and Rural Affairs is essential if the Welsh Government is serious about its stated aim that Wales is open for business.

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

Overview

Most respondents who commented on this question either supported or were content with the approach proposed. Some suggested improvements or enhancements to arrangements which are described in the detailed comments below. Approximately 20% of respondents opposed the approach, or significant parts of it.

Many respondents supported the need to simplify regulatory systems, though there were concerns from some that this should not be allowed to impact on environmental protection. Benefits included reduced bureaucracy and savings for both the body and others such as industry or local government.

Many respondents – almost all that commented on the issue – supported the importance of the body being independent of the political process.

The need for transparency in decision making processes was widely supported (some argued for more transparency, including publication of supporting documents).

The paragraph below, was taken from the consultation, quoted and supported by a number of respondents. The principles were widely supported in other responses:

'In our view the key issues are that effective regulatory decision making should be independent of the political process and that decisions have a lawful transparent rationale which balances all relevant interests and in so doing, protects the environment'

The main points raised are set out below, aligned to the main elements of the proposal in the consultation

Common themes

Self Permitting

Most respondents were content with this approach. Many restated the principles in the consultation, emphasising the need to ensure separation of the regulatory and delivery functions where the body was permitting its own activities. There was widespread support for ensuring that the process was transparent. A number of respondents supported the approach provided it was in accordance with European and UK law.

Retaining public confidence was identified as an important outcome by a number of respondents.

A number of specific suggestions for improvement based on the existing proposals were made:

- Clear written codes of practice / processes.
- Regular audits / review and oversight arrangements.
- Support for a 'whistle blowing' culture.
- Increased transparency. One respondent suggested an electronic 'bulletin board' to make the public aware of decisions, including policies.
- Opportunity as part of the process for Ministers to 'call in' permits was also proposed.
- Potential conflicts of interest should be identified and addressed immediately so as to avoid operational problems.
- Self permitting should be extended to private sector forestry where the operator could be shown to be applying best practice through accreditation schemes.
- Self permitting should be used in the private sector with spot checks.

Other respondents had more significant concerns about self-permitting, based on objection to the principle of self consenting. Points made included:

- Permits should be determined by a new team in Welsh Government.
- Self permitting decisions are taken 'in house' with very little openness or clarity.
- Welsh Government should be the competent authority where schemes could affect European sites.
- The regulatory Function of Forestry Commission Wales should be transferred but not the rest.
- The scale of potential self regulation might be greater than that identified in the consultation.
- 2 licence refusals is not evidence that in practice there were few problems.
- More information was needed on how this issue would be dealt with by the body.

Strategic Environmental Assessment and the Habitats Directive (plans and Projects promoted by the body itself)

Few respondents raised concerns in respect of the proposals to separate advice in respect of Strategic Environmental Assessment and Habitats Regulation Assessment for plans or programmes undertaken by the body itself.

However a number of respondents raised concerns or made specific suggestions for improvement. These included:

- There might be a legal requirement to extend this principle to Environmental Impact Assessments.
- There should be discussion with DCLG.

- There is currently no identified resource within Welsh Government for statutory assessment processes (SEA, HRA and EIA) and the opportunity should be taken to address this gap’.
- Revocation assessments should be undertaken where proposals to rationalise, streamline or simplify regulatory processes are put forward to ensure benefits and safeguards of existing policies are not lost’.
- Over reliance on self assessment could result in a loss of openness and transparency, with a consequent relegation of environmental and conservation concerns. This might not comply with the relevant environmental and public participation requirements of those processes.
- SEA and HRA must not be seen as a tick box exercise but rather as tools that should inform sustainable decision making; HRA is itself the basis on which decisions should be made.

Conservation advice where the body regulates others

Many respondents supported the approach and re-emphasised the importance of ensuring that the decisions of the body, and inputs to determinations made by other agencies, would be transparent, objective and evidence-based in order to retain public confidence. A number expressed concern. The main points included:

- There was agreement that publication of decision documents would be a positive step. Assessment processes should not be conducted behind closed doors. Different opinions – legal or technical should be reviewed and material changes in approach subject to public consultation.
- A number of respondents welcomed the proposal to have co-located professionals but some also argued that advice and regulatory decisions should be separated.
- Some respondents thought that more information was needed on what co-location means for staff.
- A range of respondents emphasised the value of local involvement in decision making.
- Decisions should look for win: win solution not trade off, integrating rather than balancing interests.
- The body must have the clear function and sufficient resources to provide advice on sites, species and habitats.
- Reference to Habitats Directive Site should be corrected to SPA, SAC and Ramsar sites.
- Loss of the checks and balances that existed in the current system.
- It was pointed out that the three bodies addressed the agenda from different perspectives, so there was a danger that having a single body would weaken debate as different perspectives may be submerged. This should be addressed by ensuring transparency of the consideration of conflicting regulating and advice functions.

Appeals

There should be a fair, properly democratic system of appeals. To date procedures have failed to give confidence to objectors. Suggest establishing independent panels to hear appeals and objections, particularly in respect of SSSI designation.

Further points raised

- The body must have a statutory duty, capacity and expertise to provide evidence based advice to Government (all departments) and other public bodies on policy and specific cases, both when requested and also when it feels it appropriate to do so.
- Conditions on licences to mitigate or compensate for impacts must remain a function of the body.
- Decisions and processes should be approached in a consistent manner. Where different environmental standards are currently used by the bodies the highest standard should be adopted.
- Regulatory decision making should be based on risk judgement not the precautionary principle. On the other hand some thought that the precautionary principle should be retained.
- There should be a statutory role and responsibility with regard to the National Resource Management Plan.
- Forest design plans should become wider management plans.
- Risk that internalisation of decisions could reduce transparency.
- Regulation is best undertaken by local teams as centralised regulation can go wrong. Enforcement is best carried out by specialist central team working with local experts.
- The body needs to work within the EU legal framework.
- There was a view that some regulatory practice is inaccurate, top heavy and unnecessary so could do with refining.
- There was a suggestion to review European Protected Species licensing.
- On conservation advice, early resolution was needed on the consultation arrangements on developing proposals and pre-application enquiries.
- There needed to be improved compliance monitoring and enforcement, as well as simplification of regulation.
- When difficult regulatory decisions to protect the environment were needed – such as delaying or halting development – they should receive the support of the Board of the organisation and politicians.
- One respondent did not support simplification of legislation and believed more enforcement was needed.
- Compliance and environmental monitoring are an essential element of the system.
- We should learn from current good and bad practice and decisions made on the basis of the environment and outcomes, not what is quick and easy for the applicant.
- Arrangements should be regularly reviewed with some independent audits.

- Permitting arrangements needed to be further clarified and formal agreements developed for cross border matters. Permitting decisions need to account for cross border impacts.

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

Respondents highlighted a variety of issues under this question, including the following:

Staffing matters

- The consultation document has very little mention of the impact on staff. Staff are major stakeholders and should be recognised as such.
- Staff in the 3 legacy bodies may suffer stress and low morale and this should be addressed.
- Whilst the consultation acknowledges that TUPE principles should apply to staff transferring to the body, this should be reinforced through a Staff Transfer Scheme Order.
- Concerns about 'harmonisation' of terms, conditions and pay and grading. This does not take account of TUPE Regulations.
- Training/ re-skilling will be essential. This should be included in a workforce plan which should be subject to consultation with the Trade Unions.
- The body should be mindful of health and safety implications of expecting staff to carry out work they are not trained to do.
- There is no mention of how the most productive and efficient staff will be retained and how poor achievers will be replaced.
- The requirement to have communication skills should be given the same degree of importance as scientific, technical or management expertise.
- Concern about the different approaches of the three bodies to staff being members of professional bodies, whereby only EAW supports membership through the payment of staff subscriptions to a recognised environmental professional body. This should continue for staff.

Welsh language

- There should be emphasis on ensuring equal and thorough use of Welsh in all aspects of internal and external communication.
- There should be sufficient documentation and guidelines for staff who deal with the public in both Welsh and English.

Specialist services

- Wales should continue to benefit from centralised functions in the EA in England, such as the Live Fish Movement Centre, the National Coarse Fish Breeding Unit, the National Rod Licence Centre and the Scientific Laboratory. Assurances are needed that the body will establish arrangements to access specialist advice that may not be available in Wales in relation to environmental issues and emergencies.
- There is no indication of where the body will obtain its laboratory services from. Several respondents advised that the new body should have its own laboratory service in Wales and that the existing laboratory at Llanelli

should be utilised. Decisions taken on the setting up of the new laboratory should be taken in Wales.

Internal Drainage Boards

- Some respondents commented on the proposal to include the three Internal Drainage Boards within the single body. There were different views on this, but generally those who commented on this issue were supportive of the proposal.

Other issues

- The body should not have pre-conceived ideas about what forms of development are sustainable or not. It should not act in a manner which restricts development unreasonably or that is potentially detrimental to the economy of Wales or the UK.
- The body should be required to make the sustainability of its operations a central feature.
- The coal industry is important and should not have unnecessary or inappropriate hurdles placed in front of it.
- Concern that the body represents a greater centralisation of power. There should be more decision-making by local area offices.
- It is unclear what natural resources cover and how their management may be regulated or influenced across most of Wales, including on agricultural land and in the sea.
- There should be an analysis of existing consenting and enforcement processes before changes are made.
- There is a question about who would be responsible for monitoring progress of Woodlands for Wales.
- The complex and inter-related issues relating to minerals/ coal should be given specific recognition as the body develops.
- The body must give due regard to the recent marine legislation and the Marine Strategy Framework Directive.
- The new body provides an opportunity for a more efficient process which would reduce costs and time.
- The body should have more influence in helping the Welsh Government to develop future land-use management strategies and be involved in their development.
- There needs to be continued support for LBAPs and Wales Biodiversity Partnerships.
- There is a lack of reference to land as a primary nature resource and land use planning and land use decision-making and consenting.
- There are inconsistencies between this consultation and the Sustaining a Living Wales consultation.
- There are some financial risks including the unintentional consequence of the break-up of FCGB being triggered; an assumption that Wales would continue to benefit from England-funded forest research and an assumption that FCGB can support back-office functions during transition.

- An Equality Impact Assessment has not yet been carried out and those in more vulnerable groups could be unfairly disadvantaged by the creation of the body.
- The body should be active in spreading best practice.
- Outdoor recreation businesses want clarity and sustainable access.
- The body should develop an effective means of working with agencies including DEFRA to undertake cross-border conservation projects with England.
- It will be important to ensure a level playing field with EA England for economic regulatory purposes so that comparisons between performance with peers elsewhere in the UK is fair and based on consistent standards e.g. water industry.
- Ensure that a firm timetable is set for streamlining environmental regulation. Evidence based decision making is far more convincing to regulated industry than an over precautionary approach which may not represent the best overall outcome for Wales.
- We want a more efficient, stronger, and more up to date organisation than the one we have now.
- There is an opportunity through Local Authority grant aid to rationalise schemes and coordinate grant funding procedures by managing contract processes for work undertaken with Local Authorities and within the county.
- Concern about how the body will support communities and the third sector especially whilst the new body is established.
- This provides the opportunity to bring together systems seamlessly and to capture and deliver environmental information for Wales in new ways.
- Long leases should be offered to communities to manage local woods so that local economic opportunities can be created.
- The EA's Biodiversity Action Plan responsibility should be explicitly transferred to the body.

5. Next steps

In providing this summary document, the Welsh Government has considered all the consultation responses.

The consultation responses will continue to be of use in helping to shape the vision, values and ways of working of the single body.

The consultation responses will also inform ongoing work on stakeholder engagement, together with the work on the detailed drafting of the orders to establish the body and transfer functions to it.

As well as this consultation summary, all the consultation responses are available on the Welsh Government's website, with the exception of the details of those respondents who have requested that their comments be treated as confidential.

Annex A: List of organisations which responded to the consultation

Afonydd Cymru
ALGAO Cymru
Andrew Bronwin and Co Ltd
ARC Woodlands Limited
Associated British Ports
Association for Geographic Information Cymru
Association of Local Government Ecologists Wales
Association of Welsh RIGS Groups
BASC
Brecon Beacons National Park LAF
Bridgend County Borough Council
British Marine Aggregate Producers Association
British Mountaineering Council
British Ports Association and the UK Major Ports Group
British Waterways
BSW Timber
Campaign for National Parks
Campaign for the Protection of Rural Wales
Campaign for the Protection of Welsh Fisheries
Canoe Wales
Capital Region Tourism
Cardiff University (2 responses)
Carmarthenshire County Council
CBI Wales
Cefni Angling Association
Celtic Energy Ltd
Ceredigion Bridleways Group
Ceredigion County Council
CITB-Construction Skills Wales
City and County of Swansea
Clwyd Powys Archaeological Trust
Clwydian Range and Dee Valley AONB
Coed Cadw
Coed Cymru Cyf
Cofnod - North Wales Environmental Information Service
Confederation of UK Coal Producers (CoalPro)
Consumer Council for Water
Conwy County Borough Council
Country Land & Business Associations
Countryside Alliance
Countryside Council for Wales
Cowbridge and District Angling Club
Crickhowell and District Angling Society
Cross Hands and District Angling Association
Cymdeithas Eryri Snowdonia Society
Cymdeithas Pysgota Tregaron Angling Association

Deer Initiative Ltd
Denbigh and Clwyd Angling Club
Denbighshire Countryside Service
Design Commission for Wales
Dingestow Court Estate, Monmouthshire
DLP Planning Ltd
Dolgellau Angling Association
Dŵr Cymru (Welsh Water)
Dyfed Archaeological Trust
E.ON
East Wales Biodiversity Records Centre (SEWBRcC)
Energy UK
Environment Agency Wales
Environment Agency Wales South West Area Environment Group
Environment Agency Wales' Environment Protection Advisory Committee
Environment Agency Wales' Flood Risk Management Wales Committee
Environment Systems Limited
Esgair Forest
ETC Sawmills Ltd
European Marine Sites Officers in Wales
Farmers Union of Wales
Federation of Clwyd Angling Clubs
Federation of Welsh Angling (Angling Cymru)
Federation of Welsh Anglers
FERAC Wales
Field Studies Council
Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales)
Flintshire County Council
Forestry Commission Trade Unions Wales
Forestry Commission Trade Unions GB
Forestry Commission Wales
Fountains Forestry Ltd
Friends of Pembrokeshire National Park
Geo Conservation UK
Glamorgan Gwent Archaeological Trust Ltd
Glamorgan Local Access Forum
Golygfa Gwydyr
Gower AONB Partnership
Green Flag Wales Steering Group
Groes Park and Irfon Angling Club
Gwaun Cae Gurwen Angling Association
Gwynedd Council Biodiversity Unit
Health Protection Agency
Horizon Nuclear Power
Hugh Wheeldon and Co
IEEM
Institute for Archaeologists
Institute of Chartered Foresters
Institution of Civil Engineers Wales

IOL (Cymru) & WATO
Isle of Anglesey County Council
James Davies Ltd
John Gordon & Son
Keep Wales Tidy
Kronospan Ltd
Kronospan Sawmilling Ltd
Landmarc Support Services Ltd
Landscape Institute
Llais y Goedwig
Llanbrynmair Angling Club
Llandeilo Angling Association Ltd
Local Access Forums in Wales
M G Harvesting Ltd
Maelor Forest Nurseries Limited
Marine Conservation Society
Marine Current Turbines Ltd
Milford Haven Port Authority
Mineral Products Association
Ministry of Defence
Monmouthshire County Council
Montgomeryshire Forest School
Murco Milford Haven Refinery
National Association for AONBs
National Grid
National Parks Wales
National Representative of the Local Access Forums in Wales
National Trust
NATUR
Natural Environment Group at Cardiff Council
Neath Port Talbot County Borough Council
Neath Port Talbot CVS
New Dovey Fishery Association
NFU Cymru
North East Wales Biodiversity Network
North East Wales Regionally Important Geodiversity Sites (NEWRIGS)
Open Spaces Society
Participation Cymru
PCS Wales
Pembrokeshire Anglers Association
Pembrokeshire Coast National Park Authority
Pembrokeshire Coastal Forum
Pembrokeshire County Council
Pembrokeshire Rivers Trust
Plantlife
Pontardawe and Swansea Angling Society Ltd
Pontrilas Timber and Builders Merchants Ltd
Pontypool Park Estate Office
Powys Castle Estate
Powys Flora Conservation

Public Health Wales
Pwllheli & District Angling Association
Rhondda Cynon Taf Local Access Forum
Rhondda Cynon Taf Country Borough Council
Real World Learning Cymru Partnership
Renewable Energy Association
Renewable UK
Rhyl & St Asaph Angling Association
Royal Yachting Association and Welsh Yachting Association
RSPB
RTPI Cymru
RWE npower
Salmon and Trout Association
Scottish Geodiversity Forum
Scottish Power Renewables
Seabed User and Developer Group
Severn Estuary Partnerships
Shropshire Hills AONB Partnership
Small Woods Association
Snowdonia Local Access Forum
South Wales Countryside Services Improvement Group
Sustrans Cymru
Teifi Rivers Trust
Teifi Timber Products Ltd (2 responses)
Teifi Trout Association
The British Horse Society Cymru National Committee
The Carmarthenshire Rivers Trust
The Crown Estate
The Environment Centre, Swansea
The Gower Society
The South East Wales Rivers Trust
The Wales Forest Business Partnership
Tidal Energy Ltd
Tir Coed
TL Thomas and Son (2 responses)
Tregaron Angling Association
UK Forest Products Association
UNISON Cymru Wales
UPM Tilhill
Upper Dee Angling
Urban Ecosystem Group of the Wales Biodiversity Partnership
Vale of Glamorgan Council
Valero Energy Ltd
Valleys Regional Park Partnership
Wales Activity Tourism Organisation (WATO)
Wales Association of Chief Police Officers
Wales Coastal & Maritime Partnership
Wales Environment Link
Wales Landscape Partnership
WCVA

Welsh Ladies Angling Development
Welsh Language Board
Welsh Local Government Association
Welsh Omithological Society
Welsh Rivers Preservation Society
Welsh Salmon & Trout Angling Association
West Coast Energy
West Wales Biodiversity Information Centre
West Wales EA Local Fishery Group
Wildlife Trust Wales
Woodfuel Wales
Woodland Strategy Advisory Panel
Woodlands for Learning Forum and the FEI Country Steering Group
WWF Cymru
Wye and Usk Foundation
Wye Valley AONB Partnership
YCSG/Carmarthenshire Forest Schools
YHA (England & Wales)

A further 8 organisations responded to the consultation which requested that their comments be treated in confidence.

There were also responses from 80 members of the public.