

From: Jonathan Cawley [jonathan.cawley@westcoastenergy.co.uk]

Sent: 30 April 2012 16:25

To: SEB mailbox

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

Attachments: WCE response to Single Environmental Body Consultation.pdf

Please find attached the consultation response from West Coast Energy Ltd regarding the above consultation.

Jonathan Cawley BA (Hons), MTP, MRTPI

Planning & Development Manager

Description: cid:
image001.
img@01CA1C279C699D

West Coast Energy Ltd
Mynydd Awel
Mold Business Park
Maes Gwern
Mold
Flintshire
CH7 1XN

T: 01352 705248

M: 07827944664

E: jonathan.cawley@westcoastenergy.co.uk

W: www.westcoastenergy.co.uk



Consultation Response from West Coast Energy Ltd to:

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

Consultation Questions:

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?

West Coast Energy would in principle support the proposals for a single environmental body, provided that the overall aim of the restructuring exercise is achieved i.e. simplifying institutional arrangements, aims, plans and processes. It is also important that in undertaking this reorganisation the opportunity is grasped to modernise and simplify the regulatory and management framework, by bringing forward new legislation on environment and planning.

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?

One issue which requires careful consideration in implementing an effective restructure process is the role of the Forestry Commission and any potential conflict of interest it may have within the new organisation. Whilst CCW and the Environment Agency are statutory advisory and regulatory bodies, the Forestry Commission has a different role – which includes a commercial element. If the Forestry Commission forms part of the merger into a single environmental body, very clear guidelines will have to be provided on how their commercial role sits with the wider remit of the new organisation. For example, if the Forestry Commission has a landownership role on a potential onshore wind farm site, there is a risk (whether perceived or otherwise) that this role will be in conflict with that of CCW.

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

The phased approach appears to be sensible and logical.

The only comment that West Coast Energy would make on this process, is that phased approach should allow an opportunity to review priorities and change processes. For this restructure to be successful, full and detailed consideration should be given to reviewing these priorities and processes – both at the outset and as the process evolves.

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

The draft overall aim appears to be a sensible one – and is relatively simple and easy to understand.

With regard to the 5 specified outcomes, I would make the following comments:

"1. Contribute to protecting public health and safety and to promoting economic, social and environmental wellbeing and outdoor recreation."

It is not considered that one of the key outcomes of the new organisation should be “contributing to public health and safety”.

“2. Prevent, minimise, remedy or mitigate the harmful effect on the environment of pollution, alien species and diseases.”

No further comment.

“3. Further the conservation, restoration and enhancement of ecosystems.”

No further comment.

“4. Secure the sustainable use, management and consumption of natural resources and ecosystem services.”

“5. Contribute to both mitigating and adapting to the effects of climate change.”

There is strong support for outcomes numbers 4 and 5.

In addition, West Coast Energy support the proposed modification to the Environment Act 1995 to enable Ministers to continue to have a power to give statutory guidance to the body on, amongst other things, the contribution that it would be appropriate for the new body to make to achieve sustainable development (and its other purposes). This would help the Welsh Government pursue its overall aims and targets.

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

The only comment we would wish to make in this regard is for greater transparency and consultation on choosing research topics. There is some on-going research in the renewables industry and a need for more to be done. This is largely driven by the fact that is a relatively new technology that requires rapid deployment and to challenge or address some of the perceived ‘impacts’ brought about by renewable energy technologies. This is an example where a public environmental body could help achieve its targets by working with industry on various research topics. For this to be effective, a closer working relationship would be required between the new single environmental body and industry e.g. the renewables industry.

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

Yes. It’s important that continued accountability to the Welsh Ministers is continued through the Sponsorship Minister (currently the Minister for Environment and Sustainable Development), and subject to scrutiny by the relevant Assembly Committees. It’s also supported that the body will be subject to a two year probation period – and that the conclusion of the 2 year probation period is independently assessed.

One issue regarding accountability which may require consideration is how to deal with poor performance. With regard to not achieving targets (e.g. response times to planning application consultations) - clear guidelines must be set at the outset of any new body regarding how such issues will be addressed.

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

The overall approach set out in the consultation document appears to be sensible – with a move away from overly regulated committee structures and towards greater flexibility allowing greater ‘future proofing’ and policy ideas and agendas to move as quickly as Government targets and objectives. The only additional

comments proposed at this stage would be to encourage industry involvement on certain topics and on certain groups or committees. The various internal regulatory arrangement and committees could also be more transparent with online publication of groups, membership and in some cases minutes.

From: Thompson, Sharon [sharon.thompson@rspb.org.uk]

Sent: 30 April 2012 17:29

To: SEB mailbox

Subject: Natural Resources Wales (Single Body) - RSPB Cymru response

Attachments: Single Body (Natural Resources Wales) - RSPB response FINAL 30-04-12.docx

For the attention of Carrie Moss, 'A Living Wales' Programme Team

Dear Carrie

Please find enclosed RSPB Cymru's response to "Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources" consultation.

If you have any queries, please do not hesitate to contact me.

Regards

Sharon

Dr Sharon Thompson

Sustainable Development Manager / Rheolwr Datblygu Cynaliadwy

RSPB Cymru
Sutherland House
Castlebridge
Cowbridge Road East
Cardiff
CF11 9AB

RSPB Cymru
Ty Sutherland
Pontycastell
Cowbridge Road East
Caerdydd
CF11 9AB

Tel: 029 2035 3049

Fax: 01767 685638

www.rspb.org.uk

Mae'r RSPB Cymru yn rhan o'r RSPB, sy'n eiddos adara bywyd gwyllt ac yn mynd i'r afael â phroblemau sy'n bygwth ein amgylchedd. Mae byd natur yn anhygoel - helpwch ni i'w gadw felly. Cliciwch yma i ymuno heddiw

www.rspb.org.uk/join

RSPB Cymru is part of the RSPB, which speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing - help us keep it that way. Click here to join today www.rspb.org.uk/join

Mae'r Gymdeithas Frenhinol yr Gwarchod Adar (RSPB) yn eiddos gofrestredig: Lbegrachymru rhif 207076, yr Alban rhif SC037654

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

Please consider the environment - do you really need to print this email?
Arhoswch! M eddylwch am yramgylchedd - oes angen argraffu'r e-bost yma?

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



RSPB Cymru response
30 April 2012

For further information, please contact:

Dr Sharon Thompson, Sustainable Development Manager / Rheolwr Datblygu Cynladwy,
RSPB Cymru. Tel: 029 2035 3049; sharon.thompson@rspb.org.uk

Summary of RSPB Cymru's key points:

1. The new body must have a strong primary purpose (duty) to protect, restore, enhance and proactively manage biodiversity (i.e. the building blocks of ecosystems) and ecosystems, on land and at sea. This reflects our belief that nature should be conserved for its own sake (i.e. its intrinsic value), given our moral responsibility for our stewardship for nature as a mark of civilised society, as well as utilitarian services we receive from it.
2. If the Government's objectives under the *Living Wales* programme are to be met, then the proposed aim (i.e. future statutory purpose) and strategic objectives of the new body must be reviewed and re-drafted accordingly to ensure that conservation and environmental resilience are the primary objective of the new body, thus enabling it to deliver an ecosystem approach and further sustainable development.
3. We welcome the Welsh Government's overarching ambition for the new body under the *Living Wales* programme, however, the proposals for the new body presented in this consultation document are too focussed on economic aspects and as a consequence are unlikely to achieve that ambition.
4. We believe that there is an over-reliance on self-permitting and self-assessment in the proposals, which will result in a loss of openness and transparency with those procedures such as SEA and HRA, taking place behind closed doors and consequently the relegation of environmental and conservation concerns. In our view this would not be in compliance with the relevant environmental and public participation requirements of those processes.
5. To be an effective nature conservation advisor its decisions and timescales for decisions will need the full support of its Board and Welsh Government. In situations where the nature conservation/environmental advice given to Government or decision makers would result in development plans being halted or altered – it is essential that the Single

Body's board and Government back this decision if the organisational credibility is not be undermined and an ecosystems approach taken.

6. The new body must continue to work in partnership with delivery bodies, including the Third Sector, and to drive, participate in and fund actions that support and deliver practical "on the ground" conservation in Wales as an essential part of an ecosystems approach.
7. The new body's role with respect to protecting and managing the marine environment needs to be clarified.
8. As currently drafted, it is challenging to find the necessary coherence between the proposed arrangements for establishing and directing the new body for the management of Wales' natural resources (i.e. a Single Body for the Environment) and the *Sustaining a Living Wales* Green Paper. This must be resolved before any significant progress on the programme as whole can be made.

RSPB Cymru's response to Consultation Questions

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

We cautiously welcome the new body as long as it has a strong primary purpose (duty) to conserve, restore, enhance and proactively manage biodiversity (i.e. the building blocks of ecosystems) and ecosystems, on land and at sea. It is important that the new body is more than the sum of its parts and that the formation of a Single Body is not only seen as a cost-cutting exercise.

It is the form and function of the new body that will ultimately determine how successful it is in delivering a more sustainable future for the Welsh environment and meeting the 2020 international and EU target of halting and reversing biodiversity loss. However, apart from the introductory sections, the consultation document says very little about the role of the new body in protecting or building resilience in wildlife and nature in Wales, and ensuring that human activities do not stretch our natural resources and ecosystems beyond their environmental limits.

Creating this new body provides an ideal opportunity for Wales to take the lead on implementing an ecosystem approach (as defined by the CBD). And to do that the new body must have a strong duty to conserve, restore, enhance and manage the natural environment, which includes both ecosystems, and the building blocks of ecosystems, biodiversity (i.e. species and habitats). Such a duty would ensure that the new body contributes to sustainable development by guaranteeing environmental protection, resilience and sustainability. Backed-up by this duty, the new body must retain its independent role as an advisor to Government on environmental issues.

RSPB Cymru are extremely disappointed that what was once referred to as the 'Single Environmental Body' is now being referred to as the 'Single Body' without any explanation for the rationale behind the change of name. Language matters and we are concerned that this change in name signals a downgrading of the environmental role of the new body and/or reluctance by the Welsh Government and subsequently the new body, to take a strong leadership role on the environment, its protection, restoration, enhancement and management. We would also note that to most people, i.e. the public, the term natural resources not the same as environment. Consequently, should the new body be called 'Natural Resources Wales', will the public really understand and see this as the body responsible for their natural environment?

It will also be important for the new body to have the full range of necessary skills and competencies, e.g. EA currently has a host of supra-national functions for flood risk and water resources management which will need to be created in the new body or bought in as services from EA England in the future.

In Annex 2, the case for change, it states in s1.2.3 (pg.57, last sentence) that the intention is to "*reinvest these savings [from creating the single body] in improving our environment ...*", while in s1.2.1 (pg.56, first sentence) it states that "*reinvestment of some of the savings would improve policy capacity and the availability of technical expertise in Wales*" (our emphasis added). It is essential that there is a clear commitment to reinvesting all of the savings on activities that deliver environmental improvements, consequently policy and technical expertise must also fall into this category.

Appendix 1 provides a copy of the RSPB's paper on the success measures for a new Single Environmental Body for Wales, which we submitted to the Environment & Sustainability Committee in January 2012, in response to their questionnaire on the Business Case for the Single Environmental Body.

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

The concerns recorded in s2.4 appear to originate from one sector, which implies that many of the concerns raised by other sectors have either been ignored or are considered less important than those put forward by the forestry sector.

A concern repeatedly expressed by environmental NGOs is that the new body must have a strong mandate to deliver not only environmental protection but also enhancement. To do that the body must have conservation objectives, functions, powers and duties, as well as the relevant tools to deliver those objectives. We provide our thoughts on how to improve the proposals in response to the other questions in the consultation.

With respect to the concern raised about transparency and conflicts of interest, we will respond to it in relation to s6 under Q11. But we would note that this is a very important issue and one where we share the serious concern raised here.

We are concerned that the changeover is not being managed effectively (see s7 Managing the change). We know that large numbers of staff from the legacy bodies have been seconded into Welsh Government to progress the delivery of the Shadow body and the new body. As a result, the legacy bodies cannot deliver the normal standard of service over the coming 12-18 months with a reduced staff, particularly as we understand there is a recruitment freeze in all three bodies. In addition, the legacy bodies will need to retain an effective service not only for stakeholders and customers but more importantly for the environment.

Another issue is one of inherited corporate ethos – the new body will be bringing together staff from regulatory, delivery and operational backgrounds which can result in a discordant and divergent culture that can take several years to work through before the organisation is comfortable with itself, for example after the creation of Natural England, etc. Therefore, Welsh Government will need to put plans in place to smooth the transition and ensure that the new leadership of the Single Body is directed to focus on proactively creating a new culture.

Finally, we are concerned that the new body will be under pressure from the start to not be a barrier to development. This issue has arisen on a number of occasions, e.g. most recently in evidence to the Government's Independent Advisory Group (IAG) on Planning in relation to the statutory agencies. We would counter this assertion with the following:

- In the vast majority of cases, the statutory agencies do not object.
- Where they do object, objections are usually resolved through negotiation.
- Statutory agencies cannot stop a development proposal by objecting to it – they are advisers. They may trigger a call-in and/or inquiry, but the decision then rests with an independent Inspector or Ministers on the advice of an independent Inspector (depending on the consent regime).
- There are a whole plethora of reasons why development is delayed, and the blame cannot solely be laid on the statutory agencies. Indeed, the delay usually lies with the developers themselves e.g. submitting poor and/or inappropriate applications, or poorly designed and/or implemented ecological survey and assessment.

Therefore, the new body will need have and be seen to have the full support of its Board and Welsh Government irrespective of whether its decisions or advice delay or stop individual projects. To do this effectively, the Board will need to ensure that it has on it or has advising it high quality environmental specialist advice.

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

Irrespective of the approach chosen, it needs to be assessed against environmental costs and benefits to ensure that the process does not result in unintentional damage to the environment, e.g. as the result of confusion over the new vs. existing processes or as the result of reduced capacity during the hand-over and/or phased approach period either within the existing bodies or the Shadow Body once established. It is crucial that there is no slippage or loss of environmental protection over this period.

We would like clarity regarding the transfer of all existing functions, powers and duties from the three existing bodies to the new body. For example, it is not clear how much duplication there is between the powers of the three existing bodies and consequently, how many and which powers will be modified, which alternative will be chosen or will a fourth modified option be proposed. In all cases, we would expect the strongest environmental option to be chosen if the assertion that the creation of the new body will result in any weakening of environmental standards (Ministerial Foreword, pg.1).

In addition clarity is needed on how the existing stand alone duties e.g. concerning the environment and improving sustainability, currently applying to each of the three bodies will still be achieved. We are concerned that only 'functions' are referred to in the consultation document rather than the existing environmental duties, objectives, responsibilities and aims in the consultation document or its annexes. For example: the role of CCW within the Conservation of Habitats & Species Regulations 2010 (as amended) and the Wildlife & Countryside Act 1981 (as amended); the role of FCW under the Forestry Act 1967 (as amended); as well as the conservation duties of all three existing bodies, e.g. section 40 Natural Environment and Rural Communities Act 2006.

We appreciate that during the transition phase, all existing legislative requirements will need to continue to be complied with, but we have concerns that the proposed purpose and strategic objectives for the new body are not consistent with some of these existing duties (we cover this in more detail below in our answer to Q4, below). Furthermore, using an example from the creation of the Environment Agency – while the Environment Act 1995 gave the EA some overarching duties, each function traces its legal authority, and to a large extent funding, to the underlying legislation which remains largely unchanged. So, for example, the water resources function of EA raises its finances through abstraction licences but can only spend it on functions that support water resource management, the same with the Flood Defence Grant in Aid or Waste. This means interventions and investment tend to be optimised for the single function that is responsible for their delivery rather than looking across the range of ecosystem services (and other environmental, social or economic objectives). It is unclear whether Welsh Government intend to address this and other similar issues in the Environment Bill in 2014/15

or through the transfer Order in 2012. We would welcome detailed consultation over how specific duties, powers and functions will be integrated.

Stakeholders and the public need a clearer roadmap that sets out and explains what, how and when things will happen/take place. In particular, stakeholders need to be made aware when they are to be consulted on their views or asked for their input in to the process as required by e.g. the various environmental impact assessments regulations.

Section 3.2 covers the legal transfer of functions from the three existing bodies to the new body and states that under the Public Bodies Act 2011, that Welsh Ministers cannot remove any existing protection when they create Orders, and that their intention is to maintain existing environmental standards. However, this section also states that maintaining environmental standards is consistent with and would be enhanced by simplifying the process. We are of the view that the analysis needs to be considered from the other direction, i.e. that where simplification of the process maintains or enhances environmental standards then that simplification should take place but that it should not be assumed that simplification will automatically result in better environmental standards.

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

We do not think that the proposals provide a good basis for the principal aim and strategic outcomes of the body. We believe that if Welsh Government really wants to implement an ecosystem approach and further sustainable development under the *Living Wales* programme, then the statutory purpose needs to set out clearly the role of the new body and that purpose must include a strong nature conservation purpose/duty to ensure the continued delivery of desired ecosystem services.

On the whole, we strongly support and welcome the overarching ambition that Welsh Government has set out for the new body. In particular the last 2 paragraphs of s4.1 (pg.16-17) go to the heart of the matter. I.e. “Regulatory decisions must protect ... biodiversity to ensure that public health, as well as environment itself, are protected. But we must also develop the value of our natural assets” and the new body will “need to integrate” environmental protection and management with sustainable use or natural resources. “This issue lies at the centre of both sustainable development and the ecosystem approach ... enable sustainable social and economic development, whilst at the same time protecting and enhancing the environment”. Therefore, in our opinion, it is disappointing that the principle aim and the strategic outcomes will not deliver this ambition. There needs to be greater acknowledgment of the requirements to protect biodiversity and to further nature conservation which are at present lacking. These improvements would then need to be reflected in the statutory purpose for the body. Currently the focus is on natural resource use rather than natural resource management, resilience building and recovery.

Aim (Purpose):

As it stands, we have a number of issues with the principle aim and would suggest an alternative (see below).

1. Of utmost concern is the fact that the proposed version does not include the requirement for the environment to be protected or conserved – a key omission in our opinion that must be rectified in the statutory purpose.
2. The use of the phrase to “*develop Wales’ natural resources*” (our emphasis added), is unclear, and open to misinterpretation. In our view the word “*develop*” should be removed as it includes an inappropriate expectation that if the environment is not delivering any economic benefits that it must be developed, i.e. changed so that it does. This issue with the use of the term *development* is repeated in the definition of Natural Resources (section 1.1, footnote 1) which we understand that Welsh Government intends to include on the face of the Order. Whilst we share the objective of including a proactive improvement of natural environment in the new body’s purpose, we believe that the word *develop*, particularly when combined with ‘resources’ (see bullet 3, below, for more detailed comments on natural resources) has a connotation of exploitation of the environmental resources rather than the improvement that Welsh Government seeks to communicate.
3. We further note that the term natural resources is commonly understood to mean those aspects of the natural environment (water, land, minerals, plants and animals, etc) that are used or can be used by people, rather than the whole of the natural environment, especially those aspects that have intrinsic, amenity or cultural value. Consequently, if the term natural resources is to be used in the context of the purpose of the new body, it must be defined in the Order and that definition always referred to along with the purpose/aim, to make sure that biodiversity is not forgotten or side-lined over time.
4. Either intentionally or unintentionally, as currently drafted, the aim requires our natural resources to be maintained, improved, etc “*to deliver benefit to the people and economy of Wales*” (our emphasis added) – subsequently, this means that should a conservation action not show an obvious benefit to people or the economy, then it is unlikely to be sanctioned by the new body under this aim. And even more critically it implies that a pro-environmental decision with negative economic affects will never be made because the new body’s aim means that it will have to consider the economic aspect before conservation and the environment. Such an approach will neither deliver an ecosystem approach nor a resilient environment that continues to deliver ecosystem goods and services for human benefit.

Consequently we would suggest the following as better able to meet the Government's aspirations for the new body (our additions/changes are underlined):

“To maintain, protect and proactively improve Wales' natural environment, for the benefit of the environment, people and economy of Wales now and in the future.”

We would reiterate that whilst we see new body as having a central role in contributing significantly to the environmental objectives of sustainable development and supporting delivery of social and economic objectives, it cannot achieve sustainable development of itself. It is the role of government to achieve sustainable development in all that it does by integrating economic, social and environmental objectives.

Strategic outcomes:

The strategic outcomes need to explicitly linked to the aim or purpose rather than just clarifying it. We suggest a series of sub purposes (rather than outcomes) which add clarity and detail to the primary purpose (aim) of the body - in the style of the Natural England purpose in the NERC Act 2006. We consider the current list of outcomes/sub purposes needs further work in order to set out clearly the role of the new body. Of the current list we have the following comments:

1. There can be conflicts of interest between conservation and outdoor recreation, consequently to set no priority will lead to issues later on for decision-makers and regulators. It should be clear that recreation must be sustainable recreation.
2. This only specifies a small list of potential pressures from human or other sources, potentially restricting action to those named pressures and therefore either a more all encompassing phrase is needed or all the other possible impacts on the environment should be included, for example from new development, operations or processes.
3. While this is a welcome statement with respect to ecosystems, the natural environment and/or biodiversity must be mentioned here also, as species and habitats are the building blocks of ecosystems, an ecosystem approach and of ecosystem services. Equally importantly, this bullet should make explicit reference to the vital requirement to halt the loss of and to restore biodiversity as this underpins healthy, functioning, resilient ecosystems.
4. It should not be the role of this body to “secure sustainable use, management and consumption” (emphasis added), but rather to ensure that management is effective, ecosystems are healthy, functioning and resilient and consequently that use and consumption of natural resources is within environmental limits and so sustainable in the long-term. This is a subtle but important distinction – see the EU MSFD Article 1(3) for an example of how this is expressed in EU legislation. ‘Securing’ sustainable use could be interpreted as promoting or encouraging development and consumption which we do not see as the role of the body, rather it gives advice to the decision-maker.
5. It would be helpful if the document spelt out the relationship between the new body and the Welsh Government's Climate Change Commission and its sub-groups, especially regarding land use and adaptation.

6. There should be an additional bullet covering 'out of classroom learning'/outdoor education, which meets the principles of 'Education for Sustainable Development and Global Citizenship'.

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

It will be crucial that the performance of the new body is critically assessed against a concise, meaningful and measurable set of indicators. We do not consider that the 29 indicators listed in Annex 5 adequately fill this brief. We recommend that these indicators are fully cross checked against and are then explicitly linked to the EU and global (Aichi) biodiversity targets to ensure they are fit for purpose.

We have provided our detailed comments on the strategic outcomes that are presented here under the heading 'outcome themes', in our response to Q4. It is rather confusing to rename the strategic outcomes in the Annex 5 Delivery Framework table and then to have 2 'outcome themes' and 5 strategic outcomes. Our preference would be for the overarching aim (purpose) to be expressed clearly and supported by the strategic objectives in the form of sub-purposes which provide the detail. Then clear outcomes, objectives, success criteria and indicators would relate to each strategic objective/sub-purpose.

We compared this version of the Delivery Framework table (Annex 5) with an earlier version which we commented on (November 2011) and are extremely disappointed that none of the points we raised then have been included in this version. Consequently, we do not intend to comment on the detail of the Annex 5 table, rather we attach the previous version with our previous comments (in red) again. For example, we are still strongly of the opinion that "... *environmental limits are less frequently reached*" is a very unambitious success criteria (Success Criteria 2) for a body that is being charged with implementing an ecosystem approach and contributing to sustainable development. There are a few further headline issues (from both the previous and the current versions) with respect to the Delivery Framework that we will consider further here.

Firstly, we are disappointed at the lack of consideration of our comments on the previous version of the Annex 5 table, and this raises the issue of stakeholder influence *vs* stakeholder engagement. We are keen to ensure that our involvement the *Living Wales* programme results in a genuine interest in our views and concerns and a subsequently a willingness to improve the proposals in light of them.

This overarching concern that the issues and solutions we identify are not influencing the development of the new body is exemplified in the content of the Delivery Framework table. The focus of this table – the outcomes, objectives, success criteria and to some extent the indicators – is almost entirely on resource use. We are extremely concerned that Welsh Government are creating a body that could interpret its primary function as facilitating exploitation the environment, whereas we want a body whose primary purpose is to protect the

environment, restore and enhance it and ensure its long term resilience to human and natural pressures (thus allowing sustainable use and continued access to benefits from ecosystem goods and services now and in the future). In effect, the stated objectives focus on production from the natural environment with little or no reference to the needs of the environment, even as an underpinning resource. Indeed the repeated refusal of Welsh Government to include a clear reference to conservation and clarity on its intended mechanisms to address biodiversity decline, despite these being essential components of an ecosystem approach, is most perplexing to us and raises concern that Welsh Government are attempting to cherry pick aspects of an ecosystem approach, which is in our view flawed.

Related to the above, we are particularly concerned about a new objective that has appeared since we commented in November, on the previous draft of the table – Objective 15 “*promote and help secure sustainable renewable energy from the Welsh environment*”, while Success Criteria 8 is very similar. This objective effectively makes it impossible for the new body to object to any renewable energy development purely on the grounds of any environmental damage it would potentially do. We are very clear that promoting and securing renewable energy developments is not the role of the new body, its role is to give advice to the regulator who will then make the decision based on that advice and knowledge / the evidence base.

Finally, after failing to meet the 2010 international (CBD) biodiversity target, if we are to meet the 2020 biodiversity target to halt and reverse the loss of biodiversity, we would also expect to see success measures specifically related to biodiversity and its protection, as we have suggested previously (as indeed other elements of ecosystems or their services are specifically mentioned – e.g. soil, forests, renewable energy):

- No net loss of biodiversity, achieved through well regulated programmes and strategies at all appropriate levels;
- Net gain in all priority habitats and species that are currently in decline.
- Achieving Section 42 (NERC Act 2006) targets for species and habitats; and
- Achieving favourable condition in all protected (local/national/international) sites, as stated in Outcome 21 of the Environment Strategy Wales.
- Education, particularly out of class 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.

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

We are concerned that there is a separation of the legal duties of the existing bodies and the proposed powers and functions of the new single body. Clarity needs to be provided on whether any of the existing duties are to be changed, which ones and how, and the timing of the legislative changes that this will require. In addition we want more detail on the proposed legislation that will proscribe the duties, powers and functions of the new body and how

exactly they are to be modified and/or simplified. Although we appreciate that all existing duties will need to be transferred to the new body we question why no reference has been made to them in the consultation document including the tables and annexes. We also believe that a number of inappropriate economic aims have been included.

In summary, we are disappointed with the brevity and partiality of this section and would like to see far greater equality in the transfer/development of the functions of the new body.

As a starting point and for clarity, all the existing duties and responsibilities need to be set out and in particular the environmental duties included as stand alone responsibilities. This information should be shared with stakeholders as soon as possible to allow a full analysis before the Order is drafted.

For example, in terms of forestry, while the Forestry Commissioner role in Wales will now be in the single body, the legislation the new body will work to is still the UK Forestry Act 1967 because it is the Forestry Commission's licence to operate. An important amendment to this Act in 1985 included a new biodiversity duty on all the other Forestry Commission's functions under the rest of the Act. In addition there is also the UK Forestry Standard and associated guidelines. So there is concern that there is now a Welsh body implementing law and guidance that was drawn up for e.g. the UK-wide Forestry Commission, rather than with an eye to devolved delivery bodies and it is not clear how the future independent Welsh body will deliver these UK-wide legal requirements. And while these biodiversity and sustainability duties and objectives are not as good as we think they could be, the new body will need to implement them to at least the same standard and preferably take a new stronger stance on biodiversity protection and enhancement in fulfilling its forestry role. Ideally specific Welsh forestry legislation should be created for a situation where there is no longer a Forestry Commissioner but which puts biodiversity and sustainable forestry duties on Welsh Government/Minister(s) as is the case in Northern Ireland. We suggest this is addressed in the Environment Bill 2014/15

These tables are helpful in some regards but its unclear whether these are intended to cover all the functions, duties and powers that will be merged by the Order – if so it appears to us that these are significantly incomplete. Subsequently, please note that our comments on Tables 1-3 are not intended to be exhaustive, because, as we have stated, there are many other pieces of legislation applicable to the three existing bodies that will need to be reflected in these tables

Table 1:

- Is not clear on how current forestry duties apply (see example above), particularly omitting any reference to the biodiversity duty that Forestry Commissioners currently have.
- Under the section on maintenance and management of the Welsh Government Woodland Estate and with reference to the previous section on sustainable management of forests we expect to see reference to the management of the Woodland Estate for

wildlife conservation purposes including the creation and management of open space within woodlands/forests and the ongoing management of woodland succession to secure ecosystem functions and processes and, to maintain and enhance biodiversity values. This will include both native woodland and commercial forests that include introduced timber species.

- Under the section on conservation, while there are no specific references to pieces of legislation we would expect this section to cover the requirements under the Habitats Regulations (The Conservation of Habitats & Species Regulations 2010), the Wildlife and Countryside Act 1981 (as amended), as well as many others, if all current legal duties are to be met.
- The conservation section should refer to the Natural Environment and Rural Communities (NERC) Act 2006 duties to conserve biodiversity (s40); and to list species and habitats of importance for biodiversity conservation and, in response to advice from the WG, take steps to further the conservation of this biodiversity (s42).
- This section should also refer to any wider functions to conserve, restore and enhance terrestrial and marine biodiversity and ecosystems other than those set out in existing legislation. There should be a reference to environmental/ecosystem resilience, living within environmental limits (or carrying capacity), and reducing the cumulative effects of human activities.
- There should be a reference to an ecosystem approach or achieving the EU and CBD 2020 targets for biodiversity.
- The Precautionary Principle is a key element of environmental decision that should be included here. This is enshrined in EU law and the Principle 15 of the 1992 Rio Declaration¹ which the UK is a signatory. Similarly the polluter pays principle should be included.
- Protected species and wildlife licensing should be included.
- Omits reference to the requirements of the EU Marine Strategy Framework Directive (MSFD).
- The statement: “*Regulation of industry impacting on, or making use of, the environment and natural resources of Wales, using an integrated approach*”, is unnecessarily restrictive, the new body may need to regulate all kinds of activities, whether domestic, industrial or agricultural. For example, regulation will play a key role in diffuse pollution control even if, as the subsequent section states, guidance and advice will also be important.
- The function: “*Prevention or reduction of the spread of pests and diseases affecting all trees and timber products*” is very specific to the current function of Forestry Commission with respect to ensuring the economic ‘value’ of forests and forest products and we think to restrictive. All three organisations currently have the important function and capacity to prevent (through biosecurity) and manage invasive non-native species including through support to other organisations. This is an increasingly important function and critical to ensuring the health and resilience of ecosystems and wider values.

¹ <http://www.unep.org/Documents/Multilingual/Default.asp?documentid=78&articleid=1163>

- The function: “ *Working to prevent or remedy the effects of incidents and emergencies on people*” is not a correct reflection of this current function, as we understand it. This is a critical function with regard to protecting and restoring the environment, maintaining ecological integrity and as such managing the effects on people. This should include explicit reference to preventing and managing the impacts on the environment and ensuring the recovery of the environment from such incidents.
- Must ensure that flood and coastal works protect and enhance the natural environment, and work with natural processes wherever it is worthwhile in terms of the costs.
- We believe that the economic responsibilities included in Table 1 should be moved to Table 3 as the new body should not be undertaking these economic enterprises as part of its main functions, at least not without the caveat that it is with respect to certain forestry activities.

Table 2:

- The power to buy and sell timber needs to be clarified to make sure this is only takes place in a sustainable manner, and to meet public benefits objectives.
- Fails to mention stakeholder engagement.
- Does not refer to grant making powers which are essential for the funding of conservation, restoration or enhancement action for the natural environment (species, habitats and ecosystems), including that carried out by the Third Sector.
- Compulsory Purchase is a key power that will be needed to fulfil FCRM and environmental functions
- Power to access designated land needs to be included.
- Similarly, the new body will need powers to compel landowners to undertake preventative and remedial works e.g. works notices, land management agreements.
- The possibility of civil sanctions instead of criminal proceedings should be included with the new body’s general powers particularly for environmental impacts that require remediation.

Table 3:

- The blanket application of cost-benefit analysis is problematic as it lends itself to debates about whether or not it makes sense to do something whereas what the Single Body will be tasked to do is deliver Government policy, EU obligations, etc. So while understanding the cost and benefits of operations is important, it is far more important that the new body delivers its functions, duties and obligations cost-effectively, that is achieving the outcomes required at least cost (both monetary and non-monetary).
- Notwithstanding the questions raised about Cost: Benefit vs Cost: Effectiveness, it will be important that such assessments are made for current and future generations. Otherwise short-term bias may undermine long-term sustainability.
- To achieve sustainable development, we need the new body to provide advice about environmental aspects as this is the role that this body is taking over when the existing three bodies no longer exist, consequently we are very concerned that many of the pro-environmental aspects of its role, particularly conservation in general terms, are only

factors which the new body is to have regard to (also see 3rd bullet, pg.20). It is our view that environmental matters (particularly those backed by legal requirements) should be included in Table 1.

- Does not include any references to fairness, transparency and accountability (especially where currently one body e.g. CCW, holds the others to account, e.g. on environmental issues).
- If Table 3 covers general duties, it should also include a duty to further biodiversity conservation during the course of all its activities.

None of the tables refer to education and out of class/outdoor learning. Will the Single Body deliver the education services and provisions currently provided by FCW and CCW? Outdoor education is at least as important as outdoor recreation, and consequently, is a significant omission from the roles and functions of the new body. It also makes a significant contribution to employment and support for services and suppliers in fragile rural economies.

Finally this section makes no reference to how conflicting duties will be dealt with by the new body for example, between conservation and flood defence.

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

We have responded below to each section separately.

Policy:

We welcome the acknowledgement that policy development is a continual process and that the body will be integral to the development of policy by Welsh Government. However, by not having a proactive policy development role, we are concerned that Government will not be challenged openly on its position on environmental matters by an independent advisor.

We urge Welsh Government to reconsider this issue as we see it as essential that there is a clear role for technical policy development in this new body for the following reasons

1. Policy in Welsh Government will be by nature short term-ist being driven by a five year political cycle. Policy development in a statutory agency is determined by the environmental needs and can take a longer term view.
2. Policy development must be informed by delivery – successful policy is informed by its delivery and by evidence-based research. Policy in government could easily become more conceptual and theoretical if it is divorced from delivery.
3. Policy challenge is a healthy part of good governance and we would encourage Welsh Government and a new Single Body to embrace a culture of testing policy development and thinking so that policy is robust, uses the breadth of evidence and research available out side of Wales and is informed by regular review.

On taking on a new policy role for forestry, Welsh Government will need to ensure more effective statutory oversight all forestry consents to ensure sustainability, a role which currently sits with the Forestry Commission's Regional Advisory Committee for Wales (which operates under the Forestry Act 1967). In addition, we would welcome a more transparent and inclusive process for policy making for forest research, research commissioning and oversight.

Marine Licensing:

We would welcome clarity regarding the role of the new body with respect to protecting and managing the marine environment. Marine aspects of the new body must be fully integrated into the rest of the body and not treated as a minor activity/role. As with terrestrial functions, there are likely to be conflicts of interest which need to be considered carefully for marine functions too.

We would also like clarity on whether the new body will be delivery body (competent authority) for the EU MSFD (Marine Strategy Framework Directive) as well as taking on EAW's current similar role for the EU WFD. This provides the opportunity to ensure there is complete integration of the two framework Directives.

Wildlife Licensing:

We support in principle the consolidation of wildlife licensing conditions as far as is permitted but would need to see more detail on how the Welsh Government proposes to consolidate the licence conditions and functions within the new body before commenting in detail.

Notwithstanding the need for greater clarity on proposals and outcomes with regard to licensing, we agree with the assertion that there needs to be a clear distinction between teams dealing with regulatory and compliance functions within the proposed new body with each being resourced appropriately. This however, does not negate the need for effective integration within the other functions of the body.

On the whole, it will be the policy or legislation that determines the new body's response to wildlife licensing, both onshore and offshore. However, there is the potential for conflicting interests within the body where it is both nature conservation advisor and regulator on a wildlife licence. We cover the issue of regulatory simplification and self-permitting in our responses to Q9 and Q11, below.

Agri-Environment & Sea Fisheries:

- *Agri-environment* – the overriding priority is to ensure that any scheme, whether it be the current scheme or future scheme post-CAP reform delivers effective environmental management for Wales. Consequently, there could be a strong case for delivery of an agri-environment scheme, which has been designed to deliver the *Living Wales* objectives to sit within the body tasked with this purpose, i.e. the Single Body. Such an approach would have the advantage of introducing a degree of independence from Welsh Government. This

would ensure components of such a scheme, for example monitoring and compliance, which are likely to continue to be undertaken by Government, more transparent and accountable (and therefore less open to criticism with regards scrutiny of the public money spent).

- *Sea fisheries* – there is currently a split between Welsh Government and EAW regarding the enforcement of intertidal fisheries (e.g. cockling etc) and EAW duties for freshwater fish, therefore we would like clarity on whether all these fisheries management duties/powers will be transferred to the new body.

Internal Drainage Boards:

RSPB Cymru will provide our views on IDBs in the promised forthcoming consultation. However, we would note that currently, IDBs have weaker environmental responsibilities than are proposed for the Single Body, and may not always have the resources to co-ordinate works or to manage drainage for wildlife as well as for agriculture.

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

We would obviously support removal of duplication and economies of scale that free up funds for additional environmental action/research. In particular we welcome the assertion that a key Welsh Government priority for the new body is to gather evidence of environmental issues on the ground in Wales to support interventions. We would like further clarity regarding the funding for this additional work.

It is essential that any research funded by WG or Single Body is coordinated and connected to the wider scientific community, within and outside Wales.

It would be invaluable as part of the process of creating the single body and the drawing together of the resources of the three existing bodies for the Welsh Government to consider sharing data not only within the new body but widely with regulators, users and stakeholders. Access to GIS data in particular is essential if a broader approach to managing the environment is going to be taken up across the board. All too often, organisations and individuals have been excluded from the decision-making on natural resource management and delivery of biodiversity objectives due to limited access to the underlying data and information on the natural environment. We fully recommend the approach of ‘pay once, use many times’ to data that is collected using public money.

With Welsh Government setting the framework for research commissioning, we would be interested to know what would happen in a situation where the new body’s priorities and those of WG differ. Furthermore, we would like more information on how the proposed new body

will access support from Defra for ecological research or forestry research as the budget currently lies with them. Furthermore, we would expect that e.g. forestry research funded by Welsh Government is refocused to the delivery of sustainable multi-benefit forestry, including the protection and enhancement of biodiversity.

The Wales Biodiversity Partnership (WBP) has a key role to play in identifying and facilitating the commissioning of research into ecosystem management and measuring the success of the ecosystem approach to natural resource management. We would to see more detail on how the proposed new body will be integrated with the activities and initiatives of the WBP and the relationship between Welsh Government, the Single Body and WBP.

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?

Status of the body:

We welcome the assurance that the body will be and be seen to be independent. However, the perceived independence of the new body will be judged against how much direction it is given by central Government and, through policy development, how much influence central Government has on decisions and actions.

Governance arrangements – in Wales and International & cross-border:

We would prefer a larger Board of 15 that does more than just ‘rubber-stamp’ decisions. We are keen that there is strong environmental and biodiversity representation on this Board. We are supportive of a remit for these members which includes wider corporate representation (similar to CCW’s Council) and members should also be appointed for specific expertise.

We also believe that the Board will need to be supported by advisory panels or committees in order to ensure that there is sufficient access to technical expertise, and rigour in the environmental advice it receives. We would suggest that at least two advisory committees will be required – one for scientific advice and one for stakeholder/partnership engagement. We would also welcome further opportunities to consider the role of WBP with regard SB and WG to ensure that best use is made of this forum which brings together considerable technical expertise in Wales.

- It is unclear how the relationship with JNCC will work as the two bodies are likely to have different functions, aims and objectives if the current proposals are not altered.
- It is unclear what relationship the new body will have with the Forestry Commissioners in the rest of the UK or with the Environment Agency in England.
- The new body will need formal working arrangements with the MMO in England regarding marine matters.
- RBMPs are not the only cross-border issue that the new body will need to consider, e.g. cross-border European and Ramsar sites and SSSIs, in particular the agreement of

common site conservation objectives for these protected areas, given the apparent divergence in approaches emerging between CCW and Natural England on these matters.

- The new body will need to think and possibly act wider than Wales. It is important that the new body maintains strong links and communications at the UK level with its range of sister bodies, so ensure coherence and avoid isolation. It will also need to consider international/global threats and implications of its decision-making.
- Very little is explained as to the relationship between the new body and the public in Wales. If change is to be effected at land management level through practical management and also through spatial planning (of natural resources) we see that it will be essential for this new body to engage with communities.
- It is unclear how much this body is intended to be a delivery body and how much policy capacity will remain with it to support this. We believe that the new body will need a policy capacity in order to interpret the technical advice it has to be of best use to policy makers and to advise regulators.

The role of the new body should not be limited to Wales or Welsh environmental issues. The new body will need take a much wider view and consider the effects of and on EU and global environment to truly achieve sustainable development.

Accountability to WG:

Will, and when, will the new Framework Document and Management Statement be consulted on publically?

If the remit letters are abolished, what consultation will there be on the business plans and work programme of the new Single Body?

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

We are concerned that the body is not going to have any form of formal national level engagement forum(s). This leaves the stakeholder engagement process too open and vague and while *ad hoc* local engagement is useful and important it is essential that there is at least one national level stakeholder advisory group to support the Board of the new body. In addition, it is vital that there is a Science Advisory Group which includes conservation and biodiversity expertise, to advise the Board.

Stakeholder engagement by the new body must be more than a tick-box exercise. It must be effective and be able to show how and where it has influenced decisions and policy.

There needs to be clarity on how the new body will interact with the Third Sector and continue to support our work to protect the environment. For example, will it become a signatory to the

Environmental Compact? Will it continue to administer grant/project funding to environmental projects? The new body needs to recognise that environmental NGOs are more than simply 'customers'; we play an important partnership role as well as a practical delivery role, i.e. helping the new body to achieve its objectives through on the ground nature conservation and land management activities. The new body must continue to work in partnership with delivery bodies, including the Third Sector, and to drive, participate in and fund actions that support and deliver practical "on the ground" conservation in Wales as an essential part of an ecosystems approach.

Finally, it is not clear how the new body will be represented on external groups, committees, forums, etc, where previously the existing bodies each had a seat. For example, will the new body have two seats on a forum where previously both CCW and EAW had a seat each? If the new body only takes one seat, will the extra seat be guaranteed to another environment sector representative? This has a direct bearing on the amount of expertise and technical information that will be made available to that fora. Simply merging bodies does not mean that all the staff working in them will be able to know everything, and internal mechanisms will need to be created in order to ensure clear feed through of information and technical expertise.

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

This entire section raises serious concerns, primarily as it lacks clarity about how such processes will work in practice, how conflicts will be resolved and transparency attained. The approach proposed lacks the checks and balances that currently occur in the public domain. Overall we find the approaches unacceptable as they lack formal safeguards, are too *ad hoc* and lack guarantees on clarity and transparency.

In particular, EU legislation requires that it is delivered through a competent authority that is invariably a public body. The risk here is that self permitting goes so far that it no longer reflects this requirement.

Self-permitting:

We do not support self-permitting, though we are obviously aware that it already takes place, and therefore, agree with the assertion in the consultation document that it is undesirable. We are concerned that where self-permitting takes place that decisions are taken 'in-house' with very little openness or clarity.

If the Habitats Regulations are taken as an example, there is a clear distinction between applicant, competent authority and nature conservation adviser. It is not therefore appropriate for the new body to fulfil the role of all three for any works that it will be required to carry out that have the potential to impact on European sites. In such case the Welsh Government must as a minimum be the competent authority. We also wish to highlight the issues concerning SSSIs and under the Wildlife & Countryside Act where operations likely to damage a SSSI would be

proposed by the new body where it would also consider the effects of those proposed operations.

Even with the best will in the world, a body or organisation is unlikely to 'advertise' internal disagreements to the outside world, irrespective of whether these are entirely understandable e.g. how decisions are made in the absence of clear evidence. Therefore, this will make true openness and transparency around decision-making either very difficult or potentially embarrassing for the new body. For example, the current difference of opinion between CCW and EAW regarding the discharge consent for the Pembroke Power Station may not be ideal, but at least the public, stakeholders and all involved are aware of what those differences in opinion are and the detail of the argument on both sides. The current and new system must ensure full public consideration is given to potentially adverse effects on protected sites and species. We strongly recommend that where there are known differences of legal interpretation and implementation in respect of key environmental legislation between the constituent bodies, that these are reviewed. We would suggest that any material change that arises from such reviews should be subject to public consultation. At the very least, any material changes should be identified, publicised and justified in order to increase transparency and public confidence as well as ensure consistency in approach in the future.

Our further concern on this point is that environmental issues are often quoted, rightly or wrongly, as the barrier to development or to speedy granting of permits/licences. Accordingly, when self-permitting, there is likely to be internal pressure on those providing conservation advice to 'stop being difficult' or to make a hasty decision. So if self-permitting should take place, there must be a functional separation of the different roles within the new body. But maybe more importantly, the views of those providing advice under each role must be considered equally valuable and supported by senior managers, the new CEO and Board and by Welsh Government. For example, if decisions against development are not supported by Welsh Government (i.e. all Departments) then the role of the new body in delivering the ecosystem approach will be completely undermined and the new body will quickly become ineffective. Finally, we wish to see a commitment to publishing environmental advice on all decisions and in a timely fashion to allow public scrutiny.

SEA & Habitats Directives:

We have similar concerns regarding the implementation of the SEA and Habitats Directives requirements. We do not favour self-assessment, but where it occurs there must be functional separation; real openness and transparency irrespective of how embarrassing it is for the new body; and equality of support internally and from Government to the views of both the advisory and the regulatory sections within the new.

Furthermore, SEA and HRA must not be seen as a tick-box exercise but rather as tools that should inform sustainable decision-making if used effectively and correctly, including, as is required, clear public consultations on all proposed plans. In the case of HRA, it is not simply a tool to 'inform' decisions, but the basis on which decisions must be made. If these assessment

processes are carried out behind closed doors, then the likelihood is that they will result in the watering-down of the approach to regulation that currently exists and would go against the spirit, and potentially the letter, of the respective Directives. It would also work against the delivery of an ecosystem approach as we believe that these directives provide a useful decision making framework to further sustainable development.

We note that there is no reference to the requirements of the equally important and relevant EIA Directive in this section.

Conservation advice:

The new body must have the capacity and expertise to provide independent (evidence-based) advice to Government (all departments) and other public bodies in relation to specific cases, or to the development of policy, when requested but also when it feels it is appropriate to do so. It must be able to publish its advice, to contribute to the transparency of decisions. Although potentially uncomfortable for Government, this role would be a signal of the new body's real independence and should be written into statute. It is, in our view, essential if real, wide-reaching environmental improvements are to be realised.

We would also raise the issue for advice from the new body being seen as fair and independent when it has these other, potentially conflicting roles, e.g. a regulator, a delivery body (source of grant and advice) and an operational body, e.g. forestry management, NNR management, access provision. For example, how will an effective relationship be sustained with the farming community when the new body will be approaching matters both as a regulator and a provider of grants and advice? The interface between these functions will need to be managed, e.g. to ensure transparency in the regulation of these operations.

While it is noted that very few consents are actually refused by CCW, it is the conditions, mitigation and/or compensation requirements that are added to licences that must remain a clear function of the new body. Similarly, the robustness of the evidence base and analysis in respect of tests relating to alternative solutions and imperative reasons of overriding public interest must be approached in a consistent manner (e.g. Birds and Habitat's Directive tests).

We are aware that the three bodies often have different approaches or standards when considering consent applications. Consequently if as stated earlier in the consultation document, there is to be no loss of environmental standards, then the strictest option must always be the option applied by the new body. For example, regarding air pollution, CCW sets a maximum critical load for each site (at around 70% total from all sources), while EAW sets a maximum critical load for each application (around 1% before measures are required). This could result in a situation where numerous applications may be consented by EAW, providing each one is 1% or less, despite the site receiving greater deposition than it can recover from. The implications of the cultural differences for decision-making and consenting must be recognised and tackled in a transparent manner while ensuring no loss of environmental standards. This will build confidence both internally and externally in terms of securing greater consistency in

decision-making. Failure to tackle this will almost certainly lead to inconsistency in decisions, reduced confidence and an increased risk of legal challenge from affected parties.

Decisions taken by the new body should not aim to balance all relevant interests but integrate them if sustainable development is to be achieved, because balance implies trade-offs while integration looks for the win-win solutions.

The proposed new body will play a key role in facilitating and contributing directly to the outcomes aspired to in the *Living Wales* programme. As such, it is critical that in addition to conservation advice provided as part of the consenting process, the new body has the clear function and resources to provide specialist species and habitat management (i.e. ecosystem management) advice. Conservation advice must show demonstrable outcomes for wildlife conservation (protection, restoration and enhancement) as these are the outcomes that ensure ecosystem health and resilience and are key (in some cases the only viable) measures of success of the approach to natural resource management advocated by *A Living Wales*. Many outcomes were identified in the Environment Strategy for Wales and it would be helpful to review and use these as the basis for outcomes for the new body rather than starting all over again.

Note, that reference to “Habitats Directive sites” in paragraph 3 of section 6.6.3 should be corrected to either “European and Ramsar sites” or “SPA, SAC and Ramsar sites”. Ramsar sites are included as it is Government policy to treat these as equivalent to European sites for the purposes of applying the decision-making tests in Article 6(3) and 6(4) of the Habitats Directive.

Appendix 1: RSPB's submission (part) to the Questionnaire from the Environment and Sustainability Committee inviting comments on the Business Case for the Single Environmental Body, 31 January 2012

Success Measures for a new Single Environmental Body for Wales

RSPB Cymru, June 2011



The purpose and culture of a new body

The three agencies are currently broadly responsible for managing different elements of Wales' environment: CCW for terrestrial and marine wildlife and landscape; the Environment Agency for land, water, soil and inland fisheries; and the Forestry Commission for forests. Their functions are all concerned with enabling, delivery, operations and regulation to but to very different extents. The Welsh Government also plays a key role, for example through its management of agriculture, fisheries and the marine environment, as do local authorities for example through internal drainage boards and flood control.

The aspiration in bringing the three agencies together should be for a more joined-up approach to environmental delivery, without losing the individually important aspects. To achieve this, it will be vital to ensure that the culture of the new organisation is not simply dominated by the area of work that deploys the largest number of staff, or the highest budget. Further, we would suggest that this aspiration depends upon the three current organisations coming together; if the merger were to include only two bodies, for example, there would be a risk of the reform being seen simply as a larger body subsuming a smaller one.

Clarity of purpose for the new organisation will be critical. We firmly believe that the new body's statutory purpose should be based firmly around biodiversity and natural resource protection, management and enhancement, to secure the healthy, resilient ecosystems from which a range of other benefits – including socio-economic benefits – can be captured. In fulfilling this duty, the new body would contribute to the achievement of sustainable development – a cross-government commitment. RSPB Cymru is developing its thinking in this area and is keen to contribute to detailed discussions of the purpose of the new body.

Success measures

As the NEF process acknowledges, change and proactive management is needed if we are to stop the deterioration of our natural environment. However, the aspiration expressed in *A Living Wales* to 'manage the environment as a whole' cannot mean that targets for individual

aspects of the environment become redundant. Existing targets relating to biodiversity, air and water quality, etc, will remain relevant, to measuring whether progress is being achieved, and whether national commitments and international obligations are being met. The NEF is likely to require explicit targets to be set for the delivery of ecosystem services, building on those established under Glastir to complement those already existing. High level success measures around these targets for the new body are essential; for biodiversity in particular, we suggest:

- No net loss of biodiversity, achieved through well regulated programmes and strategies at all appropriate levels.
- Net gain in all priority habitats and species that are currently in decline.

The development of the NEF and the work towards creating a single environmental body recognise that meeting even existing targets requires a change in the way we approach the natural environment. Two key aspects of the change that is needed, in which a new single environmental body will need to play a key role, are:

1. Better integration of natural environment priorities – with one another, and across the policy spectrum, including across Government.
2. The need to scale up conservation efforts, to restore nature throughout the countryside and the marine area and enable it to adapt in the face of climate change.

1. Better integration

The aspiration to ‘manage the environment as a whole’ does need to translate into better integration of delivery of the range of existing targets. Co-delivery of the individual agencies’ current priorities will be one key component of this. Indeed, if a new single environmental body were not able to deliver an improvement in integration at this level, the benefits of the merger would be in doubt. However, it will also be important to measure delivery across the Government estate; while success here will not be solely in the gift of the new single environmental body, it will help to indicate the level of influence the body has across the Welsh Government which will be a key component of its overall effectiveness.

Success measures should include, for example:

- Publicly owned land providing a model of best practice for integrated ecosystem management, delivering for biodiversity as well as other ecosystem benefits. Including:
 - Delivery of biodiversity priorities through the management of the public forest estate, and new woodland planting;

- Protecting and restoring biodiversity through flood risk management operations (both maintenance of existing schemes, and development of new ones)

Better integration is also required of natural environment priorities into other areas of policy and delivery – from strategic Welsh Government policy down to local development plans. Again, responsibility for achievement will not be solely attributable to the new single environmental body, but monitoring change will be important to understand whether the new body has the authority it needs to guide and influence public sector partners, e.g. Welsh Government departments and Local Authorities. Measures of success could be:

- No government policies or programmes contributing to biodiversity decline, and many actively contributing to biodiversity gain
- Spatial strategies set out the Government’s ambition for the natural environment (recognising the need to facilitate climate change adaptation), with statutory levers for delivery. This will need to be translated to strategic and local levels, e.g.:
 - Positive planning for biodiversity and other “green infrastructure” in local development plans – i.e. for creating or restoring areas of habitat, for priority species and/or to secure specific services - and successful implementation of these plans.

2. Scaling up

Protected sites remain the most important places for wildlife, and a cornerstone of an ‘ecosystem approach’. ‘The Lawton Review’ undertaken in England in 2010, found that to create an ecologically coherent network, England’s protected sites need to be made “*more, bigger, better and joined*”, by: managing current sites better and increasing their size; enhancing the ecological connections between sites; creating new sites; and reducing the pressures on wildlife by improving the wider environment. We believe the same applies to Wales, and are calling on the Welsh Government to make this central to their approach.

However, success cannot be achieved without also protecting, managing and restoring habitat outwith the current site network, and improving the quality of the wider countryside as wildlife habitat – an even greater imperative in the context of climate change impacts. We therefore suggest success measures built around a strategy to facilitate nature’s adaptation to climate change, including:

- Internationally and nationally important protected areas in favourable condition, with further progress towards securing ecologically resilient site networks, such as:

- Protected sites buffered with areas of favourable management delivered through agri-environment schemes or section 15 agreements
- Better protection of locally important sites through planning and other land management systems
- Fragmented habitats functionally reconnected
- Wider countryside managed to become more favourable for wildlife

The NEF process highlights that achieving conservation, restoration and habitat creation at the scale required will require positive action from the public, private and voluntary sectors. This is well recognised by organisations such as the RSPB, which are developing their own landscape scale conservation projects. Government – including the new single environmental body – will need to play a key role in urging, supporting, incentivising and regulating the other players, in addition to delivering positive outcomes on its own estate. Again, although success cannot be entirely attributable to the Single Environmental Body, supporting and facilitating this kind of project should be among its top priorities. A success measure could be designed around:

- The number of active landscape scale conservation projects, and the extent to which they are delivering on their objectives (e.g. securing and improving biodiversity priorities in terms of numbers of individuals of priority species, and area and quality of priority habitat; securing co-operation of a number of public, private and voluntary sector partners; etc).

There will be ways of breaking down this measure, to assess how different actors are delivering components of the project – e.g. through monitoring the uptake and impact of Glastir. Another measure could be designed around the participation of the private sector, such as wind farm developers, water companies, minerals extraction companies. Again, success here could only be partly attributable to the single environmental body, but would give an indication of its strategic approach and influence.

- Delivery of biodiversity (and other) priorities through habitat management plans associated with development; contribution of habitat management associated with development to landscape scale conservation/restoration projects.

We hope that these initial thoughts on success measures are helpful, and look forward to contributing to more detailed discussions on the form and function of the new body.

From: Moutselou Evangelia [Lia.Moutselou@ccwater.org.uk]
Sent: 04 May 2012 12:56
To: SEB mailbox
Subject: CCWater final response to Natural Resources Wales consultation

Attachments: CCWater Response Single Body 300412.pdf

Hi Carrie

Please see our final response attached (and disregard the draft I submitted on 30 April please). We have made a change to paragraph 3.10 for more accurate reference to Living Waters for Wales.

Kind regards

Lia Moutselou
Policy Manager
Consumer Council for Water, Wales Committee/Cyngor Defnyddwyr D•r, Pwyllgor Cymru
1-6 St Andrews Place, Cardiff, CF10 3BE

Personal e-mail/E-bost personol: lia.moutselou@ccwater.org.uk

General e-mail/E-bost cyffredinol: wales@ccwater.org.uk

Tel/Ffon: (029) 20 239 852/0755 4405859

Fax/Ffacs: (029) 20 239 847

Website/Gwefan: www.cwater.org.uk

Twitter: <http://twitter.com/waterwatchdog>

CCWater Blog: <http://www.cwatertalk.blogspot.com/>

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>



Natural Resources Wales:

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

Welsh Government
Consultation

1 Introduction

- 1.1 The Consumer Council for Water (CCWater) is the statutory consumer organisation representing water and sewerage consumers in England and Wales. We have a committee for Wales and four regional committees in England.
- 1.2 We welcome the opportunity to respond to the consultation on proposed arrangements for a new single body¹ for the management of Wales' natural resources. We would like the opportunity to make additional contributions as more detailed proposals and objectives are defined in the process of the single body establishment.

2 Summary of CCWater response

- 2.1 We support the shift to an integrated approach to the management of resources, as described in this consultation and in [‘Sustaining a Living Wales’](#) provided there is no disbenefit to water consumers.
- 2.2 We note that institutional integration could simplify liaison arrangements (with the single body) for CCWater, the water industry and others; reduce regulatory burden and; through the integration of plans and management processes, help identify good value for money actions that deliver multiple benefits for water consumers, the environment and the water industry.
- 2.3 We would like more specific proposals on how this institutional integration and regulatory streamlining will be practically achieved and to be assured that the single body will be able to strike a balance between the views of the three bodies it will integrate.
- 2.4 We would not support faster pacing of environmental improvements and any change to existing environmental standards that water companies have to meet where this would add cost to water customers' bills and where their views have not been sought.
- 2.5 We would welcome further assurance that the transition to the single body will not disrupt continuity and consistency of input in the next water price setting process, including its consistent representation at relevant national and local price review and engagement forums.
- 2.6 The phased transition to the single body should consider the final Welsh Government's Wales Water Strategy, and the key stages in the development of the companies' Water Resources Management Plans (WRMP) and their business plans, with which the set up of the single body will coincide.
- 2.7 We welcome the emphasis on outcomes and value for money in the single body proposals. Clarity on priorities for environmental requirements during the next water price setting process could help deliver greater benefits and value for money for customers. Value for money for any work and projects paid for by water customers for environmental improvements should also be established before they are approved.
- 2.8 We think that the single body should have
 - Adequate mandate and capacity to deliver functions relating to the management of water resources, particularly the delivery of cost effective environmental

¹ Proposals for the institutional integration of Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales;

improvements that accurately tackle pollution causes;

- Adequate mandate and capacity for effective cross boundary catchment management solutions and guidance on climate change adaptation and mitigation;
- A clear commitment to encourage innovative and sustainable solutions to environmental issues in the water industry;
- A clear commitment to promote efficient use of water across sectors.

2.9 We would like to see single body objectives prioritise the development, process improvements and uptake of Glastir, and address any likely impacts of the Common Agricultural Policy (CAP) reform.

2.10 Welsh Government should prioritise research into the causes of environmental water pollution, where current investigations have identified that this is not the water industry. We also think it is good practice for water company research relating to water resources in Wales to be well coordinated with the single body.

2.11 We think it is important that cross border working arrangements remain strong and effective during and after the transition to the single body.

2.12 We would like assurance that expertise and knowledge on water industry and water consumer specific issues will be retained in the single body nationally and locally, and that we will have access to its expertise.

2.13 We would like to be represented on the external reference stakeholder group that will be set up during the transition to the single body.

3 Consultation Questions

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?

3.1 We support the shift to an integrated approach to the management of resources, as described in this consultation, provided there is no disbenefit to water consumers. We would support innovation and integrated resource management initiatives that deliver more for the environment and for water customers in a cost effective manner, e.g. surface water management and sustainable drainage initiatives that could minimise impacts on water customer bills and improve water and sewerage services by minimising risk of flooding, drinking water contamination and environmental water pollution.

3.2 We agree that there are likely advantages to the arrangements proposed in the consultation document and in 'Sustaining a Living Wales' Green Paper, as follows

- Simplification of liaison arrangements for CCWater, water companies and others who would have one body to liaise with (especially in the water price setting process and in discussions on Water Resource Management Plans) and, as result, greater consistency;
- A potential reduction in regulatory burden for the water industry and other parties with more time for action that delivers good water and sewerage services for customers that are good value for money;
- Integration of management plans and tools to identify specific actions that deliver

multiple benefits for water consumers, the environment and the water industry.

3.3 However, we are not in a position to assess whether the proposed changes will deliver the benefits as planned and we would like

- More specific proposals on how this institutional integration and regulatory streamlining will be practically achieved in the near future with specific reference to the water industry to understand any likely impact for water customers;
- That the single body can strike a balance in the views and policies of the three bodies it will integrate.

3.4 We would not support any change to the minimum existing environmental standards that water companies have to meet where this would add cost to water customers' bills and where this would amount to gold-plating the standards met in other countries across Europe. As we outlined in [our response to the consultation on 'A Living Wales'](#)², water customers have already shouldered the burden for a large proportion of the environmental improvements in Wales.

3.5 Where higher environmental standards and faster paced environmental improvements in Wales might be considered and could have significant impacts on the bills of water customers we believe that their views should be sought. Without customer acceptance of such changes the legitimacy of the single body could be compromised at the outset and Welsh Government's proposals for affordable water and sewerage services in Wales could be placed at risk.

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?

3.6 We think that the single body should be represented consistently at the Welsh Government (WG) Wales Water Industry Forum and, during the next water price setting process, at WG's Price Review 14 (PR14) Forum and the company customer challenge groups³. This could also help address any concerns about the transparency of decisions and its positions in relation to water prices.

Questions 3- What are your views on this phased approach? How could we improve on it?

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

3.7 We think that

- The set up of the single body in April 2013 should not impact adversely on the key stages of the water companies Water Resources Management Plans (WRMP) and business plan development (for the next price setting process) with which it will coincide;
- The single body's aim, objectives and strategic outcomes should reflect the final Wales Water Strategy and how the single body will contribute to its delivery.

² http://www.ccwater.org.uk/upload/doc/Living_Wales_response_FINAL.doc;

³ See CCWater's position on customer engagement during the next prices review: <http://www.ccwater.org.uk/server.php?show=ConWebDoc.2440>

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

3.8 We welcome the consultation's emphasis on identifying and delivering outcomes. The single body should provide CCWater, water companies and other parties with a clear steer on the priorities it would wish to see addressed, and the outcomes that will arise. We would like to be engaged in the definition of these outcomes that relate to the water sector and water resources (including for the next price review).

3.9 We also welcome the emphasis on value for money that comes through the single body proposals. We think that this should also mean that 'value for money' for any work and projects likely to be paid for by water customers to meet environmental standards should be proved before they are approved.

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

3.10 In delivering the functions summarised in Tables 1 and 3 of the consultation document we think it is important that the single body has the mandate and enough capacity to

- Accurately understand the causes for water quality failure so as to encourage sectors other than the water industry to play their part in environmental protection;
- Ensure that any decisions made to deliver environmental obligations are based on robust and realistic cost benefit analysis that takes into account all sources of pollution⁴;
- Ensure that environmental improvement measures implemented are sustainable in the long term;
- Ensure that any decisions made to deliver environmental obligations consider the impact on water customers' bills⁵;
- Provide guidance on how climate change adaptation and mitigation should be considered in the management of water resources in Wales, amongst other things⁶;
- Work across administrative boundaries to deliver catchment management solutions to environmental problems, where it is cost beneficial to do so.

3.11 We also think that the single body should have a clear commitment to encourage

- Innovation in the water industry, particularly measures such as sustainable drainage systems and surface water management, where these are cost beneficial for water customers, to meet required outcomes;
- The efficient use of water across all sectors and with the public by working in partnership with the WG, water companies, CCWater and other stakeholders.

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?

3.12 We would like single body objectives to prioritise the development, process improvement and uptake of Glastir for effective water management interventions and so that the cost of meeting Water Framework Directive requirements is shared more

⁴ Including: diffuse pollution from septic tanks, sewer overflows, agriculture, historic such as from mining as well as point source pollution

⁵ According to our CCWater Tracking Survey 2011, 1 in 7 customers in Wales tell us they cannot afford their water bills;

⁶ See [CCWater Representation to Dŵr Cymru Welsh Water's revise Water Resources Management Plan, January 2011](#);

fairly. Agricultural pollution is an issue in 16% of our failing water bodies⁷.

- 3.13 We would like to understand how any likely impacts of the Common Agricultural Policy (CAP) reform on Glastir in Wales will be managed. In [our recent response to the European Commission Freshwater policy Fitness check](#)⁸ we said that “*pollution from agriculture will be better addressed if the objectives of the WFD are integrated in the current revision of the Common Agricultural Policy (CAP)*”. Moreover we consider that “*water should be used as an integrating element between policies and sectors, and not be treated as an isolated resource. This would help to encourage all relevant parties to better share the responsibility for delivering water quality and quantity objectives.*”

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

- 3.14 If current investigations are inconclusive, we think the Welsh Government should prioritise research in unknown causes of good status water quality failures, which account for 19% of all failures in Wales⁹.
- 3.15 In line with [our previous comments](#), in our representation to the revised Dŵr Cymru Welsh Water (DCWW) revised WRMP, we think that co-ordinated and coherent research is very important: relevant water company research should be undertaken in close consultation with the single body now and in the future.

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?

- 3.16 We would welcome further assurance¹⁰ that the launch of the single body in April 2013, part way through the next water price setting process, would not disrupt it because of
- Management focus directed at integrating the systems and processes of the three merging organisations rather than on developing and delivering its strategic goals;
 - Loss of staff with relevant expertise both before and during the transition phase;
 - Lack of continuity in the single body’s representation at the PR14 Forum and local water company customer engagement groups;
 - Changes in organisational policies impacting on water companies’ business planning activities.
- 3.17 We think it is important that cross border (working) arrangements are and remain strong during and after the transition to the single body to ensure
- Consistency of environmental objectives and outcome delivery timelines that could impact on cross border water customers bills;
 - Coordination of input to the water price setting process and communications between the single body and legacy bodies in England;
 - Consistent contribution to the development of the National Environment Programme or equivalent to guide the water price setting process, and advice to Ofwat during and after the process;

⁷ Data from Environment Agency, ‘Living Waters for Wales’ Report, January 2012;

⁸ http://www.ccwintranet.org.uk/upload/pdf/CCWater%27s_responseFC_Consultation.pdf;

⁹ Data from Environment Agency, ‘Living Waters for Wales’ Report, January 2012;

¹⁰ We acknowledge that section 7 of the consultation document provides some information on how this could be addressed at a higher level;

- The continuity of cross border comparisons on environmental issues and water company performance;
- The continuity and strengthening of cross border arrangements and projects for the delivery of environmental improvements, e.g. catchment management initiatives and other integrated management projects.

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?

3.18 We value the contribution of Environment Agency Wales and Countryside Council for Wales to our work for water consumers in Wales. We would like assurance that expertise and knowledge on water industry and water consumer specific issues, e.g. water resources management, water efficiency and water company performance, will be retained in the new body and that we will have access to its expertise.

3.19 We would expect the new body to have representatives on company customer challenge groups and to strive for continuity of their input into these groups locally to ensure there is consistency.

3.20 We would like to be a member of the external references group, a stakeholder engagement arrangement, which will be set up to enable the transition to the single body.

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

3.21 We support institutional integration and simplification of regulatory processes as this could reduce regulatory burden. We would also like to see more specific proposals on how this regulatory streamlining will be achieved in order to understand the likelihood of impacts on water consumers.

Other comments

3.22 We will be submitting a separate CCWater response to the Welsh Government 'Sustaining a Living Wales' consultation.

4 Enquiries

Enquiries about this consultation response should be addressed to:

Lia Moutselou, Policy Manager
 Consumer Council for Water, Wales Committee, 1-6 St Andrews Place, Cardiff, CF10 3BE
 Tel: 029 20 239 852, Email: lia.moutselou@ccwater.org.uk

From: MIKE BROWNE [mike.browne2@btopenworld.com]

Sent: 30 April 2012 17:55

To: SEB mailbox

Subject: Natural resources Wales Consultation

Attachments: April 29thWalesconsultdocGCUKv1.doc

Attached comment by GeoConservationUK on the above document with no restriction on your use.

Mike Browne

ChairGCUK



April 30th, 2012

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

Brief comment from **GeoConservationUK (GCUK), the Association of UK RIGS Groups**

GCUK was set up in 1999 to support all UK Locally/Regionally Important Geodiversity Sites (LGS/RIGS) Groups. The initial aims of our Groups were to identify, survey, document and conserve LGS/RIGS in the UK working in partnerships with local authorities and other organisations. The groups also promote the establishment, management and conservation of LGS/RIGS for future generations with the specific intention of promoting interest in geodiversity and raising awareness of local geoh heritage. This is achieved through many activities such as publications, websites, indoor and outdoor events including 'green gyms' etc. Our organisation represents almost all the more than 50 county-based groups in the UK including those in Wales.

We very much welcome and applaud the All-Wales RIGS audit funded by the Welsh Assembly Government in partnership with AWRG and its members. These sites are of great importance to the people of Wales. They contribute to the greater understanding and enjoyment of Welsh geology, landforms (geomorphology), landscape and heritage (mining, built and cultural) and its underpinning geodiversity. The conservation of these sites and their context within the wider landscape is of great importance and will make a significant contribution to the tourism industry and to education and life-long learning.

GCUK welcomes the opportunity to briefly comment on the **Natural Resources Wales Consultation** Document. We are reluctant to enter into deeper analysis since there are Welsh organisations quite capable of speaking for themselves. However, we think it is appropriate perhaps to first reflect briefly on the content of the **Natural Environment Framework** (for Wales) paper. This is a good document in which Ecosystems Services are set in their proper context with geodiversity underpinning biodiversity and therefore clearly promoting the right kind of joined up scientific thinking and

actions. The value of geodiversity was set in a context in which goods and services were identified. GCUK and indeed the Scottish Geodiversity Forum place appreciative value on this useful document.

In this above context, we therefore have the following concerns:

We ask why has this consultation watered down the role of geodiversity so much so that biodiversity appears to be the only natural driver in ecosystems services? In particular geology, geomorphology and geoconservation basically are not usefully mentioned in the text.

We cannot believe that management of Welsh natural resources can be achieved without clear knowledge and understanding of them all. We have mentioned above the exclusion of geology and geomorphology but this document is light on key areas of the natural environment. These include aquifers, hydrogeology, and groundwater; minerals (mainly aggregates), hydrocarbons, coal, water and wind power (active processes) are all part of geodiversity. Marine matters are only briefly touched on but we are glad to see that seascape (and its conservation) are recognised. We understand that another process is looking after the marine environment. However it is legitimate to ask if there should really be a separate marine body?

GCUK also knows that in Wales the CCW, FCW and EAW have very few in-house geologists and related specialists who can provide the knowledge and experience of the applied science needed in ensuring sustainable economic development. In the context of societal requirements and managing the natural environment to the benefit of all, we will hope that the new body would be able to build links with other government agencies (e.g. BGS) and business. We wonder if those geoscientists working in CCW might not find themselves working in roles currently needed within EAW to the detriment of your natural heritage?

GCUK would strongly recommend that Wales follow the Scottish Geodiversity Forum's example, **Scotland's Geodiversity Charter**, and produce a Welsh Charter. The relevant Scottish Minister will launch the Scottish document in Edinburgh in early June. We, or the Scottish Geodiversity Forum can supply late draft of this document if required.

Mike Browne

Chair GeoConservationUK

The Studios,
53 High Street
Stourbridge
DY8 1DE

From: Jo Evans [jo.evans9@btinternet.com]
Sent: 30 April 2012 18:30
To: SEB mailbox
Subject: Emailing: CBG WG Natural Resources Wales consultation response
300412

Attachments: CBG WG Natural Resources Wales consultation response
300412.doc

Please find attached our letter from Ceredigion Bridleways Group in response to the consultation on proposals for establishing and directing a new body for the management of Wales' natural resources. A hard copy of the letter has also been sent.

Regards

Jo Evans (Ceredigion Bridleways Group Secretary)

Your message is ready to be sent with the following file or link attachments:

CBG WG Natural Resources Wales consultation response 300412

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

CEREDIGION BRIDLEWAYS GROUP

As a group of over 100 members we plan to raise the profile of horse riding; to campaign for safe and pleasant riding out in Ceredigion, and to promote access.

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

SEB@wales.gsi.gov.uk

30th April 2012

Natural Resources Wales - Welsh Government consultation on proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

We welcome the chance to comment on this consultation on the new single body replacing the Environment Agency, the Forestry Commission and the Countryside Council for Wales.

The Ceredigion Bridleway Group would be pleased to contribute, with other access and equine industry representatives, to stakeholder discussions in the future.

There are approximately 93,000 passported horses in Wales costing their owners on average £3000 a year (BHS data) which means the horse industry in Wales is worth at least £279 million each year.

BHS commissioned research shows that the vast majority (90 percent plus) of horse riders are female and more than a third (37 percent) of the female riders who took part in the survey were above 45 years of age. Horse riding and activities associated with horse riding, such as mucking out; expend sufficient energy to be classed as moderate intensity exercise.

Horse riding is especially well placed to play a valuable role in initiatives to encourage increased physical activity amongst women of all ages. Being outdoors and in contact with nature is an important motivation for the vast majority of horse riders.

General concerns

The consultation document is badly written and contradicts the other WG consultation on the function of the new body Sustaining a Living Wales. The language used is inconsistently defined and the document is not written in plain English.

We cannot understand the current “cart before horse” sequence of consultations. Why consult on the structure of a single body before the Sustaining a Living Wales consultation, which determines the function, is complete?

Natural resources to us, and as per your definition in the Definitions paper on the WG website, are the renewable and non-renewable products, such as gas, coal, gold and water, we get from our environment. They are not the cultural aspects such as landscape, access, recreation and tourism which are important to us.

We cannot then support your aim for the new body which is “To maintain, improve and develop Wales’ natural resources, to deliver benefit to the people and economy of Wales now and into the future”.

There is no mention of safeguarding the environment of Wales in the aim or clear commitment in the consultation document. We need a pleasant and accessible landscape to ride in, to maintain/improve human well being and to promote the horse industry in Wales in the countryside and within urban areas.

There should be clear reference to the new body having a duty to conserve the environment of Wales for human well being; and also because it makes economic sense. This consultation has been drafted in a defensive and old fashioned manner where it is assumed that environmentalists are at fault for stopping development hence all the reference for the need for balance and equitable sharing. Where is the evidence for this? Real world problems require good assessments of fact, good priority setting and common sense while respecting environmental limits. This then results in different priorities in different times and places and then appropriate management.

As sustainable development means different things to different people, and can potentially be used to justify any ‘green’ development , we do not believe that this concept alone can guide a new environmental body.

We need a new body which has a clear environmental remit and focus which clearly includes landscape, access, recreation and tourism. The new body would need to be independent of WG and capable of speaking out in defence of the long term needs of the environment and rural business. The new body would need to balance the short term economic and political gains against what is best for the environment and people of Wales in the long term.

The Ecosystem Approach, as defined in the Definitions paper, may help decision making but as it is untried and tested, it should be trialled first and monitored with feedback on actual outcomes.

Answers to consultation questions

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

We welcome the idea of more integrated management if it results in genuine cost savings in terms of public money and if the environment is at the centre of decision

making. We are not convinced that the business case allows enough slippage time and that the financial costs are correct. We welcome the creation of an **environmental** body to champion landscape, access, recreation and tourism. We cannot support a body based on resource planning without clear environmental aims and delivery mechanisms. See answer to question 4.

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

We are not aware of the concerns of rural/urban business, reliant on recreation, access and the landscape of Wales, having been identified previously. We are not aware of any survey of people's perceptions and aspirations for the environment having been taken into account. There is research linking green space and a healthy environment to good human physical and mental health and well being. These aspects do not appear to have been taken account of in this consultation document. There is no mention of the equine industry and associated rural and urban industry and only passing reference to landscape, access, recreation and tourism. This is despite the high importance of tourism in Wales and significant contribution to GDP as well as the lessons that should have been learnt from the foot and mouth outbreak. There is however a strong bias towards commercial forestry but no positive reference to the access, recreation and landscape work carried out by FCW. There is a suggestion that the new body champions renewable energy which seems remarkably insensitive bearing in mind the concerns in Powys, Ceredigion and elsewhere about proposed wind farm development within FC forestry plantation and associated major infrastructure which is likely to have a significant negative effect on access, landscape and tourism.

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

The phases appear to be in the wrong order and the process rushed. It would be better to agree the function of the new body first before appointing a Chair and Chief Executive. It would be better to use public money wisely and not rush important decisions.

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

No. See points above. We do not agree with the aim. The aim does not reflect the current legal duties and responsibilities of the bodies to be merged. The strategic outcomes are badly drafted and should be redrafted by competent professionals. The new body could not deliver natural resource planning even if it was agreed to be a good aim (in place of safeguard of the environment) as it does not have the required legal duties and responsibilities. Natural resource planning would be better delivered by WG through the Local Authorities.

Question 5: What are your views on the approach to the delivery framework?
We very concerned about WG 's approach as Annex 5, which provides the only basis to determine this, is incorrect and incomplete and does not have proper objectives and outcomes within it.

Question 6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?
No they are incorrect and badly drafted. They could be better drafted by competent professionals from the bodies.

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?
It would seem sensible to us for the new body to take over management of Glastir and for the scheme to be reviewed to improve uptake and to imbed significant improvements to the PROW network and landscape within the scheme.

Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them? No we would want clear commitment to maintaining expertise within the new body so that contracts can be managed and quality assurance can continue.

Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements? We agree with the intention that the new body should be independent of WG and able to object and give unpopular advice when needed to protect our environment. Decision making should be written and continuously open to public scrutiny and audit.

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

It would improve the quality of future consultations and proposals if there was proper stakeholder engagement. There should be analysis of who the key stakeholders are based on user numbers, expertise, area of land/water affected and economics. Key stakeholders who are currently active and knowledgeable should then be properly consulted and invited on to well managed work streams with clear objectives.

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

Strangely this section states “the new body would have a clear remit to protect the environment “which we agree with but which does not agree with the aim and ‘strategic outcomes’ listed on page 18 or other sentiments expressed through the consultation document. We do not agree that regulation at the point of delivery ‘balances’ all relevant interests as this implies a lack of objectivity and commitment to compliance and enforcement.

From a practical perspective we would support more **enforcement of existing legislation** so that public money and volunteers time is not wasted and access opportunities can be enjoyed by all legal users. We would not support simplification of legislation so that it is not effective at achieving its original objectives. We are particularly concerned about the lack of enforcement of legislation which should be

keeping our PROW in Wales open for local users and tourists. Refer to the low percentage of PROW open in ROWIP across Wales.

For example under the Highways Act 1980:-

s137 “ *if a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence* “

Local Authorities have a duty under the same act:-

s130, “*to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it*”

Reference IPROW Waymark Winter 2012 “*The most common reasons given for not taking action are lack of political will and perception that enforcement is expensive. There may be a cost in the first year, perhaps in training, setting up a protocol and in getting to grips with default action, future gain could quickly outweigh that cost, because most actively enforcing authorities find that after the first year or two, oddly enough, the number of cases to enforce against is dramatically fewer!*”

In addition to proper enforcement of existing legislation :-

The Single Farm Payment subsidy to farmers and thereby cross compliance should include the [legal] requirement to keep their PROW open in Wales as is the case in England.

Yours sincerely

Jo Evans
Secretary, Ceredigion Bridleways Group
Esgair Tanglwst
Rhydlewis
Llandysul
SA44 5RY

Jo.evans9@btinternet.com

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

Sent: 30 April 2012 18:50

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Emeritus Professor Brian Moss

Organisation (if applicable):

Retired, University of Liverpool

Email / telephone number:

brmoss@liverpool.ac.uk

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

I first proposed this in a 1995 paper (CARVALHO, L. and MOSS, B. (1995) The current status of a sample of English Sites of Special Scientific Interest subject to eutrophication. Aquatic Conservation: Marine and Freshwater Ecosystems 5,191-204.) Why is government so slow to take up excellent ideas?

There is no point to doing it unless you subdivide the organisation on a river catchment basis, with subdivision responsibility to the catchment as a whole not to the lobby areas of water management, nature conservation, agriculture, forestry etc. If you maintain the traditional subdivisions at a high level in your organisation I would interpret the whole thing merely as a cost cutting exercise: the same pawns rearranged in lower numbers. You also need to bring in the planning authorities and highways authorities too to make up genuine Catchment Authorities. You need properly based ecosystem driven targets (restoration of carbon storage, percentage of area restored to natural or semi-natural vegetation, priorities for ecosystem goods and services over landowner profitability, ecologically relevant targets to the Water Framework Directive (those of the present EA are inadequate as has been its entire approach) and a proper zonation system for land use. The present approach of multiple use is a compromise that merely brings multiple mediocrity.

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?:

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

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

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

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

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

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

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

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?:

Better to get on with it quickly with a firm objective at the start rather than a pussy footed approach which will allow the vested interests time to regroup and maintain the conveniences of their present stati quo

Your ultimate aim must be to restore ecosystem services that have been lost. Agriculture is not, incidentally, an ecosystem service; it is an anthrome service and , for example contributes nothing to carbon storage. Regulatory services are the key ones.

The minutiae of your bureaucracy are of least concern

They're simple data tables. They don't list functions. So your question seems very odd.

All governments spend far too little and waste their money on tame consultants rather than independent research. If a government wants to do something it will do it no matter how flimsy the evidence. If it doesn't want to it will keep demanding more and more research to delay action. The outcome will be the same no matter what the details of your proposals.

You need more scientists, fewer economists, a better grasp of our likely environmental future. Beyond that there are many ways to swing the cat. But beyond everything you need someone in charge who really believes this is the right thing to do..someone with fire not some fence sitting compromiser from the ranks of the great and the good. The issues are far more important than anyone in government has a grasp of.

Any body that talks in management-speak like 'stakeholders arrangements' is probably doomed from the start.

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

Too vague a question. What do you mean by 'aspects'? Being conceived under British law, the regulations will certainly have far too many loopholes for the clever but unscrupulous to get around. And sometimes the clever and unscrupulous includes government itself! But the proposal is a step in the right direction. I just hope it is not undermined from within.

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

From: Celia Thomas [CeliaT@pembrokeshirecoast.org.uk]

Sent: 30 April 2012 18:56

To: SEB mailbox

Subject: Natural Resources Wales Consultation response

Attachments: CT Single Body Response (Autosaved).docx

FAO

Carrie Moss

Living Wales Programme Team

Please find attached my personal response to this consultation.

Yours

Celia Thomas

Website www.pembrokeshirecoast.org.uk

Follow us on [Twitter](#)

Join us on [Facebook](#)

Watch us on [Youtube](#)

Look at us on [Flickr](#)

This email and any attached files should only be read by those persons to whom they are addressed and be used by them only for their intended purpose.

If you are not the intended recipient please destroy all copies and inform the sender by return email.

Please note that the contents of this email may be subject to public disclosure under the Freedom of Information Act 2000 and therefore the confidentiality of this message and any reply cannot be guaranteed.

For further information on the PCNPA please visit our website at www.pembrokeshirecoast.org.uk

Please consider the environment before printing this email

Dim ond y personau hynny yr anfonwyd yr e-bost hwn atynt ac unrhyw ffeiliau sydd ynghlwm ddylid eu darllen, a dim ond hwy ddylid eu defnyddio at y diben y bwriadwyd hwy.

Os nad y chi yw'r person y bwriadwyd eu derbyn a fyddech gystal â dinistrio pob copi a rhoi gwybod i'r anfonwr gyda throad yr e-bost.

Noder os gwelwch yn dda y gall cynnwys yr e-bost hwn orfod cael ei ddatgelu i'r cyhoedd o dan Ddeddf Rhyddid Gwybodaeth 2000 ac felly ni ellir gwarantu cyfrinachedd y neges hon nac unrhyw ateb.

Am ragor o wybodaeth am APCAP ymwelwch â'n gwefan ar www.pembrokeshirecoast.org.uk

Ystyrier yr amgylchedd cyn argraffu'r e-bost hwn os gwelwch yn dda.

Consultation Response

Natural Resources Wales

Celia Thomas

Factors Driving Change

The need to modernise, provide a Welsh focus and ensure value for money in the delivery of natural resource management and regulation is a fine ambition. This does not necessarily have to be achieved in one hit, nor does it have to do away with all the tried and tested mechanisms we currently have to manage our environmental resources. Creating a new focus for delivery and then legislation to support this might suggest better ways of doing what we currently do within the three existing bodies and the Welsh Government. However managing our natural resources better must include agricultural land which accounts for 80% of the land area of Wales. Creating a new body responsible for ensuring the Living Wales Framework is delivered in a streamlined and accountable fashion is flawed if agriculture is out with the remit of this new body, therefore agriculture must be brought within the role of the new body as soon as practically possible. There is no other bigger factor than this affecting delivery of a sustainable Wales in terms of management of our environment and the natural resources therein.

The purpose of the new body

The first purpose of the new body must be to ensure our countryside is delivered to future generations in a better state than it is now, at a time when we have as yet failed to meet our biodiversity targets. This is not to say current incumbents' have failed but they have not necessarily had the means nor resources to achieve the desired outcomes.

The new body must have access to resources to achieve these in the future. In real terms whilst bees might have a commercial value, few other invertebrates do and yet they are necessary for the survival of our diverse countryside.

An ecosystems approach must by definition consider the functioning of the whole and of all the parts within it, everything we are dependent on for life here in Wales and perhaps further afield (we have national UK and international responsibilities too). So the Single Body must have at its heart the long term sustainability of the environment and the natural processes and biodiversity that support a functioning natural world. The natural world underpins our landscape here in Wales, a landscape long influenced by man and his culture. As such whilst we might be able to 'value' some of the elements that this underpinning environment provides for us, it is dangerous to suggest that we can trade in our biodiversity, the natural living world as a 'support service'. The new body must therefore understand that some things are sacrosanct and cannot be traded as other services might be.

The new body must also be able to influence agriculture the main land use in Wales to be able to achieve its first purpose against which other outcomes are balanced. Without this direct influence we already know we cannot improve the environmental credentials of the wider countryside. This has to be a key aim of the new body as

without a well networked countryside in terms of biodiversity we cannot deliver a sustainable environment.

Designation of our special sites and species has prevented many losses and is a useful tool to ensure these special resources are recognised and managed to perpetuate their unique attributes.

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?*

Integrated land management is vital for a sustainable countryside. Until agriculture is brought within the remit of the Single Body I question whether this can be achieved.

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

The Forestry Commission has had a substantial role in supporting the forest and timber industries in Wales. This contributes substantially to the Welsh economy hitting well above its weight. This does not sit easily within a Single Body that does not have a commercial arm in any other area. Whilst emphasis has been made that this will not suffer, this comes across as a bias towards commercial forestry rather than a role that necessarily aligns with the rest of the SB's functions. This is one area that demonstrates the cart before the horse syndrome of setting up a body before we know what we want to deliver and how we can best deliver it.

Regulation will always be necessary. How it is delivered has more to do with how stifling it is than how much there is. Having to deal with different bodies, different uncoordinated regulations (Felling of trees for example is covered by TPOs and Planning dealt with by Local Authorities including National Parks and Felling Licences' which are the FC responsibility) invariably increases the red tape involved.

Transparency issues are easily dealt with through consultation processes.

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

Consultation on the various changes should be undertaken well ahead to ensure that the most appropriate decisions can be made. Instead we have green paper going through at the same time as the Single Body is being consulted on, making it difficult to ensure a staged approach is thought through in the light of incremental changes.

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

It is nowhere clear the distinction between the need to ensure we perpetuate a functioning (in all its part) natural environment and the use of this to support the economy. This has already led to the idea that we can trade our biodiversity for an economic benefit if this can be justified. It needs to be stated that there will be times when environmental benefits have to take priority, we need more biodiversity for long term sustainability not less than we have now. This is not stated clearly enough. Balancing is only possible if we fully understand our responsibilities to and the functioning of our natural environment and most of us don't yet get this! Therefore ensuring that there is adequate education and training to support the delivery of this very admirable concept is required.

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

It does not include Agriculture and the 80% of Wales that this covers, therefore the delivery framework is not integrated. It will required a lot more input once the conceptual elements have been properly articulated.

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

At this stage it is impossible to say if this is appropriate or complete. For example the position of National Parks and AONBs has not yet been considered in relation to site designation and the wider picture.

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?

It makes sense to rationalise local Wales delivery of national wildlife, animal health and plant health issues, bringing them together in a one stop shop rather than having to deal with several different agencies depending on whether you are a forest owner or run a plant nursery for example. A more unified approach would be good.

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

It is a bit 'pic n mix' as described but hopefully this can be developed over time.

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?*

One of the problems of having a body with such a wide remit and bearing in mind that agriculture somehow needs to be brought into the mix, it is a big ask for one board to have the expertise to ensure all the areas are adequately covered and given the weighting required, possible perhaps, but not easy. This should be reviewed with the benefit of hindsight as things develop.

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

The Forestry Commission example (WSAP) has not only worked but has built a foundation of experience and knowledge with the industry that has certainly helped develop a strategic framework and its ongoing monitoring.

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

Currently all bodies manage transparent regulation and self permitting. This may be easier and more consistent in approach in a bigger body than currently in the separate bodies. Separation of roles in all regulation is required including SEA's. In addition providing advice and then consent should help limit time wasted. This is already the case with planning applications to a degree. Providing the advice upfront and encouraging engagement early on should shorten not lengthen an application and providing this happens and advice given is consistent (one of the biggest complaints in planning applications) then there should be only benefits.

Celia Thomas 30/04/2012

Rhyd y Beinw

Bridell

Cardigan

SA43 3DF

01239 615024 / 07866771030

From: rsoibaen [rsoibaen@rsoibaen.plus.com]

Sent: 30 April 2012 21:01

To: SEB mailbox

Subject: Consultation of SEB

To whom it may concern,

I am currently employed in NLS Llanelli Lab, an analysing laboratory in South Wales. To my knowledge the lab is being considered as one of the possibilities as the laboratory service provider for the SEB in Wales. This is good news during such uncertain times considering the lack of jobs particularly in such a specialised field.

However I still remain apprehensive because of the fact that since the start of the SEB, we have since discovered that the NLS, who currently govern us, have decided to move from the 4 lab setup they have now, to a 3 lab arrangement.

We were not aware of this until just recently in the last few months.

The reason this concerns me is that the building we are working in is actually owned by the Environment Agency, our biggest client, who are already earmarked to become part of the SEB.

If the lab at Llanelli isn't part of the SEB then we could be rendered homeless from April 2013 when the SEB comes into effect, particularly if the site is needed for offices for example, for the new SEB.

I am therefore writing to inform you of the situation as the worst case scenario for Llanelli lab would be the unemployment of around 35 staff members all of whom offer a wide range of time served expertise.

Many thanks for your time in this matter.

Regards

Sian Craig

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

Sent: 30 April 2012 21:40

To: SEB mailbox

Subject: SEB Consultation online form

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

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

(Unchecked)

Your name:

Andrew Blake

Organisation (if applicable):

Wye Valley AONB Partnership

Email / telephone number:

aonb.officer@wyevalleyaonb.org.uk

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

The Wye Valley AONB Partnership believes the proposals have the potential to provide positive benefits for Wales and its outstanding landscapes. We support the innovative focus on sustainable development, natural resource management and the ecosystems approach. However we are concerned that there are few direct references to landscape in the document, and none to Protected Landscapes. The Wye Valley AONB Partnership works closely with CCW and Natural England and the Environment Agency and Forestry Commission on both sides of the border. However the Wye Valley AONB Partnership has experience from the establishment of Natural England in 2006 that raises a number of areas of concern. These are elaborated on in Question 2, but the overall impression the AONB Partnership had following the merger of Countryside Agency, English Nature and the Rural Development Service into Natural England was that the Partnership lost 3 focused and supportive allies and ended up with nobody knowing who to contact for what or where or how. Five years on we continue to find that some roles and responsibilities and lines of communication in Natural England remain unclear. The experience of other AONBs in England also highlights that expertise in Protected Landscape management has got lost in the creation of Natural England as an integrated environmental body in England. We would share this concern about the single environmental body for Wales.

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

The dangers or lessons to be learned from the establishment of Natural England are that the organisation:- a) lost its expertise; following re-organisations, exacerbated by ensuing redundancies and centralisation of services b) lost its environmental focus; trying to re-prioritise to impress its political masters and implement budget cuts rather than responding to, or even setting, the environmental agenda c) lost its policy context; due to it rejecting all previous policy statements from the constituent organisations and subsequently not having any policies or positions to resort to as advice or statements. As a consequence the new body lost much of its credibility and suffered from an enormous loss of staff morale. Whilst it is recognised that the new body in Wales will be different to Natural England, and it will need a new identity, it should avoid the temptation to dislodge the good staff, good practices and established knowledge of its constituent organisations.

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

While the phased approach seems rational we would reiterate the concerns raised in Question 2. If a phased approach means that the new body has to in a constant state of review and re-organisation then this is likely to be a negative factor for natural resource management in Wales.

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

The Wye Valley AONB Partnership accepts that the ‘conservation, restoration and enhancement of landscapes and seascapes’ is listed as an organisational function but are concerned that there is no positive reference at all in any of the supporting text to the internationally important landscape assets that cover 25% of Wales’ surface area or the Area of Outstanding Natural Beauty (AONB) and National Park designations in place to ensure their management. Similarly we are concerned that there is no strategic outcome that reflects the natural beauty of Wales, its landscape, or its aesthetic value. While it is possible to identify natural beauty and the aesthetic value of landscape through association with various ecosystems good and services, this is not explicit in this document and the lack of reference to natural beauty and landscape is considered a significant omission. Likewise there is no reference to the promotion of understanding and enjoyment of the qualities of the landscape, not even of the Protected Landscapes, which should be an integral role of the Single Body. We are also very concerned that Annex 2 section 1.1.2 of the document is significantly misleading in

that it only makes reference to the original purpose of AONB designation, as set out in the 1949 National Parks and Access to the Countryside Act, without including any reference to subsequent legislative changes that have made a material difference to the way the designation now operates. The Wye Valley AONB was not designated on the basis of ‘preservation’ but on ‘conservation and enhancement on the natural beauty’. AONBs are, and have been for a long time, enabling designations rather than restrictive or regulatory instruments. The text in the document is significantly misleading and could negatively influence uninformed readers.

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

The approach seems valid but again it is disappointing 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.

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

The Wye Valley AONB Partnership is concerned that the function of CCW, as expressed in Section 130 (2) of the Environmental Protection Act 1990 do not appear to be explicit in the tables 1 to 3. 130 (2)The Countryside Council for Wales shall discharge those functions— . (a)for the conservation and enhancement of natural beauty in Wales and of the natural beauty and amenity of the countryside in Wales, both in the areas designated under the National Parks and Access to the Countryside Act 1949 as National Parks or [F2under the Countryside and Rights of Way Act 2000] as areas of outstanding natural beauty and elsewhere; . (b)for encouraging the provision or improvement, for persons resorting to the countryside in Wales, of facilities for the enjoyment thereof and for the enjoyment of the opportunities for open-air recreation and the study of nature afforded thereby; . and shall have regard to the social and economic interests of rural areas in Wales. (3)The reference in subsection (2) above to the conservation of the natural beauty of the countryside includes the conservation of its flora, fauna and geological and physiographical features. Overall we believe that there is a challenge for the new body between being a delivery / enabling agency and a regulatory authority. All three constituent organisations already have an element of this, therefore there are examples of good (and not so good) practice existing within the constituent organisations and good practice should be recognised, shared and incorporated into the new body.

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

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

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

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

The Wye Valley AONB Partnership welcomes the assertion that there are no proposed changes in relation to the Environment Agency's navigation functions on the River Wye. We will obviously work closely with the new body and the Wye Navigation Advisory Committee in the run up to 2014.

The Wye Valley AONB Partnership requests that the new body provides the Protected Landscapes with both combined and disaggregated data for each AONB and National Park. This would help inform the Welsh Government on how Wales' most outstanding and protected landscapes are being managed and identify issues and trends to target interventions through the new body and the Protected Landscape partnerships.

As the only cross-border Protected Landscape partnership we welcome the recognition of cross border issues and emphasise the importance for the new body of working effectively at a landscape, UK and European scale with counterparts across the border. Additional to the above point we are surprised that the Offa's Dyke Path National Trail, which regularly crosses the English Welsh border, is not mentioned.

It is reassuring that the continuity of business is stated as being important for the shadow body, but that imperative needs to continue with the new body to ensure sustainable management of Wales' natural resources. It should be recognised that there are a wide range of other partnerships and committees that the three constituent organisations may sit on, as members or in an advisory capacity, formally or informally. The shadow body will need to make a thorough assessment of how the new body will represent itself on those partnerships. It will need to ensure that the respective interests, expertise and functions of CCW, EA(W) & FC(W) are not lost to those partnerships, with the consequential loss of input or advice into the management of Wales' natural resources. As highlighted in Question 1 many AONB Partnerships in England found that following the creation of Natural England a partnership lost 3 focused and supportive advice agencies and in place got one point of contact without necessarily the requisite knowledge or expertise to fully advise the Partnership.

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

No comment

The Wye Valley Area of Outstanding Natural Beauty (AONB) is one of the eight nationally protected landscapes in Wales. Areas of Outstanding Natural Beauty and National Parks share the highest level of protection in relation to landscape and scenic beauty. The primary purpose of AONBs (and National Parks) is to conserve and enhance natural beauty. The lower Wye Valley is renowned as one of the most attractive lowland landscapes in Britain, covering 328 km² (128 sq miles) between Chepstow and Hereford. The Wye Valley AONB, designated in 1971, is unique in straddling the border between England and Wales and incorporates parts of the counties of Herefordshire (46% of the AONB), Monmouthshire (36%) and Gloucestershire (18%). The lower Wye Valley is therefore both one of the 5 AONBs in Wales and one of the 37 AONBs in England. The Wye Valley AONB is managed by a Joint Advisory Committee (JAC). The JAC is a strong cross-border partnership of local authorities, government agencies (including CCW, EA & FC) and co-opted members consisting of interested local organisations. The JAC oversees the implementation of the statutory AONB Management Plan by the AONB Unit and other partners and advises on issues, policies and strategies. The AONB Unit also services a number of sub-groups and working groups of local experts and interested parties (including CCW, EA & FC). The term 'AONB Partnership' is used to refer to all the partners engaged directly in the management and governance of the AONB. Core funding for the AONB Unit is provided by Countryside Council for Wales (CCW), the Department for the Environment, Food and Rural Affairs (Defra), Forest of Dean District Council, Gloucestershire County Council, Herefordshire Council and Monmouthshire County Council.

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

From: julian glantz [glantzj_uk@yahoo.co.uk]

Sent: 30 April 2012 22:06

To: SEB mailbox

Cc: Richard Evans

Subject: Re. Formal response

Attachments: IMG-signed.pdf; signed Llanb.pdf

Dear M s. Moss

Attached please find signed letters endorsing and supporting the formal response submitted by FERAC ; from the Llanbrynmair Angling Club and The New Dovey Fishery Association respectively.

On behalf of R. N. Evans

J. Glantz

The New Dovey Fishery Association (1929) Limited

Y PLAS, ABERYSTWYTH ROAD, MACHYNLLETH, POWYS, SY20 8ER.

RICHARD N. EVANS
Hon. Secretary.
TEL. / FAX: 01654 702721

Office hours: Mon. & Fri. only
10a.m. – 12noon
(except Bank Holidays)

Dear Ms Moss.

Formal Response to Welsh Government's Public Consultation on 'Natural Resources Wales'

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to cover fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters – as identified in the Welsh Fisheries Strategy approved by Welsh Government in 2008.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should have far greater influence in helping Welsh Government to develop future land-use management strategies and practices and that it should be more directly involved in their implementation
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Hon. Secretary

LLANBRYNMAIR ANGLING CLUB

Chairman

Mr E. Lewis

Tel. 01650521385

Secretary

Mr R. Evans

Tel .01654700124

Treasurer

Mr A. Ashton

Tel. 01650521319

Dear Ms Moss,

Formal Response to Welsh Government's Public Consultation on 'Natural Resources Wales'

From; Richard N Evans, Hon Secretary, Llanbrynmair Angling Club.

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to cover fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters – as identified in the Welsh Fisheries Strategy approved by Welsh Government in 2008.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should have far greater influence in helping Welsh Government to develop future land-use management strategies and practices and that it should be more directly involved in their implementation
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Richard N. Evans

Hon. Secretary

From: HUW EDWARDS [heds@btinternet.com]

Sent: 30 April 2012 21:43

To: SEB mailbox

Subject: RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT.

Attachments: CONSULTATION%20EA,FC,CCW[1].docx

RESPONSE TO “NATURAL RESOURCES WALES” PUBLIC CONSULTATION DOCUMENT.

Copies of the full consultation document (Natural Resources Wales) can be downloaded from www.wales.gov.uk.

Deadline for replies = 2nd May 2012. Either by e-mail to SEB@wales.gsi.gov.uk or by post to *Carrie Moss, Living Wales Programme Team, Department for Environment and Sustainable Development, Welsh Government, Cathays Park, Cardiff CF10 3NQ*

Dear Minister,

Formal Response to Welsh Government Public Consultation on ‘Natural Resources Wales’.

Cefni Angling Association.

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales’ Natural Resources’.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

H Edwards

On behalf of Cefni Angling Association

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

Sent: 30 April 2012 23:35

To: SEB mailbox

Subject: SEB Consultation online form

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

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

Your name: Philip Oliver

Organisation (if applicable):

Email / telephone number: oliver485@btinternet.com

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

It should result in more efficient, coherent monitoring (less duplication, greater certainty that the necessary monitoring is being done by someone) There will be some reduction in duplicated effort and potential for greater economies of scale if done right. It will allow a more consistent approach to environmental regulation, a more focused ownership of this activity in Wales. It will also mean that enforcement action will fall to a single organisation so the buck cannot be passed from one organisation to the other (i.e. it will be more difficult to avoid the important, but unpleasant tasks that need doing)

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?:

An additional risk from essentially combining the organisations is a loss of “back up” with regard to considering environmental issues. By that I mean to say that where two, or more, of the current organisations are statutory consultees, for example in the case of EIAs, then there are two chances of environmental/conservation issues being identified (we are dealing with different people who work for the different organisations with different skills and knowledge). It is also true to say that two responses supporting each other are likely to carry more weight than a single response. A single body may result in a reduction in influencing capacity of the environmental regulation sector. This may be seen as a reduced bureaucracy by developers but will in reality lead to a greater risk to the environment of Wales.

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

Seems a sensible approach to avoid rushing in to things which could result in a mess and a poor deal for all concerned. It is also important things move along fairly swiftly as pressures on the three organisations through uncertainty and lack of staffing (due to a freeze on recruitment) mean that stress in the workplace is becoming the norm – this is not sustainable and is already taking its toll.

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

Yes

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

It makes sense. As always this framework would have to be fairly generic and as such, in some areas at least, would be open to misinterpretation.

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

There is no explicit mention of powers/functions in relation to gathering environmental data/environmental surveillance/habitat monitoring (e.g. water quality testing, habitat quality assessment, species surveys/monitoring)

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?:

Separation of licensing currently makes the area complex. If this could all be brought into the single body this would make it clearer to the public and consistent with the body's perceived role. That said there would need to be a clear separation between licensing and operational aspects of the business that would mitigate for any conflict of interests. This would be consistent with plans for self permitting in other areas (see my response to question 11). Agri environment schemes and sea fisheries regulation must be well integrated with the duties/responsibilities of the Single Body if the aspirations of for the Welsh environment are to be met. This may be done through close working of the Body and WG departments, but ultimately it would be more efficient and aid consistency if these areas were the responsibility of the single body as directed by WG.

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

Seems broadly sensible and should aid avoidance of duplicated effort.

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?:

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

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

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

It is important that the Single Body is at arms length from WG. It is also important that the organisation is audited by an independent auditor at regular intervals after any probationary period in order to maintain quality, allow improvements and reduce gradual drift to excessive bureaucracy and duplication of effort and other poor practices.

The stakeholder base needs to be broad and well balanced. There must also be investment in the stakeholders of the future to secure long term success. We need to educate and engage children early.

A reduction in bureaucracy is a positive move. There is definite potential for conflict of interest when self consenting and self regulation and some areas should be open to WG call in, but others should be left for departments to police each other, as is done to some extent now. This must be facilitated however by ensuring there are independent management lines to a high level, that whistle blowing is facilitated and that WG undertake the occasional audit.

The single body must be able to give financial grants (as CCW does at present). EAW cannot legally give grants at present. The setting up of official partnership projects between the SB and other organisations must be a simple process (at present this is a bureaucratic nightmare) The Single Body must be sufficiently resourced so that it will be able to routinely audit those it regulates so they do what they are supposed to (i.e. follow permit conditions) and take enforcement action when necessary so that environmental regulation is taken seriously and is not just seen as a box ticking exercise. The single body must be seen to be firm but fair. It must have a decent set of teeth that it does not have to use very often because those being regulated know they are being asked to act within reasonable constraints and that there are real and serious consequences if environmental permits/wildlife legislation are flouted. The single body's environmental monitoring role should extend to directly monitoring certain types of development for in combination environmental impacts. An example being monitoring the effects of multiple wind farms on bird populations through routine monitoring of bird strikes. Keeping tabs on the cumulative effects of

developments will be important in securing the Welsh environment. Another similar role would be to keep an inventory of losses of priority habitats through development and where compensation has taken place to keep tabs on the overall situation. Another role that is warranted would be to act as auditor of other public bodies with regard to compliance with environmental legislation such as NERC duty.

From : Lindsay Jane [linccoex@hotmail.co.uk]

Sent: 01 May 2012 08:31

To : SEB mailbox

Subject: Consultation.

Importance : High

Attachments: RESPONSE TO.docx

RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT.

Copies of the full consultation document (*Natural Resources Wales*) can be downloaded from www.wales.gov.uk.

Deadline for replies = 2nd May 2012. Either by e-mail to SEB@wales.gsi.gov.uk or by post to Carrie Moss, Living Wales Programme Team, Department for Environment and Sustainable Development, Welsh Government, Cathays Park, Cardiff CF10 3NQ

Dear Minister,

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'

Geoffrey Thompson, Secretary, Cowbridge & District Angling Club.

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Geoff Thompson.

On behalf of Cowbridge & District Angling Club.

From: Tim Howard [Tim.Howard@archaeologists.net]
Sent: 01 May 2012 09:04
To: SEB mailbox
Subject: IfA Response to Consultation on Natural Resources Wales

Attachments: IfA Response to Natural Resources Wales consultation.doc

Dear Ms Moss,

Please find attached the response of the Institute for Archaeologists (IfA) to the consultation on Natural Resources Wales - Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources.

If there is anything further that I can do to assist please do not hesitate to contact me.

Best wishes,

Tim Howard

Tim Howard LLB, Dip Prof Arch
Policy Advisor
Institute for Archaeologists

t: 0118 3786446 f: 0118 3786448 www.archaeologists.net

Registered Office: SHES, University of Reading, Whiteknights, PO Box 227, Reading, RG6 6AB

[IfA-Conference-2012-email-v2](#)

Have you booked your place at the IfA Annual Conference? Go to www.archaeologists.net/conferences/2012booking to reserve your place...

Registered office: SHES, University of Reading, PO Box 227, Reading, RG6 6AB Tel: 0118 3786446
The Institute for Archaeologists is a trading name of the Institute of Field Archaeologists, a company limited by guarantee: registered in England Number 1918782

a professional institute for the study and care of the historic environment



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

seb@wales.gsi.gov.uk

01 May 2012

Dear Ms Moss,

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

Thank you for the opportunity to comment on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. IfA's Wales / Cymru Group has over 100 members practising in the public, private and voluntary sector in Wales.

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

The Institute's response relates solely to the implications of the proposed arrangements for the historic environment and only addresses the first of the consultation questions.

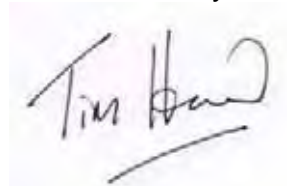
Question 1: What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

IfA welcomes the reference in Table 3 to the *'economic, social and cultural interests of the people of Wales, including the desirability of conserving buildings, sites, landscapes and objects of archaeological, architectural, engineering or historical interest'* as one of the main factors to which the new body will have to have regard in exercising its functions.

However, the consultation document provides little to suggest that, organisationally as well as substantively, there is a holistic approach to the environment encompassing both the natural and the historic environment. The terms of reference of any new body should recognise the need for such an approach and clear links need to be established at the outset between the new body and Cadw (whose role in relation to the historic environment of Wales IfA fully supports). Without such recognition attempts to achieve truly integrated management of the environment cannot be fully effective.

If there is anything further that I can do to assist, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch
Policy Advisor

From: Bob Montgomery [Bob_Monty@stvr.co.uk]

Sent: 01 May 2012 09:34

To: SEB mailbox

Cc: David Griffiths; Mike Evans

Subject: CONSULTATION EA,FC,CCW_TTA response.doc

Attachments: CONSULTATION EA,FC,CCW_TTA response.doc

Dear Sirs,

Please find attached our comments on the Welsh Government Public Consultation on Natural Resources Wales'

Regards

Bob Montgomery & David Griffiths

TTA Secretary TTA Conservation Officer



Teifi Trout Association

(Established 1925)

Adpar Hill House
Adpar
Newcastle Emlyn
Ceredigion
SA38 9EL

Dear Minister,

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'.

From Bob Montgomery TTA Secretary & David Griffiths TTA Conservation Officer

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

On behalf of the Teifi Trout Association

President: Mr. E.A. Fitzwilliams, Old Cilgwyn, Newcastle Emlyn, Ceredigion SA38 9EW
Chairman: Mr. M. Evans, Dolwar 8, North Parade, Aberaeron Ceredigion SA46 0JP
Treasurer: Mr. R. Montgomery, Adpar Hill House, Adpar, Newcastle Emlyn, Ceredigion SA38 9EL
Secretary: Mr. R. Montgomery, Adpar Hill House, Adpar, Newcastle Emlyn, Ceredigion SA38 9EL

01239 710244
01545 571083
01239 710489
01239 710489

From: Elizabeth Webster [elizabeth.webster@denbighshire.gov.uk]

Sent: 01 May 2012 09:59

To: SEB mailbox

Subject: Response to Natural Resources Wales from Denbighshire Countryside Service

Attachments: Natural Resources Wales - DCS Consultation Response.doc

Hello,

Please find attached the response to the Natural Resources Wales consultation from Denbighshire Countryside Service.

Thanks,

Lizzy

Lizzy Webster

Swyddog Bioamrywiaeth / Biodiversity Officer

Gwasanaeth Cefn Gwlad Sir Ddinbych / Denbighshire Countryside Service

Adran yr Amgylchedd / Environment Directorate

Ffon / Tel: 01824 708263

e-bost / e-mail: elizabeth.webster@sirddinbych.gov.uk / elizabeth.webster@denbighshire.gov.uk

Gwefan: www.bioamrywiaethysirddinbych.co.uk

Website: www.biodiversityindenbighshire.co.uk

Facebook: North East Wales Biodiversity Network

Twitter: NEWBioNet

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

Consultation response from Denbighshire Countryside Service 27 April 2012

Denbighshire Countryside Service is a Local Authority based countryside management service with functions covering the areas of biodiversity, archaeology, tree management and Coed Cymru, countryside access, interpretation and education, social and community engagement and the management of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty.

We welcome the opportunity to comment on the Natural Resources Wales consultation and the crucial issue of a new environmental body in Wales. In relation to this consultation and on the issues of 'landscape protection' and the 'conservation and enhancement of natural beauty', the Service fully supports and endorses the views expressed in the consultation responses from the Joint Advisory Committee for the Clwydian Range and Dee Valley AONB and the wider views of the National Association for Areas of Outstanding Natural Beauty. They are well put and we do not seek to repeat all of them here. We also support the views expressed in the North East Wales Biodiversity Network's response to this consultation.

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

The creation of an integrated environmental body has potential to be very positive for conservation in Wales however it is important that we retain what is already working within the three separate organisations and improve or change ineffective or overly bureaucratic processes. The gaps between the agencies need to be filled-in effectively, retaining the "best bits" of all.

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

There is value in the existing local offices for each organisation enabling access and regular contact with staff from all three organisations. Concerns have been raised that this access to local staff and expertise could be reduced, limited or lost in the new body. If this was to happen it would almost certainly have negative impacts on local service delivery.

It is essential that the new body does not become purely regulatory; it should be responsible for regulation, vision and innovation. For example, CCW currently has experimental powers to undertake research that it considers important. Forest research also undertakes invaluable research in tree health and climate change and provides essential technical advice on topics such as flood alleviation and promoting natural woodland regeneration. These are important elements that should be retained in the new body and in Wales.

There is concern that the new body would not be independent of the WG and would therefore be restricted by the WG. The new body needs to have grant giving and research powers.

A real improvement would be to bring consenting timetables in line with the relevant planning consent/committee timetables for the planning applications in question. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly.

A suggestion would be to unify consents into one issued by the new single body which would have a separate planning support function dedicated to this. Such functions would need to have close association with the LPA emphasising the need for local offices or even relevant single body officers being based in each LPA.

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

General feeling is that the timeframe for the changes is very ambitious.

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

Proposals should ensure that the environment is able to deliver a healthy effective future ecosystem; this should be the main priority and should be included in the aim. A healthy diverse ecosystem should be the principle aim of the single body.

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

There is a need for a strategic spatial plan framework to set the context and a requirement for appropriate skills at a local level.

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

The 2020 Biodiversity Objectives are not addressed in the functions described.

Research functions and monitoring functions are not covered in the tables

Conservation and invasive species grants are not covered in the functions, at present these grants fund a high proportion of local conservation project delivery.

Question 7: What are your views on our proposals for changes to Welsh government functions, including Marine and Wildlife licensing and tree and plant health? How could they be improved?

We can see real benefits to the single body dealing with all marine and derogation licencing, particularly with respect to sites such as the Dee Estuary.

However we feel there are a range of statutory organisations in existence which have not been considered, what is the role of CEFAS for example?

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

While we agree WG must be aware of single body research requirements and vice versa. The single body must be able to commission its own research without the sanction of WG. What about Defra commissioned research? The role of other organisations research can not be compromised e.g. FERA

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

It is agreed that the single body must have an independent board.

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?

Without any further information we would broadly agree. Local flexibility to take local circumstances into account is essential. Local biodiversity action planning and partnerships are key stakeholders and NEF delivery mechanisms.

Recognition of the need for effective engagement with stakeholders - which is described as 'essential to the success of the new body' - is welcomed (p.30-31). However, it is disappointing that the importance of long standing partners such as local authorities in delivering front line services through grant aid from bodies such as CCW appears to be overlooked. This is particularly relevant to the management of AONBs in Wales, which currently receive considerable support through direct grant aid from CCW, but also adjacent countryside and urban fringe areas which experience significant recreational pressures. Although Table 2 acknowledges that the new body will have general powers to give grants (p.43), it is vital for the effective management of AONBs and the wider countryside that partnership working in this way is not only recognised as an important element of stakeholder engagement but is also one of the ways in which the new body can deliver its responsibilities and functions.

We regard the continuation of the power to provide grants to partners, particularly local authorities, as a vitally important function for the new body. We consider this to be a most important activity to ensure effective delivery of the strategic outcomes. We would welcome a statement confirming this approach is regarded as successful and subsequently supported. In addition, the recognition of the role of partnership working should feature more strongly in the document. A mechanism for the continuation of these partnerships should be explicit within the new structures

The Service has developed long standing partnerships with and receives grant aid from, the Countryside Council for Wales for many of its functions, particularly in relation to the protected area (AONB). Similar partnerships also exist with Forestry Commission Wales in relation to the management of areas of adjacent land. We regard these partnerships as fundamental to the delivery of certain responsibilities and functions currently with the Countryside Council for Wales but note their importance has been largely overlooked in the consultation document. This is disappointing and we regard this as an omission.

In addition local biodiversity action depends heavily on grant aid from CCW in particular – there is no mention of what the grant-giving powers of the single body would be. This is concerning, as without grant aid from the single body, local biodiversity action would be severely impaired.

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

There is concern that the document has vastly underestimated the number of consents the single body will be responsible for issuing.

There was also discussion around transparency and monitoring of the single body. It would not be appropriate for the single body to issue its own consents. A possible suggestion would be a separate WG unit which could monitor decisions and issue the single body with consents therefore avoiding the single body permitting its own activities.

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

There was concern that a new charge may be applied to conservation licences. This would not be considered a positive move.

Need to ensure continuing support is received for LBAPs and Wales Biodiversity Partnership. The Wales biodiversity framework (ecosystem groups etc) has recently started to work well, for example producing priority habitat maps, working with academics to direct research, so there needs to be a commitment for this to continue.

The Service is very concerned that the consultation document does not give sufficient weight to the importance of Wales' protected landscapes (AONBs, National Parks and Heritage Coasts) and the role of the proposed new organisation in this respect. We are concerned that this failure to adequately recognise the value of landscape and scenic beauty in general and protected landscapes in particular will result in this being downplayed within the new organisation, and that the good work undertaken by CCW in this area will be diluted and no longer receive the level of priority or attention that is required.

It is also important to recognise that AONBs are an established and successful mechanism to deliver the ecosystems approach. Guided by the management plan, the AONBs in Wales have successfully delivered an integrated ecosystems approach, blending environmental, social and economic objectives with conservation and enhancement on a landscape scale. Support for the protected landscapes in Wales should be a fundamental objective of the proposed new body.

Since the Countryside Service also has a remit for archaeology, it is important to recognise that Wales is a cultural environment and landscape, nowhere is entirely natural and without the impact of human intervention. There is continuity between the landscape and the seascape and enormous resources of information about the Welsh environment are held in the Historic Environment Record for Wales. There are concerns that it is not proposed that the agri-environment schemes fall within the remit of the proposed new organisation. We feel that it is important that such schemes do fall to the new body, thus allowing a continuity of management and understanding of the environment of Wales, both natural and historic. Currently all three bodies have historic environment expertise, particularly EA and FC on a national UK basis. It is important that this expertise is not lost by the formation of a single, Welsh body. It is important that this expertise remains and where there are gaps, expertise is drawn from elsewhere.

From: Sara Morgan [sara.morgan@tidalenergyltd.com]
Sent: 01 May 2012 10:06
To: SEB mailbox
Subject: Response to SEB consultation - Tidal Energy Ltd

Attachments: SEB Consultation Response _TEL_FINAL_May 2012.doc.pdf

Dear Carrie,

Please find attached Tidal Energy Ltd (TEL) response to the Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources Consultation.

Best Regards
Sara

Sara Morgan
Development Manager

E: sara.morgan@tidalenergyltd.com

T: 02920 730 900

F: 02920 730 910

Visit our website at www.tidalenergyltd.com

Tidal Energy Limited is a private limited company registered in England and Wales under Co Reg No 4135447 and has its registered office at Vision House, Oak Tree Court, Muberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS

Disclaimer

Confidentiality: This e-mail and its attachments are intended for the above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this e-mail and highlight the error.

Security Warning: Please note that this e-mail has been created in the knowledge that Internet e-mail is not a 100% secure communications medium. We advise that you understand and observe this lack of security when e-mailing us.



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

1st May 2012

Tidal Energy Limited
Vision House
Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff, CF23 8RS
T: 02920 730 900
F: 02920 730 910
E: info@tidalenergyltd.com
www.tidalenergyltd.com

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

Consultation response from Tidal Energy Limited (TEL)

Tidal Energy Limited (TEL), Wales' leading tidal stream development company, was established to develop DeltaStream; a unique tidal energy electricity generation technology which has significant potential to be deployed around the coastline of Wales.

TEL has been operating in marine renewables for 10 years and has been granted the first tidal energy consents in Wales. These consents were granted by DECC and WG in March 2011 to construct and operate a single DeltaStream device in Ramsey Sound Pembrokeshire, which is planned to be deployed next year.

DeltaStream technology has been designed to ensure it is simple, robust and environmentally considerate. Each 1.2MW DeltaStream device has a triangular gravity foundation upon which each corner of the foundation, a single horizontal axis turbine sits. Each turbine has a 3 bladed, 15m diameter rotor which rotates at relatively slow speeds.

This project is a significant step for tidal stream development in Wales and TEL will be looking to further its development within Wales following the successful installation and demonstration of its technology. TEL is therefore pleased to have the opportunity to respond to this consultation.

TEL has seen the response that is to be submitted by the Pembrokeshire Coastal Forum and agrees with the comments made, however with a particular interest in renewable energy development and the marine environment TEL has formulated the following response.

In response to Question 1 and Question 2 TEL has the following to contribute;
TEL welcomes the intentions for the establishment of a new single environment body within Wales to modernise regulation and resource management, focus Wales' priorities, and achieving a more joined up thinking approach. However, as a business with a focus on developments offshore, it is

**SIMPLE,
SUSTAINABLE,
INVISIBLE ENERGY**





not clear to TEL how this new body will operate in the marine environment. The consultation has a strong tendency toward land based components of the environment and neglects the complexity of the environment and the linkages between land and sea.

TEL has concerns that the establishment of the new body would not necessarily help to streamline/simplify the planning process for which the marine renewables industry presently needs to follow. This is because key stakeholders such as Centre for Environment Fisheries Aquaculture Science (CEFAS), Maritime and Coastguard Agency (MCA) and the Marine Management Organisation (MMO) all fall outside of the 'Welsh remit' and therefore would not form part of the SEB, but are key consultees for the development of marine renewables projects.

In response to the phased approach, TEL would suggest that if the Marine Licencing body (currently the Marine Consents Unit (MCU)) is to be included into this new single body, this transition should be completed early on. The marine renewable industry is still at early stages of being developed in Wales with TEL the only developer to date to secure planning consent. As part of this project TEL has been working closely with the MCU to ensure that the DeltaStream deployment produces environmental results that will help to close the current knowledge gap, which has, to date slowed the progress of marine developments. The results of the project are in turn expected to reduce consenting risks for marine renewables and send a message to the industry that supports the statement made by the First Minister in March 2011; that Wales is open for business to renewables.

The inclusion of the Marine Licencing team into the SEB is creating unknowns for developers in the offshore industry as the consenting body/process is not known until a final decision is made following this consultation. This increases perceived risk of developing in Wales.

As well as an early transition, TEL would like to address the resourcing for the new body. The current team for licencing marine projects is limited in numbers with only 4 full time staff. With increased focus on developing a marine renewables industry in Wales (as per past policy statements) it is expected there will be increased demand from this industry alone, over the coming years. To ensure that Wales is attractive to investment from the marine renewables industry the team must be well resourced and geographically placed to meet the consenting timescales.

Throughout the consultation there is no reference to energy policy and the recent statement by the First Minister "Energy Wales: A low Carbon Transition" has been omitted from Section 4.2 as has the March 2010 Energy Policy Statement "A Low Carbon Revolution". The development of renewable energy projects and its contribution to the economic and social aspect of the environment should be included in the strategy of the SEB if it is to meet the aim of the body which has been described as *"to maintain, improve and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future"* TEL would like to see renewable development addressed in the strategy and as such one of the first tasks of the body should be to produce a renewable energy policy.

SIMPLE,
SUSTAINABLE,
INVISIBLE ENERGY





In response to question 11, TEL acknowledges that "*effective regulatory decision making should be independent of political process and decisions have a lawful, transparent rationale which balances all relevant interests and, in so doing, protects the environment*", however statutory policies / statements must be taken into account during the decision making process in order to see Wales continue to grow as an attractive area for sustainable business growth (please see above two paragraphs).

Yours Sincerely,

A handwritten signature in black ink, appearing to be "SM", written over a light blue circular stamp.

Sara Morgan
Development Manager

**SIMPLE,
SUSTAINABLE,
INVISIBLE ENERGY**



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

Sent: 01 May 2012 10:35

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Peter Frost

Organisation (if applicable):

Urban Ecosystem Group of the Wales Biodiversity Partnership

Email / telephone number:

p.frost@ccw.gov.uk

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

We welcome the proposal to deliver more integrated management by amalgamating the three bodies. However, given that the ecosystem services which make the most immediate impact on 80% of the Welsh population are delivered by urban green spaces we believe the proposals must be modified to enable the new body to focus more closely and clearly on urban ecosystems. The word “urban” does not even appear in section 2, and whilst it may be argued that work in urban areas is implicit, it is usually the case that it is only that which is explicit which is accorded priority. It is true that ecosystems show a transition from urban to rural, but the human factors (population density, settlement patterns, land ownership, development pressures etc) are so different in urban areas that they require specialist attention from appropriately qualified and experienced staff.

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

We are concerned that there is no explicit focus on urban ecosystems proposed for the new body and we strongly suggest that the new body: a) has dedicated, experienced staff at the HQ level who can advise the body on operations in urban areas; b) recruits one or more members to its board specifically for their ability to oversee activities in relation to urban ecosystems; and c) is given an explicit remit to protect and promote urban ecosystems and the goods and services they provide.

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

We believe it is sensible to adopt a phased approach to transfer of duties and powers to the new body. We further believe that the opportunity should be taken to review priorities and processes to ensure that urban ecosystems and their goods and services are dealt with properly by the new body.

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

We believe the aim and strategic outcomes are broadly acceptable but do not reflect the growing body of evidence which shows the critical importance of ecosystem goods and services from urban green spaces. We suggest that the aim be modified to explicitly state that the new body must deliver its functions across both urban and rural Wales. We also note that the aim of the new body differs from the aim of Sustaining a Living Wales and we suggest that when re-wording the aim of the new body it is brought more closely into line with the aim of Sustaining a Living Wales. The consultation document is clearly written from the viewpoint that the green spaces of rural Wales supply the most important ecosystem goods and services, and that human access to these is important to sustain our tourism industry. However, evidence shows that daily human access to natural spaces is critical for promoting our health and well being – both in fostering healthy exercise habits and in maintaining our mental well-being. We also know that local green spaces are critical to maintaining the livability of our towns and cities: regulating summer temperature

extremes; slowing storm water run-off; trapping the air pollution which causes asthma; and insulating us from the harmful effects of noise. The calming effect of urban greenery and street trees has been demonstrated to have a direct beneficial effect on our physical health and even reduces the incidence of violent crime. Therefore the new body must have an explicit remit to address urban as well as rural ecosystems.

The delivery framework at annex 5 is currently inadequate to address the responsibilities of the new body in relation to urban ecosystems. An objective should be included in the theme of “Protecting, maintaining and developing our natural resources” to require the new body “to promote the proper provision of green infrastructure in human settlements to ensure the health and well-being of both people and nature”. Lines should be included in “What will it look like” to the effect that: “People will exercise more in green surroundings, leading to: a decrease in mild to moderate depression and physical illnesses linked to a sedentary lifestyle.” “People will use quiet areas in our conurbations as a refuge from environmental noise, resulting in a decrease in stress and associated physical illnesses.” “Welsh towns and cities will exhibit resilience to summer temperature extremes, will flood less often during storms and there will be a decreasing incidence in asthma caused by urban air pollution.” Objective 14 should be modified to refer to urban green space, rather than simply “greenspace” to provide an explicit focus on the critical importance of green spaces within human settlements.

The functions as described in the tables are incomplete and we suggest they are modified as follows: Under “Conservation, restoration and enhancement of the structure and functions of ecosystems...” add the example of “Advise and support land managers and owners on the conservation, promotion and management of biodiversity.”

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

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

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

We have no comments to make on this topic.

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

We welcome the intention to promote efficiencies in the commissioning of research and to reduce duplication. However, in the past efforts to centralise research commissioning have failed because they introduced unacceptable delays into the process. It is therefore important that any such arrangements are supported by adequate staff resources and take a risk-based approach, prioritising scrutiny on projects which have the largest budgets or potential impacts on third parties. We are also concerned that research into the state and functions of urban ecosystems has been starved of funding when compared to the efforts applied to ecosystem research in the wider countryside. Given the importance of urban ecosystems to the living conditions of the most disadvantaged in our society, the new body and the Welsh Government must jointly ensure that sufficient resources are provided to help us understand the state and functioning of urban ecosystems.

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?:

Given that the ecosystem services which affect 80% of the Welsh population are mostly delivered by urban green space we suggest that one or more board members for the new body should be selected for their expertise in the area of urban ecosystems.

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?:

Whilst formal engagement processes such as boards and committees provide a visible link to stakeholders, they are insufficient to ensure the smooth delivery of projects and programmes. Both CCW and the Environment Agency have developed common stakeholder engagement protocols for use in the delivery of their everyday operations and we believe the new body should enshrine stakeholder engagement as a key operating principle. The 20th century model of “Decide, Announce, Defend” has led to long delays in project implementation and costly legal challenges. We believe that the new body should formally adopt the 21st century “Engage, Deliberate, Decide” model in order to ensure better outcomes and better value for public money. This approach to stakeholder engagement is supported by the UK National Ecosystem Assessment which notes that “A move to sustainable development will require an appropriate mixture of regulations, technology, financial investment and education as well as changes in individual and societal behaviour and adoption of a more integrated, rather than convention sectoral, approach to ecosystem management - This will need the involvement of a range of different actors - government, the private sector, voluntary organisations and civil society at large.”

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

We have no comments to make in this area.

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

Given the Wales' large rural hinterland it is understandable that the consultation document is written from a rural perspective. However, given that 80% of Welsh citizens live in towns and cities, the ecosystem goods and services which people notice on a daily basis (e.g. access to green space for mental well-being, noise reduction, flood control in urban sub-catchments, heat island amelioration, air pollution interception etc) are delivered by green spaces in urban areas. The powers and duties of the Single Environment Body must therefore be adjusted to reflect this importance.

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

Sent: 01 May 2012 10:40

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Pete Frost

Organisation (if applicable):

Green Flag Wales Steering Group

Email / telephone number:

p.frost@ccw.gov.uk

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

The Green Flag Wales Steering Group welcomes the creation of the new body because of the potential it offers to bring more, relevant expertise to bear on park and green space management. However, given that the ecosystem services which make the most immediate impact on 80% of the Welsh population are delivered by the green spaces within walking distance of their homes, we believe the proposals must be modified to enable the new body to focus more closely and clearly on green spaces in and around our towns and cities. There is no mention of the word “urban” in section 2, and whilst it may be argued that work in human settlements is implicit in the remit of the new body, it is usually the case that the only things which get priority are those which are explicit in an organisation’s remit.

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

The Green Flag Wales Steering Group is concerned that there is no explicit mention of the need for the new body to focus on the parks and green spaces which underpin the health and well being of 80% of our population. We therefore suggest that the new body: a) has dedicated, experienced staff at the HQ level who can advise the body on parks and green spaces; b) recruits one or more members to its board specifically for their ability to oversee activities in relation to parks and green spaces in and around towns and cities; and c) is given an explicit role to promote the provision of sufficient, high quality parks and green spaces in and around Welsh towns and cities.

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

We have no comments in this area.

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

We believe the aim and strategic outcomes are broadly acceptable but do not reflect the growing body of evidence which shows the critical importance to human health and well-being of high quality green spaces within easy reach of people's homes. We therefore suggest that the aim be modified to explicitly state that the new body must deliver its functions across both urban and rural Wales in order to prevent an undue focus on the deep rural hinterland at the expense of the places where people live and work. We also note that the aim of the new body differs from that of Sustaining a Living Wales, and suggest that when re-writing it to mention urban areas, it is also modified to bring it into conformity with that of Sustaining a Living Wales.

We welcome the explicit mention of greenspace under objective 14 but we believe this must be qualified to explicitly mention urban green spaces. This will help ensure the new body does not concentrate exclusively on large rural areas at the expense of smaller sites in and around towns and cities which are essential for the health and well being of the majority of the Welsh population. We also suggest that the term "high quality" is used to describe such green spaces because of the evidence which shows that people are less likely to use green spaces which are poorly managed. There are a raft of indicators from across Welsh Government policies which call for the provision of accessible green spaces close to where people live and we believe it would be useful to cite these in relation to the duties of the new body. We will provide a full list of these on request.

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

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

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

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

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

We are concerned that the tables have no explicit reference to the need for the new body to promote provision of high quality, accessible green space within easy reach of everyone's homes. This might be seen as implicit in the function "Improving and increasing to, and use of the environment for outdoor recreation" but we fear it is unlikely the new body will accord priority to functions which are not explicit. We suggest that this function is qualified to note that it must be delivered where people live, as well as in our world class rural landscapes. To further reinforce this point we suggest adding the illustrative example of "Advise local authorities, Welsh Government, businesses and local communities on the proper provision of high quality, accessible green space." Similarly we wish to see the illustrative example "Promotion of the use of the countryside by all and the health benefits it brings" (under the function "Protection of public health and well being through the management decisions that it makes") modified to read "Promotion of the use of the countryside and urban green spaces by all and the health benefits it brings."

The establishment of the Green Flag Awards in Wales was delayed by many months because a Welsh Government policy lead officer for parks did not exist. Thankfully there are now highly competent and well-briefed officers who have taken on this function, but we feel it would strengthen this work area if responsibility for strategic policy for parks and green spaces was formerly adopted by the Welsh Government.

We welcome the coordination proposed for research, but are concerned that it is applied with a light touch in order not to delay project delivery.

Given that 80% of the Welsh population rely upon access to green spaces in towns and cities for the maintenance of their health and well-being we suggest that one or more board members for the new body should be selected for their expertise in the area of parks and green spaces.

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

We have no comment to make on the structures to enable stakeholder groups to be represented in the formal governance of the new body. However, we would like to see the principle of community engagement which is fundamental to the Green Flag Awards reflected in the operating procedures of the new body. This might best be reflected under the function of “Increasing public involvement in decisions about the use and management of the environment...”. The outmoded “Decide, Announce, Defend” model which has led to long delays in project implementation and costly legal challenges should be replaced by the 21st century “Engage, Deliberate, Decide” model as standard operating procedure for all of the new body’s plans and projects.

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

We have no comments to make in this area.

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

We have no further comments to make.

From: Wendy Richards [wendy.richards@dcfw.org]

Sent: 01 May 2012 11:25

To: SEB mailbox

Subject: Re: Natural Resources Wales Consultation Response

Attachments: 120501_ Natural Resources Wales Consultation Response.pdf

Dear Carrie,

Re: Natural Resources Wales Consultation Response

Please find attached our consultation response for your consideration.

Best Wishes

Wendy Richards
Development Director

Design Commission for Wales
4th Floor, Building Two
Caspian Point, Caspian Way
Cardiff Bay
CF10 4DQ

t: 029 2045 1964

f: 029 2045 1958

w: www.dcfw.org



Consultation Response

1st May 2012

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

Dear Carrie,

Consultation Document: Natural Resources Wales

Please find enclosed our response to the consultation document, 'Natural Resources Wales' Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources. We welcome the opportunity to comment, if you have any queries on our response please do not hesitate to get in touch with us.

Yours sincerely

A handwritten signature in black ink that reads 'Wendy Richards.' The signature is written in a cursive, flowing style.

Wendy Richards
Development Director

wendy.richards@dcfw.org

Consultation Document: Natural Resources Wales

Consultation questions

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

The Design Commission for Wales (DCfW) welcomes the creation of a single environmental body in Wales which would be an efficient and effective point of reference, using the combined skills and resources from the three existing bodies. As part of the remit of that organisation, we look forward to working together to understand and discuss advice on the strategic and detailed issues affecting the environment, which may influence the delivery of well designed sustainable development.

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

Wales is a beautiful country, in order to deliver sustainable development sensitively the natural environment must continue to be protected and enhanced. The natural resources locked into the landscapes and townscapes within our villages, towns and cities must be addressed, potentially with work required within our more urban environments than our rural ones. The new body must ensure that it has in house expertise and the ability to work with other partners to deliver a focus on the resources across Wales' varied landscape.

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

DCfW supports the phased approach outlined as it sees that it is advantageous to remain flexible in the early stages.

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

With reference to the proposed aim of the new body – we would envisage that it should be there - 'To *protect*, maintain, improve and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future.'

Again we would restate that the organisation needs to work with rural and urban 'natural resources'. It should also promote the use of renewable resources – e.g. timber.

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

DCfW supports the framework detailed.

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

Yes, DCfW agrees that these functions are a summary of what is required.

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?

DCfW agrees with the proposed changes.

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

DCfW agrees with the proposals for the co-ordination of Welsh Government investment in environmental research. The results of this research should be shared in order to inspire and inform outcomes in the delivery of sustainable development across Wales.

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?

DCfW agrees with the proposals.

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?

DCfW has no view on this.

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

DCfW would encourage that where all 'self consenting' occurs within the new body, that the process and outcome should be transparent for all.

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

We would raise the following more specific points – which may be picked up elsewhere in terms of the delivery framework, though we have not identified them.

With reference to Annex 1 'Sustaining a Living Wales' we would reiterate the need to take into account the opportunities for extending a coherent ecological network into urban areas as well as the natural environment within the countryside.

Specific opportunities can be implemented in terms of managing and enhancing our 'natural' resources through sustainable development - sustainable urban drainage systems (SUDS), green infrastructure which links countryside to villages, towns and cities and is at the heart of landscape reclamation work. These can provide an invaluable framework for ecosystems and diversity and is the connection between 'designations' and the development of the landscape influenced by us all. No mention is made of extending/updating the CCW LANDMAP tool which is unique to Wales or reviewing the legacy that it has created which may develop it in a specific direction for the new organisation. This tool starts to make the connection described above.

From: Mark Russell [Mark.Russell@mineralproducts.org]

Sent: 01 May 2012 11:31

To: SEB mailbox

Subject: Single Environment Body Consultation

Attachments: BMAPA SEB 01.05.12 FINAL.pdf

Please find attached a response from the British Marine Aggregate Producers Association to the Welsh Government consultation on a single environment body.

If there are any queries or questions that arise from this response, please do not hesitate to contact the undersigned.

Kind regards

Mark Russell
Director, Marine Aggregates

British Marine Aggregate Producers Association, Gillingham House, 38-44 Gillingham Street,
London, SW1V 1HU

T 023 8048 8766 M 07870 596865 W www.bmapa.org

Confidentiality: This email and its attachments are intended for the above name only and may be confidential. If they come to you in error, you must take no action based on them, nor must you copy or show to anyone. If you have received this email in error, please contact us to advise.

Registered in England as Mineral Products Association Limited No.1634996, Gillingham

The information in this message is confidential. It is intended solely for the addressee. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful. We do not accept legal responsibility for the contents of this message and whilst any attachments to this message may have been checked for viruses, you should rely on your own virus checker and procedures. If you contact us by email, we will store your name and address to facilitate communications. Any statements contained herein are those of the individual and not the organisation. Registered in England as Mineral Products Association Limited: 1634996, Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU



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

BMAPA
Gillingham House
38-44 Gillingham Street
London SW1V 1HU
Tel +44 (0)20 7963 8000
Fax +44 (0)20 7963 8001
bmapa@mineralproducts.org
www.bmapa.org

Email: SEB@wales.gov.uk

1st May 2012

Dear Sir/Madam

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

1. The British Marine Aggregate Producers Association (BMAPA) is the representative trade organisation for the British marine aggregate sector and a constituent body of the wider Mineral Products Association. The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, ready-mixed concrete, lime, mortar and silica sand industries. With a growing membership of 272 companies, it is the largest UK trade association in the sector and represents the majority of independent companies, as well as the 9 major international and global companies. The MPA represents 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production. Each year the industry supplies £5 billion of materials to the £110 billion construction and other sectors, and industry production represents the largest materials flow in the UK economy. BMAPA represents 11 member companies of the MPA who collectively produce around 90% of the 20 million tonnes of marine sand and gravel dredged from licensed areas in the waters around England and Wales each year.

Background

2. Marine dredged sand and gravel is principally used by the construction industry, and the marine contribution provides 48% of sand and gravel in Wales and 90% of fine aggregate demand in South Wales. In this respect, marine aggregate supplies play a key role in supporting the delivery of various Government policies.

3. Marine dredged sand and gravel also provide a strategic role in supplying large scale coast defence and beach replenishment projects - over 25 million tonnes being used for this purpose since the mid 1990's. With the growing threats posed by sea level rise and increased storminess, the use of marine sand and gravel for coast protection purposes will become increasingly important.

BMAPA is part of the Mineral Products Association, the trade association for the aggregates, asphalt, cement, concrete, lime, mortar and silica sand industries

Registered in England as Mineral Products Association Limited No. 1634996
Registered at the above address

4. In the near future, marine sand and gravel resources can be expected to play a key role in supporting the successful delivery of major infrastructure projects associated with UK Government policies related to energy security and climate change, such as nuclear new builds, tidal power developments, port developments and offshore wind farms. The coastal location of many of these developments means that the sector is ideally placed to supply the large volumes of construction aggregate and fill material that will be required.

5. In all cases, the marine aggregate sector is dependant upon identifying and licensing economically viable sand and gravel deposits to secure sufficient reserves to maintain long term supply to existing and well established markets. The location of such deposits is extremely localised around the waters of England and Wales, restricted to their geological distribution and their geographical position related to the markets location.

Comments

6. As a sector, we very much welcome the opportunity to contribute to the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources. A robust, efficient and proportionate regulatory and management regime which delivers a 'licence to operate' for activities and operations is essential to support the wider sustainable development and management of Welsh waters.

7. We would endorse the comments from our parent organisation (the Mineral Products Association) in response to Question 1 of the consultation, and the wider objectives and remit of the new organisation that is proposed. These are repeated below.

Firstly; the mineral deposits that occur in Wales have been and will continue to be a significant natural resource. In the first paragraph of the Foreword, the Minister fails to acknowledge that.

Secondly; the management of land in Wales, which is acknowledged in the first paragraph of the Foreword as a natural resource, is principally a matter for the planning system and planning authorities. The MPA would strongly resist any attempt to absorb land use planning responsibilities into any new regulatory body. The planning system has evolved over many years to deliver decisions based on balancing interests under democratic control. Those elements are essential to proper planning and would not be features of the new body. For the same reasons, it is the planning authorities that should have the lead role in delivering sustainable development in Wales. Whilst the new body, like the constituent bodies before it, would have a strong supporting role in identifying and promoting development that is sustainable, the judgement of what does or does not constitute sustainable development must be left to planning authorities.

Finally; the new body should be left in no doubt that the key role it should perform is to help manage the natural resources of Wales, not simply to protect them as the Minister states in the fifth paragraph of the Foreword. Similarly, the final paragraphs of page 14 place heavy emphasis on the powers of the new body to protect rather than to manage.

8. While recognising the benefits of aligning and combining certain functions delivered by existing arms length bodies in Wales within a single environment body (SEB), we are concerned that the wider implications for the delivery of marine planning, regulation and management have not been fully considered. This applies not only to the specific role and function of the proposed SEB on marine matters, but also the way that marine management issues link into the wider Sustaining a Living Wales agenda and the associated move towards natural resource planning

(including mineral resources). The absence of any real clarity over the influence this wider process may actually have on the marine planning and management landscape means that it is very difficult to comment on the practical implications that may arise. This results in considerable uncertainty for all marine stakeholders, at a time when the wider marine planning and management landscape is already undergoing considerable and rapid change. In this respect, it would seem more logical to await the outcome of the natural resource planning consultation which is taking place in parallel, before thinking about the specific functions, responsibilities and resources required to effectively and efficiently deliver the marine elements.

9. In general, the marine planning, regulatory, management and advisory functions are not particularly well resourced at present in Wales, despite the fact that in spatial terms it extends to some 15,000km². The implementation of the various facets of the Marine and Coastal Access Act 2009, alongside delivery of the requirements of the Marine Strategy Framework Directive will result in rapidly growing demands on resources within the Welsh Government and their statutory advisors. However, far from representing an opportunity for the capacity and capability of the marine function to be adequately resourced, the limited reference and apparent lack of understanding of the needs and requirements of these functions in both the SEB and associated natural resource management consultations, means that this opportunity could be missed.

10. We are particularly concerned over the proposals to consider transferring the marine licensing function from the Welsh Government to the new SEB. While the agencies that would form the SEB currently deliver a range of operational environmental regulatory functions for terrestrial activities, this is against the backdrop of a well established and developed system of planning and development control - as explained under the second point outlined under paragraph 7. The process of planning and development control is delivered through terrestrial planning authorities, who in delivering this draw on responses and advice from the agencies that would form the SEB through their various advisory and statutory functions.

11. The marine licensing function currently delivered by the Welsh Government is more akin to the primary development control function delivered by terrestrial planning authorities. We are therefore unclear how this could be independently, objectively and transparently delivered through the SEB given the anticipated statutory advisory functions that would be retained (particularly those fulfilling the requirements of various European Directives), and the wider objectives and functions of the proposed organisation which are to be rightly founded in environmental management and protection.

12. The need for functional separation is briefly discussed in the consultation, to separate permitting from operational/advisory activity. However, we remain to be convinced how this can be practically achieved given the need for both the licensing function and the advisory function to retain their own autonomy and independence against the very different and potentially conflicting objectives of each function. In terms of conservation advice, it is worth noting that given the high proportion of the Welsh marine area already subject to some form of protection under European Directives, the number of marine licence decisions that will require statutory nature conservation advice is likely to be high. This is a factor which significantly increases the risk of conflict between these functions.

13. Building on the comments above, with the potential inclusion of the marine licensing function, the aim and strategic outcome of the new organisation remains somewhat confusing. On the one hand the consultation refers to it having a sustainable development remit '...supporting economic development' and with '...sustainable development as its central organising principle'. On the other, the focus is presented as '...delivering better outcomes for, and from, the environment'

and having '...a clear remit to protect the environment'. It is therefore not clear whether the wider social and economic policy drivers that exist will be given equivalent weight to the well established environmental protection provisions. In the context of the current functions of the Environment Agency Wales and CCW, the tensions that can arise between environmental protection and sustainable development in its widest sense are mitigated by the fact both agencies currently provide independent, expert advice to the licensing authority, who take the advice received into account when making their decisions. Given the wider policy and planning context against which decisions have to be balanced, this can result in outcomes which may not necessarily align with the advice provided.

14. If the SEB proposals were simply to consolidate existing statutory advisory/operational regulation functions within a single body with a remit to ensure environmental protection as a contribution to the achievement of sustainable development these underlying concerns over delivery conflicts would not arise. However, the proposal for the new organisation to deliver the marine licensing function alongside its statutory environmental duties and wider environmental protection obligations sends out a very confusing message to those who require marine licences and indeed to wider stakeholders required to interact with the licensing process. We would suggest that the benchmark for this separation of delivery from advice should be the very clear and distinct functions that are defined for other UK national marine licensing authorities and the separate statutory bodies that advise them.

15. Finally, as an industry sector that interacts extensively with other UK marine delivery administrations we would offer the following observations. At a time when most national administrations are actively centralising their marine delivery functions (as distinct from statutory advisory functions, as proposed by the SEB) - most notably planning, regulation and management - in order to make best use of limited resources and expertise, it would seem a backwards step to fragment the marine delivery function in Wales by detaching licensing from fisheries management and marine planning. While the comments presented in this response outline why we consider it inappropriate for these functions to be transferred to the SEB as currently proposed, a more practical option could be to establish a marine delivery department/agency (Marine Wales or similar). Given the relatively small number of functions and associated personnel, this could provide the necessary independent focus for the consolidated national marine delivery functions, and provide the necessary separation from policy.

16. In making any change, we would underline the importance of retaining key knowledge/expertise and experience for all aspects of the marine delivery function. There is a risk that with the function or parts thereof transferring to another body this could be lost - particularly if the geographical location where the function is to be delivered moves. In this respect, maintaining the ongoing delivery of an effective, efficient and proportionate marine licensing system, and the planning and management functions that support, it remains central to the delivery of sustainable development in Welsh waters.

17. Please note that BMAPA has also endorsed the response to this consultation that has been prepared by the Wales Coastal and Marine Partnership.

Yours sincerely



Mark Russell
Director, Marine Aggregates

From: Dave Levell [dave.levell@mhpa.co.uk]

Sent: 01 May 2012 11:56

To: SEB mailbox

Subject: 'Natural Resources Wales' Consultation Response from MHPA.

Attachments: WG Single Body Consultation MHPA Response.pdf

Good Morning Carrie,

I have attached a response from Milford Haven Port Authority to the 'Natural Resources Wales' consultation for your consideration.

Kind regards,

Dave Levell.

Dave Levell, Environmental Manager, Milford Haven Port Authority, PO Box 14, Gorsewood Drive,

Hakin, Milford Haven, Pembrokeshire, Wales SA73 3ER. UK. Direct Line: +44(0)1646 696397,

Mob: 07989 401885, Fax: 01646 696125, E-mail: dave.levell@mhpa.co.uk web:

www.mhpa.co.uk



Milford Haven Port Authority

Gorsewood Drive
Milford Haven
Pembrokeshire SA73 3ER
SAT NAV Postcode: SA73 3EP

Tel: +44 (0)1646 696100
Fax: +44 (0)1646 696125

E-mail: enquiries@mhpa.co.uk
Website: www.mhpa.co.uk

Your ref:

Our ref: sbr/dl/01.

To: SEB@wales.gsi.gov.uk

Carrie Moss,
Living Wales Programme Team,
Dept. for Environment and Sustainable Development,
Welsh Government,
Cathays Park,
CF10 3NQ.

Date: 1st May 2012

'Natural Resources Wales,' Welsh Government Consultation: Response from Milford Haven Port Authority.

Thank you for the opportunity to comment on the 'Natural Resources Wales – Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources.

MHPA is Wales' largest port, handling over 71m gross tonnes of shipping which amounted to nearly 49m tonnes of cargo during 2011. We operate almost exclusively within the Pembrokeshire Marine Special Area of Conservation and we have a duty, amongst others, of conserving flora, fauna and geological or physiographical features of special interest within the port, written into our founding Act of Parliament which established MHPA as a Trust Port.

We support the ambition of the integration of the three separate regulatory, advisory, recreational and commercial environmental bodies into a single integrated New Body. If achieved; particularly the development of a unified corporate philosophy translated as a genuinely balanced view of sustainable development, this will be evidenced by a consistent response to consultation and dialogue. We do have concerns that the view is not necessarily genuinely balanced at the current time, and insufficient weight is given to the merits of development. We feel that insufficient guidance is available concerning the mechanisms to assess and achieve the balanced view. We welcome the consequent clarification and simplification of the marine consenting process that will emerge. We also support the proposal to include the WG Marine Consents Unit within the New Body.

However there are risks of failure of ambition ie, the mismatch between intent and delivery.

We are concerned that the wording of the document infers, rather than implicitly states that Welsh Marine Environmental Resources are included within the remit of the proposed New Body. The inclusion of marine resources should be categorically stated wherever appropriate, eg, on land and *at sea*.

We have reservations in regard to:

Exclusion of Welsh Fisheries and the Welsh Agriculture / Glastir: As the Fishing and Agricultural sectors are two of the most significant influences on the terrestrial and marine natural resources it is unfortunate that they have been excluded from the proposed integration of the management mechanisms for Welsh natural resources. We accept that there would be significant difficulties in the



INVESTOR IN PEOPLE

Conservancy • Pilots • Port & Dock Operations • Ship Repair • Property Lettings • Cruise Services • Marina & Leisure Facilities • Community & Environmental Support





Cont/

full integration of Glastir and Welsh aspects of CFP, and that a degree of pragmatism, or realism on what can be achieved at this stage of a phased approach is necessary, but it is unfortunate that a fully integrated natural resource management framework cannot be established.

Accountability: Although independent of the Welsh Government as a WGSB there will be Ministerial responsibilities – regarding funding obligations. It is important that the activities of the New Body are substantially funded from taxation and that any licence fees are competitive and cost efficient in relation to other jurisdictions. There appears to be little evidence that the acceptance of significant cross - departmental consequences and that, although driven by the Minister for Environment and Sustainable Development, there are other Ministerial duties and responsibilities emerging from the integration of the 3 bodies. A more complete description of cross departmental obligations than *'The Environment and Sustainability Minister (in consultation with any other responsible Welsh Minister)...*' would create confidence in that there has been wider acceptance of the proposed arrangements within Welsh Government.

Resourcing: We believe the merger is in part driven by WG intent to save money with a predicted, before change, savings of £158m over 10 years with anticipated cost of change of £69m over 10 years. However the requirements of a realistic Research and Monitoring programme to meet even the minimum of obligations and extended duties of the New Body, plus expenditures required to develop a robust Natural Resources Management Plan are not described in any detail within the proposals, which raises questions as to how comprehensive the above business case has been. One cannot ignore the context of this consultation within the proposed 'Sustaining a Living Wales' proposals and the pivotal task of National (Natural) Resource Management Planning – the key question is the clarification required as to the role of the Single Body in conducting NRMP. Will they be the lead body?

The question that naturally follows is how NRM Plans will be achieved on a local or regional scale and where responsibilities will lie for drawing up such plans. These comments may be considered as straying beyond the *Creation of the Single Body* consultation into the separate *Sustaining a Living Wales* consultation, but it illustrates the absolute necessity for cross-cutting integration of not only the component organisations within the New Body, but the role and interaction of the New Body with the terrestrial planning/consenting framework and emerging Marine Planning requirements.

The relative timing of the two consultations appears perverse.

We feel the statement *'We will be exploring with the UK Government the possibility of transferring other functions to the new body from UK Ministers, too'* requires to be more specific and expanded to describe exactly what functions are being considered.

The Welsh Ports Sector Trade Association will also be submitting a collective response (Welsh Ports Group) which we fully endorse.

In addition to the above comments the following questions, included with the consultation documents, have been addressed where considered appropriate.

Alec Don, Chief Executive.

Dave Levell, Environmental Manager.

Milford Haven Port Authority,
PO Box 14, Gorsewood Drive,
Hakin, Milford Haven, Pembrokeshire,
Wales SA73 3ER. UK.
Tel: +44(0)1646 696100, Fax: 01646 696125,
E-mail: enquiries@mhpa.co.uk
Web: www.mhpa.co.uk



Cont/

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

Consultation questions

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?:

- Supportive in principle. Success will be determined by delivery.
- We have grave concerns that shortfalls in delivery particularly with respect to consenting matters (integration with the planning process) resulting in indecision, delays, or additional burden compared to other UK Administrations or European member states, will result in a disincentive for investment and economic development in Wales due to the proposed singular approach to Natural Resource Management. cf: section 2.4 Bullet 2.

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?

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

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

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

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

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

- Supportive in principle, although careful consideration of potential conflict of interest between Commercial / Leisure management role and Licensing will have to ensure clear demarcation (Chinese walls) occurs between separate functions within the Single Body.

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

- **Draw up a list of obligations** for Environmental Monitoring consequent of European and domestic legislation and translate these obligations into realistic budget commitments.
- **Describe the structure, roles and responsibilities** that the National (Natural) Resource Management Plans will require.
- Allied to the above, there is a severe lack of understanding of the fundamental ecological, and physico-chemical processes upon which the health of Wales' natural, particularly marine, resources depend. For instance - further investigation of the oceanographic influences and sedimentary processes- sediment transport pathways, for example in marine SACs, will increase the confidence that progressing the Ecosystems Approach to resource management is more than just lip service and a token gesture to the ecological zeitgeist.
- The convenience of the potential 'polluter/developer pays' excuse for looking towards industry to fund many of such studies shows a lack of core commitment to the true understanding of the underlying processes driving habitat status. It is acknowledged by all parties that there will never be sufficient data and information on our natural habitat structures and functions to make predictions with absolute certainty. Pragmatic, risk-based decision making has a fundamental role in sustainable development.



Cont/

- Acknowledge the cross-departmental nature and obligations that Welsh Sustainable Development, Natural Resource Management, [including the effective functioning of the Single Body], Terrestrial and Marine Planning, and Business and Economic Development brings with it and ensure this is translated into future WG budgeting commitments reflecting these wide-spectrum obligations.

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?:*

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

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

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

When is the title of the New Body likely to be announced? We already see both SB and SEB being referred to.

Can we suggest the **WNRA: Welsh Natural Resources Agency**, which has a certain historical resonance, is considered as a suitable name.

END.

From: Nica Prichard [prichard@springgardens.fsnet.co.uk]

Sent: 01 May 2012 12:59

To: SEB mailbox

Subject: CONSULTATION EA,FC,CCW

RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'.

W L A D . Welsh Ladies Angling Development

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Nica Prichard

Hon Secretary On behalf of...W LAD

From: Carrington, Steve [Steve.Carrington@ab-inbev.com]

Sent: 01 May 2012 13:04

To: SEB mailbox

Subject: formal response

Dear Minister,

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'.
Steve Carrington, Chairman, Crickhowell and District Angling Society

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Signature S D Carrington

On behalf of....Crickhowell and District Angling Society

**** DISCLAIMER ****

<http://www.inbev.com/common/emaildisclaimer.cfm>

From: Nica Prichard [prichard@springgardens.fsnet.co.uk]

Sent: 01 May 2012 13:04

To: SEB mailbox

Subject: CONSULTATION EA,FC,CCW

RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'.

West Wales EA Local Fishery Group

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

Nica Prichard.M B E.

Chairperson On behalf of West Wales Environment Agency's Local Fishery Group

From: Kate Blowfield [Kate.Blowfield@hpa.org.uk]

Sent: 01 May 2012 13:06

To: SEB mailbox

Cc: Naima Bradley; David Russell; Irene Gonsalvez

Subject: HPA Response to Consultation on Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

Attachments: Consultation - Natural Resources Wales.doc

Dear Sir/Madam

Please find attached the Health Protection Agency's response to the above consultation.

Kind regards

Kate Blowfield

Kate Blowfield
Executive Assistant to Dr John Cooper
Director, CRCE
Health Protection Agency
Chilton
Didcot
Oxon
OX11 0RQ
Tel: 01235 822615
Fax: 01235 822620
e-mail: kate.blowfield@hpa.org.uk

***** **The information contained in the EMail and any attachments is confidential and intended solely and for the attention and use of the named addressee(s). It may not be disclosed to any other person without the express authority of the HPA, or the intended recipient, or both. If you are not the intended recipient, you must not disclose, copy, distribute or retain this message or any part of it. This footnote also confirms that this EMail has been swept for computer viruses, but please re-sweep any attachments before opening or saving. HTTP://www.HPA.org.uk** *****

**Consultation Response to Consultation Document Number WG14766
Natural Resources Wales – Proposed Arrangements for Establishing and Directing a New Body
for the Management of Wales’ Natural Resources**

Response from the Health Protection Agency

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

The Health Protection Agency (HPA) Centre for Radiation, Chemical and Environmental hazards (CRCE) has a remit in Wales to identify and respond to health hazards and emergencies caused by hazardous chemicals, poisons and radiation. We provide authoritative scientific and medical advice to the NHS and other bodies about the known health effects of chemicals, poisons and other environmental hazards.

HPA CRCE notes that the functions of the Environment Agency Wales will be incorporated into the proposed body and is keen that their current remit is maintained and potentially enhanced. Currently, we are working closely with the Environment Agency in England and Wales to maintain and enhance a streamlined, consistent approach in our work as a health consultee for regulated processes, and for response to incidents involving hazardous materials, including monitoring air quality in major incidents.

While we commend the proposals to deliver a more integrated approach within Wales, HPA CRCE wish to highlight our concerns over maintaining a consistent approach to providing health protection advice to both Wales and England. For example, we would wish to highlight the need for cross-border consistency in the provision of health protection advice through the environmental permitting regime, and in responding to chemical incidents involving major air pollution events, through deployment of the joint EA/HPA Air Quality Cell.

It is unclear, from the consultation document, how exactly external stakeholders will liaise, interact and communicate with this new body, this being a crucial aspect for the public health community in Wales, as the new body has a recognised public health function as part of its remit. Key areas which the HPA considers to be of importance in the above context are:

- Public health emergency planning, preparedness and response
- Environmental planning and permitting
- Climate change
- Environmental quality including sampling, monitoring and modeling regimes
- Research and development

The HPA considers that it will be of paramount importance that the channels of communication for each of the above key areas are, from the outset, clear and robust. It is also considered vital to know what aspects of these key areas will be undertaken in-house and which will be undertaken by other allied bodies such as EA England.

The HPA is keen to have further detail as to how the new and innovative approaches and partnerships for delivery will be implemented, including work with third sector parties. Clarification is sought regarding defining the environment as the publication makes no mention of the built environment. Does this therefore fall outside the remit of this new body and if so what is the mechanism for ensuring an integrated approach to the whole of the environment?

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?

Please also refer to response to question 1.

Section 2.4 second bullet states "...we would intend to continue to work with the Environment Agency in England and the UK Government to maintain common environmental standards and where beneficial, consistent environmental permitting arrangements.

HPA CRCE strongly supports the new body's collaboration with the Environment Agency in England and UK Government to maintain a consistent UK approach to maintaining common environmental standards including protection of human health, and consistent environmental permitting (EP) arrangements. We would hope that public health protection remains central to the regulatory regime and that EP arrangements will include a consistent cross-border approach to consultation with health consultees.

Current responsibilities for managing radioactive waste arising from incidents in Wales responded to under the National Arrangements for Incidents involving Radioactivity (NAIR)ⁱ rest with the Environment Agency. The new body should engage with the HPA, which coordinates NAIR across Great Britain, to ensure suitable disposal arrangements are maintained. It should be noted that disposal arrangements in Scotland for NAIR are already devolved to SEPA

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

No comment.

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

The HPA welcomes the proposed body having the discretion to make major independent decisions. We would endorse the principle that environmental decision making has to be joined up and integrated with Government strategies, thereby having a more complete agenda.

While the HPA commends the aims of the proposed new body, we would reiterate the need to collaborate with EA in England and UK Government to ensure a consistent approach to health protection. We would support the maintenance of a common regulatory framework in order to protect public health, through environmental regulation and determining licensing and permitting consents. In addition, HPA would support a common approach to chemical incident response, including the work of the Air Quality Cell in major air pollution incidents.

Whilst it is acknowledged that, in theory there will be greater capacity to handle major incidents (example provided is greater workforce to deal with floods) the HPA would like to see greater detail as to how the new body will respond to a major pollution event (such as a large scale fire over a prolonged period of time). The HPA would want reassurance that the current response structures are maintained.

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

No comment

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

The HPA is satisfied with the described functions, and would expect a joint memorandum of understanding to be mutually agreed to ensure close collaboration in managing the public health implications of exposure to environmental chemicals.

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

No comment

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

The HPA would welcome a single framework for research and would welcome the opportunity to be engaged in any finalised framework as a key stakeholder.

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?

HPA notes that the new body will need to establish formal arrangements with its counter-parts in England.

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

The HPA is satisfied with the proposals set out and endorses that effective engagement with stakeholders is essential to the success of the new body.

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

The HPA, through Public Health Wales, currently provides specialist advice to Health Boards in Wales in relation to proposed industrial developments at the planning stage and in relation to consultations about new or existing environmental permits. It is understood that the permitting regime will in future be overseen by a single office in Wales. This should not lead to any changes to the existing arrangements and could even lead to closer collaboration between the various bodies in Wales, with an interest in the environment and public health. It is also anticipated the new body will be responsible for all emissions to the environment, including noise, odour and dust, in order to ensure the wellbeing of communities from issues that can and do impact adversely on the quality of life.

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

An issue which we consider to be of importance to the public health community in Wales relates to the provision of expert advice on environmental issues and emergencies (including CBRN) by experts who currently work for the EA (England and Wales). On occasions, issues are raised which require advice from a specialist who may not reside in EA Wales but is part of a specialist team in EA England. The HPA would therefore, seek assurances that when the new body is formed similar arrangements are established to ensure that it will have access to such expert specialist advice in order to disseminate this to the wider public health community in Wales in a timely manner.

Health Protection Agency

1 May 2012

ⁱ National Arrangements for Incidents involving Radioactivity (NAIR)

http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/UnderstandingRadiationTopics/RadiationIncidents/incid_Nair/

From: Lesley Jones [lesley.jones@keepwalestidy.org]
Sent: 01 May 2012 13:09
To: SEB mailbox
Subject: Single Body WG consultation

Attachments: KWT response to SB consultation - May 2012.docx

Please find attached a response from Keep Wales Tidy to the WG consultation on the SB.

Regards

Lesley

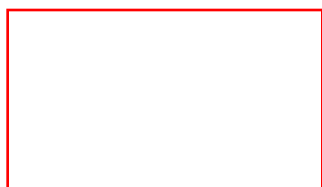
Lesley Jones

Chief Executive
Prif W eithredwr

Keep Wales Tidy/Cadwch Gymru'n Daclus
33-35 Cathedral Road, Cardiff, CF11 9HB
33-35 Heol yr Eglwys Gadeiriol, Caerdydd, CF11 9HB
Tel/Fôn: 029 2072 6965
Fax/Facs: 029 2025 6768
Mobile: 07824 504788
E-mail/E-bost: lesley.jones@keepwalestidy.org
Website/Safle-wê: www.keepwalestidy.org

You can raise money for us as you search and shop online

<http://www.everyclick.com/keepwalestidy>

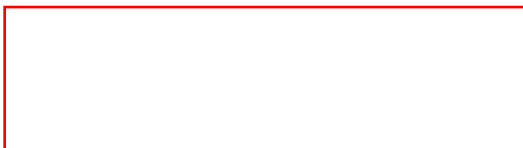


Disclaimer:

This e-mail and any files and attachments transmitted with it are confidential and/or privileged and for the intended recipient only. Any views or opinions stated are solely those of the author and do not necessarily represent those

of Keep Wales Tidy unless otherwise specifically stated.
The content of this e-mail and any file or attachment transmitted with it may have been changed or altered without the consent of the author. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. If you receive this message in error, please delete it and all copies of it and immediately notify the sender. Keep Wales Tidy reserves the right to monitor all e-mail communications through its networks.

Keep Wales Tidy
Registered office:
33-35 Cathedral Road
Cardiff
CF11 9HB
Company Registration Number: 4011164
Charity Number: 1082058



Disclaimer added by CodeTwo Exchange Rules 2010
www.codetwo.com



Keep Wales Tidy's response to:

Welsh Government's Consultation – Natural Resources – proposed Arrangements for Establishing and Directing a New Body for the Management of Wales Natural Resources

Keep Wales Tidy's mission is to encourage local action to protect and enhance our environment, contributing towards a sustainable future. We are an independent national voluntary organisation with charity status and support communities, groups, schools and individuals throughout Wales. We deliver:

- Programmes which improve the quality and sustainability of the environment;
- Advice and technical expertise to Government and partners;
- A means of translating strategic policy into effective local action;
- Campaigns on a range of environmental issues.

We operate at international, national, regional and local levels. We aim to influence behaviour change through policy development and campaigns, environmental education and community engagement.

Keep Wales Tidy reaches in to the heart of communities throughout Wales. We deliver programmes which are specifically tailored to support the people of Wales and improve the quality and sustainability of the environment in which we live and work. The local environment is central to our wellbeing and has implications for everything from our health, through to our economy and our cultural values.

Keep Wales Tidy welcomes the opportunity to comment on this consultation document. Below are our responses to the questions in the document, which we feel are appropriate to our organisation's area of work and expertise.

Consultation questions

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

The creation of a single environmental body for Wales, which will avoid unnecessary duplication in the planning and delivery of services and have Sustainable Development and delivery of the eco-systems approach, as outlined in Sustaining a Living Wales, at the heart of its remit would seem a sensible approach.

In creating a single body, it is important that none of the valuable attributes of the former bodies are lost. For example, their ability to work with and enable third sector organisations and other public bodies to deliver complimentary services, which deliver to quote the document ... *better outcomes for and from the environment*.

We would stress how important is that the role of the new organisation makes specific reference to urban environments and that it retains key roles the constituent organisations have, such as supporting environmental education .

The new single body would also have an important role to play in promoting an integrated approach to local environmental improvements in urban and rural areas.

It is good to adopt new ways of working and to reduce costs and meet new challenges, as long as the final body can show transparency in its decision making, i.e. how that common view is reached, when issues arise in the future where there could be areas of conflict of interest between what were the roles/ priorities of the three former bodies, for example when commenting on planning issues.

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

As the organisation will be established before the Sustainable Development Bill is approved Welsh Government should ensure that the definition of Sustainable Development that will be used by the organisation will be the one agreed in the Sustainable Development Bill. This definition should recognise the international impact of our actions on others and this may conflict with the ideals outlined in section 2.2.2 -“Managing natural resources in ways that fit the needs of Wales”. It is good to have local decision making, but it cannot be made in isolation from international legislation or agreements or without recognition of the consequences on others in a global context.

We accept this is framework document, but would suggest that as the detailed organisational structure is developed further consultations should be regularly held with interested parties to ensure any concerns about transparency of decision making can be allayed.

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

Keep Wales Tidy is pleased to see that ...“The establishment of the new body will provide a genuine opportunity to review priorities and to change processes” and that “further phases will be subject to further consultation.” We would stress however, that this phased approach should not result in the loss of continuity of delivery of services either through the three existing bodies or their delivery partners.

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

Keep Wales Tidy suggest the aim could be revised to take account of text earlier in the document which refers to environmental limits – *help us to develop our economy in ways which enable us to better live within environmental limits and help reverse trends in declining biodiversity, unsustainable resource consumption and associated greenhouse gas emissions.*

For example the aim could be:

To manage Wales’s natural resources to enable the people of Wales to better live within environmental limits, whilst delivering social and economic benefits now and in the future.

In this context, manage is taken to mean: protect, enhance, maintain and adapt as appropriate to meet changes, such as the effects of climate change. This version would reflect the fact that natural resources are not unlimited locally, nationally or internationally.

Keep Wales Tidy would also suggest that there should be additional strategic outcome:

- Working with and enabling other organisations to contribute to the delivery of sustainable development and the management of ecosystems.

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

Keep Wales Tidy agrees that this seems to be a sensible approach, but the use of plain English would be beneficial, particularly for the objectives, as would be the ability to cross reference to the eco-systems approach terminology used in Sustaining a Living Wales.

Question 6: Are the Functions described in Tables 1 to 3 a reasonable summary of those Required? How could they be improved?

At the moment in Table 1 there are references to grant aid local authorities and community groups, but not to Third Sector organisations. It will be important to ensure the continuation of the Compact that currently exists between Third Sector Environmental organisations and the existing Bodies. Indeed, Keep Wales Tidy would not like to see any loss of the ability of the new Body to deliver services on its own and with its delivery partners.

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?

Keep Wales Tidy does not have the technical expertise to comment on the individual functions outlined, but the proposal that strategic policy, including legislation should be developed by Welsh Government and that operational delivery should be done by the body does seem appropriate.

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

It would be beneficial if there was an opportunity to comment on the priorities identified for future research, and the Third Sector should be able to bid to undertake or contribute to appropriate projects.

The research will need to be linked with Sustaining a Living Wales and Sustainable Development requirements in the future.

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?

Keep Wales Tidy agree that it is important to maintain the independence of the new body from Welsh Government and that the government should retain call in powers. We are also in agreement with the arrangement suggested with regard to cross border and international working.

However, as stated in response to Question 1, the body must be able to show transparency in its decision making and there should be further opportunities to comment on the approach as the details of the new organisations management are developed.

Under accountability the scrutiny suggested will be important to maintain organisational and public confidence in the new body.

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?

As mentioned in response to Question 6 from our perspective the new body should maintain the Compact arrangements agreed with Third Sector environmental organisations by the existing bodies.

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

There is real potential for a more efficient process reducing costs and time by bringing together conservation experts and permitting teams. Again what will be critical is transparency and accountability.

Keep Wales Tidy - May 2012

From: Caroline Price [Caroline.Price@rya.org.uk]

Sent: 01 May 2012 13:49

To: SEB mailbox

Cc: Bob Lowe; John Eddington (Wales)

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

Attachments: May2012_Wales_SEB_Consultation_RYA_Response.pdf

Dear Sirs,

Please find attached the Royal Yachting Association and Welsh Yachting Association response to the Welsh Government's proposals for establishing and directing a new Single Environmental Body (SEB) in Wales. A hard copy has also been mailed to you directly.

We trust that the comments provided in this letter are useful and would be pleased to be involved in any further discussions.

Regards

Caroline

Caroline Price

Planning and Environmental Advisor

Royal Yachting Association

T: 02380 604222 | M : 07795 564386 | E: caroline.price@rya.org.uk



RYA House, Ensign Way, Hamble, Southampton, Hampshire, SO31 4YA
www.rya.org.uk T: 02380 604100 F: 02380 604299



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

RYA House
Ensign Way, Hamble
Southampton SO 31 4YA
United Kingdom

Tel+44 (0) 23 8060 4100
Fax +44 (0) 23 8060 4299
www.rya.org.uk

Directtel: +44 (0)23 8060 4222
Directfax: +44 (0)23 8060 4294
Email: caroline.pribe@rya.org.uk

1st May 2012

Dear Sirs,

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

We refer to the Welsh Government's consultation in relation to the above. We set out below our response to the consultation paper.

The RYA is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at the 2000, 2004 and 2008 Olympic Games.

The Welsh Yachting Association (WYA) is established to promote the sport of sailing, windsurfing and power boating in Wales and acts as the RYA Council for Wales. The WYA represents 85 affiliated member clubs and 64 registered Training Centres together with an estimated 25,000 participants in the sport in Wales. It is grant aided by Sports Wales and works closely with the National Watersports Centre at Plas Menai.

General Comments

The RYA and the WYA welcomes the simplification of the institutional arrangements as proposed in this consultation document. It is our view that there is a need to improve and simplify the current regulatory systems and demonstrate that Wales is 'open for business' with the maritime sector having opportunities to grow in a sustainable manner. We are

supportive of the WG's position that sustainable development should be the central organising principle in the creation of this new body. However, we are concerned that these proposals are being undertaken in advance and without the confirmation of the strategic policy framework that has yet to be approved under the Living Wales consultation.

Although we recognise the intention of this document to be 'high-level' and strategic we are a little surprised at the lack of detail. Given the current focus on the marine environment, its regulatory framework and future designations and planning, the consultation document appears to contain little or no information on these issues. Considerable Environment Agency Wales (EAW) and Countryside Council for Wales (CCW) resource has been dedicated to these topics for several years now and we had expected greater reference to them.

Section 4 describes the purpose of the new body and highlights that it will help deliver a 'wide range of Government strategies and policies'; whilst we appreciate that the list provided in 4.2 is not intended to be exhaustive we are concerned about the absence of 'Climbing Higher' and the 'Coastal Tourism Strategy'. These strategies are particularly significant for the RYA and WYA because they include policy objectives which seek to secure health benefits through informal recreational activity and support opportunities for green tourism. We seek clarification on whether these elements will form part of the remit of the new SEB and, if not, where these responsibilities will lie in the absence of CCW and EAW.

Further to our comments in the previous paragraph, the RYA/WYA have a more general concern about the lack of reference to existing statutory duties. Although Section 5 indicates that 'the general principle ...unless otherwise stated...would be to transfer the relevant functions of the three main bodies to the new body' we look forward to receiving more detail on what this means. In particular we seek reassurance that the promotion of opportunities to enjoy the natural environment and secure public access will be retained as a statutory duty.

Q1. What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

The RYA and the WYA are tentatively supportive of Welsh Government's plans to create a Single Environmental Body (SEB) for Wales. We recognise the benefits of creating a single body as laid out in section 2.2.1 and we are very supportive of the particular reference to 'responses to planning authorities being based on a common shared view'. In the past there have been examples of conflicting advice being offered by the EAW and CCW in response to planning applications which have resulted in delays and associated costs for the applicant. We are hopeful that the creation of an SEB for Wales would remove or significantly reduce the likelihood of this occurring.

We are also pleased to note that 'fewer meetings/simplified stakeholder engagement arrangements' is highlighted as a benefit however we have some concerns about the practicality of this element. WG is in the process of rolling out some incredibly important legislation at present, for example marine planning and marine conservation zones, and we look forward to learning more about how stakeholder engagement can be streamlined whilst maintaining essential involvement on all pertinent issues.

The RYA welcomes any proposals that seek to improve and simplify regulation in Wales and we are pleased to note the intention of WG to continue working cross border with England to maintain common environmental standards and permitting arrangements where necessary. We share the concerns of others in industry that the creation of the new body could lead to increased regulation and we are grateful for WG's ongoing reassurance on this matter.

Q2. In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

We do not have any strong views on additional measures to be taken to address the concerns raised in section 2.4 however we would like to take this opportunity to express our concerns about the speed with which the new SEB is being created. While the RYA/WYA recognise the reasons given by WG for proceeding quickly we are concerned that undue haste may lead to unintended consequences should insufficient time be allowed for detailed consideration.

Our experience of working with the Marine Management Organisation (MMO) in England has highlighted some of the problems that can occur with the creation of a wholly new body. For example, staffing levels were underestimated and retention of staff from the component organisations was poor. This led to a lack of experienced staff in the early days of the MMO's operation which resulted in delays in processing applications and frustration for applicants and industry. Furthermore, since the MMO began operating there have been a number of internal restructures, which have been somewhat confusing for external stakeholders trying to engage with the appropriate departments. It is essential that a full and detailed understanding of the remit and roles of the various departments within the new SEB is established before it becomes operationally active.

Q3. What are your views on this phased approach? How could we improve on it?

The RYA/WYA are generally supportive of the phased approach proposed by WG. Notwithstanding our earlier comments relating to the speed with which the SEB is proposed to come into being, a phased approach should hopefully introduce structure into the process and help avoid the situation described in our response to Q2. However we seek reassurance that stakeholders will have the opportunity to provide input on all phases, with sufficient time allowed for consultation (and indeed for WG to digest feedback it receives from the stakeholder community).

Q4. Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

The RYA/WYA agree that the proposals provide a good basis for the principal aim and strategic outcomes of the body and are particularly supportive of the first strategic outcome: 'Contribute to protecting public health and safety and to promoting economic, social and environmental well-being and outdoor recreation'.

It is our view that the importance of outdoor recreation can sometimes be underestimated and we are pleased that WG recognise the social, economic and health benefits of such activity. We feel that it is essential that this remain one of the strategic outcomes of the proposed SEB so that any decisions can be made in the fullest context.

Q5. What are your views on the approach to the delivery framework?

RYA and WYA are supportive of the proposed delivery framework and we are pleased to see that WG has developed this framework to identify 'what success will look like'. This should assist the SEB in interpreting its responsibilities and provides a useful structure for monitoring where progress has been made as well as identifying where more work is needed. We would like clarification on the future of Integrated Coastal Zone Management and how it will be taken forward by Welsh Government or devolved to the SEB (or another organisation in Wales).

We are particularly pleased to see objective 14 'Promote and actively manage access to, and use of, landscape, greenspace and outdoor recreational facilities to benefit the health and well-being of all' and look forward to learning more about how the SEB and WG intend to achieve this. Access continues to be an issue for participation in outdoor recreation and we would be pleased to see this objective taken forward across Wales. We would be happy to contribute our knowledge and expertise on achieving this for recreational boating.

Q6. Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

Tables 1 to 3 provide a reasonable summary of the areas of work to be carried out by the SEB however RYA/WYA would like to offer a few comments on how some elements could be improved.

In Table 1 under 'Conservation, restoration and enhancement of structure and function of ecosystems etc' the example of working to maintain compliance with a number of European Directives is given; we note the absence of the Marine Strategy Framework Directive from this list and seek clarity on whether this indicates that responsibility for compliance with this directive will sit elsewhere? One of the apparent issues with implementation of MSFD by Member States is the overlap with existing directives, particularly the WFD. It is our view that the creation of a SEB in Wales offers the opportunity to minimise duplication and confusion that may arise as a result of overlapping EU Directives.

Also in Table 1 under 'Protection of public health and well-being through the management decisions that it takes' we note the illustrative example of 'Promotion of use of the countryside by all and the health benefits it brings'. Whilst this is a good example we would suggest it could be improved by replacing the word 'countryside' with the words 'outdoor environment, land and sea' in order to provide a truer representation of the ways in which Welsh people benefit from outdoor recreation.

Finally in Table 1 under 'Providing advice to Ministers etc' we note the reference to the Infrastructure Planning Commission that no longer exists. The IPC has been replaced by a specific department within the Planning Inspectorate and documentation referring to the

SEB should be updated to reflect this. We recognise that the organisations listed in Table 1 are illustrative examples and we look forward to learning more detail about the interactions between the SEB and other organisations in the UK. In particular we are interested to understand the relationship with the MMO in relation to marine licensing and the role of the SEB in relation to marine planning.

Q7. What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

The proposed changes under section 5.2.1 on navigation appear to be sound and the RYA/WYA are supportive of these functions being referred to the new SEB.

Section 5.3.2 lays out proposals for the inclusion of marine licensing functions in the new SEB. The RYA/WYA are tentatively supportive of these proposals in that we can appreciate the obvious benefits offered by a single point of contact (provided a clear appellate role is established for Welsh Minister)s.

We do however have concerns about the ability of this function to be properly resourced with sufficient staff with the right levels of expertise. As alluded to in our answer to Q2 we have experience of what can happen if the transfer of this function to a new body is not suitably resourced. At present the expertise for dealing with marine licensing applications lies with a small team within WG. We are concerned that some of this expertise may be lost in the creation of a new SEB, particularly if the HQ for such a body is located away from Cardiff. Relocation of the MMO to Newcastle from London resulted in many of the senior staff choosing to leave the organisation, taking with them years of experience and understanding. We seek reassurance from WG that a similar outcome will be avoided in the creation of the SEB as maintaining the ongoing delivery of an effective, efficient and proportionate marine licensing system will be critical.

Furthermore whilst we are aware of the benefits of having a single point of contact for all environmental permitting we would encourage WG to give the practicalities of this careful thought. Marine licensing is a very different process to environmental permitting and requires particular knowledge and understanding of the marine environment. Indeed it is more akin to development control processes in terrestrial planning and it does not appear that there is any intention for the remit of the new SEB to extend to include those functions. We look forward to learning more detail about how the transfer of this function would be carried out and in particular how WG plans to secure the wide range of expertise needed for such a 'single point of contact' to operate successfully.

Q8. Do you agree with the proposals for co-ordination of WG investment in environmental research? How could we improve them?

No comment.

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

The RYA/WYA have no further comments on the proposals about the status, governance and accountability of the new body at this time.

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

The RYA/WYA agree with the reasoning behind the abolition of certain committees and understands WG's desire to simplify arrangements. We do however have concerns about what form stakeholder engagement will take in the future and indeed what, if any, transitional arrangements have been made.

The consultation document does not provide a clear picture of the present stakeholder engagement situation at present and it is therefore unclear what form stakeholder engagement will take in the future. The RYA and WYA are members of the Wales Coastal and Maritime Partnership (WCMP) which was set up in 2002 to provide advice to government on sustainable development issues affecting the coast and seas of Wales. The partnership is composed of organisations from the public, private and voluntary sector and provides an excellent forum for stakeholder engagement. We seek reassurance that the WCMP will continue to exist and retain its present function as a stakeholder led forum.

We would also like clarification on the future involvement of the National Access Forum and smaller Local Authority Forums which have an interest in water-based recreation. These fora provide a vital platform for stakeholders to feed their views into Government process and it is essential that they continue to exist.

Should the proposed SEB seek to establish new ways of securing stakeholder engagement we would expect the RYA and WYA to continue to have direct involvement. We would recommend that in particular the WCMP be retained and that all members should be consulted on any proposals relating to changes in stakeholder engagement.

Q 11. What are your views on these aspects of the regulatory arrangements?

The proposals covered in Section 6.6 seem sensible and we have no further comment to offer on these elements.

The RYA and WYA have been consulted as members of the Wales Coastal and Maritime Partnership on its submission and endorse this statement.

We hope the comments provided in this letter are useful and look forward to receiving your response. The RYA and the WYA look forward to being involved in further consultations on this matter as more detail becomes available.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Price', is enclosed in a light grey rectangular box.

Caroline Price
RYA Planning and Environmental Advisor

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

Sent: 01 May 2012 13:50

To: SEB mailbox

Subject: SEB Consultation online form

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

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

(Unchecked)

Your name:

Keith Brown

Organisation (if applicable):

John Gordon & Son

Email / telephone number:

kbrown@gordontimber.co.uk

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

The delivery of more integrated management by amalgamating the three bodies to form a single environmental body for Wales has the potential to bring about improvements in value for money and delivery; however, more detail is required to enable us to comment further. The scale and complexity of this task should not be underestimated. The new body brings together three very different organisations, each with their own culture and managing the change will require care to ensure that the initial objectives are achieved and that there is no loss of focus on the needs of the clients that the new body will serve. It should be noted that since devolution, the focus of Forestry Commission Wales has moved away from commercial (productive) forestry and the needs of the domestic wood processing sector in Wales, in favour of greater emphasis on environmental and social aspects of forestry, the result is an unbalanced approach to forestry. Elsewhere in the United Kingdom, sustainably managed forests in the public sector have generally retained a balanced approach to management and delivery of economic, social and environmental benefits from the public forest estate. It is to be hoped that balance can be restored in Wales, thereby allowing the forest products sector to increase its contribution to sustainable development in Wales. The public forest estate has a valuable role to play by ensuring the continued supply of wood. Failure to restore the balance will have very serious impacts for businesses in the forestry and forest products sector in Wales, with business failures and job losses, especially in rural areas, likely to be a consequence.

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

As is acknowledged in the consultation document, the forestry and forest products sector in Wales had expressed concerns about the potential impact that the establishment and operation of the new body could have on wood supply. Whilst it is noted that certain assurances have been given in response to these concerns, businesses in the sector remain nervous about the operation of the new body. It is essential that there is effective communication between the new body and the forestry and forest products sector in Wales, to ensure that there is no further loss of confidence amongst businesses. Continuity of wood supply is a key requirement for continued business confidence, which in turn influences investment programmes. Businesses have already seen a significant reduction in wood production from the public forest estate in Wales, which has caused problems in the wood supply chain and business confidence suffered as a consequence. Increased planting of productive conifer crops must be a priority for the new body, so as to increase wood production from the public forest estate in Wales. There is a compelling case for increased tree cover in Wales.

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

An orderly transition is essential. Similarly, the programme of change should be at such a rate so as to ensure the cost effective delivery of objectives. The phased delivery approach requires careful management and scheduling, so as to avoid rushing change, or to prolong the change process unnecessarily, both of which would have negative consequences that could adversely affect the operation of the new body, at least in the short term. It is important that the new body gets off to the best possible start.

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

It is very encouraging to see that the new body will have a clear commitment to sustainable development. Trees, woods, forests and forest products play a major role in sustainable development and we hope that every opportunity will be taken to maximise these benefits. More 'joined-up' thinking within the Welsh Government, involving the new body, will be vitally important if the benefits associated with sustainable development and the important contribution that wood and wood products can make, including helping to mitigate the effects of climate change, are to be realised.

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

The delivery framework model described appears to be appropriate. We would expect 'Woodlands for Wales' to be a significant document in terms of informing and directing the new body's focus for the woodlands and forests of Wales. This Welsh Government strategy has an important role to play in enabling the woodlands of Wales to provide maximum benefits for the people of Wales.

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

The functions described in tables 1-3 appear to be a reasonable summary of those required, however, we note with concern that there is no stated requirement for expansion of the public forest estate in Wales, or increased emphasis on productive conifer forestry in Wales; both of which would make a significant contribution to sustainable development in Wales. The role of the public forest estate in Wales in supporting the delivery of sustainable development objectives should not be underestimated.

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

We have concerns about proposals relating to Tree and Plant Health; it is important that there is no duplication of effort and furthermore, the new body must work closely with the Forestry Commission in Scotland and England and associated Government Departments and Agencies in relation to tree and plant health matters, so as to ensure a cost-effective approach. It must be noted that pests and diseases do not respect political/national boundaries. It must also be noted that threats from pests and diseases to trees and plants are becoming more frequent, more serious and of greater economic significance. It is essential that adequate resources are provided for this very important function.

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

Co-ordination of Welsh Government investment in environmental research is very important. Forest Research, an arm of the Forestry Commission, makes a vital contribution to the forestry sector and must not be overlooked. It is essential that Forest Research is adequately resourced, so as to address the issues affecting, or likely to affect trees and forestry. We are fearful that a breakaway from Forest Research will further reduce its operational capacity and effectiveness; this at a time when research, especially in relation to pests and diseases of trees and plants, is vitally important.

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

We broadly agree with these proposals. However, given the environmental, social and economic significance of forestry and forest products in Wales, it is essential that this is reflected in the composition of the Board of the new body. It is important to differentiate between forestry and forest products interests, both have a role to play in the governance of the new body. It is essential that the governance arrangements of the new body are balanced, so as to adequately represent the many and varied interests which will be the responsibility of the new body.

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

Effective engagement with stakeholders is essential for the success of the new body. The UK Forest Products Association and its Members in Wales have, over the years, developed a very positive working relationship with Forestry Commission Wales and with the Welsh Government and successive Forestry Ministers. It is important that this dialogue continues via the new body. We are concerned that moving forestry at least one step away from Government and its inclusion in a multi-discipline body, whose emphasis may be biased towards environmental matters, could be a negative development. It is essential that the voice of the forest products sector in Wales is not diluted by other interests within the new body.

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

Given the current roles and responsibilities of the three bodies that will form the new body, it is important that any potential conflicts are identified and addressed immediately, so as to avoid operational problems. There must be clear focus on sustainable development, which takes into account environmental protection. The needs of businesses and the important role that businesses play in sustainable development must never to be overlooked by the new body.

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

From: david.v.edwards@upm.com
Sent: 01 May 2012 14:28
To: SEB mailbox
Subject: Consultation Response

Attachments: UPM Tilhill Natural Resources Wales 1.5.12.docx

Please find attached our response to the consultation document Natural Resources Wales

David Edwards | District Manager | Tel: +44 (0) 1550 721442 | Mob: +44 (0) 7831 309261 | Fax: +44 (0) 1550 721446 | david.v.edwards@upm.com

UPM Tilhill | Llydys Bank Chambers, 14 High Street | Llandovery, Carmarthenshire, UK, SA20 0PY | www.upm-tilhill.com

Tilhill Forestry Ltd, trading as UPM Tilhill | Registered in England: number 3242286 | Registered office: Blackham Court, Withyham, East Sussex, TN7 4DB.

UPM ••• The Biofore Company

UPM leads the integration of bio and forest industries into a new, sustainable and innovation-driven future.

Give paper a new life. Be Biofore. Recycle

Please note. The information contained in this message is confidential and is intended only for the use of the individual named above and others who have been specially authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. The attachments have been scanned for viruses prior to leaving our email system. UPM-Kymmene Corp shall not be liable for any consequences of any virus being passed on.

Natural Resources Wales

Introduction



Established in 1948 UPM Tilhill with an annual turnover in excess of £120 million is a wholly owned subsidiary of UPM Kymmene Corporation of Finland which in turn has a turnover in excess of €10 billion. UPM Tilhill is the leading Private Sector Forestry Company in GB with more than 200 000 ha under active management of which more than 20 000 ha are in Wales. In addition to owning forests and managing for others UPM Tilhill is the largest harvester of timber in GB and within Wales alone harvests on average half a million tonnes of utilisable timber per year from its own managed forests, those managed by others and from the Welsh Government's own forests. The activities of UPM Tilhill are not restricted to growing and harvesting timber and we own one of the most popular mountain bike centres in Wales. Only the Forestry Commission has responsibility for managing more forests in GB than UPM Tilhill.

Q1. UPM Tilhill accepts the concept of the Single Body (SB) but remains unconvinced of the logic that FCW is included while Agriculture is not. Never the less we will work with it to help it deliver the benefits forestry has to offer all those living and working in Wales. We believe that the aims of the SB are laudable but that they need to be turned into concrete goals with measurable outcomes and a mechanism to review progress so that where necessary changes can be made to ensure effective delivery. In particular the specific needs of the forestry sector must not become lost in the larger SB.

Q2. We are unclear on how the SB is to be held to account? We agree with the proposals but our concern is to ensure that the objectives listed are delivered. We fully support the intention to increase woodland area but what actions are going to be proposed to achieve that and what will be done if targets are not met? How will the policy team in WG function and how will it keep in touch with practical forestry?

Q3. UPM Tilhill agrees in principal to the phased approach of taking one step at a time. However we believe it is critical that each phase is reviewed against targets to ensure the SB is delivering against the promises made. Our concern is that the positive gains to be achieved by having a SB will be lost in the process and checks and balances need to be in place.

We welcome the promise to consult on implementation of further phases but seek reassurance that subsequent phases will not be implemented until or unless the initial phase is successfully delivered.

Will you consult on what other functions you will seek to transfer from UK Ministers?

Q4. UPM Tilhill support the SB's principal aim and strategic outcomes but the ability of the SB to deliver without the inclusion of Agriculture is we believe compromised.

The forestry sector signed up to a sustainable development strategy "Naturally Wood" back in 2002. UPM Tilhill through ownership, management and creation of sustainable woodlands can contribute significantly not only to Woodlands for Wales but also to many of the other WG Strategies the SB will be expected to deliver.

The opportunity to streamline decision making to ease the burden on business is always welcome but dealing with a single rather than separate organisations will not in itself achieve that. The ability of the SB to resolve tensions amongst the component parts will be a key performance indicator. Again we come back to the theme that if the aims of the new body are to be supported we need to ensure they are delivered and delivered in a sustainable way taking full account of the need to provide economic, environmental and social benefits. We do not wish to see the SB become an obstacle to sustainable development but very much an enabler of such development.

We believe that outcome 2 should refer to "invasive" rather than "alien" species.

Q5. We are unsure of the value of the "Annual Remit Letter" but would be keen to see an annual report of performance against targets and most importantly if targets are not being met what action will be taken to rectify the situation.

Production of detailed annual financial accounts will be important to enable stakeholders to assess value for money and to measure the financial savings against those promised by the Business Case.

Q6. The tables are a fair summary of the functions required but we note the examples are only illustrative. We would like more information on how they are to be achieved with more emphasis on functions that the SB will have a duty to perform. We accept the document is not the place for detailed prescription but we would like to see at least an outline as to how these functions will be delivered e.g. what will the SB do to increase woodland cover? We suggest the SB could work towards making more suitable land available for tree planting by resolving the apparent conflict between conservation and new planting. The SB will have the means to resolve these issues "in-house" and must grab the nettle and ensure targets for increasing woodland cover are met.

Q7. UPM Tilhill has no comment to make on navigation.


We do not object to the principal of policy moving to WG and can see the benefits of policy being arm's length from delivery but we would be concerned that this divorce could lead to those making policy becoming too distant from practitioners. However there is an opportunity for policy makers to engage with a wider range of stakeholders than just the SB to seek technical advice on policy implications and provision of evidence. To be able to draw on a wider source of knowledge and experience should lead to development of good policy.

UPM Tilhill has no comment to make on marine licensing.

UPM Tilhill would welcome the consolidation of badger licensing within WG and indeed would like to see a further relaxation in the issuing of Badger and EPS licences for those responsible woodland managers who can demonstrate adherence to best practice by being certified as complying with the UK Woodland Assurance Standard (UKWAS). The SB represents an opportunity to remove the need for separate licences by granting a single all-encompassing approval.

UPM Tilhill welcomes the opportunity to rationalise arrangements for plant and forest tree health but would go further and suggest the SB takes over the function of Fera in Wales to ensure all the professionals associated with the implementation of statutory and operational functions reside within the new body. It would be hoped such streamlining would improve the arrangements for plant and tree

health at a time when the risks of pests and diseases through importation and climate change are expected to rise significantly. Full engagement at UK level is essential.

 Delivery of forestry grants through Glastir rather than the SB does represent a significant change to the way forestry grants have been administered and there is serious concern within the private sector as to how this will operate in practice and fear that delivery of Woodlands for Wales will be diluted between different ministries. The separation of the regulatory authorities into the SB away from the grant awarding Glastir appears to go against the ethos of streamlining delivery. We fail to see how integration of a forestry grant scheme and regulation would significantly add to overall implementation risks. In fact quite the contrary and we fear implementation of Woodlands for Wales will be impeded by separating grants from regulation.

Q8. UPM Tihill believes it is important for Forest Research to continue to operate at GB level but with a significant Welsh input. We are unclear about the forestry expertise within the Wales Environment Research Hub and therefore question its ability to co-ordinate research effectively.

UPM Tihill has no comment to make on Internal Drainage Boards.

Q9. Forestry needs to be adequately represented on the board by members with practical experience in forestry and the timber processing sector within Wales.

The choice of CEO is absolutely key to the success of the SB and the early leadership demonstrated by this individual will quickly determine the culture of the new body and ensure it has its own identity and is not merely a grouping of different factions from the constituent bodies.

The consultation document gives no details of the SB's operating procedures and in particular how the trading arm will operate for timber sales. UPM Tihill is the biggest buyer of timber from FCW. How timber sales will work is critical to both our operations and revenues for FCW.

UPM Tihill very much welcomes the two year probationary period to be undertaken by the SB and that this period will conclude with an independent external assessment. Appointment of the external assessor again is key to establishing the credibility of the SB and appointment must be transparent and have the confidence of stakeholders.

Q10. It is essential stakeholders are engaged with the new body and UPM Tihill is concerned that forestry doesn't get an individual mention in the list of stakeholders included in the consultation document. The private forestry sector has so much to offer WG in fulfilling its policy objectives of sustainable development associated with climate change, environmental improvements and economic success, that stakeholder representation is vital.

UPM Tihill supports the Welsh Strategy Advisory Panel in its role to advise on the development and implementation of Woodlands for Wales. We also recognise the role it has in advising on disputed cases and would like to see this function continue. It is hoped the formation of the SB will not result in an increase in disputed cases but if cases do arise WSAP provides a potential for resolution.

Q11. UPM Tihill accepts the outline of the regulatory arrangements and welcome that they will be transparent. However we would like to see an appeals procedure that would allow decisions to be challenged to further protect businesses from the SB in effect being judge and jury in regulatory decision making. In the same way that self-permitting is proposed we would like to see responsible forest

managers allowed to self-permit where they can demonstrate high standards of forest management. This high standard is best demonstrated by compliance with UKWAS which is subject to external scrutiny.

UPM Tilhill would welcome the opportunity to develop further any of the comments or suggestions we have made.

UPM Tilhill
14 High Street
Llandovery
SA20 0PY



From: Moc Morgan [mocmorgan@btinternet.com]

Sent: 01 May 2012 14:29

To: SEB mailbox

Subject: FAO Carrie Moss

From M oc M organ O B E

(President of W elsh Salmon & Trout Angling Association)

97 M aesceinion, W aunfaw r, A berystwyth, C eredigion, SY 233Q Q

Dear M s M oss,

Form al R esponse to W elsh G overnm ent's Public C onsultation on 'N atural R esources W ales'.

I w ish to record m y support for the form al response subm itted by the statutory Fisheries, Ecology & Recreation Advisory Com m ittee for W ales (FERAC W ales) to the above consultation docum ent setting out the proposed arrangem ents for establishing and directing a N ew B ody for the m anagem ent of W ales' N atural R esources'.

A lthough the consultation docum ent is short on detail about how certain aspects of the proposals w ill be translated into practice, I feel that it has highlighted the vital im portance of achieving the correct balance betw een the potentially conflicting dem ands for econom ic grow th and developm ent w ith the effective m anagem ent and regulation of our natural environm ent. This balance w ill be critically im portant if the N ew B ody is to com m and the confidence, trust and support of its m any stakeholders and the general public.

It has also identified several m atters of particular interest and concern to fisheries and angling interests throughout W ales. In this respect, I strongly support the follow ing key points: -

1. The structure of the B oard of the N ew B ody should include a suitable m em ber w ith a clear and explicit rem it to cover fisheries and angling interests.
2. The proposed abolition of FERAC W ales as a statutory advisory com m ittee is only acceptable if it is replaced by m ore effective alternative arrangem ents for future stakeholder engagem ent w ith fishery and angling interests at a local and national level. I fully endorse the FERAC proposal that the N ew B ody should have a statutory duty to establish a fram ew ork for future consultation and engagem ent w ith its key stakeholders (including fisheries) and that this fram ew ork should be approved and periodically review ed by W elsh M inisters. I w ould w ish to see the seven existing Local Fishery G roups used as a platform for building these future consultative arrangem ents at a local level. I also see the need for an Inland Fishery Stakeholder G roup to serve as a national focus on strategic m atters. - as identified in the W elsh Fisheries Strategy approved by W elsh G overnm ent in 2008.
3. I attach considerable im portance to integrating the future responsibility for sea fisheries regulation, enforcem ent and m onitoring w ithin the new B ody.
4. I consider it vital that the N ew B ody should have far greater influence in helping W elsh G overnm ent to develop future land-use m anagem ent strategies and practices and that it should be m ore directly involved in their im plem entation.

5. I consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

MJMorgan (M ocM organ)

(30th April 2012)

From: Alison BURROWES [ALISONB@pcs.org.uk]
Sent: 01 May 2012 14:49
To: SEB mailbox
Subject: Consultation Response - Natural Resources Wales

Attachments: Consultation Response - CCW.docx
Hi

Please see attached PCS Wales submission on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

This on behalf of members working in Countryside Council for Wales.

Many thanks

Alison

Alison Burrowes
Industrial Officer
PCS Wales/Cymru
Phone/Ffon: 029 2066 6363
Fax/Facs: 029 2066 6501
E-Mail/Ebost: alisonb@pcs.org.uk
www.pcs..org.uk/wales

=====
This Email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the systems administrator at postmaster@pcs.org.uk.

This email has been scanned for viruses before leaving PCS
=====



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

1st May 2012

Via E-Mail

Dear Ms Moss

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

The Public and Commercial Services Union is a UK-wide trade union representing approximately 21,000 members in civil and public services in Wales. We represent staff working at Countryside Council for Wales, Forestry Commission Wales and Welsh Government (Marine Licensing and Wildlife Licensing).

PCS Wales/Cymru welcomes the opportunity to participate in the consultation exercise and sets out below our response on behalf of members working in the Countryside Council for Wales only.

Foreword.

2nd para: Clarification is required as to what is understood by 'best way possible' and 'best outcomes'. This paragraph/statement has a strong emphasis towards 'management' of natural resources in terms of socio and economic contexts. The environment of Wales is worthy of protection in its own right, not just as a socio-economic resource. The culture and economy of Wales has developed from and been determined by Wales' natural environment and resources.

Social, economic factors and the environment are mutually interdependent. The environment should not be seen solely in terms of a 'resource' to be exploited.

Section 1: Background.

1.2: Clarification would be welcomed as to what is understood by 'sustainable development' in this context. CCW welcomes and supports the concept of working within environmental capacities but would suggest that this premise be made far more explicit within this consultation document and should be a core principle and objective of the proposed Single Body. Some consideration/clarification would be welcomed as to how, where environmental capacities are already exceeded or at their limits (i.e. where existing levels of development are already unsustainable) the proposed SB will be responsible for/empowered to 'control' or restrict development to 'sustainable levels. As written, this document focuses on the promotion and enablement of sustainable development within environmental capacities however, there are obvious cases where there is a need to restore sustainability.

Section 2: What is the case for change?

2.2: CCW would suggest that the first bullet point should be caveated to include the concept of, for example;

- The need to rationalise and simplify regulation and natural resource management where appropriate and necessary.

In the second bullet point, 'the need to focus...opportunities and challenges', CCW would suggest that consideration must also be given to 'needs' in the wider global, European and UK context. The pursuit of 'sustainable development' in Wales must not and should not create or contribute to unsustainable practices, developments and resource use out with Wales. CCW welcomes the commitment made by WG to the promotion of sustainable principles and practices however; the promotion of prudent natural resource use brings a number of wider responsibilities and challenges which should be acknowledged. Many of the natural resources and ecosystem benefits enjoyed by Wales do not recognise administrative and political boundaries and Wales and the new SB have a duty of care and responsibility in a wider spatial context that Wales.

2.2.1: Within the second paragraph, clarification would be welcomed as to what is understood by 'better outcomes for and from the environment'. This is unclear.

Rationalisation and simplification of natural resource management and regulation is, in principle, a desirable goal. However, rationalisation of Regulation should not lose sight of the reasons/issues that prompted the need for Regulation in the first instance. In many cases, the existence of Regulation has prevented/controlled (and continues to control) poor environmental practice and enabled environmental 'improvement'. Without those Regulations or management controls, the state of our environment might be considerably worse than at present. Recent legal cases have required that, on the revocation of plans and policies, a revocation assessment is undertaken to determine the environmental effects of the removal of policies/plans etc. Where proposals for simplification, rationalisation and streamlining of regulatory processes are put forward, CCW would recommend that such assessment is undertaken in order to ensure that the benefits and safeguards of existing regulatory processes and streams are not lost and can be built into new regulation and statutory processes and institutions.

The proposed objectives for the new SB (management of natural resources and nature conservation) has the potential to create internal tensions (as can currently be demonstrated in the dual remit of EA to both protect the water environment and ensure deliver of water resources). CCW would suggest that overcoming potential internal tensions is not an insurmountable problem within a new SB but the objectives and aims of the SB need to make clear, from the outset, where its priorities would lie in the event of internal conflict of purpose. This issue of priorities is clearly addressed in the remit of National Parks, especially those in Scotland and must similarly be reproduced in any formal remit/objectives of a SB and understood by stakeholders.

Bullet point 1: see comments immediately above on the potential for internal tensions within the remit of the SB.

Bullet point 2: This bullet point refers only to 'project- level' planning and makes no reference to strategic (plan and programme level planning)

Bullet point 3: This bullet point refers only to 'project- level' planning and makes no reference to strategic (plan and programme level planning).

2.2.2: While CCW appreciates the desirability of locally based decision making, natural resources and environmental goods and services do not respect administrative and political boundaries and, in many cases, need to be considered (in both strategic and project levels) on a regional, national and international basis. The undertaking of local decision making compromises the consideration of cumulative and synergistic effects and is contrary to the holistic aims of much existing environmental legislation and regulation- in effect, the consideration of environmental regulation at a local or Wales-wide spatial level would be a step backwards in terms of the ability to consider the effects of planning proposals on environmental goods and services.

CCW welcomes the reference to the need to comply with European legislation, which is transposed into the UK context at national (UK) level. Transposing legislation (e.g. the EIA, SEA Regulations, legislation relating to the Water Framework Directive and Habitats Directive etc) can only be rationalised in a way that ensures and maintains conformity with overarching international and UK obligations.

2.3: CCW would suggest that the context of risks should initially to be considered in the light of hazards, the probabilities of those hazards manifesting themselves and in terms of the magnitude of 'damage' (whether economic, environmental and/or social).

Additional 'risks' that do not appear to have been considered relate to EA obligations incurred in respect of compensatory measures related to Shoreline Management Plans and Catchment Flood Management Plans, EA liabilities relating to ongoing infringement proceedings under European legislation, the risks of legal and financial sanctions derived from challenges to regulatory process, the regulatory and financial obligations imposed on EA and CCW in respect of the Environmental Liability Directive.

2.4: Third Bullet point - CCW welcomes in principle, the aim to rationalise and simplify regulatory systems. However, much of the legislation aimed at environmental protection and management represents the UK's transposition of European Directives and/or international conventions. Such transposing legislation can only be simplified to a limited extent and in such a way that ensures and maintains conformity with the 'overarching' international obligations. CCW would agree with the premise that much UK based legislation has developed on an ad hoc basis in response to specific environmental challenges and requires rationalisation. However, any rationalisation of Regulation should not lose sight of the reasons/issues that prompted the need for Regulation in the first instance. In many cases, the existence of Regulation has prevented/controlled (and continues to control) poor environmental practice and enabled environmental 'improvement'. Without those Regulations or management controls, the state of our environment might be considerably worse than at present. Recent legal cases have required that, on the revocation of plans and policies, a revocation assessment is undertaken to determine the environmental effects of the removal of policies/plans etc. Where proposals for simplification, rationalisation and streamlining of regulatory processes are put forward, CCW would recommend that such assessment is undertaken in order to ensure that the benefits and safeguards of existing regulatory processes and streams are not lost and can be built into new regulation and statutory processes and institutions.

Question 1: See comments above regarding;

- the potential for internal tensions within a SB remit
- the need to consider potential additional hazards, risks and liabilities
- the need to maintain transparency and accountability in decision making processes
- the need for rationalised regulation to conform to International, European and UK regulation
- the need to account for natural resource plans, development plans and projects to account for cumulative and synergistic effects both with Wales and in the wider UK and European/International context

3.2: CCW notes the premise that a simplifying process is intended to maintain 'environmental standards'. See comments above regarding the need for cross compliance outwith Wales and with International and UK legislation and regulation

3.3: CCW notes the intention to undertake a phased approach to the conferral of functions on the new body. A number of functions/processes and activities undertaken by the three component parts of the proposed SB are interdependent, may operate in parallel and or in a non-linear manner. Care must be taken that, in undertaking phased change, mutually dependent functions and processes are not compromised. The proposed objectives for the new SB (management of natural resources and nature conservation) has the potential to create internal tensions (as can currently be demonstrated in the dual remit of EA to both protect the water environment and ensure deliver of water resources). CCW would suggest that overcoming potential internal tensions is not an insurmountable problem within a new SB but the objectives and aims of the SB need to make clear, from the outset, where its priorities would lie in the event of internal conflict of purpose. This issue of priorities is clearly addressed in the remit of National Parks, especially those in Scotland and must similarly be reproduced in any formal remit/objectives of a SB and understood by stakeholders.

3.4: CCW notes the reference to the potential need for consent from the SoS. It is assumed that, in this context, the SoS refers to the SoS for Wales. Additional consideration will need to be given to obtaining the consent/cooperation of not only the SoS for Wales but also those UK SoSs responsible for Departments which have authority/responsibility for the overall transposition of International and European regulation e.g. the SoS for Communities and Local Government (good luck with that one!).

Question 3: See comments above on 3.3.

4.1: With regard to the new body being guided by the policies of the Welsh Government, see comments above regarding the need to conform to and the need for cross compliance with International and European policies and the need for conformity of approach with those UK government departments responsible for the administration of European legislation in the UK context.

Clarification is required as to what is meant by the 'value' of our natural assets. The so called development of value of our natural assets must not and should not compromise the 'value' or integrity of other natural assets and process. In many cases, a single natural asset e.g. river, will provide multiple goods and services. See comments on 'Sustaining a Living Wales- A green Paper on a new approach to natural resource management Jan 2012'.

CCW notes the premise that the body would need to integrate the protection and management of the environment and the benefits that the environment provides. These proposed objectives for the new SB (management of natural resources and nature conservation) have the potential to create internal tensions (as can currently be demonstrated in the dual remit of EA to both protect the water environment and ensure deliver of water resources). CCW would suggest that overcoming potential internal tensions is not an insurmountable problem within a new SB but the objectives and aims of the SB need to make clear, from the outset, where its priorities would lie in the event of internal conflict of purpose. This issue of priorities is clearly addressed in the remit of National Parks, especially those in Scotland and must similarly be reproduced in any formal remit/objectives of a SB and understood by stakeholders.

4.2: With regard to the Strategic Policy Position on Water and planned water strategy see comments above on the need to consider resource provision outwith Wales and the need for conformity with International, European and UK regulation.

4.4: CCW would suggest that, as written, the proposed aim of the new body makes no reference to the need to protect, maintain and /or enhance the wider environment. The environment of Wales is worthy of protection in its own right and it is disappointing that the proposed objective emphasises only the role of the environment in providing 'benefit's in terms of social and economic sectors.

The strategic outcomes proposed have, again, a heavy emphasis on economic and social outcomes are there is little or no provision in respect of protection of the environment in its own right. These proposed outcomes have the potential to create internal tensions (as can currently be demonstrated in the dual remit of EA to both protect the water environment and ensure deliver of water resources) and conflict.

CCW would suggest that overcoming potential internal tensions is not an insurmountable problem within a new SB but the objectives and aims of the SB need to make clear, from the outset, where its priorities would lie in the event of conflict of purpose. This issue of priorities is clearly addressed in the remit of National Parks, especially those in Scotland and must similarly be reproduced in any formal remit/objectives of a SB and understood by stakeholders.

5.1: See comments on Table 1, Table 2 and Table 3. See also comments above regarding the need to acknowledge the potential for internal tensions/conflicts of purpose within the SB and the need to prioritise objectives.

5.2.1: Clarification would be welcomed as to whether designation of 'main rivers' will be reviewed as part of the 2014 review of navigations by the EA.

5.3.1: CCW would suggest that there is currently no identified resource within WG for statutory assessment processes (SEA, EIA and HRA) and that the opportunity should be taken to redress this skill/capacity gap.

6.3: Much of the legislation relating to the function/operation of the SB and aimed at environmental protection/management involves the UK's transposition of International and European regulations and policy. CCW already participate in a number of UK and international discussions in respect of environmental regulation e.g. SEA.

CCW would suggest that cross border working would not only be required with regard to RBMPs but also in respect of CFMPs, SMPs, WRMPs, transport plans, fisheries plans etc **and** with all International and European based regulation/planning e.g. EIA, SEA, HRA etc.

6.6.2: CCW notes and welcomes the consideration of the need for 'functional separation' between the responsible authority and consultant body roles of the SB and in the context of SEA. This section necessarily represents a summary of the particular issues raised in recent European case law and it is suggested that, rather than repeat detailed information/legal advice on this matter, specific and explicit reference is made to the need to address/progress the matter, in conjunction with the Department of Communities and Local Government (as being responsible for the transposition of the SEA Directive in the UK). In addition to those 'functional separation issues relating to SEA process and the SEA Directive, legal advice suggests that the same principles for 'functional separation' need to be applied to the EIA process (again CLG are the UK department responsible for the administration of the EIA Directive in the UK).

CCW would therefore suggest that this section applies the same proposals for functional separation of roles to both SEA and EIA as well as to HRA (although legal advice differs slightly with respect to the need for 'functional separation in respect of Article 6 of the Habitats Directive'. In addition, CCW would recommend that consideration be given as a matter of urgency to the need for 'separation' between roles in respect of the European Liability Directive.

6.6.3: Clarification would be welcomed as to whether the statement 'where CCW provides conservation advice through the consultation process' applies to instances where CCW is a statutory consultee for assessment process for plans, programmes and projects originating from sources outwith CCW, FC and EA and/or for cases resulting from the European Liability Directive.

It may be inappropriate for joint teams (conservation and permitting) to work together in the interests of efficiency given that recent case law has proved it inappropriate for a single body to act as both judge and jury on a proposal (see issues relating to functional separation above). It may not be sufficient in law to merely publish a decision document in the interests of 'transparency'. CCW would suggest that such a proposal may compromise the requirements of the Aarhus Convention and European Convention on Human Rights.

Question 11: See comments above.

7.2: Consideration needs to be given to managing the liabilities as well as the legacy. See comments on 2.3 above.

7.3: See comments above regarding the need for cross compliance outwith Wales and with International and UK legislation and regulation

7.6: Clarification would be welcomed as to whether the potential liabilities incurred by the EA in relation to compensatory measures for SMPs and ongoing infraction proceedings in respect of water quality, have been included within extant liabilities.

Table 1: Table 1 makes no reference to functions/obligations required under the SEA Directive, SEA Directive, Habitats Directive and/or Environmental Liability Directive

Annex 1:

This Annex makes no reference to strategic delivery needs required under International and European contexts including the Kiev Protocol, European Directives etc.

1.16: Much of the legislation aimed at environmental protection and management represents the UK's transposition of European Directives and/or international conventions.

Such transposing legislation can only be simplified to a limited extent and in such a way that ensures and maintains conformity with the 'overarching' international obligations. CCW would agree with the premise that much UK based legislation has developed on an ad hoc basis in response to specific environmental challenges and requires rationalisation.

However, any rationalisation of Regulation should not lose sight of the reasons/issues that prompted the need for Regulation in the first instance. In many cases, the existence of Regulation has prevented/controlled (and continues to control) poor environmental practice and enabled environmental 'improvement'. Without those Regulations or management controls, the state of our environment might be considerably worse than at present. Recent legal cases have required that, on the revocation of plans and policies, a revocation assessment is undertaken to determine the environmental effects of the removal of policies/plans etc. Where proposals for simplification, rationalisation and streamlining of regulatory processes are put forward, CCW would recommend that such assessment is undertaken in order to ensure that the benefits and safeguards of existing regulatory processes and streams are not lost and can be built into new regulation and statutory processes and institutions.

Yours sincerely,

A.C. Burrowes

Alison Burrowes
Industrial Officer

E-Mail: alisonb@pcs.org.uk
[www:pcs.org.uk\wales](http://www.pcs.org.uk/wales)

From: Nica Prichard [prichard@springgardens.fsnet.co.uk]

Sent: 01 May 2012 14:52

To: SEB mailbox

Subject: natural resources Wales

PEM BROKESHIRE RIVERS TRUST

Spring Gardens,
Parrog Road,
Newport,
Pembrokeshire.
SA42 0RJ.

M s. Carrie Moss,
Living Wales Programme Team ,
Department for Environment and
Sustainable Development,
Welsh Government,
Cathays Park,
Cardiff CF10 3NQ .

1st May 2012

Dear M s. Moss,

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

The concept of bringing together the functions of the Environment Agency Wales, The Countryside Council for Wales and The Forestry Commission Wales is, in general terms, supported by Pembrokeshire Rivers Trust of which I am Chairman.

The Trust is however concerned that environmental matters are given high priority by the new Body and in that connection we support the detailed formal response submitted by the Fisheries, Ecology and Recreation Committee of Environment Agency Wales (FERAC).

The work of this Trust involves looking after the rivers of Pembrokeshire so that they have the benefit of the best possible natural habitat and we trust that the new Body will be able to provide the same excellent support give up to the present time by the existing Bodies.

Yours sincerely,

David L Prichard.

From: John Burton [lance-burton@sky.com]

Sent: 01 May 2012 14:54

To: SEB mailbox

Subject: RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT.

RESPONSE TO "NATURAL RESOURCES WALES" PUBLIC CONSULTATION DOCUMENT.

Dear Minister,

Formal Response to Welsh Government Public Consultation on 'Natural Resources Wales'.

Dr. J.L. Burton,

Groes Park and Trefon Angling Club

We wish to record our support for the formal response submitted by the statutory Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the above consultation document setting out the proposed arrangements for establishing and directing a New Body for the management of Wales' Natural Resources'.

Although the consultation document is short on detail about how certain aspects of the proposals will be translated into practice, we feel that it has highlighted the vital importance of achieving the correct balance between the potentially conflicting demands for economic growth and development with the effective management and regulation of our natural environment. This balance will be critically important if the New Body is to command the confidence, trust and support of its many stakeholders and the general public.

It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to represent fisheries and angling interests.
2. The proposed abolition of FERAC Wales as a statutory advisory committee is only acceptable if it is replaced by more effective alternative arrangements for future stakeholder engagement with fishery and angling interests at a local and national level. We fully endorse the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with its key stakeholders (including fisheries) and that this framework should be approved and periodically reviewed by Welsh Ministers. We would wish to see the seven existing Local Fishery Groups used as a platform for building these future consultative arrangements at a local level. We also see the need for an Inland Fishery Stakeholder Group to serve as a national focus on strategic matters.
3. We attach considerable importance to integrating the future responsibility for sea fisheries regulation, enforcement and monitoring within the new Body.
4. We consider it vital that the New Body should be more influential in helping Welsh Government to develop future land-use management strategies and more directly involved in the implementation of such strategies.
5. We consider it essential that the New Body should be in a position to commission its own research and investigations in connection with the more efficient and effective discharge of its routine operational functions.

Yours sincerely,

John Lance Burton

Hon. Sec. GP IAC

From: Michel Regelous [MichelR@pembrokeshirecoast.org.uk]

Sent: 01 May 2012 15:18

To: SEB mailbox

Cc: Tegryn Jones

Subject: Natural Resources Wales

Attachments: PCNPA response on Natural Resources Wales 010512.docx

Dear M s M oss

Thank you for the opportunity to respond to the Welsh Government consultation, Natural Resources Wales; please find Pembrokeshire Coast National Park Authority's response attached.

Yours sincerely

Michel Regelous

Conservation Policy Officer/Swyddog Polisi Cadwraeth

Pembrokeshire Coast National Park Authority/Awdurdod Parc Cenedlaethol Arfordir Penfro

Llanon Park/Parc Llanon

Pembroke Dock/Doc Penfro

Pembrokeshire/Sir Benfro

SA72 6DY

01646 624827

www.pembrokeshirecoast.org.uk / www.arfordirpenfro.org.uk

Website www.pembrokeshirecoast.org.uk

Follow us on [Twitter](#)

Join us on [Facebook](#)

Watch us on [Youtube](#)

Look at us on [Flickr](#)

This email and any attached files should only be read by those persons to whom they are addressed and be used by them only for their intended purpose. If you are not the intended recipient please destroy all copies and inform the sender by return email.

Please note that the contents of this email may be subject to public disclosure under the Freedom of Information Act 2000 and therefore the confidentiality of

this message and any reply cannot be guaranteed.

For further information on the PCNPA please visit our website at www.pembrokeshirecoast.org.uk

Please consider the environment before printing this email

Dim ond y personau hynny yr anfonwyd yr e-bost hwn atynt ac unrhyw ffeiliau sydd ynghlwm ddylid eu darllen, a dim ond hwy ddylid eu defnyddio at y diben y bwriadwyd hwy. Os nad y chi yw'r person y bwriadwyd eu derbyn a fyddech gystal â dinistrio pob copi a rhoi gwybod i'r anfonwr gyda throad yr e-bost.

Noder os gwelwch yn dda y gall cynnwys yr e-bost hwn orfod cael ei ddatgelu i'r cyhoedd o dan Ddeddf Rhyddid Gwybodaeth 2000 ac felly ni ellir gwarantu cyfrinachedd y neges hon nac unrhyw ateb.

Am ragor o wybodaeth am APCAP ymwelwch â'n gwefan ar www.pembrokeshirecoast.org.uk

Ystyrier yr amgylchedd cyn argraffu'r e-bost hwn os gwelwch yn dda.



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

SEB@wales.gsi.gov.uk

By email, 1st May 2012

Dear Ms Moss

NATURAL RESOURCES WALES

Thank you for the opportunity to respond to the Welsh Government consultation, *Natural Resources Wales*.

The three National Park Authorities in Wales work in partnership as “National Parks Wales” to collectively respond to policy issues which may potentially influence the management of Wales’ National Parks. Pembrokeshire Coast National Park Authority (PCNPA) has contributed to a National Parks Wales response, and is also submitting this, its own response.

PCNPA welcomes the opportunity to inform the development of the Single Body (SB) and to offer its thoughts to the questions posed within the consultation document. While we broadly welcome the proposals there are several points, also referred to within the comments below, that we wish to stress.

We wish to express our concern that the form and structure of the SB is being set prior to its strategic functions being properly established. While we understand that efficiency is a key driver behind the proposals, haste should not be allowed to compromise the environmental and social outcomes that the Countryside Council for Wales (CCW), Environment Agency Wales (EAW), and Forestry Commission Wales (FCW) continue to achieve, and that the SB is intended to build on.

We urge Welsh Government and the SB to act to ensure that experience and knowledge is not lost through the process of merger into a new body, whether through the loss of staff or through rationalisation of resources. We believe that the Management Board of the SB will need to ensure that there is adequate and proportionate experience and knowledge amongst its Members.

We believe that the SB will need to deliver the Living Wales programme as locally as possible, and that the SB must maintain the regional and local links of the three original, constituent bodies by retaining a robust, independent, presence across Wales.

Our responses to the individual questions follow.



**Awdurdod
Parc Cenedlaethol
Arfordir Penfro**

Parc Ulanion, Doc Penfro
Sir Benfro SA72 6DY

**Pembrokeshire Coast
National Park
Authority**

Ulanion Park, Pembroke Dock
Pembrokeshire SA72 6DY

Ffôn/Tel:
0845 634 7275
Ffacs/Fax:
01646 689076

DX 120354 Pembroke Dock

pcap@arfordirpenfro.org.uk
pcnp@pembrokeshirecoast.org.uk

www.arfordirpenfro.org.uk
www.pembrokeshirecoast.org.uk

Croeso i'r aelodau
yn Gymraeg a Saesneg

We welcome correspondence
in English and Welsh



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?

PCNPA broadly supports the Welsh Government's proposal. PCNPA currently maintains effective partnerships with CCW, EAW and FCW. We would like to seek assurance that such effective working will only be improved and not impeded if the proposals are implemented, and that current initiatives and partnerships will not be undermined. To this end we would like to explore and establish appropriate working practices early in the development of any SB.

The proposed SB would become the repository for the significant expert and practical knowledge currently found in the three agencies. We are concerned that the removal of policy from the proposed SB will weaken both the quality of that policy and the responsiveness with which it is formulated.

We understand and support the intention for the proposed SB to be a new body, rather than three merged entities. For this to be the case, any SB must add value to the functions which are already very ably delivered by CCW, EAW and FCW. Even allowing for efficiency savings, a SB is therefore likely to require additional powers and resources, rather than the same or fewer.

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

The measures are largely comprehensive, but we are concerned that changes to the current regime may reduce the consideration given to the three agencies' non-core, statutory services which impact upon the National Park's special qualities, most notably recreation, cultural heritage and landscape. These concerns are expanded upon below, but are relevant to several parts of the document. We therefore seek reassurance that the delivery of the organisations' non-core, statutory services will not be reduced as a result of the proposed changes.

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

We support a phased approach but urge Welsh Government to amend its current ambitious timetable in order to allow sufficient time for discussion of, and agreement on, the proposed SB's remit and function. This needs to take place before structural and operational decisions are made, not after. We would welcome further opportunities to provide input.

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

In broad terms we agree with the outlined proposals but have some key suggestions to make.

The aim as proposed could be taken to exclude any notion of intrinsic value, and taken to mean that natural resources exist solely to serve human wants. Accordingly we recommend that the proposed aim for the SB should be amended to read: *'To maintain and improve ~~and develop~~ Wales' natural resources for their intrinsic value and for the ~~to deliver~~ benefit ~~to~~ of the people and economy of Wales now and into the future.'*

We believe that this amended aim captures the intrinsic value emphasised in the EU 2050 biodiversity conservation target <http://ec.europa.eu/environment/nature/biodiversity/policy/> and it removes the utilitarian approach that is otherwise expressed in the aim. Implicit in this revised aim is conservation of biodiversity, and the protection of the natural and cultural stocks and flows from which current and future human wellbeing is derived.

We recommend that strategic outcome 3 be amended to: *"Further the conservation, restoration and enhancement of ecosystems and biodiversity."* and that the SB adopts as its core ethos the 12

Convention on Biological Diversity Ecosystem Approach Principles
(<http://www.cbd.int/ecosystem/principles.shtml>).

We also recommend the Welsh Government and the SB adopts the lessons of the Lawton Review (“A Space for Nature”).

We welcome the reference to the Environment Strategy for Wales in Annex 1, and suggest that progress in achieving the Strategy’s objectives is reviewed, with new action plans set to move forward. The Environment Strategy for Wales is currently a more coherent strategy than the Living Wales programme, and would provide a good basis for Living Wales to build upon; continuity and good use of existing foundations will be the key to the SB’s success.

We understand why the consultation refers to improving the health of the “*underlying ecosystem*” but in practice this requires improving the health of biodiversity, through conservation, restoration and enhancement. It also requires conservation in the wider countryside, to supplement and support designated areas and sites.

We recommend that more explanation is given to the concept of “...*moving from biodiversity loss to net gain*...”. This should not signal a move towards biodiversity offsetting; net gains should signal ecological restoration, enhancement and expansion.

“*The need to implement ecosystem management to improve biodiversity outcomes...*” should be reversed. Biodiversity needs to be safeguarded, restored and enhanced in order to improve ecosystem outcomes.

We recommend that the current close links between CCW in particular and Wales’ four Local Records Centres be retained and enhanced within the proposed SB.

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

The delivery framework will be a key element of the body’s success, providing clarification to all stakeholders about the body’s remit, success and future work under clear Outcome Themes. Additional information provision, namely an Annual Remit letter and Financial Memorandum, may be supplementary but will be vital in conveying key themes to stakeholders and facilitating a culture of openness and transparency.

We assume that the delivery framework and annual remit letter signal a clear intention that the SB will be independent and able to operate as a critical friend to the WG and other organisations whether in the public or private sector. PCNPA recommends that both the delivery framework and annual remit letter be developed in close consultation each year with relevant experts within the SB.

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

Broadly, yes. However we recommend that designated landscapes, especially National Parks, should be included under more than one heading - although we accept that these are illustrative examples only at present. The Welsh Government has noted within its Policy Statement for National Parks and National Park Authorities (March 2007, p3) that Wales’ National Parks are “places that experiment with new approaches in sustainable development and environmental conservation.” PCNPA therefore believes that protected landscapes should be considered more holistically than is currently set out within the consultation document.

PCNPA also recommends that the environment’s cultural associations should be better recognised than in the current draft. Indeed, we recommend adding conservation of the historic environment to the remit of the SB, this being an integral part of biodiversity conservation in Wales.

Likewise, PCNPA is concerned with the lack of regard seemingly afforded to recreation issues. The visitor economy is of national significance to Wales and its regions and a lack of coordinated approach could jeopardise a core contribution to a more sustainable economy. Recreation is also a key influence on land-use and biodiversity; improper, uncoordinated management could damage the Wales' natural and cultural heritage.

PCNPA would welcome the opportunity to discuss how due regard for culture and recreation could be amalgamated into the SB's proposed functions and arrangements.

We anticipate that while, to the 'outside world', there will be a proposed SB providing unified advice on demand, internally there will be a need to retain distinct specialist services that reflect the lead remits and specialities of the current three bodies. We welcome the chance to pool similar professional and technical expertise and services into a single, and ideally stronger and more robust service.

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?

PCNPA broadly agrees with the proposals within the consultation document. With regard to the two options provided on Wildlife Licensing, we agree that option 1 is preferable to ensure clear lines of delineation, provision of a standardised service and clear responsibility. We recommend that European Protected Species (EPS) licensing must be supported by stronger enforcement and effective compliance monitoring of licence conditions. This enforcement and monitoring should be configured so that it assists local planning authorities to ensure compliance with planning conditions and obligations affecting EPS.

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

Yes. If the proposals included in document are taken forward we would welcome any opportunity for PCNPA to help shape the proposed body's coordinated approach in environmental research.

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

Yes. The proposals for status, governance and accountability seem to build upon existing best practice from within the three existing bodies and elsewhere.

We trust that the Management Board for the SB will, in practice, reflect a broad and balanced range of interests, knowledge and experience. However we are concerned that recruitment and decisions regarding organisational structure will continue before proper consideration has been given to consultation responses or to the functions of the proposed SB itself.

An advantage of the current (three agency) arrangement is that debates between agencies are more visible; debates between departments of the proposed SB may be less so. Building wider understanding of the work of any SB as it develops, and of its decision-making processes, will require a long-term commitment by the SB and by Welsh Government, and will be critical to public perception of the SB.

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?

Without specific details it is difficult to comment in depth. We agree that current stakeholder provisions need to be reviewed and made more relevant. This is particularly welcome as this principle is underpinned by a clear commitment to effective stakeholder engagement, which we suggest will need to extend far beyond individuals and organisations within the environmental

and conservation movement if the SB is going to meet the Welsh Government's wellbeing and social/environmental justice outcomes.

Since the SB will be responsible for conveying the Living Wales programme to the general public/local communities it will need to consider how it relays its knowledge, the form it takes and whether it can be delivered internally or through partners. We believe that as a first step to ensuring that this occurs, Welsh Government should give the proposed SB a remit to promote the better understanding and appreciation of Wales' natural resources - and, as noted earlier, their cultural associations. This kind of remit could spur the SB to innovate, for example establishing strong ties with educational establishments and with education teams within other organisations. We feel strongly that education and public understanding are currently under-represented in the Living Wales programme.

PCNPA also welcomes the pledge to continue provision for the proposed board of the body to run local committees as it sees fit. Regional stakeholder involvement will be key in delivering the aims of the SB by facilitating bottom-up and top-down knowledge transfer.

The presence of the SB across Wales within communities via its (presumed) regional offices will also facilitate stakeholder engagement at a regional level.

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

By upholding pertinent laws transparently (whether in relation to self-permitting or through the regulation of other parties) the SB may be able to reduce unnecessary formality, bureaucracy, time and costs.

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

We welcome the fact that effective regulatory decision making will remain independent of political process, and evidence-led. The Welsh Government has, in the main, provided a clear direction of travel for the SB within a challenging timetable, although we would reiterate our concerns expressed above regarding haste and the need to establish any SB's functions before further structural decisions are taken.

PCNPA shares the concerns of other organisations that there are inconsistencies between the *Sustaining a Living Wales* consultation and *Natural Resources Wales*, which is likely to be based on the fact that the different consultations have been developed by different teams.

PCNPA welcomes this opportunity to comment but trusts that there will be further opportunities in the future for meaningful discussions with the Welsh Government and the SB on issues relevant to the delivery of National Park purposes.

Thank you again for the opportunity to comment. If you require any further information or clarification please do not hesitate to contact me.

Yours sincerely,



Tegryn Jones

**Chief Executive
Pembrokeshire Coast National Park Authority**

From: Cheryl Bulman [cheryl.bulman@sky.com]

Sent: 01 May 2012 15:32

To: SEB mailbox

Subject: Consultation 'Natural resources Wales'

Attachments: WSTAA RESPONSE TO CONSULTATION 'NATURAL RESOURCES WALES'.doc

For the attention of Carrie Moss

Please find attached the response to the Consultation ' Natural Resources Wales' from the Welsh salmon and Trout Angling Association

Regards

Cheryl Bulman
Secretary WSTAA



Cymdeithas Genweirwyr Eog a Brithyll Cymru Welsh Salmon and Trout Angling Association



President: *Moc Morgan, O.B.E.* Chairman: *Euros Jones*
Secretary: *Cheryl Bulman, 28 Maesyrawel, Tregaron Ceredigion. SY25 6HJ*
Telephone: *01974 298177* *cheryl.bulman@sky.com*

Dear Ms Moss

The Welsh Salmon and Trout Angling Association wish to support the response submitted by the Fisheries, Ecology & Recreation Advisory Committee for Wales (FERAC Wales) to the consultation document 'Natural Resources Wales' which sets out the proposals for establishing and directing a new body for the management of the Natural Resources of Wales.

We do feel the consultation document is lacking in clarification as to how certain proposals will come to fruition. There is a certain need to achieve the correct balance between potentially conflicting expectations of economic growth and development with the effective management and regulation of Wales's natural environment. It is vitally important that this balance is achieved to gain the support and trust of the general public and the variety of stakeholders involved.

The consultation has identified certain points of concern to fisheries and angling interests in Wales. There are particular points raised in the FERAC Wales response that we strongly support.

- 1. The Board of the New Body should include a suitable member with the specific remit of representing fisheries and other angling interests.*
- 2. The proposal to abolish FERAC Wales as a statutory advisory committee will only be acceptable if it is replaced by a more effective arrangement for future stakeholder engagement with fishery and angling interests at both local and national levels.*
- 3. WSTAA agree with the FERAC proposal that the New Body should have a statutory duty to establish a framework for future consultation and engagement with all key stakeholders, including fisheries. This framework should in turn be approved and reviewed by Welsh Ministers. We would encourage the use of the existing seven Local Fishery Groups as a starting point at local level of future consultative arrangements.*

4. We feel there is a great opportunity to establish an Inland Fisheries Stakeholder Group which would then be a national focus on strategic matters.

5. We find it important that the regulation, monitoring and enforcement of sea fisheries be incorporated in the remit of the New Body.

6. We consider it vitally important that the New Body should have more influence in assisting Welsh Government to develop future land-use management strategies and be more directly involved in such implementation.

7. The New Body should have the ability to commission its own research to maintain efficient and effective operational duties.

Yours sincerely

Cheryl Bulman

Cheryl Bulman (Secretary)

On behalf of

Welsh Salmon and Trout Angling Association (WSTAA)

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

Sent: 01 May 2012 15:35

To: SEB mailbox

Subject: SEB Consultation online form

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

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

(Unchecked)

Your name:

Anthony Bosanquet

Organisation (if applicable):

Dingestow Court Estate, Monmouthshire

Email / telephone number:

anthony.bosanquet@btopenworld.com

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

I have no comments to make about the proposal to re-inegrate the CCW and the EA, although I find it hard to believe that this represents the best use of time and resource as far as either body is concerned at what is already a very challenging time - "deck chairs and Titanics??. FC Wales, as an organisation that both regulates and operates as a supplier of timber in the market place, is, however, entirely different from these two bodies, and I think the proposal to include it with the other two is extremely unfortunate. As one who has had dealings with FC Wales over many decades (both as a woodland owner and as a former non-executive commissioner) I consider that this proposal, if effected, would be a very retrograde step. FC Wales is a specialist forestry body, and the level of expertise that it is able to bring to both its regulatory and its production responsibilities is of great value; I am convinced that this very special status risks being at least diluted and very likely lost altogether, which would be tragic for forestry in Wales. It should also be borne in mind that forestry in Wales provides 10,000 direct jobs and some 8,500 downstream jobs - two very significant figures in the Welsh economy, and certainly not something to be put casually at risk. Please, even at this late hour, think again!

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?:

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

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

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

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

This proposal causes me very considerable concern about the future management of the Welsh forest estate. Forest management is a job for specialists and experts, and not for well-meaning amateurs. As noted already, a very substantial amount of employment is dependent upon the Welsh forestry sector operating properly and effectively. As a commissioner I devoted a great deal of my time and energy to trying to ensure (a) that the FC Wales estate remained intact, and continued to provide its greatly valued public benefits (not least the production of high quality timber), and (b) put in place the most effective and user-friendly system of grants and licences in the Better Woods for Wales. This was supposed to be a fifty year vision for Welsh forestry, and was the first time for a generation that a genuinely long-term management scheme was being proposed. It is appalling that the WAG has decided to tear up this trail-blazing initiative after such an unbelievably short time. What little confidence one might once have had in the ability of government either to understand or to operate forestry properly has received a very severe shock.

Given what I have already written, and that I consider the proposal wholly misguided, the only thing that I can say is that extreme caution will be required before any of the essential current responsibilities of FC Wales are transferred to it. If there are any doubts at all as to its ability to carry them out, they should not be transferred, and the whole thing should be rethought.

There is a need for an additional strategic aim of delivering the Wales Woodland Strategy "Woodlands for Wales". Do not risk losing what has been learnt and achieved in the recent past.

"Keep it simple".

No comments

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

No comments

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

It is of the greatest importance, at a time when there are an unprecedented number of diseases threatening trees in the UK, that over-arching research into controlling and eliminating these is continued. This is not something that Wales can do effectively on its own, and the GB dimension is vital. This is a part of the current FC function that very much risks being lost as a result of this misguided proposals. The result could be catastrophic for tree health and for their survival.

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

The Management Board must include active, experienced and fully qualified practitioners in the forest sector. Independent, external assessment of the quality and effectiveness of the new body's systems will be essential.

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

It will be very important for communications both within the new body and also with external "stakeholders" to be as good as possible. FC Wales has developed generally good consultation practices, not least with the the private sector and with woodland owners. It would be disastrous if this approach were not to be continued - and also entirely counter-productive.

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

It will be very important that a clear distinction, both managerially and practically, is maintained between the regulatory and the productive arms of what has up to now been FC Wales. Quite apart from anything else, there are issues of competition between the state and the private sector. It is sometimes forgotten that the private woodland sector has, in the past, found it very helpful to have, in FC Wales, a regulator that is also a practitioner in its own right. I think that it would be a serious loss if this level of expertise did not continue to underpin and inform the regulatory work of the new body.

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

Please reconsider. This is not something that is needed as far as Welsh forestry is concerned, and certainly not now.

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

Sent: 01 May 2012 15:35

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Mike Harvey

Organisation (if applicable):

Maelor Forest Nurseries Limited

Email / telephone number:

mharvey@maelor.co.uk tel:01948 710606

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

With regard to FCW we think the new body presents the opportunity to separate out the “commercial” and “regulatory” functions. In our evidence to the Environment and Sustainability Committee (January 2012) we highlighted the unsustainable management of the WG’s commercial plantations since 2001 with 13000ha of commercial timber felled but not replanted (a clear case of squandering a natural asset that future generations would depend on). There is a clear conflict of interest within FCW. A strong “Forest Regulatory” authority as part of the SEB but separate from FCW would ensure that forestry operations are done sustainably, both in the private sector and on the WG’s forest estate. It would also make sense operationally; there would be far more synergy and less conflict resulting from the separation out of the “regulatory” aspects of FCW and combining them with the EA and CCW than with including all the current functions of FCW in the new SEB. Divested of its regulatory role the “new FCW” should then operate as an independent agency managing the WG forest estate and reporting directly to the WG.

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

The document states that the changes should not negatively affect the issues of timber supply; the continuity of public ownership, and forestry skills. We strongly believe that the management committee should include none-executive members who hold the management of the new SEB to account on these particular issues. At least one none-executive member should have had experience at board level in a major (plc) enterprise operating in the private forest/wood products sector.

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

Our main worry around the phased approach is that it will draw out the uncertainty and thus stifle business investment during the transition period. We believe it is important to appoint the leadership of the new body as soon as is practicable, so that they are in a position to assuage fears of businesses, staff of the three bodies and environmentalists, and address their concerns. Good leadership will be essential from the outset to the success of the new SEB.

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

We believe the proposals provided appear to be a good basis for the new body. In order for these proposals to be meaningful many of the existing strategies will need to be re written with new strategies being implemented by the body as a whole. Our main fear would be that current strategies would simply be shifted to the responsibility of the new body where it is believed they fit with the new strategy. Under point 4.4 we believe it would be beneficial to have reference to forestry directly. There are references to conservation and pollution which link directly to the functions of CCW and EAW. All of the points are open to interpretation thus by not referring directly to forestry in any of them it is possible that strategies could be constructed that met the requirements of the SEB while not featuring forestry in any meaningful dimension.

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

It is repetitive, complicated and unclear. Clarity and transparency would be greatly aided by a simpler approach which would focus on the strategic objectives set by the WG. Measures of success/failure would relate to performance against specific WG policy targets. The delivery framework would therefore be periodically renewed.

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

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

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

We do have concerns with regard to Forest Research. This body is of crucial importance to the forest industry across the UK. We are already concerned by cuts to the research budget and how these will impact upon FR's ability to function. Point 5.4 states that the SEB will continue to support FR through work with FCGB. This is making the presumption the FCGB will still exist in its present form and does not take account of research stations that are currently operational in Wales.

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?:

Please note our answer to question 2- we believe strong "None-executives" will be crucial to the success of the new body.

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?:

Forming formal stakeholder groups on the different aspects covered by the new body e.g. forestry, would be a good way of helping to ensure successful delivery of WG objectives.

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

More use should be used of self-regulation, for example in forestry if a forest estate is, or a new woodland will be, certified under FSC then there should be little need of bureaucratic intervention into its forestry operations by the new body.

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

From : Ivor Rees [ivorerees@hotmail.com]
Sent: 01 May 2012 15:40
To : SEB mailbox
Subject: Response to Consultation on Single Environmental Body

Attachments: SEB Wales Response Ivor Reesv2.docx
I attach a response to the consultation in document WG14766.

The response is submitted in a personal capacity. It is directed largely towards the deficiencies in the consideration of the way the proposals in the document deal with the marine part of Wales including territorial waters out to 12nm from baselines. As a retired university marine scientist with a long experience of the seas around Wales and various aspects of nature conservation I hope my comments may be of some assistance. I regret I was unable to fit my responses into the specific questions.

I will be happy to try to answer any queries arising from this response.

E. Ivor S. Rees
Carreg y Gad
Llanfairpwll
Anglesey
LL61 5JH

Natural Resources in Wales

Proposed arrangement for establishing and directing a new body for the management of Wales' natural resources

Response to Consultation Document WG14766 by E. Ivor S. Rees

1. The document deals primarily with the bringing together the three existing bodies from a top down viewpoint, concentrating on administrative matters. The opportunity appears not to have been taken to look as well from the bottom-up at the multitude of environmental and natural resource issues for which the Welsh government is directly or indirectly responsible. More consideration could have been to separating those circumstances where an arms-length body can provide specialist advice to government and where such a body may have direct managerial and legal powers. There may thus be other functions now done in house by the Welsh government in relation to the natural environment that might be better covered by the new single agency. Conversely there may be functions of the three existing bodies that may be better done directly within ministerial departments.
2. The document has rather little to say on marine matters. Bearing in mind the extent of the Welsh sea area versus the land mass balance is required.. There is little acknowledgement of either the responsibilities or the present staff expertise and capital assets of the EA and CCW relevant to marine matters. Although not spelt out in the document it is to be hoped that the team authoring the document were mindful of examples where particular marine issues could have been handled better in recent times. This applies in some cases to the EA / CCW interface and in others to the Fisheries Unit / CCW interface.
3. For historical reasons freshwater fisheries are expected to come under the planned single body. There is also logical synergy with the freshwater science remit of CCW and EA. By contrast the proposals for the sea lack clarity and consistency. Exploitation of biological resources in the sea (i.e.fisheries) is entirely based on harvesting of natural wildlife resources. Even the cultivation of mussels merely involves the movement of naturally settled spat. Following this line of thought, a stronger case could be made for including ecosystem based marine fisheries management within the remit of the single body than cultivated crops from Sitka Spruce forests. It needs to be acknowledged that poor fisheries management has resulted in the biggest problems for marine species and habitat conservation. In this respect it should be noted that in England the former Sea Fisheries Committees were turned into Inshore Fisheries and Conservation organisations with responsibilities beyond just a "have regard to conservation". Before the Welsh SFCs role was taken over by government they had developed fairly good working relationship with relevant CCW staff on the ground. The Fisheries Unit that took over the SFC responsibilities does not seem to have performed as well either in taking on board the needs for marine wildlife conservation or gaining respect in the fishing community. There may be a case for bringing responsibility for inshore fisheries mainly within the

new single body as with freshwater fisheries. In some other countries, Fish and Wildlife Services have long been the norm. Relevant issues here are:-

- (a) There is much overlap between inshore fisheries and marine wildlife designations and these require a degree of management interaction that is difficult to achieve when they are separated.
 - (b) Within the 12nm limit of Wales Government's territorial waters the overwhelming majority of commercial fisheries value comes from shellfish. The species concerned are relatively sedentary. Often these species / stocks are not or hardly covered by the CFP so there are fewer international considerations.
 - (c) To a large extent CFP issues covering fin fish stocks in wider sea areas (ICES areas) are better covered at the England & Wales level. The situation in Scotland is different given the very much larger trawling industry.
 - (d) In coastal waters net fisheries management is dominated by complex by-laws to protect migratory fish running into fresh water. These were largely dictated by the EA.
 - (e) There is scope for linking major assets in the form of laboratory facilities, survey equipment and patrol vessels to support SEB functions currently the separate responsibilities of EA, CCW and Fisheries Unit. It is important to note that the consultation document makes no mention of the EA survey vessels, the CCW marine facilities (particularly for scientific diving), fisheries patrol vessels such as *Aegis* or the possibilities of enhanced links with universities, where *RV Prince Madog* is a major marine science / survey facility. There are also financial issues to consider in the cycles of replacement of vessels given the age of some existing vessels, 25 years being the realistic operational time-span. Replacing vessels requires significant capital expenditure at intervals to be planned for.
 - (f) Inadequate thought seems to have been given to interaction with the roles of the MMO within Wales.
 - (g) More thought needs to be given to co-ordination of marine licensing functions as these cover wildlife and scientific collecting as well as more familiar matters like consents for discharges, aggregate dredging, pipelines and fishery permits
4. The plan for an overall Board with the ability to co-opt qualified people onto various Working Parties or Sub-Groups functioning mainly on a "task and finish" basis is reasonable. However in some areas such as marine, there may be a need for a longer lasting advisory panels given that expertise on the main board would be restricted. On marine matters this is likely to be a particular need during the early years of the SEB. While in some circumstances mere T&S expenses will be adequate consideration needs to be given to day rate remuneration for non-governmental people co-opted onto working groups.
 5. When setting up the SEB opportunities need to be taken to enhance collaboration within Wales on environmental matters so as the best use is made of expertise with the higher education sector and the NGOs. In this respect the Marine & Freshwater part of CCW used to organise an annual Marine Monitoring Workshop. Although ostensibly intended to bring together staff and consultants engaged in monitoring SAC features the workshops brought together a wider range of people engaged in

marine wildlife studies round Wales, providing opportunities for planning collaborations. As the SEB will be such significant player in environmental science within Wales, it could usefully provide a focus for collaboration within the country.

6. At present CCW and EA contract out some scientific work to consultants. Within Wales many of the wildlife consultants are small specialist enterprises. Within the administration of the combined body there will probably be a tendency to go to larger and hence UK wide or international consultancies offering broad packages. It should not be overlooked that the SEB could have a role in encouraging a home-grown SME based environmental consultancy sector.
7. With financial years running to the end of March there have often been times when money to commission field based scientific work has only become available too late in the year for the best use to be made of it. January and February are usually very poor months for carrying out environmental field work, particularly if it entails ship work or diving. Fiscal arrangements with the new SEB need to account for this rather than being tied to standard Treasury seasonal timings.
8. When the Nature Conservancy was first established it was staffed and led by dedicated environmental scientists with strong research backgrounds. They tended to maintain their research interests on top of more mundane administrative duties. As time has gone on the administrative duties have become more of a burden with advancement of this at the expense of the fundamental core of wildlife knowledge. It is to be hoped that this drift will not accelerate and that encouragement will be given to staff with scientific backgrounds to maintain interests. Indeed staff ought to be encouraged to continue with their own projects or to participate actively in joint work with academics, NGOs or consultants. In this way not only will the organisation benefit by the detailed knowledge of enthusiastic staff, but there will be a measure of resilience in staff time which can be re-deployed in environmental emergencies.

From: Paul Parker [ParkerPR@cardiff.ac.uk]

Sent: 01 May 2012 15:41

To: SEB mailbox

Subject: SEP Consultation Response on Natural Resources Wales

Attachments: SEP Response to Natural Resource Wales.pdf

Dear Carrie Moss,

Please find attached the Severn Estuary Partnerships response to the Natural Resources Wales Consultation.

Should you require any further information, please do not hesitate to contact me.

Kind Regards

Paul Parker

Severn Estuary Partnership Officer

Severn Estuary Partnership

c/o School of Earth and Ocean Sciences

Main Building

Cardiff University

Park Place

CARDIFF CF10 3AT

Tel: +44(0)29 2087 4713

Mobile:+44(0)7973176961

Fax: +44(0)29 2087 4326

Email: Parkerpr@cardiff.ac.uk

Website: www.severnestuary.net



30th April 2012

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

Dear Carrie Moss,

Consultation on Natural Resources Wales: Proposed Arrangements for Establishing and **Directing a New Body for the Management of Wales' Natural Resources**, response from the Severn Estuary Partnership

The Severn Estuary Partnership (SEP) is pleased to have the opportunity to comment on this important consultation; Natural Resources Wales – proposed arrangements for establishing and directing a new body for the management of Wales' Natural Resources.

Setup in 1995, the Severn Estuary Partnership is an independent, estuary-wide NON-statutory initiative led by local authorities and statutory agencies. We work with all those involved in the management of the estuary, from planners to port authorities, fishermen to farmers and many more with an interest in the future of the estuary.

The Partnership brings people together to resolve problems and realise opportunities. We currently:

1. Facilitate effective communication across and between organisations and individuals
2. Establish and embed a set of 'common principles' for sustainable estuary use via Partners' strategies, policies and action plans
3. Act as a co-ordinating body to assist the effective and efficient delivery of agreed estuary-wide actions
4. Promote and publicise the estuary at local, national and international level
5. Add value and fill gaps in effective estuary management, providing extra capacity when required.

Given our partnership remit, our primary interest is in ensuring that all marine (specifically Severn related) stakeholders are fairly represented, play active roles and are appropriately supported so they can engage in an informed way. We also stress the significance of mechanisms being in place to support working jointly in cross-boundary areas. The integrated planning and management of the sea and its relationship to the terrestrial environment through Integrated Coastal Zone Management (ICZM) is also of paramount interest to the Partnership.

The SEP has been actively involved in the development of the response to this consultation by the Wales Coastal Marine Partnership (W CMP) and would fully support all comments submitted by the W CMP.

The Severn Estuary Partnership involves local authorities, other organisations and users of the estuary working together to ensure that the estuary remains a resource of great value throughout the 21st century



The following points summarise the Severn Estuary Partnership's responses to key questions outlined in the consultation document:

1. The Severn Estuary Partnership welcomes the aims of the creation of a Single body to:
 - a. Deliver more joined up natural resource management
 - b. Simplifying institutional arrangements
 - c. Aid the development of new legislation, helping to design new regulatory arrangements which simplify processes and encourage investment; whilst maintaining environmental standards
 - d. Move towards ecosystem based local resource management planning
2. The Partnership would like to highlight the important parallel marine legislative framework and governance context that has developed over recent years and which we believe provides a potentially robust framework for managing our seas. This includes, inter alia, the Marine and Coastal Access Act 2009 and the Marine Strategy Framework Regulations 2010. We are therefore concerned that the focus upon simplification in this paper underestimates the complexity of the environment of Wales and the underpinning legislative framework and governance, especially in terms of the highly complex and interrelated marine environments. There is therefore a concern that the proposed single body could lack transparency with many decisions (especially in terms of marine consents) being made 'behind closed doors'. We would also invite further detail on the role of stakeholders in terms of key permitting decisions.
3. The SEP is also concerned at the challenging timescales set-out within this consultation. Given the complexity of the environment of Wales we do not feel that sufficient time has been allowed to fully engage all relevant stakeholders giving them an opportunity to meaningfully engage. Similarly we are concerned that the Welsh Government will struggle to fully analyse and incorporate all valuable stakeholder feedback within the suggested timeframes. We would therefore strongly encourage Welsh Government to re-consider these timeframes to ensure all implications (both positive and negative) are fully addressed before a single body is vested.
4. In regards to the point above, we are also concerned and frustrated by the lack of resources and capacity restraints within the statutory bodies and Welsh Government to deliver areas of work such as marine planning. SEP hope that marine planning can provide a strategic, long-term planning mechanism for the marine environment in Wales and believe that the Welsh Government should develop a clear, integrated vision for the Welsh marine areas. There is clearly a strong relationship between natural resource management and marine planning and would therefore strongly recommend that greater clarity between the formal relationships and alignment of these processes is offered as a matter of some urgency.
5. We feel that the single body needs to further embrace the marine aspect of Wales' environment (Wales' marine area covers over 15,000km² representing a large geographical area and wide range of valuable ecosystem goods and services). To this end we feel this should be acknowledged within the aims of the Single body – Question 4.



6. In relation to Question 5 & 6 the partnership believes that a greater inclusion of marine environments and the interface between these and the terrestrial environments needs to be embraced by the single body. Work has been done to address these issues in the past in the form of the ICZM Strategy for Wales, however wrongly this document and its contents has not been included in this consultation.

The proposed scope of the single body's jurisdiction within the Welsh marine area is not clear; SEP would like to see clarity on this matter as soon as possible.

7. There is also a clear importance to develop our evidence base to aid resource planning on ecosystem based approach. To this end the resources necessary to collect, analyse and monitor evidence from the marine environment should not be underestimated.

We are aware (through the W CMP) of initial proposals to establish a Marine Programme Governance Structure which in theory we would support, especially in terms of marine evidence and stakeholder engagement.

8. It is stated within the consultation (5.3.3) that strategic policy functions will remain within Welsh Government whilst the operational delivery function will be given to the single body (in terms of marine licensing). The Partnership are concerned by this in terms of the wider context of marine planning and management. It will be necessary for the marine licensing system to be directly informed by robust strategic marine policy. It is therefore imperative that a strong relationship between marine planning and licensing is encouraged. We would therefore ask that further research and opinion is sought on the divorcing of marine licensing and strategic marine policy. Similarly we feel that sea fisheries function should also be reviewed and consulted in additional detail to aid maximum integration - Question 7.

9. SEP would like to stress the importance of cross border management and the current responsibilities of the Environment Agency in cross border areas such as the Severn. We welcome further details of how cross border relationships would be managed between the single body and the Environment Agency, Natural England and other relevant bodies. Licensing issues that affect cross border regions also need further consideration, SEP would like to stress the importance of transparency and stakeholder input during these negotiations. We would also like to emphasise the benefits of having an officer whose remit straddles more than one region to aid consistency, this is currently offered by the Environment Agency's Severn Estuary Officer and we would strongly encourage the continuation of this valuable role.

10. Whilst we appreciate that this is a strategic consultation that cannot cover in detail all aspects related to the setting up of a new body, we are concerned about the lack of reference to the Welsh marine environments and the role that the body might play in delivering the sustainable development of Welsh seas.

Yours sincerely,

On behalf of the Severn Estuary Partnership,

A handwritten signature in black ink, appearing to read 'P R Parker', is written over the typed name.

Paul Parker
Severn Estuary Partnership Officer

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

Sent: 01 May 2012 15:50

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Jon Gruffydd

Organisation (if applicable):

Real World Learning Cymru Partnership

Email / telephone number:

jon.gruffydd@rspb.org.uk

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

n/a

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?:

n/a

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

n/a

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

There should be an additional bullet covering 'out-of-classroom learning' /outdoor education, which meets the principles of 'Education for Sustainable Development and Global Citizenship'.

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

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.

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

The tables make little reference to education and specifically 'out-of-classroom learning' /outdoor education. Will the Single Body deliver the education services and provisions currently provided by FCW and CCW? Outdoor education is at least as important as outdoor recreation, and consequently, is a significant omission from the roles and functions of the new body. It also makes a significant contribution to employment and support for services and suppliers in fragile rural economies.

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?:

n/a

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

n/a

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?:

n/a

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?:

n/a

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

n/a

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

n/a

From: Alison Heal [Alison.Heal@ceredigion.gov.uk]

Sent: 01 May 2012 15:51

To: SEB mailbox

Subject: consultation response

Attachments: Alison Heal's response to Natural Resources Wales 1st May.doc

Atodaf fy ymateb i'ch ymgynhoriad (yn Saesneg mae'n ddrwg gen i).

Yn gywir

Alison

Alison G. Heal BSc (hons), MSc.

Personal mobile 07975 851229

--

Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chynghor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y negest ebost hon.

Disclaimer:

While reasonable care is taken to ensure the correctness of any information and advice given in this correspondence no liability is accepted for losses arising from any errors contained in it and you are reminded of the need to obtain your own professional advice.

The information in this email and any attachments is intended solely for the attention and use of the named addressee(s). If you are not the intended recipient, or person responsible for delivering this information to the intended recipient, please notify the sender immediately. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it.

Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

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

Response from Alison Heal, (Ecologist), 9 Bro Deri, Betws Bledrws, Llanbedr Pont Steffan, Ceredigion SA48 8NX

01 May 2012

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

I agree with ALGE that the creation of an integrated environmental body has potential to be very positive for conservation in Wales. However, it is important that we retain what is already working within the 3 separate organisations and improve or change ineffective or overly bureaucratic processes. The gaps between the agencies need to be filled-in effectively, retaining the "best bits" of all.

I am concerned about the emphasis of " . . . the clear intention to improve and simplify how we regulate in Wales, thereby supporting and encouraging industry .." rather than on protecting and enhancing a **Wales wide** healthy diverse ecosystem.

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

There is considerable value in the existing local offices for each organisation enabling access and regular contact with staff from all 3 organisations. I am concerned both professionally and as a member of the public that this access to local staff and expertise could be reduced, limited or lost in the new body. If this happens it would almost certainly have negative impacts on local service delivery.

It is essential that the new body is responsible for vision and innovation as well as regulation.

There is concern that the new body would not be independent of the WG and would therefore be restricted by the WG. The new body needs to have grant giving and research powers, and not to be restricted by WG in these matters.

The new body could have a separate planning support and close association with the LPA emphasising the need for local offices or even relevant SEB officers being based in each LPA.

The only stakeholders identified in 2.4 are forestry and industry. What about health, local government, and conservation organisations.

This is an opportunity to roll out the IUCN Protected Landscape / UK National Park approach across Wales.

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

The timeframe for the changes is very ambitious.

The focus is on legal constraints. The physical constraints and changes will be what affect delivery of duties, powers, advice and research on the ground.

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

Proposals should ensure that the environment is able to deliver a healthy effective future ecosystem; this should be the main priority and should be included in the aim. A healthy diverse ecosystem should be the principle aim of the single body.

Without a global/ national/ local healthy diverse ecosystem, we won't have sustainable social or economic development.

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

There is a need for a strategic spatial plan framework to set the context and a requirement for appropriate skills at a local level.

Could delivery framework success statements be assessed independently to ensure that measures of success are appropriate to delivering a healthy diverse ecosystem at all levels?

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

The 2020 Biodiversity objectives are not addressed in the functions described,

Research functions and monitoring functions are not covered in the tables

Conservation and invasive species grants are not covered in the functions, at present these grants fund a high proportion of local conservation project delivery.

Peat conservation / reinstatement function is not included with Climate Change

Forestry and Access management functions should include community and low impact woodland / forest food production and harvesting, and health as well as recreation and timber production.

A "bee" function.

Question 7: What are your views on our proposals for changes to Welsh government functions, including Marine and Wildlife licencing and tree and plant health? How could they be improved? :

There seems to be a range of statutory organisations in existence which have not been considered: what is the role of CFAS for example?

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

While we agree WG must be aware of single body research requirements and vice versa, the single body must be able to commission its own research without the sanction of WG. What about Defra commissioned research? The role of other organisations research cannot be compromised e.g. FERA

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

The single body must have an independent board.

Perhaps a “grass roots” appointed member?

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

Local flexibility to take local circumstances into account is essential. Local biodiversity action planning and partnerships are key stakeholders and NEF delivery mechanisms. Local Authorities and Community Councils are stakeholders.

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

The example that only 2 “internal” licence applications were refused in the last 3 years is NOT evidence that “in practice there are few problems”.

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

A new charge for conservation licences would not be a positive move.

I am concerned about the lack of reference to land as a primary natural resource, and therefore the lack of reference to land use planning and land use decision making and consenting.

There is no mention of bees.

There should be commitment rather than intention to invest savings in environmental conservation.

From: Raymond Hughes [ray.hughes6@btinternet.com]

Sent: 01 May 2012 15:56

To: SEB mailbox

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

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

I work as an Independent Consultant in the area of 'Promoting Bilingual Workplaces'. I have been involved in this work since 2005, first as a senior manager within a public service in North Wales and, since 2008 in my current role.

My response to this consultation is therefor focused on this area rather than the specific questions within the consultation document.

My comments however are based on the content of the consultation document and the information provided therein relating to the Welsh language and bilingualism.

I note that within the summary, mention is made of a Welsh Language Scheme for the new body and that it is intended that the scheme goes to consultation in due course. This is of course commendable, however as Welsh is a matter of equality in Wales, I do feel that, those seconded staff currently working within the shadow organisation to create the new body, should from the outset have been working to specific guidelines relating to the Welsh language and bilingualism. This does not seem to be the case from the information provided within the consultation document.

Within Para 2.2.2 of the document reference is made to '*Creating a Wales only body would enable more locally based decision making and accountability: decisions made in Wales, for Wales, taking into account Wales' rich heritage, culture and the language of our customers and partners*'. Similarly within Section 5 - The Functions of the Body states: '*The body would, of course, be required to comply with general legislation, such as health and safety, Welsh language, and equality legislation. We would expect it to consult further on its Welsh language scheme*'. It is apparent from these statements that it is intended that the new body will comply with the requirements of the Welsh Language Act 1993 where service to the public is concerned. However there is nothing that I can see within the body of the consultation document that clearly states that the new body will promote, support and encourage bilingual workplaces for its workforce.

Project work to promote bilingual workplaces within public and sponsored bodies has been encouraged and supported by the Welsh Language Board since 2005. The purpose of the project is to develop and

nurture the use of Welsh internally so that staff are able to work bilingually. Since the 2nd of April 2012 this work is within the remit of the new Welsh Language Commissioner following the introduction of the Welsh Language (Wales) Measure 2011. (*The principal aim of the Commissioner in exercising his or her functions is to promote and facilitate the use of the Welsh language*). Whereas in the past this work was 'encouraged and supported', since the advent of the Welsh Language (Wales) Measure 2011, it becomes a mandatory part of the organisation's Welsh Language Scheme.

The task of creating one Single Environmental Body for Wales is undoubtedly an onerous one and requires efficient and effective planning and execution. Where the consultation document appears to be extremely structured and informative in relation to the reason for change, the business case for change, the risks involved, delivery framework, functions of the body and so on, it seems to be singularly lacking in information with regards to creating an organisation which will reflect the Welsh Assembly Government's Welsh Language Strategy 'Iaith Fyw: Iaith Byw'. (The 4th strategy within this plan is specifically aimed at increasing the opportunities for people to use Welsh in the workplace).

In the past, when looking at ways of ensuring a true language choice for staff going about their daily work in the workplace there has been ample evidence to show that there were a number of obstacles to this happening. E.g. all internal computer programmes are in English only; certain processes and procedures are in English only; traditionally and historically 'this work was always completed in English' to name but a few. Here with the creating of a new organisation, there is an opportunity not only to create an efficient and effective Single Environmental Body for Wales, but also from the outset to create a truly bilingual organisation. One where all strategies, policies, processes and procedures, whether internal or external, have considered the English and Welsh languages on an equal basis. Apart from the legal and moral reasons for working in this way, it also makes financial sense as having to change, alter and translate systems and processes at a later date can invariably be more costly than planning bilingually from the outset.

In conclusion, here I see an opportunity for a large 'new' employer within the public/sponsored sector in Wales to fully embrace all aspects of the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011 and provide a truly bilingual service not only to the public, its clients and customers, but also to its staff.

I am grateful for the opportunity to respond to this consultation document.

Yours faithfully,

Ray Hughes

Independent Consultant

Promoting Bilingual Workplaces

ray.hughes6@btinternet.com

Ray Hughes

Hyrwyddo Gweithleoedd Dwyieithog
Promoting Bilingual Workplaces

ray.hughes6@btinternet.com

From: Palmer, Laura [LPalmer@cardiff.gov.uk]
Sent: 01 May 2012 16:00
To: SEB mailbox
Subject: Natural resources Wales Consultation Response

Attachments: Natural Resources Wales Cardiff Council Natural Env Grp. Consultation Response.doc

Please find attached the response to the Natural Resources Wales consultation, from the Natural Environment Group at Cardiff Council. Please note that this response is from the Natural Environment Group only and other sections of the Council may comment separately.

Kind regards
Laura Palmer

—
Laura Palmer MSc MIEEM
Ecologist, City Development (Strategic Planning), Cardiff County Council
CY4, County Hall, Atlantic Wharf, Cardiff, CF10 4UW
(029) 2087 3268
Ecobgydd, Datblygu'r Ddinas (Cynllunio Strategol), Cyngor Caerdydd
CY4, Neuadd y Sir, G lanfa Iwerydd, Caerdydd, CF10 4UW

For more information on Biodiversity in Cardiff see www.cardiff.gov.uk/biodiversity

Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of the Council of the City and County of Cardiff shall be understood as neither given nor endorsed by it. All email sent to or from this address will be processed by Cardiff County Councils Corporate Email system and may be subject to scrutiny by someone other than the addressee.

Mae'n bosibl bod gwybodaeth gyfrinachol yn y neges hon. Os na chyfeirir y neges atoch chi'n benodol (neu os nad ydych chi'n gyfrifol am drosglwyddo'r neges i'r person a enwir), yna ni chwech gopïo na

thros glwyddo'r neges. Mewn achos o'r fath, dylech ddiarhysio'r neges a hysbysu'r anfonwr drwy e-bost ar unwaith. Rhochwybod i'r anfonydd ar unwaith os nad ydych chi neu eich cyflogydd yn caniatu e-bost y Rhyngrwyd am negeseuon fel hon. Rhaid deall nad yw'r safon yntiau, y casgliadau a'r wybodaeth arall yn y neges hon nad ydynt yn cyfeirio at fusnes swyddogol Cyngor Dinas a Sir Caerdydd yn cynrychioli barn y Cyngor Sir nad yn cael seil ei fendith. Caiff unrhyw negeseuon a anfonir at, neu o'r cyfeiriad e-bost hwn eu prosesu gan system E-bost Gorfforaethol Cyngor Sir Caerdydd a gallant gael eu harchwilio gan rywun heb law i'r person a enwir.

—
Scanned by iCritical.

Cardiff Council – Cyngor Caerdydd
Response to the Welsh Government consultation on the document
“Natural Resources Wales”
April 2012

This response is from the Natural Environment Group of Cardiff Council and does not represent the views of Cardiff Council as a whole. Other departments may respond separately. For the purposes of this response Cardiff Council will indicate the Natural Environment Group only.

Cardiff Council welcomes the decision to establish a new body for the management of Wales’ natural resources.

Overall comments on the consultation document

Cardiff Council have concerns regarding the emphasis on ‘management’ of the natural resources and a lack of emphasis on ‘conservation’. Throughout the document the main drivers appear to be managing the resources in a business like way. The term resource appears to relate to ecosystem services, therefore, conservation of habitats and species for their own sake is left out.

The document does not make it clear that these resources are finite, delicate and little understood.

The three main organisations making up the new body all rely on a wealth of biological records. Consideration should be given to moving the Local Records Centres into the new body. This will avoid duplication of work, allow immediate sharing of resources and provide a steer on appropriate biological recording. This would also remove the current funding issues preventing the LRCs fulfilling their potential.

The new body must also have clear links with Local Biodiversity Partnerships including dedicated staff to work with the partnerships. The use of the Biodiversity Action Reporting System (BARS) should be widely encouraged in the new body. Use of this system will avoid duplication of work and allow steering of resources. It will also demonstrate a presence to the groups doing the work ‘on the ground’.

Q1 – What are your views on our proposal to deliver more integrated management by bringing the three bodies together and creating a single environmental body for Wales?

Cardiff Council welcomes the proposal for a single environmental body comprised primarily of EAW, CCW and FCW.

Q2 – In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?

Cardiff Council have 3 main concerns:

1. The document does not make clear where the responsibility for marine conservation and marine regulation will lie.
2. The document focuses on industry and the benefits of ecosystem services. Of the 3 concerns addressed in section 2.4, 2 were industry based. Section 2.2.2 is titled “Managing natural resources in ways that fit the needs of Wales”, this implies that the resources are there as a commercial asset.
3. There is no implicit message of conservation for conservation sake. There is no mention of conserving habitats/species even if they do not currently appear to provide a service. Section 2.2.2 talks of protecting and enhancing the environment and biodiversity and ensuring compliance with European legislation. This implies that the only protection/enhancement work will be done if required by European legislation. There is not enough emphasis on the protection of the Welsh natural environment.

Q3 – What are your views on this phased approach? How could we improve on it?

While Cardiff Council are supportive of the phased approach it has already been noticed that key staff from the current organisations have been seconded to the SEB process. These staff have not been replaced and it is noticeable that there is a lack of staff/knowledge/resources available to assist Local Authorities. The phased approach should ensure continuity of essential services.

Q4 – Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

Cardiff Council believes that the proposals define an organisation based on business and quantifies assets in monetary value alone. There is no focus on the environment as a whole. If it is not made clear that the environment is worth conserving for its own sake then we are sending out the wrong message. People will value the environment on what it can provide rather than what it actually is.

Point 3 of the strategic outcomes refers to conservation of ecosystems. There is nothing in the strategic outcomes that allows for the conservation of habitats and species.

We would like to see a major focus of the new organisation to be the conservation and enhancement of the natural resources of Wales.

Q5 – What are your views on the approach to the delivery framework?

We welcome the transparent approach to the delivery framework and the Annual Remit letter which should allow a fluid approach to conservation priorities.

Q6 – Are the functions described in tables 1 to 3 a reasonable summary of those require? How could they be improved?

The functions describe a business based approach. They could be improved by outlining the drivers and practices needed to conserve and enhance the natural environment for its own sake. Conservation needs to take place outside of the business model as it will not always have a quantifiable outcome. Intrinsically valuing the natural resources of Wales needs to be embedded in all functions of the new body.

Q7 – What are your views on our proposals for changes to Welsh Government functions, including Marine and Wildlife Licensing and Tree and Plant Health? How could they be improved?

The recommendations set out in the document advocate both regulation by WG and by the new body. If the new body is able to manage self licensing in a transparent and structured way then it should be able to cope with all elements outlined here including Badger licensing. The option should be either WG retain all appropriate regulatory functions or all are passed over to the new body and a clear system put in place to deal with them.

Q8 – Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

Cardiff Council agree with the current proposals.

Q9 – Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?

Cardiff Council agree with the current proposals.

Q10 – Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

Cardiff Council have not further views on this approach.

Q11 – What are your views on these aspects of the regulatory arrangements?

We welcome the intention to publish a decision document which will help achieve a transparent and fair system.

From: Alan Wilks [alan.wilks@agi.org.uk]

Sent: 01 May 2012 16:09

To: SEB mailbox

Subject: Response to the proposed arrangements for establishing and directing a new body for Wales' natural resources.

Attachments: AGIC_Consultation_Response_FINAL.pdf

For the attention of :

Carrie Moss

'A Living Wales' Programme Team

Department for Environment and Sustainable Development

Welsh Government

Cathays Park

CF10 3NQ

Please find attached a response to the consultation on the proposed arrangements for establishing and directing a new body for Wales' natural resources. This response has been put together by the Association for Geographic Information Cymru (AGIC) as explained in the introductory page of the response.

I understand that the deadline for such responses is tomorrow. I would be grateful for acknowledgement of receipt of this emailed response.

Yours sincerely,

Alan Wilks

Alan Wilks,

Chief Operating Officer,

Association for Geographic Information,

Room 410,

150 Moorfields,

London,

EC3N1LS

Direct line: 020 7347 5645

Office main number 020 7347 5640

email: alan.wilks@agi.org.uk

Website - <http://www.agi.org.uk>

Registered office as above

The information transmitted in electronic mail messages sent from the Association for Geographic Information, or referencing this disclaimer, and any documents attached is intended only for the person, persons, entity, or entities to which it is addressed. It does not necessarily represent the views of AGI and may contain confidential and/or privileged materials. In the case of confidential and/or privileged materials, any review, retransmission, dissemination or other use of or taking of any action in reliance upon these materials, by persons or entities other than the intended recipient may be the subject of legal action. If you receive an email in error from the AGI please contact the sender and delete the material from your computer.



Welsh Government Consultation on Natural Resources Wales

Background

This consultation response on the establishment of a new body for the management of Wales natural resources is submitted by the Association of Geographic Information Cymru (AGIC). AGIC is the Welsh branch of AGI; the UK national membership body for all with an interest in Geographic Information (GI).

It should be noted that the views expressed below relate to the primary aims of AGIC, which are detailed in the Location Wales white paper available at <http://www.agi.org.uk/agi-cymru-documents/> and is appended to this consultation response. The primary aim of AGIC is to increase the use of location based information to help deliver economic growth and improved service delivery for Wales, its citizens and its culture.

AGIC recognise that 'location' drives key decisions that are taken every day, and that Welsh Government are striving for consistent national spatial planning for its natural resources. We believe that bringing together three organisations with a wealth of location based environmental information is a positive step, and that dissolving barriers between these organisations will lead to efficiencies in government decision making which in turn will be realised by Welsh citizens and the economy of Wales.

AGIC believes that geographic information (GI) should be central to the operation of the new organisation if the benefits of adopting the ecosystems approach is to be realised. GI delivers efficiencies by joining up other data with the common component of place.

In responding to this consultation we will relate the seven strategic objectives of the Location Wales whitepaper to the questions being asked as well as highlighting some of the over arching principles that may contribute to the effective management of evidence within the new single body.



General Comments

AGIC has a number of general comments about the consultation:

- Policy
- Technology
- Data

POLICY

INSPIRE; The GI activities of all three existing organisations have been and will be influenced by the requirements of the INSPIRE directive. One of the core principles of the directive is the availability of common reference geographies with standard definitions and appropriate metadata. This influence will not diminish and may well assume greater prominence in a single national body operating within a European framework. A consistent approach to reference geographies will improve co-ordination internally and externally and reduce potential data overlaps.

The new body will require to meet the current and future obligations of the INSPIRE directive. The three organisations currently have different ways of doing this. Opportunity exists for the use of existing GI services already provided by Welsh Government. Re-use of GI services and building new services with re-use in mind fall in with strategic outcome C in the Location Wales white paper : “sharing location related information easily through a common infrastructure of standards, technology and business relationships”.

Open Government Having centrally managed data will make meeting many of the objectives of the governments transparency agenda easier and provide access to data that supports decision making and policy creation. There is also benefit in the creation of national datasets from federated contributions, with due regard to data ownership within the legacy bodies.



TECHNOLOGY

Opportunity to Review: Merging the three environmental bodies will bring together the skills base of each body and provide opportunity to review and build upon;

- Current best practice processes;
- Current and emerging technology;
- Data and evidence management processes.

Bringing these activities together should provide opportunity for adoption of master data management principles which will streamline onward supply of data and provide a consistent and auditable evidence base to all authorities in Wales.

Using Technology to engage: The new single body should be utilising new technologies to interact with the citizens of Wales. Google maps has revolutionised the use of mapping on the internet and people are now using location based websites and technology daily through location enabled mobile devices and social media. The single body should utilise this location revolution to empower the people of Wales to have an impact in the environment of Wales.

Example of this type of interaction can be found at

<http://visitwoods.org.uk/en/visit-woods/Pages/wood-details.aspx?wood=14376&site=Coed-Cwmnewydion>

or at a county council fault reporting website

<http://www.ceredigion.gov.uk/index.cfm?articleid=15332>

Reporting issues about the environment, e.g. wildlife crime encourages public participation and allows a sense of empowerment in their environment that they live in.

Funding : Funding for technology and data comes from a number of different sources at present, a combination of WG and central government funding. By consolidating licences for key datasets and tools, there is potential for realising savings.



This should be accompanied by a review of data requirements to ensure that legacy datasets and licence agreements are no longer supported. Once again there is scope for re-use of services. For example map services provided to one organisation could be procured for use by the new body.

DATA

Data Duplication: Merging data management activities should provide additional benefits from economies of scale (infrastructure and management process) and have one port of call for data, supported by systematic data management. Complex spatial analysis as is required with national scale spatial planning is only possible with carefully managed datasets.

Creation of a Single Source of Truth: Consolidation of core datasets across the organisations should realise efficiencies in procuring information as well as enabling better integration of data and systems. In addition, efficiencies could be realised by acquiring once instead of 3 times some of the large spatial datasets provided to each organisation.

Promotion of Common Reference Geographies:

The use of common, consistent geographies for the collection and storage of data makes it easier to compare and analyse varied data themes. Common reference geographies provide a framework for;

- Linking to and combining with other geo-referenced information,
- Improving data harmonisation and consistency,
- Offering key contextual details and fitness for purpose,
- Reducing data translation requirements.

Organisational consolidation will simplify the processes involved in cross-referencing multiple datasets. In providing consistent information across the new body, a number of the aims of the Location Wales report will be taken into consideration “using common reference data so we know we are talking about the same place”¹:

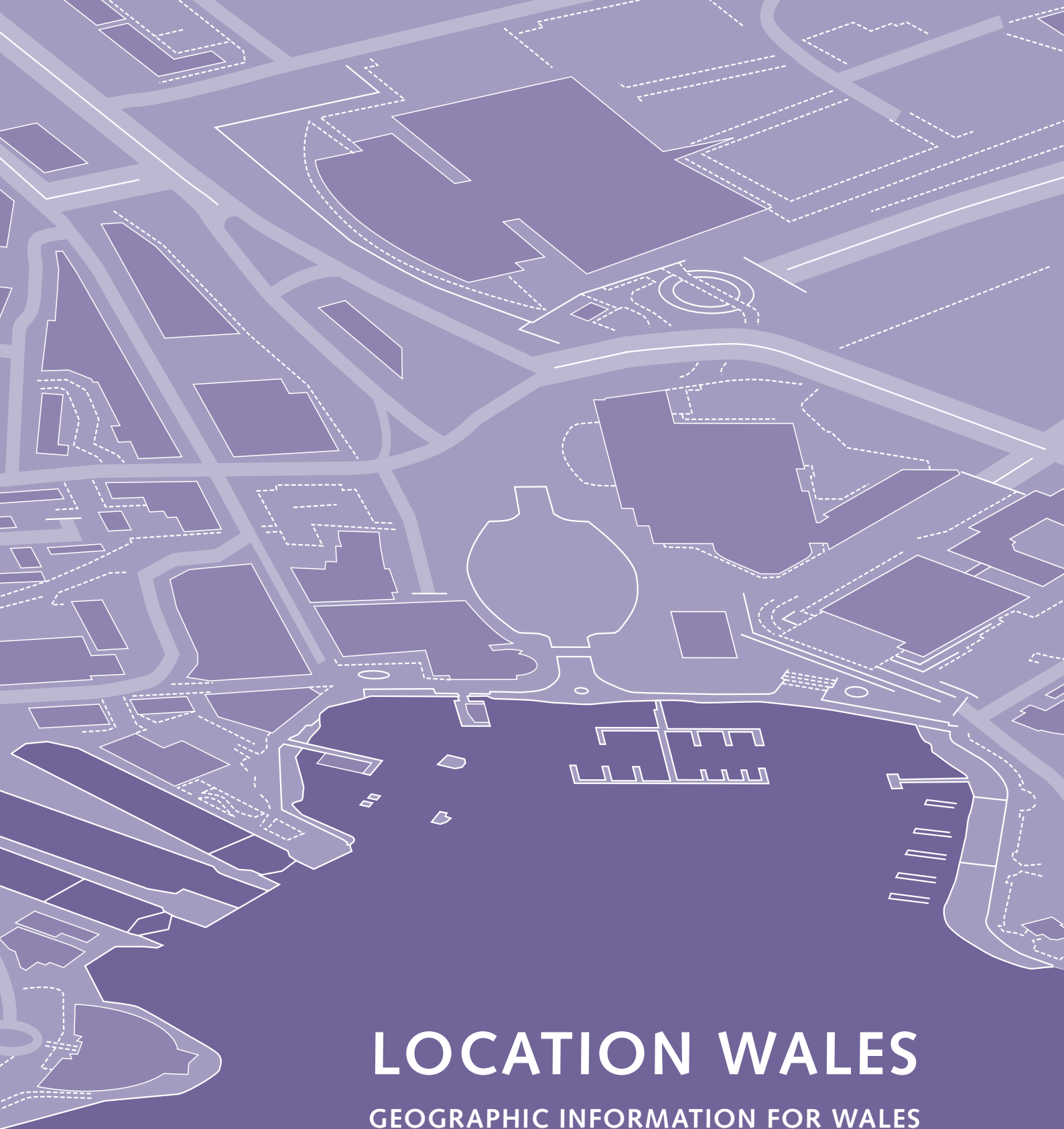
¹ P.8 Location Wales Report,



As the report goes on to say: "By ensuring information is related to these base geographies it is possible to integrate information derived from a diverse variety of sources".



Appendix 1 – Location Wales Whitepaper



LOCATION WALES

GEOGRAPHIC INFORMATION FOR WALES
- OPPORTUNITIES AND CHALLENGES



Contents

Section

1	Executive Summary	1
2	Introduction	3
3	Scope of the paper	4
4	Where we are – situation analysis	5
5	Where we want to be – strategic outcomes	7
6	What we need to do to get there – Challenges	13
7	What might stop us – risks and constraints	17
8	How we will know whether we are making progress? - monitoring and reporting	17
9	References	17
10	Acknowledgements	18

Annex

I	Challenges by sector	19
II	Pointers – suggestions on how the challenges could be met	22
III	Glossary	31



1. Executive Summary

Location drives many of the key decisions we take; where to live, where to work, where to travel, where to invest. We are increasingly looking for better, more accessible and timelier information to help us to make these location-based decisions.

The growing demand for information on 'where' means that it is an important resource, whether that is for government decision making, the citizen looking to improve their life or a business creating wealth. It therefore has both economic and social value.

The creation and supply of quality location-based, or geographic, information relies on innovation, collaboration and a knowledge-based skilled workforce.

The geographic information industry in Wales has been established now for over twenty years. The launch of the Geographic Information Strategy – Action Plan for Wales in 2003 and the UK Location Strategy in 2008, combined with new European legislative drivers (INSPIRE Directive) have presented the industry with a framework and impetus within which to further deliver the benefits of geographic information. Thus the pressing need now in Wales is not to re-write existing strategies but to work out how to deliver them.

The AGI Cymru vision is to increase the use of geographic information to help deliver economic growth and improved service delivery for Wales, its citizens and its culture. Currently;

- the Welsh Assembly Government is investing in geographic information to save money and to improve the services that are delivered;

- local government and emergency services in Wales are benefiting from returns on investment in geographic information;
- Welsh universities possess world class skills and knowledge in geographic information research and development;
- Welsh businesses are starting to recognise the opportunities for cost savings and improved profitability across existing and new markets, and
- new opportunities exist for the citizen to take this information and to 'mash-up' for community uses.

The big challenge is to how to deliver the vision. To help, AGI Cymru has held discussions within and outside of the industry over the last twelve months and has established seven strategic outcomes which we want to see delivered. These are to

- know what data we have, and avoid duplicating it
- use common reference data so we know we are talking about the same places
- share location-related information easily through a common infrastructure of standards, technology and business relationships
- have the appropriate skills both among geographic professionals and among other professional groups who use location information or support its use
- have strong leadership and governance to drive through change
- communicate and promote best practice



- deliver increasingly efficient, improved services, wealth and education

To achieve these outcomes we are setting 26 challenges to Wales; whether you are in the public or private sectors, academia or third sector there is a challenge for you. Some of them you may already be meeting, others may need some careful thought and planning. Where we can we will help; through communication and sharing of best practice. We will help monitor progress on delivering the challenges and will report back to you so that momentum is maintained and the benefits are achieved.

Which ever stage you are at, this review presents us with an exciting opportunity to help deliver the tangible benefits presented by the intelligent use of geographic information.

2. Introduction

What is Geographic Information?

In essence, geographic information (GI) is information about places; it is information about where things are and what happens there.

In more detail, it is information about the physical and human characteristics of a particular location and about the activities and conditions of the people who live there, or the objects or phenomena that are at or associated

with that place. This is information which can be mapped although GI is a more than just cartography and far more than just markers on a map. It can and should facilitate a complete digital picture of what occurs, has occurred and what is likely to occur, on, above or below the surface of any part of Wales.

What are the AGI and AGI Cymru?

The Association of Geographic Information (AGI) exists to represent the interests of the UK's geographic information community a wide-ranging group of public and private sector organisations, suppliers of GI software, hardware, data and services; consultants, academics and interested individuals.

The AGI, by way of its unique membership forum, brings together the previously disparate GI community to share ideas on best practice, experience and innovation, and offers access to unparalleled networking opportunities with significant business benefits.

As such it avoids partisan positions and tries to act on behalf of the community as whole. Since its inception in 1989, it has built up a significant membership base and established itself as the respected voice in GI.

The Welsh arm of the organisation is AGI Cymru. Its mission is to maximise the use of GI for the benefit of the citizen, good governance and commerce in Wales. It promotes development of the use of GI in Wales by encouraging improvements in standards and providing training and networking opportunities through events, seminars and conferences.

Established in 1998, the AGI Cymru Steering Group:

- gives Wales a voice within the AGI;
- addresses specific Welsh issues such as language, rurality and economic development;
- monitors and 'owns' the GI Strategy for Wales;
- develops an annual programme of events in Wales culminating in the Annual Conference and
- raises and responds to GI consultations at the national and regional level, representing Welsh issues where necessary.

AGI Cymru brings together diverse of interests and experiences for the benefit of Wales. We act as a focus for the GI Community in Wales and as a resource upon which the GI community can call.



3. Scope of the paper

The background to this paper is set out in some detail in Annex A. This paper identifies what needs to be done in Wales to achieve our vision for GI. As it is in part about the implementation in Wales of the UK Location Strategy¹ it should be read in conjunction with that document.

The paper includes:

Where we are now - the paper initially considers the current situation drawing on the outputs of two surveys, one of GI practitioners and one of small and micro businesses, and also a Workshop. This is followed by

Where we want to be - an outline of the strategic outcomes which the UK Location Strategy and the original GI Strategy for Wales seek to achieve. Drawing the two together is

What we need to do to get there – sets out the challenges facing Wales in getting from one situation to the other in order to deliver the benefits. For each outcome sought there are challenges facing various sectors in reaching that outcome. These challenges may apply to more than one outcome so are repeated if necessary.

Pointers – the challenges are set for a variety of sectors and it is ultimately up to them to decide the best way to meet those challenges. However this section sets out some possible ways of approaching them. It is not intended to be exhaustive or prescriptive and makes no attempt to prioritise one challenge over another.

What might stop us – reminds us that we already know many of the weakness and threats facing us, and that we must address them and find strategies to meet them.

How we will know whether we are making progress? - how we are going to monitor developments, assess whether we are making progress and report back to the community.

¹ See References for where to find this.

4. Where we are - situation analysis

The SWOT analysis is an audit of the state of GI in Wales at present. It is drawn from the practitioner and non-practitioner surveys (See Annexes B and C) and a Workshop held in Cardiff in May 2009 (See Annex D). As such they do not necessarily represent the view of all sectors, but are drawn from the responses to the surveys and Workshop and so are issues for at least some parts of the community.

Strengths	Weaknesses
<ul style="list-style-type: none"> • There is an extensive and growing body of GI available including comprehensive geo coded datasets. • There is comprehensive knowledge and experience of data interoperability. • The potential role of GI is recognised and supported by the Welsh GI community within which there is a core group of active and enthusiastic members. • GI initiatives are supported by relevant representative bodies, membership organisations and cultural institutions. • Established professional networks exist and are working collaboratively, to champion and exchange knowledge of GI. • There is cross-sector participation in many projects and initiatives. • Wales is a small country so initiatives can be started relatively easily. • Welsh Assembly Government (WAG) has expressed an ambition to make information available for innovative purposes. • The Welsh Language Board already has a 'IT and the Welsh Language' strategy into which new GI initiatives will fit. 	<ul style="list-style-type: none"> • GI can lack coherent concepts making it difficult to promote to non practitioners. • There is some duplication of data collection and issues around data exchange, data integration, standardisation and accessibility. • There is a lack of linkage between GI and e-services. • Dissemination of GI has taken place largely within the GI practitioner community and its use is restricted to specific sectors as a result. • The diverse range of technical approaches and GI cultures can prevent data integration and sharing. • GI practitioners have been technically focused in the past and lacked business and professional status. • There is a lack of appreciation in all sectors as to the importance of GI in developing the Welsh economy. • Hitherto there has been a lack of leadership from parts of the public sector in tackling the obstacles to effective use of GI. • Inadequate understanding of the law governing the use and re-use of information can inhibit data sharing. • Licence terms can prevent data sharing.

Opportunities	Threats
<ul style="list-style-type: none"> • There is an increasing drive for open and transparent policy-making and evidence based decision-making both of which demand the use of GI. • There is an increasing need for integration and linking of GI to support spatial decisions. • Legislation such as INSPIRE and RPSI and initiatives such as the UK Location Programme are providing political and policy drivers for change. • ICT developments offer new opportunities and bring technologies to consumers (e.g. GPS, Web, mobile). • Ubiquitous online mapping platforms have raised the profile of GI with the wider public. • The digital era has altered map use introducing dynamic models and paving the way for new applications, e.g., virtual reality. • Open source and open standard GI applications and toolkits are available. • Ordnance Survey has a new business strategy which seeks to widen GI use and encourage innovation. • A professional qualification (C Geog) is now available. • Major companies with GI expertise may be open to partnering. • WAG funding may be available to address some GI challenges. 	<ul style="list-style-type: none"> • There has been slow progress in delivering and demonstrating tangible benefits from GI which could lead to a loss of momentum. • Low participation rates in the UK Location Programme by public bodies could lead to a loss of credibility. • There is reluctance by some data holders to share their GI. • Licensing restrictions regarding derived data usage may stifle innovative use. • There is a lack of skilled professionals. • There may be a lack of coherence and stability in all levels of government.

5. Where we want to be - strategic outcomes

Where are we headed if we do nothing? The Situation Analysis in Section 4 paints the picture of what will happen if we do nothing – the weaknesses will remain and the threats may well come to pass. As a result, this option is not viable. However if we take positive action we can capitalise on the strengths and take advantage of the opportunities.

Our vision is to increase the use of geographic information to help deliver economic growth and improved service delivery for Wales, its citizens and its culture. We must do this whilst ensuring legislative compliance; not simply

comply with legislation such as the INSPIRE Directive but embracing its principles too. To ensure consistency with the wider UK Location Programme the strategic outcomes for Wales draw on those in the UK Location Strategy and the previous Geographical Information Strategy Action Plan for Wales. Clearly whilst whatever is done within Wales should fit within that policy structure, Wales has a great opportunity to be able to do more – as a small country we have the ability to deliver and implement things in ways which cannot be done at UK level.

We want to:

A. know what data we have, and avoid duplicating it

Why? Current users of geographic information spend the majority of their time looking for the data they require, collecting and collating it and managing it rather than using it to solve problems and generate benefits. In addition, data collected often duplicates that collected by another agency because it was not known that the other data existed. This imposes costs and inefficiency on the public sector due to wasted and duplicated effort, and makes it difficult for third parties and citizens to know what data is available and where they can get it.

By making the metadata of existing information discoverable, as recognised in the UK Location Strategy and as is a legal requirement for public authorities under the INSPIRE Directive, this will make the process more efficient.

An illustration.....

The Countryside Council for Wales (CCW) publishes metadata about its GIS data holdings as part of its on-line library catalogue, OLIB Webview at <http://www-library.ccw.gov.uk/olibcgi>. This contains nearly 200 GIS metadata records covering many aspects of the environment. The catalogue is ISO 19115 and UK Gemini v.1 compliant and is widely used by CCW staff, external users, as well as for inter-library searches.



B. use common reference data so we know we are talking about the same places

Why? In various applications of GI reference is made to the buildings, streets, addresses, fields and administrative areas in our country. However we are not always clear that we are all talking about the same place or about the same things. The INSPIRE Directive set out a series of themes of geographic information. The UK Location Strategy also defined a specific set of core reference geographies within the UK. These are: Geodetic Framework; Topographic Mapping (at different resolutions and including ground height information); Geographic Names; Addresses; Streets; Land and Property Ownership; Hydrology/Hydrography; Statistical Boundaries; Administrative Boundaries.

By ensuring information is related to these base geographies it is possible to integrate information derived from a diverse variety of sources.

Some illustrations.....

South Wales Fire and Rescue have integrated information from organisations as diverse as the Countryside Council for Wales, Local Government, CADW, Forestry Commission and the company responsible for the delivery of medical oxygen cylinders for home use into their in cab management systems. By ensuring these are derived from a common base map officers on site are able to make informed decisions relating to the health and safety of individual personnel and prioritise protection of protected environments.

Forestry Commission Wales and the Countryside Council for Wales have developed a new approach to updating the Ancient Woodland Inventory. By integrating a variety of data sources they are able to accurately map the distribution of this core ecosystem. This then supports the development of biodiversity planning across Welsh government.

BT 999 is a UK wide emergency system, developed by BT in Wales, to locate the nearest Authority to emergency landline and mobile phone calls within a response time of 3 milliseconds. To achieve this it relies on all parties using a common reference base for both the locations and areas of the emergency responders and the phone locations. Every Centre has common national data, which it uses to connect to the nearest of the 158 Emergency Authorities. Landline name and address information is passed to the Emergency Operator at the time of the call. For mobile calls, approximate location details are based on an Ordnance Survey map reference system from mobile network information.

C. share location-related information easily through a common infrastructure of standards, technology and business relationships

Why? New technologies such as web services have the potential to facilitate more sharing of data between data holders and supply of data to users and hence allow more benefits to be realised. The high level issues related to the adoption of standards, network services and more harmonised data licensing will mostly be dealt with at a UK level. However within Wales there is an opportunity to develop 'live' frameworks for integration of information between organisations within the public sector. Wales has an opportunity to be at the forefront of emerging approaches to data sharing and integration between organisations.

Some illustrations.....

Visit Wales, a department within the Welsh Assembly Government, gathers information and geo-data on c.7,000 tourism SMEs and micro businesses in Wales through the quality star-grading process. This information is shared with commercial distributors via the WorldNet Web Services API and the National Tourism Open Platform (NTOP) to enhance marketing opportunities for Wales as a tourism destination and exporter. Tourism Wales UK are a commercial Visit Wales data distributor using the API to extract geo-data to mashup with information from other sources, adding value to it and meeting demand from tourism consumers.

Brecon Beacons National Park Authority and web application development company, One Bright Space of Aberystwyth have collaborated together on a number of projects that share location data between applications internally and externally using Open Geospatial Consortium (OGC) web services. The Information sharing is widespread, examples include distributing key rights of way information between an internal management application and their Park Explorer (a content rich public site), and sharing location encoded images from a media library to a range of other systems across the Authority.



D. have the appropriate skills both among geographic professionals and among other professional groups who use location information or support its use

Why? Wales has a long tradition of development of new skills and approaches to the use of geographic information. The country supports a number of small and successful GI consultancies and software houses and has well established Masters courses in geographic information delivered by the University of Glamorgan and Aberystwyth University.

Over recent years there has been a steady growth in the depth of use of geographic information especially within the public sector. This success has been built on a combination of in-house and commercially sourced training. As we move forward it is increasingly important to ensure that the best elements of this training is pulled together to ensure a common baseline of skills is present within the workforce to maximise the benefits to the public sector and business from the use of geographic information.

Some illustrations.....

AGI Cymru provides a variety of training opportunities throughout the year. The annual AGI Cymru conference has now been running for over 10 years providing an annual showcase for innovation and the organisation runs one day seminars and field trips across Wales focused on specific themes or sector interests, including emergency planning, health, environment, land and property.

Aberystwyth University organise formal work placements as an assessed part of their MSc in GIS and Remote Sensing. Working with organisations like Environment Systems and the Welsh Assembly Government, it provides students with valuable experience of the work place and allows employers to develop novel areas of work and meet prospective employees.



Landsat image courtesy of the U.S. Geological Survey

E. have strong leadership and governance to drive through change

Why? At a UK level the Location Council has responsibility to take forward the UK Location Strategy, with Defra acting as lead Department for ensuring INSPIRE compliance. The Welsh Assembly Government is represented on the Location Council. In Wales the priorities emerging from devolution make it essential to have a strong lead on GI matters from a Welsh perspective. It is therefore essential that the Welsh Assembly Government, working in partnership with private enterprise and the remainder of the public sector, provide leadership in establishing the GI needs of the wider Welsh community.

An illustration.....

Welsh Assembly Government has taken the lead to enable access to Pan Government Agreement data in Wales by providing funding to meet the core data requirements for eligible organisations.

F. communicate and promote best practice

Why? GI practitioners within Wales have a longstanding tradition of developing and sharing new approaches to problem solving using GIS. The annual AGI Cymru conference, as well as a year round outreach program, extends knowledge of the potential of GI across the wider community. GI experts based in Wales are also regular speakers at community events across the UK. The opportunities for sharing of best practice become ever more important in ensuring that we continue to deliver innovation and value for money.

An illustration.....

In summer 2008 Ordnance Survey working with AGI Cymru identified over 80 examples of where geographic information was being used to improve the delivery of services across Wales as part of a presentation on the benefits of GI to Assembly Members.



G. deliver increasingly efficient, improved services, wealth and education

Why? Underpinning the UK Location Strategy and its implementation in Wales is the need to focus on deliverable outcomes that release economic benefits to Wales as a whole. These outcomes may be as diverse as increased public access to information, job creation, more effective means of consultation, or cost savings. In all of these cases geographic information can and should be used to underpin the development of the wider Welsh economy.

Some illustrations.....

By mapping the distribution of dental caries in children the Cardiff School of Dentistry have provided detailed information to enable effective targeting of the £1.1m "Designed to Smile" initiative which is part of the Welsh National Child Oral Health Improvement Programme.

Caerphilly County Borough has integrated electronic versions of their highways asset data with their mapping and customer relationship management (CRM) systems. This allows customer service advisors to directly report faults such as street-lighting failures and potholes against a specific asset. This ensures staff have the appropriate location information available to them when undertaking the repair work.

The inclusion of all council maintained lifebuoys within the Isle of Anglesey, GIS is allowing all staff to monitor the presence of the resource when they are on site as part of their own business needs. This enables the service to identify theft or damage in a timely fashion without additional costs.

BT GeoTalk is a secure solution, developed by BT in Wales, for managing incidents. It allows an organisation to deliver multiple, simultaneous messages to recipients in specified geographic areas in the UK. This ensures that the communications are relevant and can lead to enhanced response rates.



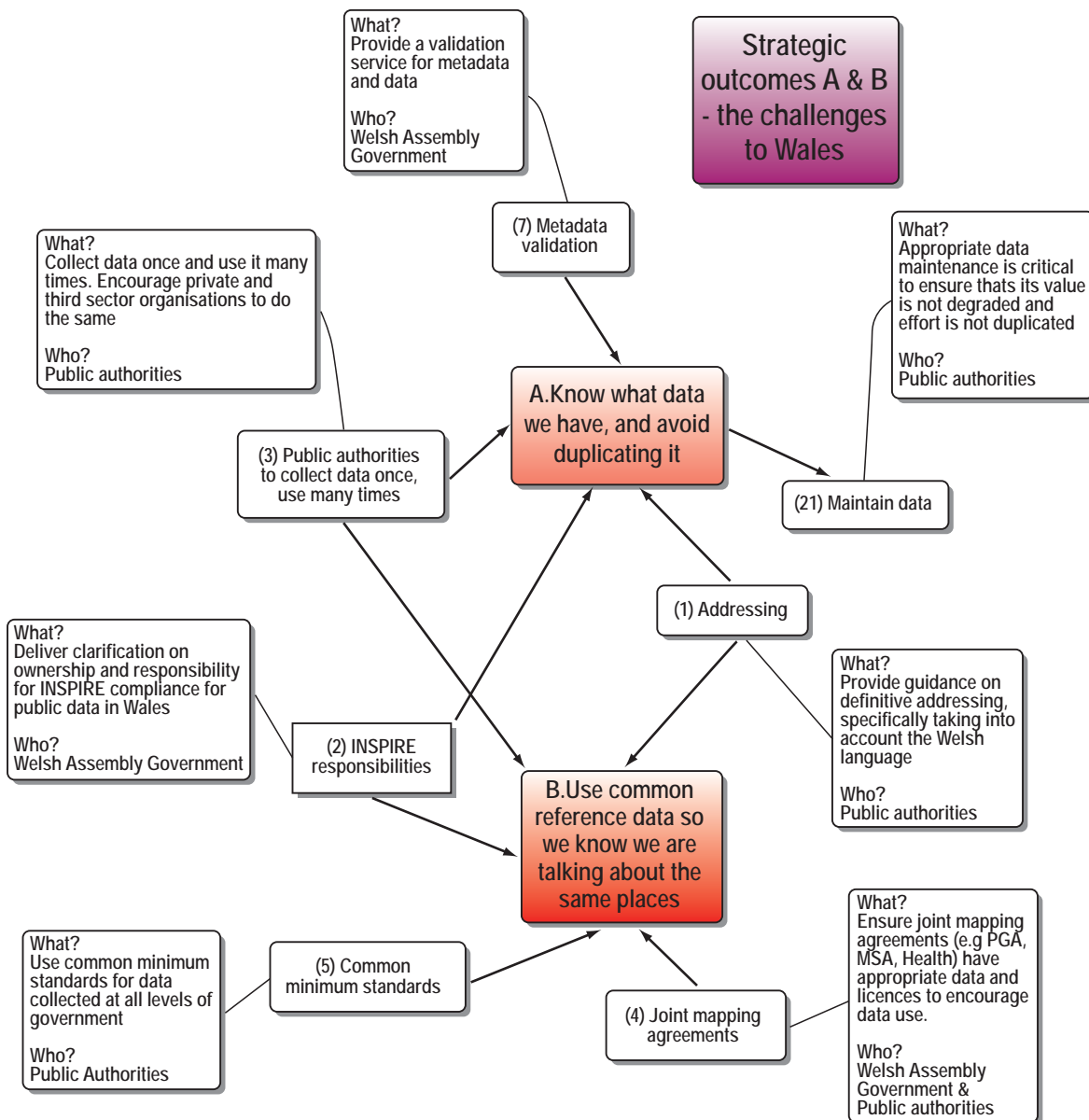
6. What we need to do to get there - challenges

Achieving these strategic outcomes will require us to meet various challenges. These are set out in this section. As meeting the challenges will fall to various organisations and sectors, we have not sought to define how they should be met. This remains the responsibility of individual organisations. However, Annex II lists the challenges

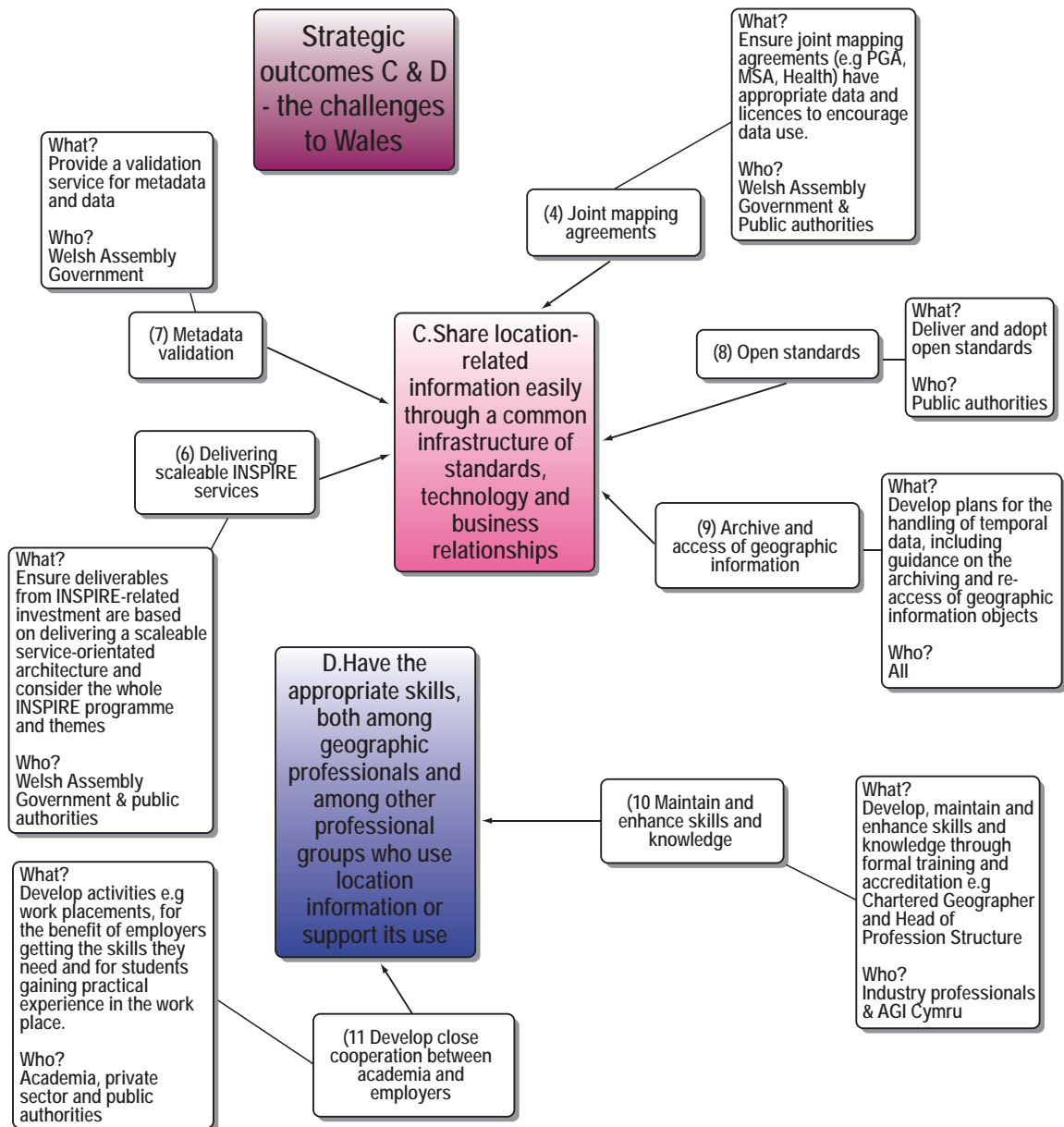
and has some suggestions drawn from the Workshops, surveys, and existing projects and initiatives both in Wales and elsewhere. Whatever those meeting the challenges do they should ensure that they set themselves SMART objectives which can be monitored by the community to ensure that progress is visible.

Annex I summarises the challenges set to each sector.

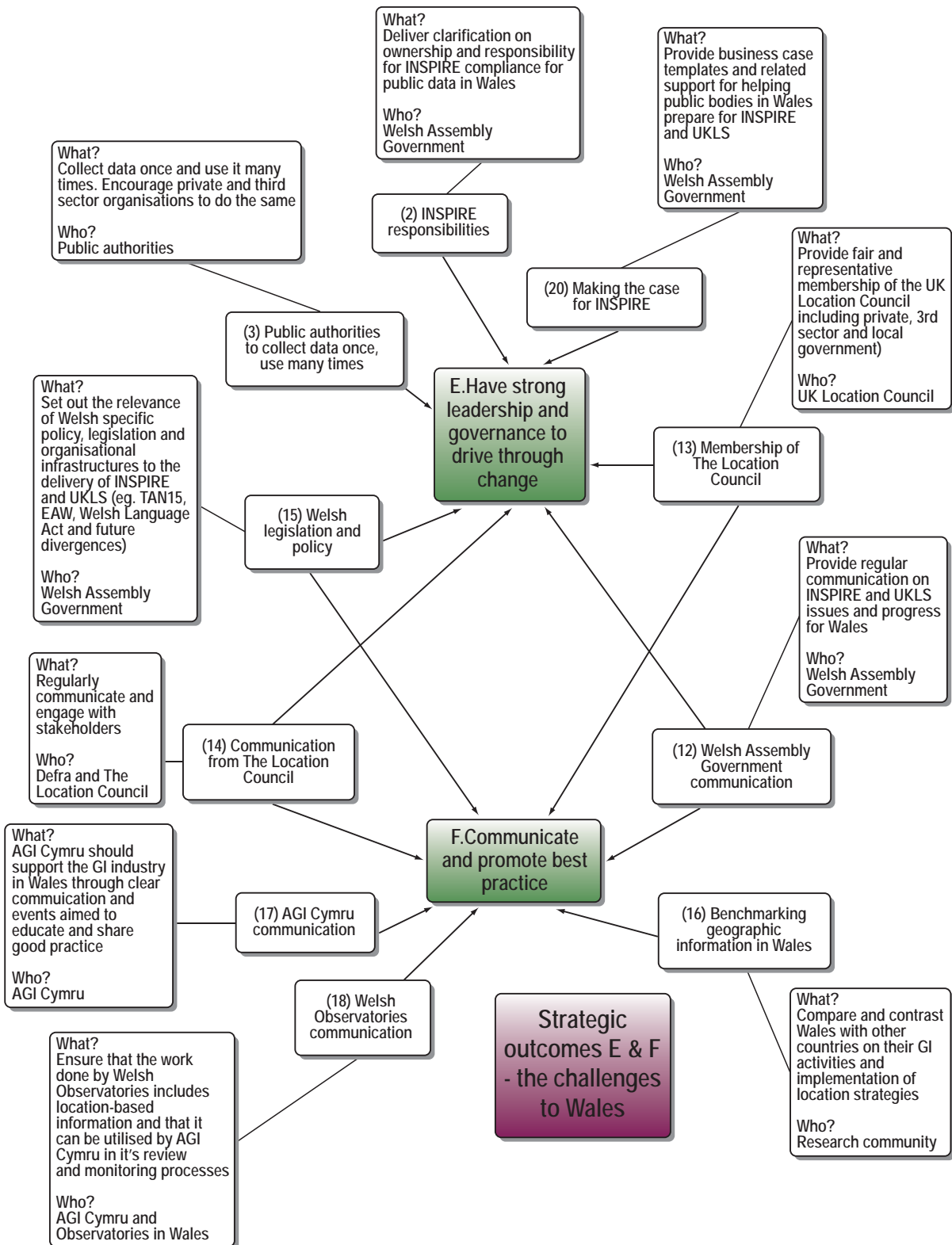
Challenges relating to Strategic Outcomes A and B



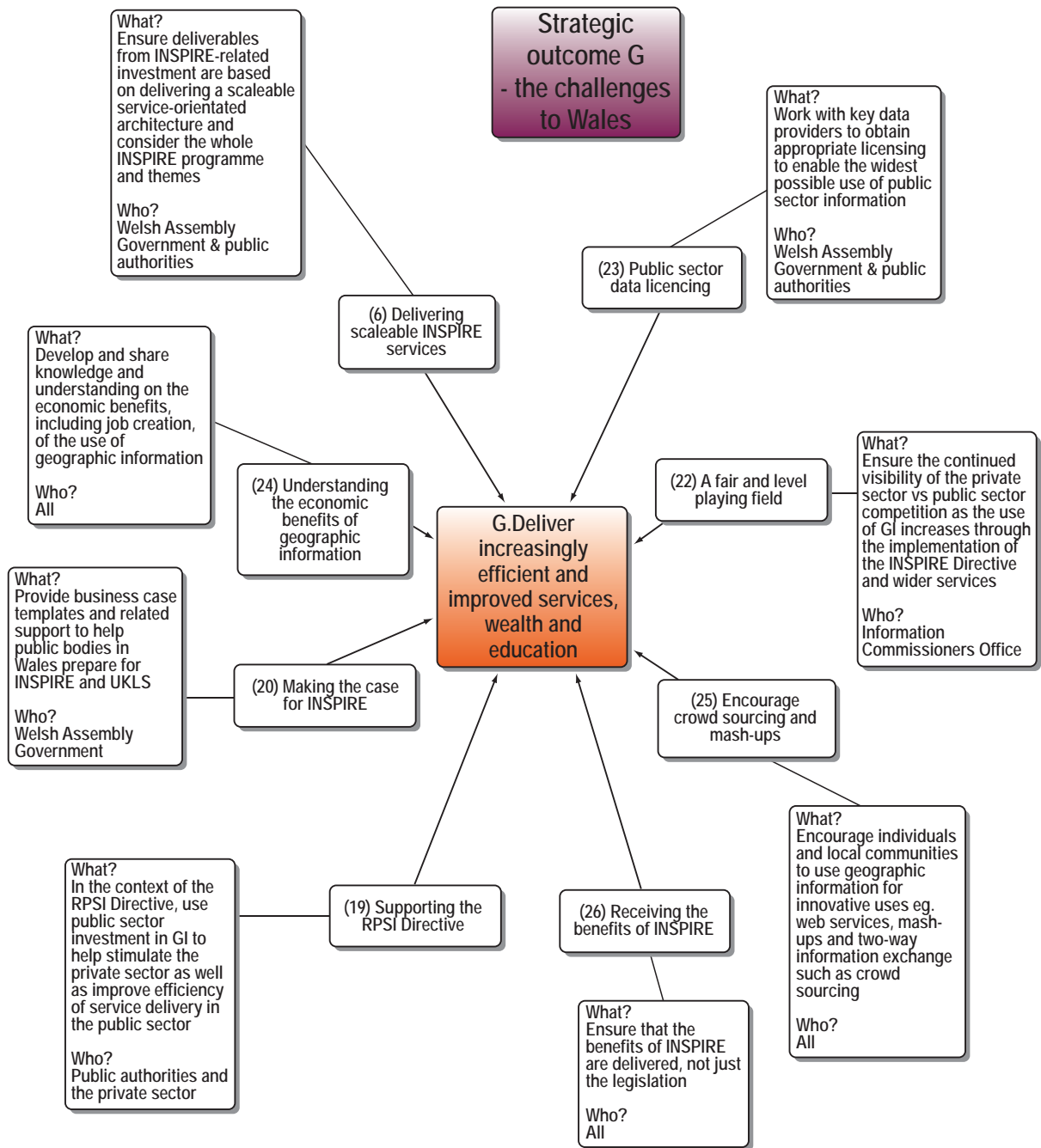
Challenges relating to Strategic Outcomes C and D



Challenges relating to Strategic Outcomes E and F



Challenges relating to Strategic Outcome G



7. What might stop us - risks and constraints

The challenges set in the previous section are not easy. There are reasons why they might not be met, many of which are noted in the situation analysis in Section 4 and some of which we may not even envisage yet. However,

those meeting the challenges must be alert to them, and take steps to mitigate them by doing risk assessments and meeting constraints and obstacles head on.

8. How we will know whether we are making progress - monitoring and reporting

This document sets out many exciting challenges for various sectors within Wales. However, it is important that progress in meeting the challenges is monitored and reported back so momentum is maintained and the benefits are achieved.

AGI Cymru is ideally placed to monitor progress as it has members in all sectors. It is currently proposed to use the Annual Conference as the mechanism by which progress is reported. Those sectors and organisations with challenges will be encouraged to report on their progress against them, highlighting successes and benefits

achieved. The Conference will also be an opportunity to showcase good practice, and for an informal review of the Challenges as others may arise and need to be added to the list.

A more formal external review of the challenges set out in this paper will be considered by the AGI Cymru Steering Group in three years time. This is an appropriate time as not only has AGI Cymru reviewed its strategy on a three yearly basis in the past, but also by 2012 WAG's two year funding for GI will have been spent, benefits should be flowing and the INSPIRE Directive and earlier Regulations will be in force.

9. References

Geographical Information Strategy - Action Plan for Wales

(http://www.agi.org.uk/SITE/UPLOAD/DOCUMENT/Reports/GIS_strategy_for_wales_english.pdf)

GI Strategy Review 2004

(http://www.agi.org.uk/bfora/user/systems/SIG/showpage.asp?arg=1&sig=290&page=7&subpage=242&Q=BF_DOCART_289725)

INSPIRE Directive and associated documents

(<http://inspire.jrc.ec.europa.eu/reports.cfm>)

Place matters: the Location Strategy for the United Kingdom

(<http://www.communities.gov.uk/documents/communities/pdf/locationstrategy.pdf>)

Power of Information Taskforce Report

(<http://poit.cabinetoffice.gov.uk/poit/>)



10. Acknowledgements

AGI Cymru would like to acknowledge and thank the members of the Strategy Review Sub-Group for their work in creating this document, and, where relevant, their employers for their support. The Sub-Group comprises

Steve Keyworth, Environment Systems
Clare Hadley, Ordnance Survey
Terry Jackson, Wales.info
Phil Mountain, Caerphilly County Borough Council
David Roberts, Welsh Assembly Government

In addition they would like to acknowledge the continuing support and input from the AGI Cymru Steering Group members, the AGI Council, Welsh Assembly Government, Ordnance Survey and all those who took parts in the online surveys or the Workshop.

Translated by Forestry Commission Wales

Annex I Challenges by sector

The following is a summary of the challenges and their context presented in section 6, set out in an easy-to-spot style for you, your organisation and/or your sector.

Academia

- Develop activities e.g. work placements, for benefit of employers getting the skills they need and for students gaining practical experience in the work place.

AGI Cymru

- Develop, maintain and enhance skills and knowledge through formal training and accreditation e.g. AGI Continuing Professional Development (CPD), Chartered Geographer and Head of Profession Structure.
- AGI Cymru should support the GI industry in Wales through clear communication and events aimed to educate and share good practice.
- Ensure that the work done by Welsh Observatories includes location-based information and that it can be utilised by AGI Cymru in its review and monitoring processes.

All

- Develop plans for the handling of temporal data, including guidance on the archiving and re-access of geographic information objects.
- Develop and share knowledge and understanding on the economic benefits, including job creation, of the use of geographic information.
- Encourage individuals and local communities to use geographic information for innovative uses e.g. web services, mash-ups, and two-way information exchange such as crowd-sourcing.
- Ensure that the benefits of INSPIRE are delivered, not just the legislation.

Defra

- Regularly communicate and engage with stakeholders.

Information Commissioners Office

- Ensure the continued viability of the private sector vs. public sector competition as the use of GI increases through the implementation of the INSPIRE Directive and wider services.

Private sector

- In the context of the RPSI Directive, use public sector investment in GI to help stimulate the private sector as well as improve efficiency of service delivery in the public sector.
- Develop activities e.g. work placements, for benefit of employers getting the skills they need and for students gaining practical experience in the work place.



Public authorities

- Provide guidance on definitive addressing, specifically taking into account the Welsh language.
- Collect data once and use it many times. Encourage private and third sector organisations to do the same.
- Ensure joint mapping agreements (e.g. PGA, MSA, health sector) have appropriate data and licences to encourage data use.
- Use common minimum standards for data collected at all levels of government.
- Deliver and adopt open standards.
- Ensure deliverables from INSPIRE-related investment are based on delivering a scalable service-orientated architecture and consider the whole INSPIRE programme and themes.
- In the context of the RPSI Directive, use public sector investment in GI to help stimulate the private sector as well as improve efficiency of service delivery in the public sector.
- Work with key data providers to obtain appropriate licensing to enable the widest possible use of public sector information.
- Develop activities e.g. work placements, for benefit of employers getting the skills they need and for students gaining practical experience in the work place.

Research Community

- Compare and contrast Wales with other countries on their GI activities and implementation of location strategies.

UK Location Council

- Provide fair and representative membership of the UK Location Council (including private, 3rd sector and local government).
- Regularly communicate and engage with stakeholders.

Welsh Assembly Government

- Deliver clarification on ownership and responsibility for INSPIRE compliance for public data in Wales.
- Ensure joint mapping agreements (e.g. PGA, health sector) have appropriate data and licences to encourage data use.
- Ensure deliverables from INSPIRE-related investment are based on delivering a scalable service-orientated architecture and consider the whole INSPIRE programme and themes.
- Provide a validation service for metadata and data.
- Deliver regular communication on INSPIRE and UK Location Strategy issues and progress for Wales.
- Set out the relevance of Welsh specific policy, legislation and organisational infrastructures to the delivery of INSPIRE and UK Location Strategy (e.g. development and flood risk, Environment Agency Wales, Welsh Language Act and future divergences).
- Provide business case templates and related support for the helping public bodies in Wales prepare for INSPIRE and UKLS.
- Work with key data providers to obtain appropriate licensing to enable the widest possible use of public sector information.

Welsh Observatories

- Ensure that the work done by Welsh Observatories includes location-based information and that it can be utilised by AGI Cymru in its review and monitoring processes.



Annex II Pointers - suggestions on how the challenges could be met

The following is a summary of the challenges and their context presented in the previous section, set out in an easy-to-spot style for you, your organisation and/or your sector. Each challenge is presented with a short example that helps to expand on the challenge itself and provides a pointer on how the challenge could be delivered.

	Challenge	Pointers
1	<p>Addressing</p> <p>Provide guidance on definitive addressing, specifically taking into account the Welsh language.</p>	<p>The licensing options from multiple address datasets is a good illustration of competition in the market, but it is not good for the delivery of services using open standards for emergency and other critical government applications. In these (and other) cases everyone must know that the place they are referring to is the same. Lives depend on it.</p> <p>It is recommended that</p> <ol style="list-style-type: none"> 1. more effort is given to resolve the United Kingdom wide address database issues. 2. a definitive address dataset is used across Wales. 3. the definitive dataset should be maintained on a regular basis by those with appropriate local knowledge. This is particularly important in rural areas where addresses can be more complex. 4. formal feedback facilities should be put in place to allow organizations using the dataset to feedback requests for changes and the correction of omissions.
2	<p>INSPIRE responsibilities</p> <p>Deliver clarification on ownership and responsibility for INSPIRE compliance for public data in Wales.</p>	<p>There are a number of data themes contained in the INSPIRE Annexes, that will result in an even wider range of datasets that are subject to the legislation. It is important that these datasets are identified, along with the owner and the organisation responsible for ensuring that the data (and metadata) is compliant with INSPIRE and collected and maintained at the most appropriate level.</p>

<p>3</p>	<p>Public authorities to collect data once, use many times</p> <p>Collect data once and use it many times. Encourage private and third sector organisations to do the same.</p>	<p>The concept of collecting data once and using it many times is enshrined as good practice in the UK Location Strategy. It minimises data collection and maintenance costs and the risks of duplicate and near-duplicate datasets. For this principle to be applied successfully, the appropriate place for the data to be collected must be identified, and publicised so that others wanting the same data do not re-collect it.</p> <p>It is also important that those collecting data are aware of possible future uses. Data has historically been seen as a consumable by the IT world. It needs to enter the financial business asset world. Information needs to be recognised as a corporate asset, and decisions on its collection should consider the future value to the whole organisation. The role of Chief Information Officer (CIO) must be encouraged in both public and private sector.</p> <p>All data collected with public money is subject to the RPSI regulations and, with limited exceptions, must be shared openly and freely with other public organisations and shared openly outside the public sector. Private and third sector organisations are encouraged to do the same. There is no requirement on these organisations to do this but, outside of commercially licensed data agreements, it should be seen as good practice and 'good for Wales'.</p> <p>The collection of information suggested for Challenge 2 will help to define the appropriate level.</p>
<p>4</p>	<p>Joint mapping agreements</p> <p>Ensure joint mapping agreements (e.g. PGA, MSA, health sector) have appropriate data and licences to encourage data use.</p>	<p>Many real world applications do not adhere to administrative boundaries e.g. flooding, disease, emergencies. It is important that those organisations who are delivering services that cross administrative boundaries are equipped with the necessary data and licences to do their work e.g. local authorities on the English border or cross- sector organisations responding to an emergency.</p>



		The Welsh Assembly Government should support current and future moves by data suppliers and users to simplify derived data issues, in particular surrounding their understanding, licensing and implementation.
5	<p>Common minimum standards</p> <p>Use common minimum standards for data collected at the lowest level of government.</p>	Data is typically collected at the lower levels of government and then collated at higher levels to give a wider perspective. For this to work in an efficient way the data must be collected to a minimum standard to allow easy integration at the higher level. Such minimum standards will also assist when the data is used for other, possibly unforeseen, purposes.
6	<p>Delivering scalable INSPIRE services</p> <p>Ensure deliverables from INSPIRE-related investment are based on delivering a scalable service-orientated architecture and consider the whole INSPIRE programme and themes.</p>	<p>INSPIRE is due to be delivered over a number of years, with a phased approach to implementation based on a series of 3 'Annexes' that describe different of data themes. It is important for organisations to consider any underlying infrastructures required to deliver not just Annex 1, but also 2 and 3.</p> <p>Dependent on the approach taken for delivering INSPIRE (e.g. centralised or federated), many organisations with responsibilities under INSPIRE, will need to make investments in service-orientated architecture. This will enable them to deliver the network services required for INSPIRE compliance. It is important that these technologies and applications are scalable to ensure both the money spent is an investment and can be scaled to deliver additional services (e.g. outside of INSPIRE) and cope with possible increases in demand as the consumption of web services increases.</p> <p>Not only will this be good practice, but should also make any business case easier to make as the benefits of any investment required will be broader in reach and delivered over a longer period of time.</p>

<p>7</p>	<p>Metadata validation</p> <p>Provide a validation service for metadata and data.</p>	<p>Metadata and data made available under the INSPIRE Directive will need to meet certain compliance criteria. There is an opportunity to take some of the burden (and risk) off some of the suppliers e.g. local authorities by providing an automated validation service e.g. online metadata check for structural validity and completeness, provided by WAG, if not provided at a European or UK level.</p>
<p>8</p>	<p>Open standards</p> <p>Deliver and adopt open standards.</p>	<p>The use of open standards is one of the central pillars that will underpin the success of INSPIRE and the increase of GI-related economic activity. Open standards in the geographic information industry for both technology and data are typically developed and managed by the Open Geospatial Consortium (OGC). Some data or metadata standards are either British Standards (e.g. BS7666 on Geographical Referencing) or international ISO standards (e.g. ISO 19115:2003 on GI metadata). Adopting standards means that software developers, data providers and users can develop their products and services independently; then simply 'plug and play' the different components, meaning that they work together.</p>
<p>9</p>	<p>Archive and access of geographic information</p> <p>Develop plans for the handling of temporal data, including guidance on the archiving and re-access of geographic information objects.</p>	<p>'Wales' has large amounts of data collected and it can safely be stated that this volume of data will only increase and that it is likely to increase exponentially. New pressure brought about by the data requirements from the worlds of forecast modeling, historical analysis and change mapping (e.g. climate change) will increase the burden on data managers to be able to maintain current versions of data, but also be able to access and use older archive versions. This is an issue shared with non-GI data managers, but GI data managers need to plan for and address the issue of handling geography (e.g. point, line, polygon, and pixel). There is an opportunity, by using unique referencing, to avoid duplication in archiving as much GI is based on other information. This is a principle espoused by the Digital National Framework and also INSPIRE.</p>



<p>10</p>	<p>Maintain and enhance skills and knowledge</p> <p>Develop, maintain and enhance skills and knowledge through formal training and accreditation e.g. Chartered Geographer and Head of Profession Structure.</p>	<p>AGI Cymru should ensure AGI accreditation of all GI-related conferences, seminars and events run in Wales for delegates to receive CPD points.</p> <p>Those working with GI in a professional capacity should seek Continuous Professional Development (CPD) with a view to becoming an AGI member, Fellow of the Royal Geographical Society and/or Chartered Geographer. Individuals working in large organisations should consider internal professional structures that not only recognise existing expertise, but are able to nurture and develop new individuals into the profession.</p> <p>The public sector in Wales should consider introducing a 'professional group' for geomatics professionals to encourage networking, exchange of good practice, assistance with professional qualification and pooling of resources.</p>
<p>11</p>	<p>Develop close cooperation between academia and employers</p> <p>Develop activities, e.g. work placements, for the benefit of employers getting the skills they need and for students gaining practical experience in the work place.</p>	<p>Employers need a skilled, motivated workforce. Employees need to know that they have what is needed in the work place. There is an opportunity in Wales to build on the academic excellence available in the Universities and look to link these with the key employers. Currently this is dominated by the public sector, some big business and some small highly innovative companies.</p> <p>Academia must ensure that their courses are relevant, building on sound theory. Academia should work with employers to actively encourage and facilitate work placements as part of formal courses. A current example of this working – for both the students and employers – is the MSc in Remote Sensing and GIS at Aberystwyth University, currently working with employers like Environment Systems and the Welsh Assembly Government.</p>

<p>12</p>	<p>Welsh Assembly Government communication</p> <p>Deliver regular communication on INSPIRE and UK Location Strategy issues and progress for Wales.</p>	<p>Either through email and/or new website, or through the UK Location Council and INSPIRE team existing routes, provide updates for Wales on Welsh progress, success and issues on delivering INSPIRE and UKLS. Communication is two-way, so also to collate and provide Welsh input to the Location Council and related groups.</p>
<p>13</p>	<p>Membership of The UK Location Council</p> <p>Provide fair and representative membership of the UK Location Council (including private, 3rd sector and local government).</p>	<p>The representation from all sectors of Wales on the UK Location Council. This could be in the form of direct representation, or, as a minimum, active indirect representation i.e. for one or more persons to formally represent a number of sectors in Wales by both receiving and passing on views to and from the Council.</p>
<p>14</p>	<p>Communication from The UK Location Council</p> <p>Regularly communicate and engage with stakeholders.</p>	<p>Ensure regular communication (including website and email) that provides updates on the discussions and activities of the UK Location Council. Feedback should be gained from stakeholders on how the UK Location Programme is progressing.</p>
<p>15</p>	<p>Welsh legislation and policy</p> <p>Set out the relevance of Welsh specific policy, legislation and organisational infrastructures to the delivery of INSPIRE and UK Location Strategy (e.g. development and flood risk, Environment Agency Wales, Welsh Language Act and future divergences).</p>	<p>Conduct and maintain a review of the relevance of Welsh specific policy, legislation and organisational infrastructures to the delivery of INSPIRE and UKLS.</p>
<p>16</p>	<p>Benchmarking geographic information in Wales</p> <p>Compare and contrast Wales with other countries on their GI activities and implementation of location strategies.</p>	<p>How are we doing? As a small, yet diverse country, how do we compare to other countries in terms of our GI-related innovation, our use of GI in the public sector for service delivery, or for our use of GI to underpin economic development and job creation? AGI Cymru would encourage research projects to regularly benchmark Wales against other countries of varying size, economic diversity and geography. This would form part of our monitoring of the opportunities and challenges facing Wales.</p>

<p>17</p>	<p>AGI Cymru communication</p> <p>AGI Cymru should support the GI industry in Wales through clear communication and events aimed to educate and share good practice.</p>	<p>Maintain the Cymru section of the AGI website, communicate with the membership through the regular AGI email updates, organise and run the Annual Conference and other events each year. Maintain and review the "Geographic Information in Wales - Opportunities and Challenges" paper.</p> <p>AGI Cymru will support educational related GI activities e.g. GIS Day.</p>
<p>18</p>	<p>Welsh Observatories communication</p> <p>Ensure that the work done by Welsh Observatories includes location-based information and that it can be utilised by AGI Cymru in its review and monitoring processes.</p>	<p>The Observatories in Wales (e.g. Health, Rural) currently research and collect a large amount of data on Wales. It is important that the Observatories collect location-based information as part of their remit, so that the question of 'where?' can be answered for Welsh policy.</p> <p>AGI Cymru would welcome the opportunity to be able to use information (subject to sensitivities) that the Observatories have collected as part of our review and monitoring of the "Geographic Information in Wales - Opportunities and Challenges" paper.</p>
<p>19</p>	<p>Supporting the RPSI Directive</p> <p>In the context of the PSI Directive, use public sector investment in GI to help stimulate the private sector as well as improve efficiency of service delivery in the public sector.</p>	<p>Information has value. The information discovery services being prepared to comply with INSPIRE will provide an opportunity for the private sector to add value to a huge range of information. This has the potential to deliver significant economic benefits and jobs for Wales.</p>
<p>20</p>	<p>Making the case for INSPIRE –related investments</p> <p>Provide business case templates and related support for the helping public bodies in Wales prepare for INSPIRE.</p>	<p>Develop and publish the basic business case for INSPIRE and UKLS related investments for the public sector across Wales. Dependent on the approach taken for delivering INSPIRE (e.g. centralised or federated), many organisations with responsibilities under INSPIRE, will need to make investments to ensure that they are compliant with the legislation. Many of the justifications for the investment will be at least similar, if not the same, across many organisations.</p>

<p>21</p>	<p>Maintain data</p> <p>Appropriate data maintenance is critical to ensure that its value is not degraded and effort is not duplicated.</p>	<p>A principle of good data maintenance is that it should be done at the most appropriate level and done definitively. It minimises data maintenance costs and the risks of duplicate and near-duplicate datasets. For this principle to be applied successfully, the appropriate place for the data to be maintained must be identified, and publicised so that others wanting current data know where to find it.</p> <p>It is also important that those maintaining data are aware of other uses. Data has historically been seen as a consumable by the IT world. It needs to enter the financial business asset world. Information needs to be recognised as a corporate asset, and decisions on its maintenance should consider the future value to the whole organisation. The role of Chief Information Officer (CIO) must be encouraged in both public and private sector.</p> <p>The collection of information suggested for Challenge 2 will help to define the appropriate level.</p>
<p>22</p>	<p>A fair and level playing field</p> <p>Ensure the continued viability of the private sector vs. competition from the public sector as the use of GI increases through the implementation of the INSPIRE Directive and wider services.</p>	<p>Legislative and technical developments will allow more services to be developed by both public and private sectors. There is much potential in GI but the marketplace must be made attractive to encourage innovation and entrepreneurship and hence generate economic activity.</p>
<p>23</p>	<p>Public sector data licensing</p> <p>Work with key data providers to obtain appropriate licensing to enable the widest possible use of public sector information.</p>	<p>Office of Public Sector Information (OPSI) are currently taking a lead on licensing and data sharing arrangements to meet the INSPIRE requirements. It is recommended that Wales works to become a pilot area for this exercise, for example using WASPI as the basis for piloting some types of data.</p>



<p>24</p>	<p>Understanding the economic benefits of geographic information</p> <p>Develop and share knowledge and understanding on the economic benefits, including job creation, of the use of geographic information.</p>	<p>Geographic information only has a role to play when it can deliver real benefits. There is a growing body of case studies on the economic benefits of GI, whether this is for improved service delivery, cost savings or innovation and wealth creation. It is important that these examples continue to be shared, for the benefit of the industry.</p> <p>Academia (in particular economic/social researchers) and the Observatories should look to research and monitor this as part of the benchmarking of Wales (challenge 16).</p>
<p>25</p>	<p>Encourage crowd sourcing and mash-ups</p> <p>Encourage individuals and local communities to use geographic information for innovative uses e.g. web services, mash-ups and two-way information exchange such as crowd sourcing.</p>	<p>Set up training/awareness courses with suitable partners as has been done, for example, by the Royal Geographical Society and Google.</p> <p>Use Geovation (www.geovation.org.uk) as a means of exchanging ideas on how to use GI.</p> <p>Market the availability of INSPIRE discovery services.</p>
<p>26</p>	<p>Receiving the benefits of INSPIRE</p> <p>Ensure that the benefits of INSPIRE are delivered, not just the legislation.</p>	<p>INSPIRE presents an opportunity. The risk is that either individual organisations, or worse still as an industry, the legislation surrounding INSPIRE is complied with, but the full benefits are not realised. There is an opportunity to acknowledge the value of what we do and the value of the information (to society as a whole) that we hold by making it visible, accessible and useable, and 'going the extra mile' to achieve additional benefit.</p>

Annex III Glossary

AGI	Association of Geographic Information.
AGI Cymru	AGI regional group for Wales.
Assembly Members	Elected Members of the National Assembly for Wales.
crowd-sourcing	Collection of data by an undefined, generally large group of people or community in the form of an open call.
data integration	Combining data residing in different sources and providing users with a unified view of these data.
data sharing	The process of making data available to other users overcoming potential barriers of data confidentiality, interoperability and ownership.
derived data	Data elements derived from other data elements using processes such as selection or generalisation.
e-services	Services delivered over a telecommunication network.
geo-coded	Term applied to data which has a position on the earth's surface applied to it. This can be, for example, latitude and longitude, grid reference or an address.
geodetic framework	Network of points whose precise position on the surface of the earth has been calculated and which provide a framework for further positioning calculations.
GI	Geographic information. Information about objects or phenomena that are associated with a location relative to the surface of the Earth.
GI practitioner	Someone who is trained in the use of GI and has a job related to its use.
GIS	A computer system used to store, process, display and analyse geographic information, including maps.
GPS	Global Positioning System. A satellite positioning system which provides the location on the surface of the earth to a receiver.
Hydrography	Geographic information relating to the sea, rivers and other water bodies
IACS	Integrated Agricultural Control System
ICT	Information and Communication Technology. The study, design, development, implementation, support or management of computer-based information systems.
INSPIRE	European Directive which lays down general rules aimed at the establishment of the Infrastructure for Spatial Information in the European Community, for the purposes of Community environmental policies and policies or activities which may have an impact on the environment.



interoperability	<p><i>Related to information:</i> Capability to reference objects from one dataset to objects in another dataset using a common system of geo-referencing incorporating common identifiers.</p> <p><i>Related to systems:</i> Capability to communicate, execute programs or transfer data among various functional units in a manner that requires the user to have little or no knowledge of the unique characteristics of those units.</p>
mapping platforms	Software and associated technology which allows a user to view and manipulate geographic information.
mash-up	A website or application that seamlessly combines content from more than one source into an integrated experience. Content used in mash-ups is typically sourced from third parties via a public interface.
metadata	Data about data to support the discovery, exploration and exploitation of geographic information and services.
OGC	Open Geospatial Consortium. Has developed open standards relating to GI.
open source	Open source software is computer software for which the source code is in the public domain or certain other rights normally reserved for copyright holders are provided under a software license that permits users to use, change, and improve the software, and to redistribute it in modified or unmodified forms.
open standard	Standards are which are publicly available and have various rights of use associated with them.
RPSI	Re-use of public sector information. A European Directive which in the UK is in the form of Regulations.
temporal data	Data relating to a specific time or epoch.
third sector	The voluntary and not-for-profit sector.
topographic mapping	Mapping showing the features on the earth's surface such as buildings, transport networks and land cover.
UK Location Council	A body set up as a result of the UK Location Strategy oversee the implementation of the UK Location Strategy.
UK Location Programme	A government programme set up under Defra to implement the UK Location Strategy.
UK Location Strategy	A UK government strategy document. See references.
WFS	Web feature service. An online service by which a request is sent to a server and geographic features are returned as a text file which can be rendered by software.
WMS	Web map service. An online service by which a request is sent to a server and a map is returned as an image file.

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

Sent: 01 May 2012 16:10

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

Gavin Adkins

Organisation (if applicable):

Kronospan Sawmilling Ltd

Email / telephone number:

g.adkins@kronospan.co.uk

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

We do not agree with the proposal to merge all three bodies. Whilst we agree with the proposal to integrate Environment Agency Wales & Countryside Council for Wales, we do not feel the case to integrate Forestry Commission Wales is immediately evident nor does it provide the necessary safeguards to secure continued inward investment in the Welsh Forest Industries.

Our concerns can be summarised as follows: 1. The direction of the body appears to be environmentally based without the understanding that the countryside needs to be economically viable. 1.1 To meet the vision for Wales in 'One Wales One Planet', a sound economic basis must be established for the forestry sector as a prerequisite to realise the other strands of sustainable development. Kronospan Sawmilling Ltd does not advocate economic development at the cost of environmental and human well-being, it does advocate a robust economy that can facilitate the demands of environmentally rigorous policies and regulations. 1.2 Kronospan Sawmilling seeks formal and binding commitments in the new Single Body constitution, safeguarding FCW's productive and commercial remits from interference by the EAW or CCW. 2. Supply of timber from the public sector will diminish too quickly without a viable alternative from the private sector. 2.1 The wood processing industry relies on reliable production forecasts and timber supplies from FCW to manage and invest in their businesses. Supplies from the private sector are difficult to plan and unreliable. 3. Forestry and wood processing industries cease to invest

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

in Wales as confidence is lost, leading to increased unemployment, reduced economic and forestry management activity. 3.1 Kronospan Sawmilling has become increasingly concerned that the forestry industry is not being heard by WG. Consultation to date has been poor and comments made previously have not been taken into account. Lost confidence will result in fewer jobs, decreasing forest management and falling economic activity. 4. Loss of forestry expertise. 5. A heavier regulatory burden. 6. Loss of accountability. Of these points 1-5 work against the objective of increasing the woodland area

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

Whilst the proposal lacks specific detail, we would in principle agree with the phased approach stated.

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

Whilst we accept that improving the economy of Wales is part of the proposed aims, it should also be a measured strategic outcome for the new body. Without the support of a resilient economy (which Kronospan Sawmilling contributes to), environmental policies hinder management leading to a net loss of activity, productivity and habitat. Managing woodland for timber and other provisioning services delivers environmental benefits but on its own conservation cannot provide economic rewards.

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

The delivery framework lacks specific reference to economic development based on timber based manufacturing industries.

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

We agree that the functions described are a reasonable summary of those required.

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

No comment.

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

We do agree with the proposals in respect of investment in environmental research.

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

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

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

Question 12: If you have any related issues

If FCW is to be merged into the single body to promote the Welsh Government Sustainable Development agenda and help facilitate the role of the forestry sector in supporting the Welsh economy, environment and society, the new Single Body will need quality leadership from the new Chief Executive, clear objectives and targets and a robust stakeholder engagement process. We are concerned about loss of transparency/ accountability. The role of the three organisations has been quite distinct. Where decisions have required the input of more than one agency, the land owner has been clear where the responsibility has been. The new Single Body will need to ensure decisions are timely and accountable. A Charter setting out service levels will be essential.

We welcome any increase in stakeholder engagement which involves the forest and timber processing industries which as mentioned before we feel has been lacking. Participation in decision-making from the outset, by all stakeholders, ensures greater take up of policies and principles in the long term. Simply put, greater participation yields greater buy-in.

The merger should be used viewed as an opportunity to streamline procedures, to question and review procedures that have been introduced over the years and to question their relevance in the current economic climate.

As previously stated both in this response and my letter to the Minister 23/11/2011, Kronospan Sawmilling has serious misgivings about the inclusion of FCW in the new single environment body. As a company Kronospan directly purchases approximately 25% of FCW harvest and indirectly through timber merchants and sawmill residues approximately a further 15% of the harvest, meaning that approximately 40% of all the timber harvested from the FCW estate is used either in Kronospan's sawmill or MDF/chipboard plant. The importance of FCW to Kronospan and vice versa cannot be overstated. Kronospan directly employs more than 600 employees in North Wales and supports a further 2000 associated jobs. The Kronospan group takes a long term view of its investment at Chirk as demonstrated by

which we have not specifically addressed, please use this space to report them:

its recent investment in a new rail siding and submission of a planning application for a biomass CHP plant. However without the ongoing certainty of timber availability provided by the Forestry Commission, Kronospan's UK management board will find it hard to make a case for investment funds ahead of its sister plants throughout Europe where the availability of timber from state forestry provides greater certainty. In short to aid confidence for continued inward investment Kronospan requires a strong FCW focusing on development of both the public and private forest estate in Wales ensuring that timber is brought to market and that the right tree is planted in the right place to deliver the necessary environmental, social and economic targets. We do not believe that this is best served in a single environment body.

From: Richard Ballantyne [Richard.Ballantyne@britishports.org.uk]

Sent: 01 May 2012 16:21

To: SEB mailbox

Cc: Richard Bird

Subject: "Natural resources Wales" consultation response

Attachments: Response to Natural Resources Wales - Proposals for a new single body.doc

Please find attached a joint response to the 'Natural Resources Wales' consultation from the British Ports Association and the UK Major Ports Group.

Kind regards

Richard

[Richard Ballantyne](#)
[British Ports Association](#)
[4th Floor Carthusian Court](#)
[12 Carthusian Street](#)
[London, EC1M 6EZ](#)
[T: +44 \(0\)20 7260 1780](#)
[M: +44 \(0\)7500 660 098](#)
[F: +44 \(0\)20 7260 1784](#)
[W: \[www.britishports.org.uk\]\(http://www.britishports.org.uk\)](#)
[Follow us on Twitter - @britishports](#)

This email is for the intended recipient only. If an addressing, transmission or other error has misdirected this email, please notify the author by replying to this email. If you are not the intended recipient you must not use, disclose, distribute, copy or print it.

Scanned by Ignite Email Filtering Service - Ignite is comprehensive cloud based email content security solution. For more information please visit www.ignite.co.uk

WELSH PORTS GROUP

BRITISH PORTS ASSOCIATION

THE UNITED KINGDOM
MAJOR PORTS GROUP LIMITED

12 CARTHUSIAN STREET, LONDON EC1M 6EZ

“NATURAL RESOURCES WALES” Proposals for a new single body

This response is made on behalf of the Welsh Ports Group which represents the overwhelming majority of port traffic in Wales. In total Wales handles over 10% of the UK's port trade. Its links to Ireland, its energy traffic and contribution to the development of offshore energy, its traffic in containers, ro ro and raw materials for Welsh industry all combine to make ports a hugely significant contributor to the economy and an engine for growth and regeneration.

The proposals to create a new single environment body are of strong interest to the sector which relies on the efficiency of the consents and planning regimes.

Q 1

In principle we support the proposals. Taking at face value the reasons for the changes set out in para 2.4, we can only endorse a policy based on an 'open for business' approach which will 'improve and simplify' how regulation is implemented. At the same time benefits will only emerge after the event. Built into the changes, therefore, should be mechanisms which allow continual review of the effectiveness of the new arrangements, with sufficient flexibility to adapt to changing pressures and requirements. Increased flexibility should be more attainable for a leaner, more integrated organization.

Q 2

Taking forward our comments above, we make suggestions on addressing future concerns in the response to Q 10. So far as the marine environment is concerned, the introduction of marine plans, the creation of new Marine Protection Areas and the implementation of the Marine Strategy Framework Directive will place new pressure on the resources and expertise available to the single body and this will need to be addressed. The role of the new body is likely to be far greater than its predecessors'. A more complete description of cross departmental obligations than '*The Environment and Sustainability Minister (in consultation with any other responsible Welsh Minister)...*' would create confidence in that there has been wider acceptance of the proposed arrangements within Welsh Government. Achieving the ambition will depend on setting realistic budget commitments to meet the obligations and duties of the New Body; this means that the functions must be adequately resourced.

Q 3

We have no particular comments on the process.

Q 4

We can support these proposals. Para 4.1 refers to having sustainable development as the single body's 'central organizing principle', which we very much endorse. There could be a more explicit reference to the need for outcomes to encourage new investment and growth, for example, "Policies will recognize the importance of combining sound

environmental regulation with the responsibility to encourage investment and growth in the economy”.

Q 5

We agree with the proposals so far as they go. Bearing in mind the fact that the new organization will have to deal with the practicalities of delivering an efficient licensing/permitting system, 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.

Q 6

This is a reasonable summary although we do not underestimate the importance of this stage and ensuring that every opportunity is taken to rationalize and reduce duplication.

Q 7

Our particular interest here is in marine licensing. There is no doubt that the effectiveness of the current Marine Consents Unit (MCU) has considerably increased over the past two years and there is now a good understanding between it and the ports sector. Incorporation within the single body therefore seems a logical step and should be judged by its success in improving further coordination within it. Marine licensing must retain a strong customer focus; it is a specialist area and we are heavily dependent on the expertise available within government.

Q 8

No comments

Q 9

We agree that the opportunity should be taken to end existing governance arrangements and to create a new single board of (in our view) no more than 12 members.

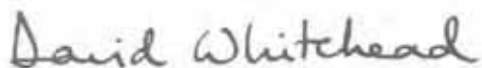
Q 10

We can support the stakeholder arrangements. As it represents port interests in Wales, we would expect the Welsh Ports Group to be recognized as a main stakeholder group with the new body, especially in its marine licensing role. Although the new body's functions are substantially environmental, regular liaison with developers and commercial interests is essential.

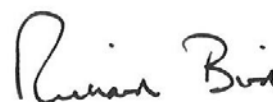
Q 11

No comment.

Yours faithfully



David Whitehead
Director, BPA



Richard Bird
Executive Director, UKMPG

From: Ken Hobden [Ken.Hobden@mineralproducts.org]
Sent: 01 May 2012 16:44
To: SEB mailbox
Cc: 'David Harding'; Mark Russell; Smith, Joanne (ESH - Planning)
Subject: Natural Resources Wales

Attachments: Natural Resources Wales Consultation Response(1).docx
FAO Carrie Moss.

Please find attached the response of the Mineral Products Association to the Natural Resources Wales consultation

Yours faithfully

Ken Hobden
Director of Planning
Mineral Products Association
Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T 0207 963 8015 M 07918 608 270 W www.mineralproducts.org
F 0207 963 8001

Confidentiality: This e-mail and its attachments are intended for the above name only and may be confidential. If they come to you in error, you must take no action based on them, nor must you copy or show to anyone. If you have received this email in error, please contact us to advise. Registered in England as Mineral Products Association Limited No.1634996, Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU.

The information in this message is confidential. It is intended solely for the addressee. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful. We do not accept legal responsibility for the contents of this message and whilst any attachments to this message may have been checked for viruses, you should rely on your own virus checker and procedures. If you contact us by email, we will store your name and address to facilitate communications. Any statements contained herein are those of the individual and not the organisation. Registered in England as Mineral Products Association Limited: 1634996, Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU

Natural Resources Wales

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

Response by the Mineral Products Association

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, ready-mixed concrete, lime, mortar and silica sand industries. With a growing membership of 272 companies, it is the largest UK trade association in the sector and represents the majority of independent companies, as well as the 9 major international and global companies. The MPA represents 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production. Each year the industry supplies £5 billion of materials to the £110 billion construction and other sectors, and industry production represents the largest materials flow in the UK economy.

Our responses to the questions posed in the consultation paper are as follows:

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

The MPA would support any proposals to reduce the time and cost to all parties of managing Wales' environmental resources by integrating the three existing bodies.

However, we have several concerns regarding the basis on which this proposal has been put forward.

Firstly; the mineral deposits that occur in Wales have been and will continue to be a significant natural resource. In the first paragraph of the Foreword, the Minister fails to acknowledge that.

Secondly; the management of land in Wales, which is acknowledged in the first paragraph of the Foreword as a natural resource, is principally a matter for the planning system and planning authorities. The MPA would strongly resist any attempt to absorb land use planning responsibilities into any new regulatory body. The planning system has evolved over many years to deliver decisions based on balancing interests under democratic control. Those elements are essential to proper planning and would not be features of the new body. For the same reasons, it is the planning authorities that should have the lead role in delivering sustainable development in Wales. Whilst the new body, like the constituent bodies before it, would have a strong supporting role in identifying and promoting development that is sustainable, the judgement of what does or does not constitute sustainable development must be left to planning authorities.

Finally; the new body should be left in no doubt that the key role it should perform is to help manage the natural resources of Wales, not simply to protect them as the Minister states in the fifth paragraph of the foreword. Similarly, the final paragraphs of page 14 place heavy emphasis on the powers of the new body to protect rather than to manage.

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

MPA members are already expressing concern about the costs that accrue as a result of operating in a land use planning environment in England that is increasingly different from that in Wales. The MPA would strongly support the aspiration in the second bullet point of section 2.4 to maintain common environmental standards and consistent environmental permitting arrangements with the Environment Agency in England and the UK Government.

Question 3 (Page15): What are your views on this phased approach? How could we improve on it?

The MPA has no comment on the proposals.

Question 4 (Page18): Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

Whilst the strategic outcomes adequately reflect the objectives of MPA members, the statement of aim leaves some doubt as to whether the activities of the minerals industry could comply. If it can be clarified that development of Wales' natural resources includes the extraction of mineral resources to deliver benefit to the people and economy of Wales, that doubt would be removed for all concerned.

Question 5 (Page19): What are your views on the approach to the delivery framework?

The MPA agree with Annex 5 as an illustrative example of a delivery framework. Several of the illustrative statements it contains would also be strongly supported such as:

The body becomes quickly recognised by the business community and others, as actively supporting Wales ambitions to improve its economic performance by seeking sustainable solutions for natural resource management

The sustainable use of natural resources is recognised as a more integral part of people's lives, actively informing their decisions both individually and at a community level.

Question 6 (Page 21): Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

From the perspective of the minerals industry they appear to contain a reasonable summary.

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

The MPA is concerned that the marine licensing process is more akin to the land use planning system than it is to the permitting and licensing functions currently performed by the agencies that will constitute the new environmental body. The marine licensing

process requires decisions to be made by balancing the interests of the full range of users of the marine environment (see also our response to Question 1). It is not therefore a good fit with the other decision making functions of the proposed new body. The British Marine Aggregate Producers Association (BMAPA) will submit more details on this point.

Question 8 (page 25): Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?

No comment

Question 9 (Page30): 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?

Appointments to the board should recognise the need for minerals industry expertise alongside the interests mentioned in section 6.2. Mineral operations are sufficiently significant and distinct from other forms of land use and development to justify such representation.

Question 10 (Page32): Have you any views on the approach we propose for the new body in relation to its stakeholder arrangements? How might we improve the approach?

No comment

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

No comment

From: Rebecca Brake [rebecca.brake@ranelagh-intl.com]
Sent: 01 May 2012 16:48
To: SEB mailbox
Subject: BSW Timber: Response to Natural Resources Wales Consultation

Importance: High

Attachments: BSW Timber Response to Natural Resources Wales Consultation.pdf

Good afternoon,

Please find attached BSW Timber's response to the Natural Resources Wales consultation.

Please do not hesitate to contact me if you require any further information.

Kind regards

Rebecca

Rebecca Brake
Account Executive, Ranelagh International Ltd

One Ranelagh Road, Westminster, London SW 1V 3EX

T: 020 7828 1603 DD: 020 7932 0110

F: 020 7592 9268 www.ranelagh-intl.com

twitter.com/Ranelagh Intl

STOP BURNING OUR TREES! Sign the petition at http://www.stopburningourtrees.org/sign_our_petition.php

This message is intended for the addressee named above. The content of this e-mail is confidential and may contain privileged information. The contents should not be copied or disclosed to any other person. Any views or opinions expressed are solely those of the sender and do not necessarily represent those of Ranelagh International Ltd unless otherwise specifically stated. As internet communications are not secure, we do not accept legal responsibility for the contents of this message nor responsibility for any change made to the message after it was sent by the original sender. Although virus scanning is used on all inbound and outbound e-mails, we do not accept liability for any damage sustained as a result of software viruses.

Registration number: 5467718 VAT number: 861 1533 42

Registered office address: One Ranelagh Road, London SW 1V 3EX (Registered at Companies House, Cardiff)

Natural Resources Wales: Consultation Response

Name: Hamish Macleod, Head of Public Affairs

Organisation: BSW Timber

Contact:

BSW Timber
East End
Earlston
Berwickshire
TD4 6JA

01896 849255

hmacleod@howie-forest.co.uk

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

BSW Timber is the UK's largest domestic sawmilling group, processing around fifteen per cent of the UK timber harvest. The group has an annual turnover in excess of £175m, directly employing over 900 people; indirect employment in timber harvesting and haulage accounts for another 2,500 jobs. The company has six mills in the UK (and one in Latvia), including one in Newbridge-on-Wye. It has been involved in sawmilling since 1848.

BSW Timber is currently implementing a five-year capital investment programme, worth £52m, in modernising the mills and expanding capacity to produce more than 1.3 million m³. As such it is one of the largest buyers of timber in the UK. BSW has invested £6m in the Newbridge mill over the past five years. This has allowed for an extension of working hours and the creation of 29 full-time jobs in addition to the 120 full-time staff already employed at the mill.

BSW has worked with the Forestry Commission Wales (FCW) for many decades. It is one of BSW's fundamental and critical business partners. Therefore we have some concerns about the impact on the timber sector if FCW is included in the creation of a single environment body (SEB).

BSW understands the reasoning behind the SEB proposals. Certainly there is a need for better regulation and the removal of overlaps in the remits of existing organisations. However, it seems that these issues are more relevant to the Countryside Council for Wales (CCW) and the Environment Agency Wales (EAW) than FCW. CCW and EAW are both regulatory and managerial bodies whereas FCW has a more commercial function which differentiates it from the other two. The forestry sector has very specific interests that require support from certain expertise and skill sets and BSW is concerned that by merging the three organisations the valuable stakeholder engagement and commercial activities of FCW will be diminished.

Ideally the SEB would only comprise CCW and EAW, however if the Welsh Government is minded to include FCW it is essential that none of FCW's functions are lost. The current plans for the merger, as outlined in the consultation document and the Business Case, do not give sufficient answers as to how this will be achieved.

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

The consultation document rightly outlines the forestry sector's concerns;¹ however BSW believes they are not adequately dealt with by the proposals.

The consultation document notes concerns related to security of future timber supply, continuity of public ownership and forestry skills. These are key areas of concern for BSW. Although it is positive that these are recognised, the document's response does not go far enough to alleviate them.

Regarding future timber supply, the document states 'We have made clear our intention to retain the estate, and increase woodland cover in Wales'.² BSW supports this aim, however we remain concerned by the current programmes in place to increase woodland cover. As demonstrated by a recent Assembly written answer, woodland expansion under Glastir has been limited and Wales is currently well behind its target of increasing planting by 100,000 hectares by 2030. In the past two years only 897ha have been approved under the Glastir Woodland Grant Scheme and only 299ha have actually been planted.³

Additionally, it is not simply enough to commit to more woodland creation. There needs to be proper consideration of the types of wood to be planted and how it will be managed. It is important that the woodland planted is viable not only recreationally but also commercially. FCW is a vital component of this and there is a risk that the merger will undermine its crucial role in this area. Similarly, it seems illogical that in the SEB private forestry will remain under the remit of a different department. This separation of interests does not conduct itself to a more efficient single forestry body and is not conducive to increased woodland creation.

The consultation document also states that the Welsh Government intends to 'allocate dedicated policy resources to forestry ... providing a clear internal focus and voice'.⁴ This seems to be a positive step, however BSW has concerns about the lack of detail given in this proposal. It appears that there will be a separation of forest policy and practice, with policy determined within Government and practice decided within the SEB. This separation may be problematic, creating regulatory difficulties and delaying forest creation and development.

In addition to those discussed by the consultation document, BSW would like to raise some further concerns regarding the potential impact of including FCW in the SEB. We share some of the concerns raised by industry that the new body will actually result in increased unnecessary regulation and potentially stifle development if the transition is not undertaken smoothly. Any abrupt changes may have a detrimental impact on our current business processes, and it is essential that the creation of the SEB does not affect our business viability. When addressing these concerns the consultation document rightly considers the need to liaise with organisations across the border, namely the Environment Agency England and the UK Government, to maintain common standards and permitting arrangements.⁵ However, these are not the only cross-border links that need to be maintained. BSW benefits considerably from the research and expertise links between FCW and FCGB, as do all forest industries. The merger of FCW into the SEB puts these links at risk and it is

¹ Welsh Government, *Natural Resources Wales: Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources* (9 February 2012), p.11.

² Ibid.

³ Written Questions WAQ59704 and WAQ59704 (Aled Roberts AM), 10 February 2012, <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-written-questions.htm?act=dis&id=230460&ds=2/2012>.

⁴ Welsh Government, *Natural Resources Wales*, p.11.

⁵ Ibid.

important that if FCW is subsumed that the SEB maintains a relationship with FCGB and the wider UK forestry sector.

Whilst the Welsh Government has given thought to the specific concerns of the forestry sector, the solutions offered by the Government need to be expanded and more detail provided. Equally BSW welcomes the Welsh Government's attention to the forestry sector's concerns but urges that further work be done to ensure the fears of the industry are allayed.

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

A phased approach seems logical given the legal and practical constraints on the SEB's swift creation and BSW welcomes the Welsh Government's intention to further consult at later stages of the process on the legal changes required in creating the SEB.

However, BSW remains concerned that the phased approach, as it is currently laid out in the consultation document, is too limited in detail and that there are therefore too many aspects that must be addressed for the Welsh Government to meet its April 2013, and even its October 2013, deadline.

The first major area of concern is that the creation of the SEB seems to be an example of putting the cart before the horse. The Welsh Government has stated that it wishes to introduce a more integrated ecosystems approach to sustainable development and natural resource management. This was the purpose of the 'A Living Wales' consultation and the recently published Green Paper 'Sustaining a Living Wales'. Part of this ecosystems approach outlined in the Green Paper is the simplification of Wales' institutional arrangements and existing regulatory and management framework.⁶ The proposals for the SEB are therefore a component of this ecosystems approach and have been informed by it. However, the consultation document states that: 'We wish to develop our proposals for the ecosystems approach ... with input from the new body.'⁷ This suggests the SEB will be informing the policy development that led to its own creation, which seems not only illogical but also demonstrates that the SEB proposals have not been properly thought out and that more detailed work needs to be undertaken to make it a viable proposition.

BSW is also concerned that the current timescale for the phased approach does not fully take into account the breadth of work that will need to be done to meet even the initial phases of creating the SEB if all three organisations are merged. Over 300 instruments will need to be in place by July in order for the SEB to be fully operational by April 2013. This is a very complex task and the current phased approach does not provide enough detail on how this will be accomplished. It is good that the Welsh Government has acknowledged that April 2013 may be too ambitious a target and that October 2013 has been noted as an alternative deadline.⁸ However, even this may be too ambitious given the complexity of merging three large organisations. BSW is concerned that this will create uncertainty for the forestry sector, particularly as October falls halfway through the accounting year meaning there could be a significant financial impact on the company and many others like it.

Finally, although the consultation document notes that the phased approach will include the modification of certain functions as well as the transfer of those that do not need modifying,⁹ there is no discussion of how current functions in one organisation that conflict with the functions of

⁶ Welsh Government, *Natural Resources Wales*, p.4.

⁷ *Ibid.*, p.15.

⁸ *Ibid.*, p.12.

⁹ *Ibid.*, p.15.

another will be modified or transferred into the SEB. This may prove particularly problematic regarding the inclusion of both CCW and FCW in the new body. In its regulatory capacity CCW has a statutory role which includes reviewing land use and approving development applications. This includes land use plans like wind farms which often require deforestation. FCW has opposed wind farm applications in the past that would significantly impact on existing woodland. Potential conflicts like this must be solved before the SEB is created, however the phased approach does not account for this. BSW is concerned that CCW's regulatory function and influence will supersede FCW's commercial and stakeholder duties, to the detriment of the interests of Welsh forest industries, those they employ and those who consume their products.

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

BSW fully supports the Welsh Government's commitment to sustainable development and it is important that this is a key principle of the SEB. The principal aim and strategic outcomes outlined in the consultation document are important, however, the inclusion of FCW in the SEB may limit how far they can be achieved.

The principal aim of the body includes a focus on boosting the Welsh economy.¹⁰ BSW is concerned that the inclusion of FCW, and the potential loss of its expertise, will have a detrimental impact on the forest industries' ability to operate successfully, and continue to grow. BSW has recently invested £5m into its Newbridge site, creating a significant economic boost to the area. However, if the expertise and support of FCW, that BSW is so reliant on, is lost within the SEB this investment could be seriously undermined. The current uncertainty about how FCW's existing functions will be incorporated into the new body has only served to exacerbate these concerns. . BSW has mills in England and Scotland as well as Wales. A lack of confidence in the medium term supply of timber in Wales would prejudice the Welsh mill's future investment programme when it came to allocating scarce cash resources.

The sustainable outcomes listed in the consultation document are positive, particularly in that they recognise the potential harmful impact of diseases etc. to the natural environment.¹¹ This is an area of particular concern to BSW and other forest businesses. However, the current system under FCW already addresses these types of problems sustainably and efficiently and we are concerned that this effectiveness will be lessened by FCW's inclusion in the SEB.

The strategic outcomes, or at least the proposals designed to meet them, need to give more detailed consideration to the aspects relevant to forestry. This includes a need to recognise the potential impact on the triple bottom line as well as acknowledging that some components of the strategic outcomes may need to be caveated to prevent a negative impact on forestry industries. For example one of the outcomes for the SEB is to 'prevent, minimise ... the harmful effect on the environment of alien species'.¹² It is important that the Welsh Government notes here that not all alien species are harmful to the environment, indeed the use of the term 'alien' in certain contexts can be pejorative. The majority of the timber used by forestry industries in Wales is technically from 'alien' tree species but these softwood species have been present in the British Isles for over 150 years and are the lifeblood of the indigenous forestry sector and its UK customers. It is important that this usage is not prevented by the SEB.

¹⁰ Welsh Government, *Natural Resources Wales*, p.18.

¹¹ Ibid.

¹² Ibid.

The Welsh Government's commitment to sustainable development is laudable and BSW will support efforts to expand this further. It is essential that sustainable development remains a primary principle underpinning the SEB, but unless the areas noted above are properly addressed there may be some difficulties in doing so.

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

It is positive that the delivery framework considers forestry specific issues such as tree health and the need for increased woodland creation.¹³ However, the framework currently lacks sufficient detail on how success in meeting the framework's objectives will be measured. Certainly there is consideration of this and indicators have been given but there are no definitive statistics to demonstrate how successes will be measured. For example, one indicator used to demonstrate that the body has been successful will be the proportion of woodland managed to UK Forestry standard.¹⁴ However, the framework fails to specify how high this proportion will need to be for the SEB to be considered successful in this area.

Additionally, although the environmental aspects of forestry are given due consideration by the delivery framework the economic and commercial side of forestry is not included. This is a crucial aspect of FCW's functions and if it is involved in the merger it is essential that economic indicators are also included in the delivery framework. BSW is concerned that the lack of consideration of commercial forestry in the framework is indicative of how the Welsh Government sees FCW's involvement in the SEB. It is crucial that FCW's valuable commercial side is not lost due to its inclusion in the new body.

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

Table 1 of the consultation provides a detailed overview of the main areas of work that the new body will undertake. BSW welcomes the attention paid to sustainable use and management of forests including the need to increase woodland cover, maintain a sustainable timber and forest product supply, disease and pest control and support for existing forest industries.¹⁵ However there are some areas that BSW feels need further clarification and more detailed consideration to ensure that they, and other similar companies, are not detrimentally affected by the inclusion of FCW in the SEB.

There needs to be further consideration of how increased woodland creation will be achieved. Current efforts under Glastir have so far not shown significant success and where woodland has been lost, for example for wind farm creation, replanting has not been sufficient to replace it.

BSW welcomes that the Welsh Government's intention to support long term timber contracts,¹⁶ as these are essential for the continued growth of the timber industry. However further information needs to be provided on how the marketing of timber will be undertaken by the SEB to ensure that companies like BSW are not detrimentally affected by the new body's decisions, and give the comfort to stakeholders to continue to invest.

¹³ Welsh Government, Natural Resources Wales, p.62.

¹⁴ Ibid.

¹⁵ Ibid., pp.38-39, 41.

¹⁶ Ibid., p.41.

Table 1 also notes that there will be a focus on preventing and reducing diseases affecting trees and timber products.¹⁷ This is essential. However, there is currently too little information available on how these controls and regulations will be implemented and what will be done if disease does spread. FCW and FCGB as a whole are currently excellent at keeping stakeholders informed of disease outbreaks across the country and at implementing swift and efficient controls where necessary. It is vital that this service continues within the SEB and that links are maintained with organisations in England and Scotland to ensure the best response to the threat of disease.

The table also outlines that the SEB will look at renewable energy programmes as part of its work on climate change mitigation and adaptation.¹⁸ BSW supports this work but urges the Welsh Government to provide more details on what this will entail. BSW is very concerned by the potential impact of biomass policy on wood availability and prices and would like the SEB to consider this as part of its renewable energy work.

The final area in which Table 1 could be improved is in terms of stakeholder engagement and research functions. Currently this is partly included in the powers (Table 2) that the SEB will have. However, stakeholder engagement and research provision are vital functions of FCW as it currently operates. These are crucial to the commercial forestry sector and it is important that in including FCW in the SEB this is not lost and that research links are maintained with FCGB.

Tables 2 and 3 set out well the powers and factors the SEB will have regard to when exercising its functions, however there are two points that must be considered further by the Welsh Government. Firstly, Table 2 states that the SEB will have the power to 'acquire and sell standing timber' and that it will also be able to give grants.¹⁹ There is no information on where the money for these grants will come from. BSW is concerned that selling timber may be the primary source of grant funding which may negatively impact on BSW's purchasing of timber. Further information needs to be provided here and it is important that provision is made so that forest industries do not suffer from the SEB's selling of timber.

Secondly, Table 3 outlines several important factors that the new body will have regard to when exercising its functions. BSW welcomes the inclusion of these factors, although would suggest that consideration also be given of the promotion of a low carbon economy. FCW currently does much work on this which includes conducting life cycle analyses and other useful research. It is important that this is maintained when the new body is introduced.

The current functions described by the consultation document are positive and BSW welcomes the consideration of forest concerns in them. However, it is essential that these additional points are also considered to ensure that the inclusion of FCW in the SEB does not negatively impact on the commercial forest sector.

¹⁷ Welsh Government, *Natural Resources Wales*, p.41.

¹⁸ *Ibid.*, p.39.

¹⁹ Welsh Government, *Natural Resources Wales*, p.43.

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? :

It is positive that the Welsh Government recognises the importance of addressing tree health.²⁰ Rationalising the current system should simplify this regulation, but it is important that the Welsh Government retains its role in relation to policy, legislative and compliance monitoring.

BSW also welcomes the recognition that 'disease does not respect borders' and the commitment to continue to work on tree health issues at a UK level.²¹ This is important, however there needs to be further evidence provided on how disease will be monitored and what action the Welsh Government and the SEB will take should an outbreak occur.

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

BSW welcomes the proposals for co-ordination of Welsh Government investment in environmental research. Aligning priorities will allow research to be commissioned in the most beneficial way possible.

It is also positive that the SEB will continue to work with FCGB on forest research funded by DEFRA.²² The forestry sector benefits a great deal from the research provided by FCW via this relationship and it is imperative that this support is not lost if FCW is included in the SEB.

However, BSW is concerned that the merger may lead to less focus on Welsh specific forest research as FCGB and DEFRA may not regard Welsh interests as their responsibility under the proposed new system. It is vital that the forestry sector has access to quality Welsh specific forest, as well as national, research and it is therefore essential that the Welsh Government ensures this continues under the new body.

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

The current proposals seem logical, however there needs to be more information provided on these arrangements, particularly in terms of the status and governance of the body.

FCW is different to CCW and EAW in that it is a non-ministerial department and a cross-border public authority. There are still certain functions within FCW that are not devolved and they need to be taken into consideration when determining the status of the body. As a Welsh Government Sponsored Body there is a risk that these non-devolved functions may not be included in the SEB's remit, to the detriment of the interests of Welsh forestry industries.

In terms of governance more information needs to be provided on how board members and the Chair will be selected. It is positive that the Welsh Government has recognised the need for board members to have experience representing a range of interests,²³ however further detail needs to be provided on how they will be chosen and what proportion of the board will be made up of

²⁰ Welsh Government, Natural Resources Wales, p.24.

²¹ Ibid.

²² Welsh Government, Natural Resources Wales, p.25.

²³ Ibid., p.27.

representatives of each merger organisation. It is important that all interests are represented equally and therefore there should be a minimum tariff of representation from each sector. For example on the proposed board of twelve there should be four representatives of each merger organisation to ensure equal representation of interests.

BSW welcomes that the board will be independent of the Welsh Government but suggests that this go further with provision for the trading status of the 'forest enterprise' part of FCW to be transferred to the board. This will allow for reinvestment and the carrying over of any surplus from activity. It is essential that the board is focussed on forestry interests so that FCW's valuable work can continue.

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

Stakeholder engagement is a crucial aspect of FCW's work and it is essential that this is maintained in the SEB. It is positive that the consultation document acknowledges the need for effective engagement with a wide variety of stakeholders, however current stakeholder engagement under FCW works well. Proposals under the SEB therefore amount to a change rather than an improvement in this area.

BSW remains concerned however by plans to transfer the forestry guidance provided by the National Committee for Wales to the board of the SEB. At the moment there is not sufficient detail available on how the board will be comprised and therefore there is a risk that a board that is not fairly weighted on forestry issues will not provide a suitable replacement for the National Committee. In light of this BSW suggests that a Forestry Liaison Committee is created within the SEB, chaired by a board member. This will ensure that proper forestry guidance is provided by the SEB and that the board members are fully informed when making forestry related decisions.

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

Current regulatory arrangements are too bureaucratic and can be restrictive to development within the forestry sector. The proposals for regulatory arrangements under the SEB will allow for self-permitting and hopefully a more efficient regulatory system. It is important that regulation does become less bureaucratic, as intended, and better co-ordinated across departments in order to encourage forestry development, with a particular focus on bringing more woodland into management.

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

Ideally BSW would prefer that FCW remains separate from the SEB. However if the decision is made to include FCW in the SEB the BSW Timber Group will fully support the Minister, Welsh Assembly Government and the Implementation Board to ensure that the new body works effectively. BSW would like to ensure that the principle role and performance of FCW continues. It is essential that key personnel and front-line staff from FCW are supported and that the Welsh Government's commitment to sustainable development is upheld. We have several concerns that have yet to be nullified by the Business Case and this consultation.

There are some financial risks to the merger of all three organisations which may not have been fully accounted for including: the unintentional consequence of the break-up of FCGB being triggered by including FCW within the SEB; an assumption that Wales would continue to benefit from Westminster-funded Forest Research and an assumption that FCGB can continue to support back-office functions during transition.

We are also concerned that key relationships and expertise may be lost within the new body if FCW is included. Sustainable development is crucial to forestry and we are concerned that CCW's current attempts to move away from sustainable development responsibilities may have an influence on the new body. Additionally, the client relationship with FCW is quite different from that with EAW and CCW. The relationship is no less professional but it is commercial and requires a certain skill set to understand markets and technical issues. FCW's staff are specifically trained individuals to a further or higher education level. As with staff across FCGB, they are internationally recognised as the best in class. A dilution of duties and responsibilities would be detrimental to this reputation. Sufficient cognisance of this by the new SEB is essential if we are not to lose this talent to other parts of UK or overseas. Related to this is the need to ensure forester career paths are clear in order to attract the best of talent from University and College forestry departments.

These two areas have been eluded to, but not specifically addressed by this consultation process. Overall it seems that the consultation document does not provide sufficiently detailed information about the creation of the new body and what it will entail. BSW welcomes the consideration of forest concerns that is present in the document, however there needs to be much more detail across the board, before we can be satisfied that the inclusion of FCW in the SEB will not be detrimental to Wales' vibrant forest industries.

From: Anne Meikle [AMEikle@wwf.org.uk]
Sent: 01 May 2012 17:01
To: SEB mailbox
Subject: Natural Resources Wales- Consultation response

Attachments: WWF Cymru response on Natural resources wales final.doc

Please find attached a consultation response on behalf of WWF Cymru. Please note this is additional to the response we have jointly contributed to with Wales environment Link.

We're creating solutions to the most serious conservation challenges facing our planet, helping people and nature to thrive.

Find out how to get involved - visit www.wwf.org.uk

WWF-UK, a charity registered in England number 1081247 and in Scotland number SC 039593 and a company limited by guarantee registered in England number 4016725, whose registered office is at Panda House, Weyside Park, Godalming, Surrey, GU7 1XR. VAT number 733 761821.

This email and attachments are confidential and may be legally privileged. If you have received this email in error please contact the sender and then delete the email from your system. This email is intended solely for the addressee and if you are not the intended recipient you must not use, disclose, distribute, copy, print or rely on this email. Addressees should check this email and any attachments for viruses and no representation is made that this email and any attachments are virus-free.



WWF Cymru
Tŷ Baltig, Sgwâr Mount Stuart
Caerdydd CF10 5FH

Baltic House, Mount Stuart Square
Cardiff CF10 5FH

Ffôn/phone: 029 2045 4970
Ffacs/fax: 029 2045 1306
wwf.org.uk/cymru

WWF CYMRU RESPONSE TO CONSULTATION 'Natural Resources Wales'

Key issues in summary

1. There is no recognition that Wales, its government and thus its key regulatory and delivery body has responsibilities for impacts on the environment beyond Wales' borders. There needs to be explicit recognition of this. In order to accord with the principles of sustainable development – a key Government objective.

Therefore the repeated use of the phrase 'manage natural resources to deliver the best outcomes for the people and economy of Wales' needs to be tempered by the caveat that this must be achieved without shifting the burden/ impact to ecosystems and people in other countries.

2. There is some implied acceptance that there are environmental limits within which people must operate to ensure sustainable development. E.g. in paragraph 1.2. However, this needs to be more explicit and the new body needs to have specific responsibilities in this matter. This must include researching and advising on the development of understanding of the environmental limits within which we operate. This may be through the emerging science of planetary boundaries or in other ways but it is critical that this body has explicit responsibility for identifying such limits and advising on how to live within them. Such expertise will be essential to ensure effective decision making by government, other agencies, local authorities etc.

3. There must be coherence and consistency between the aims, purposes and functions of the body and the requirements of sustainable development as the central organising principle and the requirements in 'Sustaining a Living Wales'.

5. The purpose of the new body needs to make it clearer that this body has a primary focus on safeguarding the Welsh environment, as a contribution to sustainable development. The body must be a source of impartial expertise on this.

Section 1: Background

There is no recognition that Wales, its government and thus its key regulatory and delivery body has responsibilities for impacts on the environment beyond Wales' borders. Much of the environmental regulation which EA currently implements is based on the problem of international impacts from acts in one country. There needs to be explicit recognition of this.

Additionally, we are increasing our impact on ecosystems, and thus people, beyond our borders. This is inconsistent with sustainable development – a key Government principle.

Therefore the repeated use of the phrase 'manage natural resources to deliver the best outcomes for the people and economy of Wales' needs to be tempered by the caveat that this must be achieved without shifting the burden/ impact to ecosystems and people in other countries.

Section 1.1

The footnote here contains the explanation of natural resources and Natural resource management. These definitions are crucial to the understanding of the new body's purpose and functions. Therefore, we believe they need to be given more prominence .

Without this somewhat technical explanation, it will be all too easy for people to believe that this body is about exploiting resources for the benefit of humans or the economy only. After all , the title contains no reference to the natural environment, nor explicitly to its protection. It would allay many fears if the NRM functions which include environmental protection were made much more explicit.

Section 2 What is the case for change?

Section 2.2.1

The reference to better alignment with WG objectives and the needs of Wales fails to accept an important role for the body in its role of champion or guardian of the environment. Hence it must have the ability to question and challenge and advise against certain courses of action that Government may be minded to take. The section suggests an outcome of a single organisation will be more clarity on regulatory and delivery priorities and decisions. The inclusion of decisions within the ambit of increased Government influence is not necessarily a good thing. WWF have repeatedly made the point that this body must be respected, valued and trusted by people in Wales, to operate on their behalf. On occasions this means challenging other public sector bodies, including Government. A level of independence must be guaranteed for this purpose. This is also referred to later in document on the necessity, legally, to separate decisions from WG appellate functions. Therefore WWF believe this section needs changed to clarify the relationship between Government and the new body.

This section also refers to a benefit being a 'single consistent view'. However, differences of opinion will inevitably remain as will alternative interpretations of the significance of evidence. The nature of environmental regulation often means that a subjective opinion is required to interpret legislative provisions, policy and guidance. It is vital that there is clarity on the process of resolving these conflicts and transparency around the evidence and case for each side. So there should be a responsibility agreed in the Orders, for the body to develop and publish policies and processes to identify and manage conflicts. This must also ensure (in relation to the previous paragraph) that the interests of biodiversity have a 'fair say' in decisions, when balanced against human requirements.

The second bullet point states that the earlier resolution of conflicting views as a benefit of a single body. Whilst WWF support measures to improve efficiency and certainty within the system, this must be achieved, whilst maintaining trust from the Welsh public that the process will not just mean that any uncertainties are over ridden and hidden from view. This may be a politically desirable outcome but not one justified by the SD principle of using sound science responsibly.

Section 2.2.3

The projected savings which are intended for reinvestment in improving the environment must not be diverted for other purposes. There is an enormous backlog of activity required for effective management and restoration of the Welsh environment, not to mention adapting to many new challenges, such as climate change. There should be a commitment to an annual report, by the Chief Executive, on savings achieved and what this funding has subsequently been used for. This will then be open for suitable Assembly scrutiny.

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

In principle, there are potential advantages to a single body, which could improve our safeguarding of the natural environment. However, there is a strong proviso here that standards of transparency of evidence and decision making are improved from the current situation. The purpose of the body must be clear and its primary function of ensuring healthy, functioning ecosystems on behalf of Welsh people and wildlife needs to be clear. That is not the case in the current proposal. Independence from political interference in interpretation or publication of scientific data must also be safeguarded. Protection of the environment and delivery of environmental objectives must not be weakened by the structure or regulatory reform.

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?

See comments in section 6.

Section 3.

Question 3

WWF feels that relying on the Public Bodies Act 2011 as a mechanism of creating the body may reduce the opportunity for debate and engagement. Although, it is very likely that there will be opportunity to raise and promote new/additional functions later when the Environment and Planning Bills are debated.

Section 16 of the Public Bodies Act 2011 affords safeguards against reduced effectiveness but we would press the Welsh Government to ensure that existing standards of environmental protection and enhancement are maintained throughout the process.

Section 4

In trying to emphasise that this body is part of Government's attempt to make SD the central organising principle, the remit of the body underplays the priority this body needs to give to

matters of environmental sustainability. It is vital for its credibility, that this body is seen as focussing on this. It must be recognised as the respected source of impartial expertise on all matters relating to environmental sustainability. It is also vital that its primary role is in safeguarding the Welsh environment *in order that* the provisioning and regulatory services of our ecosystems are available to provide economic and social well being. At the moment that priority is less clear than it needs to be. For example, it is clear for the NHS that its primary function is delivering health outcomes, although that is set in the context of delivering economic and environmental outcomes for SD. It does not have a function to ensure the health of people in Wales *in order to* maximise economic and social benefits. Yet, that is comparably, what this new environmental body is being asked to do.

It also needs to be clear that the body's function includes advising on environmental limits and how to live within them.

Section 4.1

This section attempts to address the point in the paragraph above but it lacks some clarity.

By focusing on the ecosystem approach, this section does not refer explicitly to advising on environmental limits, particularly where this refers to global impacts. Could you please clarify that your view of the ecosystem approach includes identifying and respecting environmental limits?

It also makes no mention of any responsibility for impacts on ecosystems outside of Wales. Part of this body's responsibilities must include within the management of ecosystems in Wales, consideration of how activities within Wales impact on areas/ecosystems outside of Wales. There should be some mention of the need for cross border planning with other countries within the United Kingdom and to ensure there are no detrimental impacts on ecosystems outside of Wales, due to regulation or other management decisions within Wales.

Again, although there is mention of quality of environment for future generations (Para 4), there is no explicit purpose relating to this.

Para 5 on pg 16 – WWF welcomes the explicit recognition of the different nature of responsibilities related to the environment, the protection/regulatory role and the proactive role of developing and recognising the value of natural assets and how they contribute to a sustainable economy. However, overall there needs to be further elaboration of how these roles will work together to complement and not contradict each other.

Para 6 on pg 16 – there is recognition of need to integrate delivery of environmental and economic interests – but what about social ones? There seems to be very limited recognition of the societal elements of SD, apart from statements about ensuring the long term development of society and enabling sustainable social development, but there is no discussion of other elements such as the need for poverty eradication, social equity, equitable use of resources, regeneration, etc. This will lead to imbalance and fail to deliver true SD. Indeed there is an opportunity here to make specific mention of the concept of environmental justice. It is currently true that it is many of the poorer communities in Wales who still face the largest environmental impacts and who suffer most from our inequitable use of natural resources.

Section 4.3

Para 3 states the role should be focussed on delivering the WG's strategic aims. However, given that both CCW and EAW currently have responsibilities under EC legislation amongst others,

what will be the situation if Government aims should conflict with the purpose in Para 2 on ensuring sustainable use of resources?

Similarly in Para 3, the body wishes to be respected by people of Wales so it is important that they are seen to be working on behalf of the long term public good, even if this sometimes conflicts with other public bodies (particularly those which are elected).

Furthermore to gain and maintain respect, the body should be open, transparent, adopt effective, efficient methods of engagement (which may include innovative and/or creative approaches). Also, it will need to consider how it engages with other authorities/government/agencies/stakeholders, taking a collaborative approach, driven by open communication and cooperation.

Section 4.4 and Question 4

WWF does not believe the **aim** as currently worded is sufficient for this body. The arguments are referred to in the summary of this paper and in section 4 above. (With reference to NHS purposes). The body should have a specific duty to achieve sustainable development in Wales, in line with the forthcoming SD Bill.

None of the strategic **outcomes** encompass the important role of assessing and advising on 'environmental limits'. It may be intended that this is inherent in 'securing sustainable use of natural resources' but this outcome is likely to be limited to Welsh ecosystems. Given that there may be a need to consider global planetary boundaries, including those affecting climate change, then the purpose should be explicit on this body's role in helping to clarify safe or acceptable environmental limits.

As regards Outcomes 1 and 5, "contribute to" is a fairly weak expression of the role, particularly of Number 5. Alternative wording is suggested below, in addition to that suggested by WEL in our joint response.

1. Contribute to protecting and improving public health and safety, eradicating poverty, promoting social equity, and human well-being through increased quality of life.
2. Prevent, minimise, remedy or mitigate the harmful effects on the environment of pollution, alien species and diseases.
3. Further the conservation, restoration and enhancement of the natural environment, including through the use of ecosystem based management.
4. Secure the sustainable use, management and consumption of natural resources and ecosystem goods and services.
5. Contribute to both mitigating and adapting to the effects of climate change.

Section 4.5

Q 5 The general approach is reasonably coherent and acceptable, if the concerns in question 4 are addressed.

However, the detail of objectives and success factors needs to be given much more attention. There still remain wordings which imply the key objective is furthering economic development e.g. in objective 12.

We would also raise a note of caution over what will be included in the further guidance to be issued with the Annual Remit letter and Financial Memorandum. We must ensure that this

guidance does not restrict the powers/functions of the body or its ability to exercise/fulfil them, inhibit its impartiality/independence, etc.

Section 5

Q6 The tables are helpful but could be improved if their relationship to the strategic outcomes were clearer. It is hard currently to check whether all functions necessary to delivery an outcome are listed.

Table 1:

Pg 39 – “Conservation, restoration and enhancement of the structure and functions of ecosystems in, or partly in, Wales, including flora, fauna, geological and physiographic features and ecosystem processes.” This is where there should be mention of global limits and impacts.

pg 41 – “Encouraging sustainable use of the environment and natural resources by supporting new and existing enterprises.” Not clear what this really means, in particular what is meant by enterprises? Only talks about *use* of environment and natural resources, what about *management*? Should this be stronger – i.e. achieve or promote, rather than encourage?

Pg 42 – “Increasing public understanding of the value of the environment and natural resources of Wales and the importance of sustainable use.” Should this not go further, i.e. proactive function to undertake work to quantify and understand the value of the environment and also to include this within work to deliver policy and legislation?

Pg 42- “Increasing public involvement in decisions about the use and management of the environment and natural resources of Wales.” This should also be more positive, including ‘improving’ public involvement or increasing effective public involvement.

Pg 42 - “Protection of public health and well-being through the management decisions that it takes.” Again, should be more proactive. Not just protection, but improvement.

Again there is no mention of a role in assessing and advising on environmental limits. The science of planetary boundaries is in its infancy but the development of this field or related replacements is not mentioned.

Table 2:

“To establish and run, or assist in establishing and running, enterprises for the sustainable use of the environment and natural resources.” Although it seems likely that this is included to encompass some of the powers of FCW , there should be consideration of the widening of this power. How would this affect its impartiality in relation to regulating use, or providing advice on use? Needs more information about what is intended here.

“To accept gifts (within agreed limits and in appropriate circumstances).” Is this meant to be private donations from bequests, etc? Need to understand what this means and how it could impact on perception of bias.

“To charge for the provision of products and services.” This must be supported by a clear and justified charging schedule, which demonstrates an evidence based approach to setting fees. It must also relate to cost recovery, not profiteering.

“To form or participate in corporate or charitable bodies, to exploit intellectual property, to delegate powers to charge and share profits and to participate in joint ventures.” Is this a current power for CCW & EA? What is envisaged here?

Table 3

Table 3 makes no reference to environmental limits as a factor to be taken into account in the exercise of the functions.

There is also no mention in table 3 of *global* impacts of natural resource management decisions. It only mentions cross border. However, ‘Sustaining a living Wales’ makes specific reference to overseas ecosystems and our impact on them.

The first factor states costs and benefits, yet in the parenthesis it refers only to costs. This needs to be made clearer, and should actually refer to impacts (positive and negative) which would cover environment, economy and society.

Section 5.3

Section 5.3.1

It is important for the ecosystem approach to work effectively that adaptive management is practiced. This requires effective and rapid feedback between operational decisions, plans and policies. Good policy (i.e. relevant and effective) will be dependent on monitoring implementation and its effectiveness. Therefore this implies that the Body will have to be making recommendations on how to improve policy, not just offering technical advice and evidence.

If a new ecosystem based approach is to be effective then Welsh government needs to consider reorganising its functions to ensure that ecosystem thinking is supported and not hindered by divisions within Ministerial portfolios and associated WG Directorates . At present fisheries management and marine enforcements sits under BETS and all other marine functions, e.g. marine planning, licensing and marine nature conservation sites under Sustainable Futures. Thus necessitating regular and close liaison between Fisheries Unit and Marine Branch, to a limited degree of success.

Section 5.3.2

See also Wales Environment Link and WCMP response for further information.

The intention to include the recently reformed Marine Licensing system (Marine and Coastal Access Act 2009, Part 4) within the new body must be seen in the wider context of marine planning and management. An effective marine licensing system, like a strong development control process within terrestrial planning, needs to be guided and informed by robust strategic marine policy and guidance framework. Marine licensing should interpret national policy and act as strong a sustainable development gatekeeper for Welsh seas. A strong relationship between marine planning and licensing is, therefore, critical. WWF would strongly caution against the divorcing of these two activities within government and does not support the current proposals concerning marine licensing.

Furthermore, in light the complexities involved in the management of licensed activities at sea, we are concerned that there will be no increase in capacity of the new body, beyond that of absorption of existing staff and their present workloads, in relation to marine environment. WWF

are therefore concerned about any potential loss or diluting of expertise and resourcing of this function.

Section 5.3.5

This section is very unclear on what is planned for fisheries management in Wales. Makes no reference to the most important stocks for Wales, which are non- CFP, nor is there any mention of aquaculture. This does not seem a complete picture of plans on sea fisheries management and policy.

Section 5.4 – Research and Evidence

Q8 WWF has some concerns about the proposal that the Welsh Government lead central coordination and establishment of single framework for commissioning external research. This suggests that the new body will have to gain approval from the Welsh Government for any research it wished to commission. In turn, this could severely limit the ability of the new body to have a scrutinising role, to objectively and impartially monitor and review the policy/legislation and effectiveness of implementation that is coming from the Welsh Government. Whilst we agree that it is not useful or efficient to duplicate research, the new body must have some freedom and choice over what research it needs to commission in order to properly and effectively fulfil its aim, functions and duties. More clarity is required on how this framework and process will work. We suggest that more consideration be given to how to make the process more efficient without it appearing that the new body will be directed by the sole interests of Welsh Government. A process of better communication and cooperation to avoid duplication would perhaps help.

The stated priority is for the new body to gather evidence of environmental issues on the ground. What does this encompass? It is not clear what is meant by this and how it is to be applied.

Section 6.

WWF welcomes that the Board of the new body will remain independent of the Welsh Government in its decisions and the delivery of its work. It is crucial that the new body is independent - and is seen to be such - in order to ensure requisite impartiality with regard to advice and scrutiny.

It is proposed that the Board is comprised of 12 members. However, an even number of Board members can lead to situations where decisions cannot be made based on majority of votes. Suggest that in order to avoid this situation, there is an odd number or otherwise the Chair has a casting and deciding vote, or the CEO has a vote.

The composition of the Board is also crucial to its effectiveness. The proposed very broad range of interests to be represented, along with other stipulations may make it less effective than current arrangements. Given that it is relatively small in number consideration should be given to there are other methods, through advisory groups etc of gaining engagement from a broad range of society.

Section 6.2 the method of appointing the CEO is not clear in this section and should be clarified. It is also not clear what role the Board has in monitoring the performance of the CEO and whether they can dismiss him or her.

Section 6.3 International governance.

WWF welcomes the recognition of the need for international governance links. However, again there should be recognition here of a role in monitoring international impact and advising Government on potential issues.

In Para 1, the suggested increase in representation does not include issues related to sustainable resource use.

In Para 3, there is no mention of cross border arrangements on marine matters, particularly with MMO and Ireland

Section 6.4

Para 4 WWF would like to see further information on the proposal to clarify accountability further through ministerial guidance. Reliance on guidance is obviously weaker than statutory provision and statutory framework provides the requisite level of long-term clarity and certainty. Given concerns around the independence of advice etc from this body we would like more information before commenting more fully.

It should also be made clear that the annual monitoring and report produced which evaluates the effectiveness (or otherwise) of the body in carrying out its functions, rated against its corporate strategy should be published and publicly available.

Section 6.5

Q10

WWF welcome that the new body may be able to establish its own committees and proposals to ensure effective stakeholder engagement. We encourage the new body to not be rigid or generic in its approach, because more effective consultation and stakeholder engagement often involves subjective and adaptable measures aimed at accommodating the particular circumstances of those involved. Also it should encourage the use of innovative, creative techniques that go beyond traditional methods of working groups, notices in papers and documents in libraries.

We agree that any stakeholder engagement mechanisms and procedures should be consulted on with relevant stakeholders. It will be important and useful to understand how stakeholders want to and can be engaged.

However, WWF believes that any such engagement mechanisms must also take account of our responsibilities under the UNECE Aarhus Convention, which covers Access to Environmental Information, Public Participation in Decision-Making and Access to Environmental Justice in Environmental Matters. The UK ratified the Convention in 2005, is therefore bound by it, and should ensure that appropriate mechanisms for engagement take place.

Additionally, in order to meet Ecosystem Based Management guidelines, there should be clearer statutory duties or guidance on the type of engagement of stakeholders that is required.

Section 6.6 This section suggests the new body make provision to separate permitting from operational activity. Should this not be in statutory guidance rather than left to some operational decision of the body?

Section 6.6.2

WWF welcomes

- (i) confirmation that the new body will be a statutory consultee (consultation body) for the purposes of Article 6(3) of the SEA Directive;
- (ii) confirmation that provision will be made to provide an appropriate functional separation between the preparation of the plan or programme and the consultation role required by the SEA Directive; and
- (iii) confirmation that provision will be made to provide an appropriate functional separation between the team developing a project and the team that undertakes an assessment under Article 6(3) of the Habitats Directive (and similarly with respect to European Protected Species).

There needs to be clarity on how the separation of plan making from consultation on SEA would occur. There should definitely be a protocol developed and adopted, which can be enforced. It must be publicly available to ensure accountability and opportunity for challenge as part of a process.

Section 6.6.3 – States that transparency will be achieved through requirement to publish decision documents. This should go further, as with the example of the former Infrastructure Planning Commission. This published all documents related to a particular application/project proposal, including correspondence, minutes of formal meetings, workshops, reports and documents submitted to the body, advice issued by the body, etc. Sometimes a decision document does not reflect all the thinking of the body, particularly if the thinking has evolved over time. A much broader obligation re transparency will ensure that there is much greater public accountability, differences of opinion and conflicts of interest and how they were managed/addressed are openly understood, and there is clear evidence to understand the position and thinking of the body in relation to the decision made.

Q11 there are potential problems here on transparency and adequacy of the functional separation proposed. Further detail is required on this as mentioned above.

Section 7 – Further clarity on the transitional arrangements during the development of the shadow body and the handover of powers would be appreciated. What happens to applications, requests for advice, etc during this period? Who deals with them, is accountable? Will operational time limits, etc continue to apply? What will happen with data, and public access to it?

Section 7.5 – Funding arrangements. What is meant by charging schemes? Need to be clearer on this. Is this in relation to charging for advisory services, application/licensing fees, etc? Need to specify that this could not duplicate charging regimes by other bodies.

Contact	Anne Meikle
Email/Tel	ameikle@wwf.org.uk 02920454983
Date	01.05.12

Please note that this consultation is in addition to our joint response submitted with Wales Environment Link.

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

Sent: 01 May 2012 17:05

To: SEB mailbox

Subject: SEB Consultation online form

Page used to send this email:

/consultations/forms/sebresponse/

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

(Unchecked)

Your name:

C. J. Ryan

Organisation (if applicable):

Kronospan Ltd

Email / telephone number:

c.ryan@kronospan.co.uk

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

We do not agree with the proposal to merge all three bodies. Whilst we agree with the proposal to integrate Environment Agency Wales & Countryside Council for Wales, we do not feel the case to integrate Forestry Commission Wales(FCW) is immediately evident. Whilst FCW has certain environmental responsibilities its commercial role is also of critical importance. To merge it with two regulatory bodies which currently employ nearly 80% of the staff of the proposed body risks the relegation of commercial priorities. Nor does it provide the necessary safeguards to secure continued inward investment in the Welsh Forest Industries.

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

The proposal does not clarify for example the interaction with local authorities in the role of environmental permitting. In terms of the overall environment then it is urban areas where environmental conditions can be the poorest simply because of the concentration of people and associated air pollution from traffic and heating systems. It is not clear how this merger will engage the local authorities. In fact it appears to relegate the role of local authorities to that of a consultee or leads to the need for substantial numbers of committees which in itself is in-efficient. We are concerned that the new body may end up adopting an enforcement and sanctions approach at the outset to demonstrate its teeth and will result in a less co-operative approach to industry which is vitally important. A co-operative approach to regulation encourages future good

practice and should inform rule formulation in the first place. The potential for imposing more rigorous conditions than elsewhere in the EU does not encourage business to make long term investment decisions in Wales' favour, nor create the climate that convinces investors that the Principality is a place that is going to create regulations which are sensitive and adaptable to changing contexts by allowing discussion

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

Whilst the proposal lacks specific detail, we would in principle agree with the phased approach stated.

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

Whilst we accept that improving the economy of Wales is part of the proposed aims, it should also be a measured strategic outcome for the new body. Without the support of a resilient economy (which Kronospan contributes to), there will be a net loss of activity, productivity and habitat.

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

The delivery framework lacks specific reference to economic development based on manufacturing industries

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

We agree that the functions described are a reasonable summary of those required.

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

No comment.

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

We do agree with the proposals in respect of investment in environmental research.

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

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

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

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

Whilst it is true that where appropriate public bodies need to reflect society as a whole this is a specialised body and it is important that there is adequate representation for economic development on the board as industry is a key stakeholder in delivering many of the environmental targets. This representation needs to be by people currently actively employed in the sector rather than for example consultants with some past experience. We do not feel that public accountability of the new body is adequately defined in the proposal.

Whilst we recognise the importance of stakeholder engagement, creation of sub committees should be strictly controlled to ensure that the economic benefits assumed by the merger are not eroded. Representation on any committees should not be limited to single agency agendas or regional bias. Equally there should be a limit to how many committees a single member can sit upon in order to ensure the flexibility of approach targeted.

The merger should be used viewed as an opportunity to streamline procedures, to question and review procedures that have been introduced over the years and to question their relevance in the current economic climate.

IT costs form a large part of the cost of creating the single body. Traditionally in the public sector the experience is of huge overspends which would significantly erode the benefits. It is not clear who will help the SEB manage this key part of the project and how they will be incentivised to ensure it being within budget. It is not clear how the simplification of processes will be achieved. The current trend is for more complexity. For example in our recent planning application for a biomass CHP plant the submission totalled some 1,100 pages. Unless the board includes people prepared and skilled enough to overcome the inbuilt inertia and drive through changes the natural tendency will be decisions to be made by committees rather than by accountable individuals. This takes more time and leads to greater complexity.

From: Environmental [ABPEnvironmental@abports.co.uk]

Sent: 01 May 2012 17:19

To: SEB mailbox

Cc: Ian Schofield; Christine Marsh; Liz English; Richard Bird

Subject: WAG Consultation on Proposed Arrangements for Establishing and Directing a New Single Environmental Body for Wales

Attachments: WAG Single Env Body consult May 2012.pdf

Dear Sir/Madam

Please find attached Associated British Ports response to the above consultation, sent on behalf of Ian Schofield, Group Engineering Director.

The information contained in this email may be privileged and/or confidential. If you are not the intended recipient, use of this information (including disclosure, copying or distribution) may be unlawful, therefore please inform the sender and delete the message immediately. The views expressed in this email are not necessarily those held by Associated British Ports who do not accept liability for any action taken in reliance on the contents of this message (other than where the company has a legal or regulatory obligation to do so) or for the consequences of any computer viruses which may have been transmitted by this email.



Our Ref: WAG

1st May 2012

E-mailed to: SEB@wales.gsi.gov.uk

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

ASSOCIATED
BRITISH PORTS
GROUP SUSTAINABLE
DEVELOPMENT

Correspondence Address:-

ASSOCIATED BRITISH PORTS
GROUP SUSTAINABLE DEVELOPMENT
OCEAN GATE
ATLANTIC WAY
SOUTHAMPTON
SO14 3QN

TELEPHONE +44 (0) 23 8048 8800
FACSIMILE +44 (0) 23 8023 2991

www.abports.co.uk

Dear Carrie

WAG Consultation on Proposed Arrangements for Establishing and Directing a New Single Environmental Body for Wales

I am responding on behalf of Associated British Ports (ABP) to the above consultation. ABP owns and operates 21 ports across the UK, 5 of which are in Wales, and is the UK's largest port operator. ABP is a statutory harbour authority for all its main ports and is committed to effective environmental management across all its activities.

Whilst we can appreciate there are opportunities for streamlining and simplification of environmental regulation / regulators, we have a few concerns with the proposals for a single environmental body in Wales as currently presented, which need to be addressed. These can be summarised as follows:

- There is not sufficient consideration of delivering UK wide strategies or commitments, mirrored by a lack of commitment to formal communication and joint working with other UK environmental regulators. It will become overcomplicated and inefficient for businesses as well as the proposed body should the approach to environmental regulation in Wales become too isolated to that in the UK in general.
- The transference of marine licensing aspects has not been given adequate consideration. If to be transferred, marine licensing functions should be undertaken in conjunction with marine planning and all other marine regulatory aspects. Sufficient resource and marine expertise must be provided for within any new organisation.
- Since the proposed new body will have significant influence over how businesses and industries operate and develop it is imperative that stakeholders are provided with formal / statutory arrangements to ensure accountability and transparency of the organisation. The proposals are far too vague as to what stakeholder arrangements there will be in place

Our responses to the specific consultation questions are appended. Please get in touch if you wish to discuss any of these points further.

Yours sincerely

Ian Schofield
Engineering Director

Copied to: Richard Bird – UK Major Ports Groups

Appended: ABP's Responses to the Specific Consultation Questions

Appendix: ABP's Responses to the Specific Consultation Questions

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

We broadly support the proposals with regards to management of terrestrial environmental matters (pending some concerns as detailed below), but the delivery of marine licensing and marine planning needs further consideration, as per question 7.

Key lessons from similar exercises elsewhere in the UK must be learnt e.g. with the formation of the MMO in England, whereby it is essential that sufficient resource, knowledge, experience and expertise are retained. The structure of the organisation also needs further consideration e.g. it is important to have local case officers but with central consistency and accountability.

- **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?**

Formal arrangements for cross border working with Defra and EA England, MMO etc need to be put in place to ensure the approach in Wales does not differ substantially to a general UK approach. For a company like ABP that operates on a UK basis, significantly different regulatory principles and application of environmental regulations in devolved administrations can cause inefficiency and over-complication. This is not sufficiently addressed in the consultation document and as such we feel there is risk the proposed organisation could become too inward looking. Whilst we appreciate the desire to have an independent Welsh approach to environmental matters, there are numerous UK and EU wide commitments that must be met, which do not get sufficient consideration in the consultation document.

The full scope of the proposed organisation also needs further thought – see our comment to Q7.

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

Any modifications to functions must be fully consulted upon and amended / increased regulatory powers must only be brought in where there is a clear case for them i.e. would contribute to 'better regulation'.

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

The principle aim and the strategic outcomes do not fully align i.e. the strategic outcomes make no mention of economic benefits or benefits to businesses and as such do not reflect true sustainable development.

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

No comment

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

No comment

- **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?**

There is insufficient consideration of how / what parts of marine functions will be transferred – this almost appears to be considered as an afterthought e.g. no mention of the delivery of the UK Marine Policy Statement in section 4.2. Whilst marine licensing is briefly mentioned in section 5.3.2, there is no mention of marine planning. As required under the Marine and Coastal Access Act, marine licensing is to be plan led. As such – these two remits along with other Marine Act responsibilities e.g. management and delivery of Marine Conservation Zones, must be delivered by the same body so as to keep a strategic approach to marine management.

If to be transferred, **all** marine management aspects should be (i.e. licensing and planning) and there must be sufficient resources allocated within the new organisation with marine experience and expertise.

There does not appear to be any mention of transferring Local Authority's environmental functions to the new organisation, although some functions they carry out are mentioned e.g. air quality, flood risk planning etc. Clarity on this is required as at present there appears to be some overlaps in duties /

functions. It could also be over-complicated to deal with sea-fisheries and agri-environment schemes separately from all other environmental matters. This goes against the overall aim to manage the natural environment more strategically and holistically as outlined in the current WAG Green Paper.

- **Question 8: Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them?**
No comment
- **Question 9: Do you agree with the proposals about the status, governance and accountability of the new body? Is there any way we could improve the proposed arrangements?**
As per question 2 – the detail re: cross border working is too vague. Some formal arrangements to ensure joined up policy approaches with England and UK is certainly required.
- **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?**
This section is too vague as to what stakeholder arrangements will be put in place. Given that any new body will have a significant remit when fully operational with significant influence on how businesses operate and develop, some form of formal and statutory stakeholder engagement and accountability must be established. This area needs further development.
- **Question 11: What are your views on the aspects of the regulatory arrangements?**
No comment