

From: Louise Austin [<mailto:L.Austin@DYFEDARCHAEOLOGY.ORG.UK>]  
Sent: 01 May 2012 17:54  
To: SEB mailbox  
Subject: Natural Resource Wales consultation

Dear Carrie,  
Please find attached the Dyfed Archaeological Trust's response to the Natural Resource Wales consultation.  
Regards,  
Louise

Louise Austin  
Head of Heritage Management  
Dyfed Archaeological Trust

DYFED ARCHAEOLOGICAL TRUST LTD  
The Shire Hall, Carmarthen Street, Llandeilo, Carmarthenshire, SA19 6AF  
Tel: General Enquiries 01558 823121 Fax 01558 823133 Email  
[l.austin@dyfedarchaeology.org.uk](mailto:l.austin@dyfedarchaeology.org.uk) Gwefan [www.dyfedarchaeology.org.uk](http://www.dyfedarchaeology.org.uk) The  
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[l.austin@dyfedarchaeology.org.uk](mailto:l.austin@dyfedarchaeology.org.uk) Gwefan [www.archaeolegdyfed.org.uk](http://www.archaeolegdyfed.org.uk)  
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Carrie Moss  
'A Living Wales' Programme Team  
Dept for Environment and Sustainable Development  
Welsh Government  
Cathays Park  
CF10 3WQ

1st May 2012

Dear Ms Moss,

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

I am responding on behalf of Dyfed Archaeological Trust (DAT), one of the four Welsh Archaeological Trusts (WATs) providing a regional curatorial service for the historic environment in South West Wales. DAT is responsible for the management of the Regional Historic Environment Record and provides information and advice regarding the 95% of the archaeological heritage that is not designated. Partially grant aided by Cadw - Welsh Historic Monuments, RCAHMW and the Local Planning Authorities, historic environment services are provided to Local Authorities, other government and non-government bodies, utility companies, developers, farmers and other land managers, researchers and the general public. In particular historic environment information and management advice is currently provided to the Environment Agency Wales, Forestry Commission Wales, and Countryside Council for Wales.

#### **General Comments**

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 a 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 maintained and managed by the Welsh Archaeological Trusts.

We believe that the Agri-environment schemes fall within the remit of the proposed new organisation and 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, appropriate expertise is drawn from elsewhere. Finally it is important that the Welsh Archaeological Trusts remains a key stakeholders in the process and continue to be consulted and involved in the new processes and the setting up and establishing of the new Body.

#### **Specific responses to 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?**

There is a concern, resulting from the lack of acknowledgement in the consultation paper for Wales' Historic Environment, that such a single body will not adequately recognise, acknowledge and positively benefit the historic component of Wales'

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8 Stryd Caerfyrddin  
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Sir Gaerfyrddin  
SA19 6AF

01558 823121

E-bost  
info@dyfedarchaeology.org.uk  
Gwefan  
www.archaeologydyfed.org.uk

Cwmnïcyfyngedig (1198990)  
ynghyd ag elusen gofrestredig  
(504616) yw'r ymddiriedolaeth

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The Shire Hall  
8 Cam arthen Street  
Llandeilo  
Cam arthenshire  
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Em ail  
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W eb  
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Cyfaaw yddw rD director  
K M urophy B A M IFA



environment. The new body will need to ensure that it delivers outcomes which not only don't have a negative impact on the historic component of the environment but also deliver positive and improved management of the historic 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?**

There appears to have been no stake holder engagement to identify issues and concerns with the historic environment sector, either within or outside of Welsh Government. For example Cadw and the Welsh Archaeological Trusts are key partners with regard to the management of the registered historic landscapes in Wales. Adequate communication and discussion regarding these and other environmental management issues must be addressed at a strategic as well as site by site practical level.

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

It is important to ensure that any phased approach will build logically on decisions regarding the proposed approaches to future environmental management in Wales. This will need to consider proposed new legislation regarding the historic environment as well as Environment and Planning.

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

The proposed aim does not make adequate reference to Wales's environment. The environment comprises more than Wales' natural resources which cannot be considered as being separate from Wales' cultural environment. The single body will both directly manage as well as inform the management of large parts of Wales. These areas include some of the most significant historic and cultural landscapes in Wales with hundreds of designated historic environment sites and thousands of archaeological sites and features. This must be reflected in the aims and objectives of the body.

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

Any delivery framework will need to ensure appropriate integration of the protection and improved management of the historic environment.

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

Not all the functions set out will be the sole responsibility of the single body. For example "conservation, restoration and enhancement of the landscape and seascape of Wales" will need to be addressed working in partnership with Cadw and the WATs as well as Local Authorities, etc.

**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 important that if Marine licensing is transferred to the new body appropriate consultation with the necessary expertise within and outside of WG is undertaken.

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

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8 Cam arthen Street  
Llandeilo  
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Co-ordination of research has the potential to encourage more integration and linkages across work areas. However it is important that specialist knowledge and expertise is retained within the single body . It is important that the historic environment expertise currently within all three bodies is not lost with the creation of the single 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?**

We support the management board drawing down expertise from a wide base of disciplines and professions and consider that this should also include the historic environment.

**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 historic environment sector are important stakeholders and need to be recognised and included in future stakeholder engagement proposals.

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

It is important that effective regulatory decision making considers all relevant interests and seeks to make informed decisions. Balancing of all relevant interests may not necessarily result in the protection of the environment.

We would be happy to provide further information and clarification if required.

Yours sincerely,

Louise Austin  
Head of Heritage Management  
Dyfed Archaeological Trust

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8 Stryd Caerfyrddin  
Llandeilo  
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Cyfarwyddwr/Director  
K M urophy BA M IFA

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Llandeilo  
Sir Gaerfyrddin  
SA 19 6AF

01558 823121

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DYFED  
ARCHAEOLOGICAL  
TRUST LTD

The Shire Hall  
8 Camarthen Street  
Llandeilo  
Carmarthenshire  
SA 19 6AF

01558 823121

E-mail  
[info@dyfedarchaeology.org.uk](mailto:info@dyfedarchaeology.org.uk)  
Web  
[www.dyfedarchaeology.org.uk](http://www.dyfedarchaeology.org.uk)

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K M u p h y B A M I F A

From: [sindy.hughes@mypostoffice.co.uk](mailto:sindy.hughes@mypostoffice.co.uk)  
[<mailto:sindy.hughes@mypostoffice.co.uk>]  
Sent: 01 May 2012 17:58  
To: SEB mailbox  
Subject: Consultation - Natural Resources Wales

Hello,

We were recently informed of the decision of the NLS that it would be restructured to 3 laboratories, and this does not include the Llanelli Laboratory. This decision has been made even though we do not yet know if the SEB for Wales will want a laboratory at Llanelli.

If the decision was made not to have a laboratory at Llanelli, then effectively most of the staff here would be out of a job and the many years of experience and expertise would be lost.

I can speak for myself and for the majority of the other staff at Penyffai House in the Llanelli Laboratory, that we would not be in a position to relocate to other laboratories which are sited hundreds of miles away in England.

On the positive side, I would like to think that the SEB would want a Laboratory at Llanelli. I believe it is very important for Wales to have its own environmental laboratory.

The Llanelli Laboratory has operated for many decades as a routine analytical laboratory, always providing quality service to organisations and the people of Wales, as well as England. As a point of note, the Llanelli Laboratory first started doing commercial work before any other NLS Lab. It was responsible for building up a substantial customer base which also provided services to other parts of the world.

All the experience, skills and knowledge is already here at this Laboratory, and also the majority of the equipment to provide a quality service for Wales.

Regards,

David Hughes (BSc Chemistry, 22 years experience at Llanelli laboratory)

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**From:** Chris Martin [Chrimartin@CPAT.ORG.UK]

**Sent:** 01 May 2012 18:05

**To:** SEB mailbox

**Subject:** response to SEB consultation

The following is a brief response to the consultation on the formation of a single body, combining the Countryside Council for Wales, the Forestry Commission Wales and the Environment Agency Wales. It is made in my capacity as the Regional Archaeologist for the Clwyd Powys Archaeological Trust - an organisation that provides historic environment and heritage management services to local authorities, statutory undertakers, and crucially to the three bodies directly involved in the proposed amalgamation, in north-east and central Wales

It is important to recognise that Wales is a cultural environment and landscape. There is nowhere in Wales that is an entirely natural landscape - all parts are a direct product of the action of man on the environment. However (ignoring the passing reference in Table 3 on page 44) at no point in the consultation document is the historic environment mentioned nor is there any acknowledgement of the role of the historic environment in the formation of the wider Welsh landscape. Nor is there any recognition of any historic environment professional as a stakeholder or participant in any of the processes that the consultation document covers. These omissions must be remedied.

It is important that the historic environment is recognised as a key part of the Welsh landscape, and it is important that those that administer the historic environment are acknowledged as stakeholders by any new single body. Currently the three bodies that it is proposed to merge have historic environment expertise on a national or UK basis. It is important that this expertise is not lost by the formation of a single, Welsh body, and it is imperative that existing arrangements to service the needs of the historic environment within the three existing bodies, where necessary by recourse to arrangements with external professionals such as the Welsh Archaeological Trusts, are not lost in this transfer of responsibility.

Yours

Chris Martin

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Chris Martin  
Regional Archaeologist  
Clwyd Powys Archaeological Trust  
41 Broad St  
Welshpool  
Powys  
SY21 7RR

tel 01938 553670  
fax 01938 552179  
email [chrismartin@cpat.org.uk](mailto:chrismartin@cpat.org.uk)

For further information about CPAT and our work in mid and north-east Wales visit our website at [www.cpat.org.uk](http://www.cpat.org.uk), and download our latest newsletter

For information from the Historic Environment Record go to [www.archwilio.org.uk](http://www.archwilio.org.uk)

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**From:** Griffiths, Antony [Antony.Griffiths@forestry.gsi.gov.uk]

**Sent:** 01 May 2012 18:09

**To:** SEB mailbox

**Subject:** Response to the Natural Resources Wales Consultation

**Attachments:** FCTUW response to the Consultation Document\_May 2012.doc

Please see attached response.

Date 1<sup>st</sup> May 2013

## Wales

Coed y Cymoedd Forest District  
Resolven

Neath

SA11 4DR

Tel: 0300 068 0300

Chris .tucker@forestry.gsi.gov.uk

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**Chris Tucker**

*FCTU Wales Chair*

Dear Carrie Moss

### **RESPONSE TO THE NATURAL RESOURCES WALES CONSULTATION**

Please find attached our response to the above consultation.

Yours sincerely

**Chris Tucker**

*By email*

**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?**

Forestry Commission Trades Unions Wales (FCTUW) naturally shares the Welsh Government's desire to put staff's best interests at the centre of any change management programme associated with the creation of the Single Body as only with a well motivated workforce will a major groundbreaking initiative such as the creation of the Single Body (SB) prove successful. The FCTUW welcomes the opportunity to comment through this consultation process and work with the Welsh Government to achieve this goal.

The SB will clearly give rise to benefits in the areas of integrated policy advice and environmental regulation by bringing together CCW, EAW and, we would suggest, parts of Forestry Commission Wales (FCW). Making sure that there is a balanced approach to the natural environment must take into account sustainable woodland management. However, FCW is not purely an environmental body and is involved in a wide range of commercial activities (forestry, recreation and tourism) within the important, but fragile, rural business sector in Wales (Small and Medium Enterprises - SME). Social and community initiatives also provide a wide variety of regeneration, health and wellbeing benefits to the citizens of Wales. The strengths of each organisation that will be taken forward into the SB, and the weaknesses and failures that will be left behind have still not been clearly stated.

Currently there exists a healthy and transparent division between CCW / EAW regulation and FCW delivery. By bringing FCW's regulatory function into the SB this position will be strengthened. However, by also taking in the delivery function of FCW then both regulation and delivery will be within the SB. We believe this will be perceived by the business sector and citizens as too close for comfort no matter how strong internal "Chinese Walls" may be; the public perception of lack of transparency will be detrimental.

Providing the Welsh Government with integrated environmental policy advice that takes a balanced view requires that element of FCW to be integrated with CCW and EAW. Ensuring that sustainable woodland management is given equal importance at the policy advisory table is essential and the Single Body would seem to provide for this.

The inclusion of FCW's woodland management function at this point in time could obscure focus on the rural economic benefits that the commercial activities give rise to and damage business confidence in the forestry, tourism and the growing renewable energy sectors in Wales. A more assured way of dealing with this could be to place this element of FCW's activity either at arms length to the SB, or perhaps in the Industry portfolio of the Welsh Government until such time as the SB is fully functioning and then consider if the inclusion of the delivery function is appropriate.

Business opportunities in today's economic climate are fleeting and Government needs to have speed on its side. Positioning the delivery function in the way

proposed provides Ministers with clear unhindered direction over a valuable multi-purpose asset that is already proving to be a magnet for inward investment into Wales in terms of tourism, biomass, wind energy, mineral development, hydro, and numerous other business ventures. The importance of the asset in the economic recovery of Wales cannot be underestimated.

The FCW staff group is a well motivated body of individuals with a wide variety of skills and the FCTUW commends to the Welsh Government that to make best use of this staff group serious consideration is given to this variation to the SB implementation plan.

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

It is recognised by the FCTUW that the approach and decision by the Welsh Government to include FCW within the new SB at 'arms length' from itself creates a wholly new approach by any government in Europe and wider by removing the responsibility and accountability of 'forestry' outside of direct Government jurisdiction. The Consultation Document makes no reference to this fact in any way and thus neither provides evidence, or any precedent, to support this radical approach. The FCTUW believe that this could seriously weaken the vital forestry sector within Wales and the Consultation Document should have highlighted this approach and demonstrate how the risks will be mitigated.

The Consultation Document does not confidently answer the concerns raised by the forestry sector on future timber supply; the continuity of public ownership, and forestry skills. All that is stated is "Our proposals should not negatively affect these issues". The word 'should' brings little comfort and indicates that the true risks from the forestry sector have not been fully investigated and/or mitigated within the Business Case. It is also worrying to read terminology such as "We intend to provide the new body with clear duties, targets....." – only 'intend', should this not be "We will provide....." and thus be first and foremost and clearly embedded within the new body on 1<sup>st</sup> April 2013(?).

The Welsh Government may well have made clear its intention to retain the forest estate in public ownership, clearly safeguarding all the public benefits delivered by the estate, but it needs to make a formal commitment not just an intention. This brings no comfort to those who have concerns over the future of Wales' public forest estate.

If the concerns of the forest sector are not directly addressed and dealt with wholeheartedly by the Welsh Government then the future for forestry and all its associated enterprise and community activity in Wales is not secure and thus in turn neither are forestry skills.

It is vitally important that the Welsh Government recognises:

- That forestry in Wales generates an estimated £841m per annum, providing approximately 10,000 directly related jobs in Wales (CEBR - Centre for Economics and Business Research 2006).
- Forestry Commission Wales (FCW) is currently involved in the marketing of around 800,000 tonnes of timber each year; managing and receiving income from option agreements for wind energy development, looking into hydro energy developments, and from high profile national and local events, such as the Wales Rally GB.
- FCW manages by far the largest single rural business in the Principality.
- Its visitor centres, walking routes and world class mountain bike trails operates the largest outdoor recreation business in Wales..
- The Welsh Government Woodland Estate (WGWE) is one of the largest single visitor destinations in Wales attracting about 80% of all visitors to woodlands even though they comprise just 30% of the woodland area.
- The WGWE is of fundamental importance to rural tourism, which is among the largest economic sectors in Wales. The facilities and opportunities for recreation provided by the woodland estate are the platforms on which many tourism businesses are built.
- Facilitated by the FCW Woodlands and You framework, community groups and social enterprises use the WGWE for a wide range of activities, events and projects – all contributing to regeneration, promotion of healthy lifestyles, education and skills development.
- FCW's 20-strong Education Team works throughout Wales to offer woodland visits to all schools, colleges and places of further and life-long learning, promoting career opportunities and sector skills development.
- The WGWE produces timber, a renewable material that not only generates considerable income for the WG directly, but also supports a large and modern wood processing sector in Wales that is competitive with the best in the world. The commercial capital that facilitates this is generated because of long-term guarantees of timber supplies by FCW, guarantees that are not available from the private sector.

Failure to recognise these important facts and demonstrate how the risks will be mitigated is a fundamental failure of the Business Case and a lacking 'purpose' of the Consultation Document.

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

We welcome this phased approach to delivering a SB and again request that WG considers the same approach to including the functions of the three organisations in order that continuity issues of delivery functions can be overcome once the SB has become well established; thus reducing the risk of loss of confidence in stakeholders. However, concerns remain that the new body is being established and its form confirmed *before* its remit has been clarified and agreed. This goes against all accepted best practice.

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

The proposed aim and outcomes include principals of sustainable development, but they don't stress the need to balance all the aspects of sustainable development. The outcomes that sustainable management of natural resources can deliver for the people of Wales need greater emphasis; a secure environment, a strong rural economy and for society (health and well being, education, social improvement, jobs and security.) These are currently delivered by the Forest Sector in Wales and particularly on the UKWAS certified, public forest estate. The basis for this to continue needs to be clearer in whatever form the institutional arrangements take. The WG strategies listed refer largely to those connected with the environment and do not recognise the role that woodlands can play in enterprise and social development. Greater cross departmental synergy is essential if all benefits are to be realised.

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

The FCTUW believes that the management of the SB needs to recognise that staff are the key component of any successful organisation. In order to deliver the required outcomes of the SB and to enable its formation staff must be motivated and enthused about the SB. Staff, therefore, must believe that they are a part of its conception and be fully involved in its development. The unions realise that each of the legacy bodies have very different cultures, working styles and structures. It is going to be a very difficult task to join these organisations into one fully functioning and efficient new body - perhaps something that will take many years to accomplish. Immediate issues on vesting are the different types of staff structure, with the EAW still having a two tier workforce of industrial and non industrial which the other bodies do not. In the case of FCW, staff unification took two years of difficult negotiation and change management to unify the workforce. In the case of the new body this will need to be done along side negotiating new unified terms and conditions with the staff unions. This in itself could be an issue that will seriously hamper the effectiveness of the SB. Without the support of staff and their representatives the objectives of the SB will be difficult to meet. The new management board must ensure that proper systems of negotiating and union representation are set up along with appropriate facility time agreed to enable the SB to move forward successfully. Staff terms and Conditions in the SB must be at least the same as the best terms in the legacy bodies, if not better. Only by having the best T&C's and being a place potential staff see as a good place to work, will the SB be able to attract the best professional staff along with encouraging existing staff to buy in and make it work.

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

We welcome the recognition that the maintenance and management of the WGWE requires the enhancement and balancing of social, environmental and economic benefits from the active management of the estate. We are deeply concerned by the suggestion that management of the estate by third parties as a mechanism for delivering objectives. We have seen that both independent experts and the public regard public ownership and management of public forest estates provides that best, balanced delivery of objectives for society. Third parties have a far narrower focus in their management be it economic, social or environmental. Public management, as currently provided by FCW, balances all three and delivers sustainable management. Our recommendation is that the WGWE remains in the management of the highly trained and experienced staff body.

Table 3, the main factors which the proposed new body will have to have regard to in exercising its functions does not acknowledge the encouragement and support that FCW provides to the timber industry and all the forest product processing industries and therefore the contribution to the economy of Wales. The WGWE commits to putting to market timber sustainably harvested from the estate.

**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?**

Wales currently benefits from research on woodlands and forests relating to each of the strategic themes of Woodlands for Wales. The benefits of scale from commissioning this research with the other parts of FCGB should be maintained to deliver high quality research developed across a larger sample of forests than Wales alone could procure.

**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 FCTUW does not believe that the Welsh Government has provided a sufficiently robust rationale for the SB to be an arm's length Welsh Government Sponsored Body. It certainly hasn't set arguments as to why the body can't be within the Welsh Government in the Consultation Document.

To suggest that independence maintains public confidence is countered by our belief that the SB will be regarded by the citizens of Wales as the largest “quango” ever created in Wales and this will have a detrimental impact on the public’s and business confidence in the new body.

There seems to be a contradiction in the statement that Welsh Ministers will not be part of the decision making process but they will have the powers to direct. To the average citizen and our members this is confusing and perhaps unnecessary if the SB were to be part of mainstream Welsh Government.

If the statement that Ministers have no part in the decision making regarding the use and future of the 125,000 hectares of the Welsh Government’s Woodland Estate then the FCTUW believes the citizens of Wales, will have concerns. We suggest that it is essential that the Minister remains fully accountable for such a major publically owned asset and it will be seen, by doing otherwise, as simply a means of elected Government Ministers passing their responsibilities to a staff group that will not even be mainstream Civil Servants. This does not sit well with a Welsh Labour Government who appear to be committed to Public Services and Public Servants.

Notwithstanding the comments elsewhere in this Consultation Response regarding how we see FCW being integrated into Welsh Government we strongly suggest that the Single Body be created as part of the mainstream Welsh Government working in a cross departmental way, which would inevitably give rise to additional efficiencies over time as shared services already exist that could be utilised by what would simply be a new Division / Department.

**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?**

Has a stakeholder analysis been carried out, and if so, can it be published? It is not clear who the perceived stakeholders are.

Also need to ensure that any SB sub-groups fully reflect the needs and aspirations of all our current stakeholders (from social, economic and environmental sectors) and make the most of their skills and knowledge

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

No comments.



**Q12: Is you have any related issues which we have not specifically addressed, please use this space to report them.**

The FCTUW understands that an Equality Impact Assessment has not yet been carried out and we believe that those in more vulnerable groups could be unfairly disadvantaged by the creation of the SB.

From: Helena Fox [helena.fox@me.com]  
Sent: 01 May 2012 18:35  
To: SEB mailbox  
Subject: Response to Natural Resources Wales

Attachments: WfL Forum and FEI Country Steering Group response to Natural Resources Wales.doc

Please find attached the joint consultation response to Natural Resources Wales by the Woodlands for Learning Forum and the FEI Country Steering Group.

Many thanks,

Helena Fox  
Chair, Woodlands for Learning Forum

**Woodlands for Learning (WfL) Forum**  
**and**  
**Forest Education Initiative (FEI) Country Steering Group**

**Natural Resources Wales - Consultation Responses**

**25<sup>th</sup> April 2012**

The **Woodlands for Learning Forum** is a network of individuals and organisations, statutory, voluntary and industry that are interested in developing and delivering learning both in and about woodland, trees and timber. The Forum reports to the Wales Strategy Advisory Panel and was set up in 2003. Details of the Forum's membership and terms of reference are detailed at the end of this document.

The **FEI Country Steering Group** was formed in 2007 and directs the work of the Wales FEI Co-ordinator. Details of the Steering Groups membership are listed at the end of this document. For more information see [www.foresteducation.org](http://www.foresteducation.org)

The two groups met together on the 25th of April to discuss the Government's two consultations: Natural Resources Wales and Living Wales. This response to Natural Resources Wales is based on those discussions and is supported by all Forum and Group members except those noted at the end of this document. The response mainly focuses on the questions posed in the document but the WfL Forum and FEI Country Steering Group would like to raise the following:

- That both groups continue to support the Welsh Government's long term vision for Welsh woodlands set out in Woodlands for Wales and in particular the theme Woodlands for People and its links to education and learning. This strategy and its Action Plan and the Woodlands for People theme must be at the core of the Single Body's future direction of our woodlands and wider environment.
- **That if the Single Body wants current and future generations to look after, value and appreciate the environment, it needs to facilitate the behaviour changes required by providing first-hand learning experiences to the people of Wales**
- That the Single Body should acknowledge the existing woodland education and learning provision within the three bodies and expand it in line with the Government's sustainable development remit and future ecosystem approach in order to facilitate the delivery of the cultural services referred to on Page 5 of the Sustaining a Living Wales consultation document.

**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 WfL Forum and FEI Country Steering Group feel that bringing together the three bodies is a sensible approach in theory, offering a real opportunity to start from scratch, identify new opportunities, and work differently to make the most of the best of each organisation.

However the timescale for the creation of the new body will make it very difficult to make the most of this opportunity.

**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 WfL Forum and FEI Country Steering Group have the following concerns:

There is little or no mention of the social remit of the Single Body and a heavy bias towards the environment. The social side of future work should be explicit at this stage, not implicit which risks important areas being missed.

There is a complete lack of understanding (see Q 6 response) of the use of the woodlands and the wider environment as a place to learn in as well as to learn about.

There is a heavy focus on existing regulatory functions.

There should be a legal obligation for the Single Body to do things: to deliver and facilitate delivery and not just to regulate others.

Compared to other areas of work there is little mention of education, learning, sector skills and health, no mention of the use of the environment for play and no recognition of the importance of the Single Body to the facilitation of Education for Sustainable Development and Global Citizenship (ESDGC) (see WG Information Document numbers: 017-06 and 65/2008).

The document is full of nice-sounding generalities making detailed comment difficult.

There is a heavy bias towards maintaining and conserving but no reference to future development, which is essential.

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

The WfL Forum and FEI Country Steering Group feel that even with the proposed phased approach the overall process of forming the Single Body is rushed. The short time scale does not give time for all opportunities to be identified and developed and

there is great potential that things will be missed. This is already evident in the omission, described above, of the Single Body's social and education remit.

**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 WfL Forum and FEI Country Steering Group feel that the Delivery of Woodlands for Wales and its Woodlands for People theme should be an identified strategic outcome.

The WG strategies and policies listed at 4.2 are limited to those concerned directly with environmental issues. If the Single Body is to have sustainable development at its centre it needs to treat environmental, economic and social areas with equal measure.

The Single Body will need to play a key role in delivering the following Programme for Government commitments and will need to be staffed accordingly:

1/003 - integrate our economic, education, skills and planning policies across all relevant Welsh Government departments and other delivery bodies.

1/014 - Identify opportunities to improve visitor infrastructure and product in Wales

1/035 - Encourage more young people to gain the skills that will develop Wales' potential for economic growth.

4/080 - Help people to lead healthy lifestyles by encouraging physical activity

10/025 - Ensure woodlands are for people - serving local needs for health, education and jobs.

10/029 - Help create a competitive and integrated forest sector with innovative, skilled industries supplying renewable products from Wales.

11/023 - Remain committed to improving public access to land with better access for families and young children.

At the end of page 16, **education and learning** should have been included in the sentence....."develop the value of our natural assets, in order to provide services such as food, water, timber, and recreational opportunities to support society and help our economy grow."

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

The WfL Forum and FEI Country Steering Group feel that the language in Annex 5 needs to be simplified and note that the lists in the first 2 Outcome Themes boxes are the same.

The delivery framework should reference the Programme for Government targets and the links to education, learning and sector skills within.

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

The WfL Forum and FEI Country Steering Group feel that the functions described in tables 1, 2 and 3 are not a reasonable summary. Having so many unnumbered points makes it difficult to refer to them.

We suggest the following:

Table 1

Throughout Table 1 there is no understanding of the link between recreation, education and health, eg Adventurous Activities are now within the Physical Education Curriculum in formal education and the Healthy Schools Initiative. The use of the outdoors is mandatory within the Welsh Government's Foundation Phase for 3-7 year olds.

Table 1, 2<sup>nd</sup> function on page 42 – or Function 15 overall

The term "Environmental Education" is very outdated and its use implies a lack of current knowledge of this area. The term has long been replaced by the phrase "Out of Classroom Learning" – for further detail please refer to the Welsh Government's Information document No: 022/2007 – "Out of classroom learning – making the most of first-hand experiences of the natural environment".

In Function 15, "Supporting outdoor environmental education programmes" should be amended to: Facilitate and deliver access to the benefits of using woodlands and the wider environment for learning and play; both learning about the environment and using the environment as a stimulating area in which to learn.

In many other sections of Table 1, it could be implicitly implied that the social remit of the Single Body is understood but the WfL Forum and FEI Country Steering Group feel that these areas should be explicit to avoid future omissions.

Table 1 may inevitably be viewed as a list of priorities and, if so, education and learning is not described correctly, play is omitted and this essential area of work is fourth from the bottom.

The illustrative "main areas of work" are heavily skewed to the Environment Agency's existing work. This must be reviewed and then balanced amongst the three existing organisations. It must be amended to include all the education and learning themes delivered by CCW and FCW. Without this change the new Single Body cannot meet its obligations under the Government's sustainable development objectives. The WfLF and the FEI Country Steering Group are happy to provide any information that would help with this.

Table 2

We are not clear as to the meaning of 'general powers'. Are these legal powers or ones of general provision? These powers ignore completely the provision of education and training.

The WfL Forum and FEI Country Steering Group suggest a new function : To carry out education (including play) and training programmes in all aspects of the wider environment.

Table 3, Point 4 – Amend to:

To facilitate and deliver equality of access for all persons in Wales to the benefits that the environment and natural resources can provide for health, well being, learning, play and the experience of being outdoors.

**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 WfL Forum and FEI Country Steering Group would like to raise the importance of social research, a role already fulfilled by FR but not mentioned. Only “environmental issues” are referred to. An understanding of the social value of woodlands and the wider environment is a key element in maximising benefit for all.

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

NO COMMENT

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

The WfL Forum and FEI Country Steering Group feel that stakeholders from the social sector should have equal status with those from the environmental and economic sectors. Future stakeholder groups must include representatives from education and learning, training bodies, sector skills, health, play, community groups and the wider third sector. To omit the social sector excludes a key strand of sustainable development and means that the work of the Single Body could not meet the Government’s sustainable development objectives.

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

The WfL Forum and FEI Country Steering Group feel that there should be a balance between the regulatory functions of the Single Body and the Body’s other work areas.

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

The Wales Woodland Strategy received a significant number of original consultation responses and should not be ignored within the new SB. How will the WWS (current policy) and in particular the Woodlands for People section, be delivered and monitored? The WfL Forum and FEI Country Steering Group would particularly like to draw attention to page 31 of the Strategy document which states:

***“More people of all ages benefit from the use of woodlands as a setting for learning and play, leading to an improved understanding of woodlands and trees and the wider benefits which they provide in terms of our economy, society, environment and employment opportunities”***

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**Woodlands for Learning Forum and FEI Country Steering Group Members  
as at April 2012**

Wales Strategy Advisory Panel & Out of Classroom Learning Consultant – Helena Fox  
Forestry Commission Wales – Sue Williams, Roz Owen \*  
Coed Cymru – Nigel Phillips  
Welsh Timber Forum – Richard Withers  
Forest Education Initiative – Kim Burnham\*  
Field Studies Council – Chris Millican

**Woodlands for Learning Forum Members ONLY  
as at April 2012**

Tir Coed – Becky Hulme  
Trinity College St David – Eileen Merriman  
Countryside Council for Wales – Siobhan Hayward\*\*  
Carmarthenshire Forest School – Maggie Fearn  
Cardiff Metropolitan University – Martin Cook and Chantelle Haughton  
Dare Valley Country Park – Emma Elliot  
Bodfari Skills Centre – Rod Waterfield  
Estyn – Bev Jenkins  
Coed Lleol – Zena Wilmot  
Forest School Wales and Forest School SNPT – Awi Francis  
Learning through Landscapes – Wales rep temporarily unavailable

- **Please note that FCW staff are unable to respond to the consultation and therefore Siobhan Hayward, Kim Burnham, Roz Owen and Sue Williams are unable to support this response.**

**\*\* Although CCW is a member of the Woodland for Learning Forum, CCW has submitted its own response to the consultation.**

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## Woodlands for Learning Forum Terms of Reference

The Woodlands for Learning (WfL) Forum is a network of individuals and organisations, statutory, voluntary and industry that are interested in developing and delivering learning both in and about woodland, trees and timber. The Forum is facilitated by Forestry Commission Wales and reports to the Wales Strategy Advisory Panel.

The WfL Forum meets twice a year and aims to:

- promote the opportunities arising from the use of woodlands for learning
- inform WG's Department of Education and Skills of the woodland opportunities, concerns and needs of the formal, informal and lifelong learning sectors
- make recommendations on how to achieve the objectives for woodlands for learning as set out in the [Woodland Strategy for Wales](#)
- raise members' and the industry's awareness of existing and new opportunities in the forestry and education sectors and promote the sustainable use of a woodland environment in the wider outdoor learning context
- represent a cross-section of those involved in the use of woodlands for learning in Wales, sharing and disseminating good practice
- facilitate a flow of relevant information

From: Helena Fox [helena.fox@me.com]  
Sent: 01 May 2012 18:48  
To: SEB mailbox  
Subject: Natural Resources Wales : personal response

Attachments: Helena Fox Personal response to consultation.doc

Please find attached my personal response to the consultation on Natural Resources Wales.

Many thanks,

Helena Fox

## Helena Fox : Personal response

### Natural Resources Wales - Consultation Responses

I am shocked at the omission of so much current provision on education, training and the wide range of social and health benefits that come from public access to the environment. Both the Forestry Commission Wales (FCW) and the Countryside Council for Wales (CCW) have decades of experience in this area. The document seems largely unaware of this and when it does refer to it uses outmoded terms such as 'environmental education'. There needs to be a thorough understanding of the current provision so that nothing is lost on the creation of the Single Body.

The educational and social use of the environment is a valid eco-system service and should be assessed as such. The social element of sustainable development must be equal to the environmental and economic.

The programmes and goals of the Welsh Government's strategy Woodlands for Wales, in particular the Woodlands for People section and its Action Plan, should be entirely transferred to the Single Body.

#### **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 can see that there are benefits to the Single Body, provided that the existing work is carefully mapped to ensure that nothing important is left out. Again, there must be a thorough understanding of all areas of work and the uneven emphasis on some areas needs to be corrected.

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

I would like to see a proper balance between the social, economic and environmental elements of the Single Body's remit. At present, it is too heavily weighted towards the environment and regulatory work.

The SB should have a remit to continue to deliver the wide, valued and proven successful range of social and education programmes run by CCW and FCW.

I would like to see a demonstrated understanding of the environment as a place to learn in as well as a place to learn about.

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

This huge change is being implemented very quickly. I am very concerned, again, that the lack of demonstrated understanding of the education and social themes means that key provision will be lost.

**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, because so many of the social and educational outcomes are omitted. Those listed deal only with environmental outcomes. If the SB is going to have sustainable development at its centre it must demonstrate an understanding of all three elements : social, economic and environmental. How can it meet the WG's goals and its own without this being explicit?

I agree that the Single Body must play a key role in delivering the following Programme for Government commitments and will need to be staffed accordingly:

1/003 - integrate our economic, education, skills and planning policies across all relevant Welsh Government departments and other delivery bodies.

1/014 - Identify opportunities to improve visitor infrastructure and product in Wales

1/035 - Encourage more young people to gain the skills that will develop Wales' potential for economic growth.

4/080 - Help people to lead healthy lifestyles by encouraging physical activity

10/025 - Ensure woodlands are for people - serving local needs for health, education and jobs.

10/029 - Help create a competitive and integrated forest sector with innovative, skilled industries supplying renewable products from Wales.

11/023 - Remain committed to improving public access to land with better access for families and young children.

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

No comment.

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

I support the suggestions for Q6 put forward by the Woodlands for Learning Forum and FEI Country Steering Group.

**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?**

Research is essential. It should not, however, be limited to environmental research but include the wider social uses. Some of this is already done by Forest Research. To plan for this, again, involves a thorough understanding of the social value of the environment. I do not see this reflected in this document.

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

No comment.

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

Stakeholders from the education and social sectors must be included and, again, there must be a demonstrated understanding of these sectors so that key groups are included such as training bodies, education and learning organisations, sector skills providers, play professionals; health and well being bodies and professionals; community groups; charities.

Again, the social element is an essential part of sustainable development and the Single Body cannot meet the Government's sustainable development objectives without its fair, balanced and informed inclusion.

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

Regulation is not the only function of the Single Body, albeit an important one.

Where are the delivery arrangements?

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

How will the existing and planned programmes of each of the three bodies be both delivered and monitored? Much work was done on Action Plans and key indicators and there are mechanisms in place to assess these. My particular interest lies in the future of the Woodlands for People theme within the Wales Woodland Strategy and the education and social programmes of CCW. How will they be managed within the SB?

**From:** David Jenkins [DavidJ@CoedCymru.org.uk]

**Sent:** 01 May 2012 18:54

**To:** SEB mailbox

**Subject:** Natural Resources Wales

**Attachments:** Natural Resources Wales.docx

FAO Carrie Moss

Please find attached a response to Natural Resources Wales from Coed Cymru Cyf.

David Jenkins.

## Natural Resources Wales – A Response from Coed Cymru Cyf

Coed Cymru Cyf is a company limited by guarantee and a charity established in 1989. It provides administrative support for the Coed Cymru Partnership and undertakes research and development projects on its behalf. The views expressed here are those of Coed Cymru Cyf and should not be attributed to the Partnership.

We welcome the opportunity to comment on these proposals. We believe that there is a need for greater coordination in the management of the natural resources of Wales including its woods and forests. While we recognise that every reorganisation causes some temporary disruption we believe that the creation of the Single Body can be an important step in achieving better coordination and we support it.

Coed Cymru has been an active participant in the Woodland Strategy Advisory Panel which brings together and monitors the strategy “Woodlands for Wales”. This provides a long-term vision for woodlands and the wood industries in Wales. We strongly support WSAP and the strategy. We believe it provides an excellent example of how stakeholder engagement can work and we commend it to the new organisation.

We feel that it is important that the new body adopts the philosophy demonstrated by Woodlands for Wales in recognising, in addition to its environmental value, the social and economic context of our trees and woodlands and the crucial part they play in defining the landscape, history and culture of Wales

The threats posed by climate change and long-term trends in timber and fibre markets, however, cannot be ignored. The increased incidence of diseases and pests may be linked to climate change but recent experience suggests that the risks associated with growing single age and single species plantations has increased considerably in the last decade.

The real value of timber based commodities in Europe have declined by 50% on average since 1990 and circa 80% since 1950. While this is a healthy reflection on the European forest resource, it also represents a major challenge to timber growers as production continues to outstrip demand by a considerable margin. The opportunities, however, are real. Trees and woodlands can play an important role in adapting landscapes to cope with the effects of climate change, as we have seen from the research at Pontbren. This has shown that deep rooted broadleaf trees slow down the discharge of floodwater and reduce soil erosion. Streamside woodlands help to stabilise watercourses, reducing bank erosion and diffuse pollution. We have no hesitation in supporting the Welsh Government call to create 100,000 hectares of new woodland, anticipating that it will be



planted to enhance our natural resources notably soil, water, agricultural production and biodiversity. We would wish to increasingly see existing woodlands in active management for a more diverse range of objectives and to improve their resilience to threats from natural forces and the vagaries of the timber market.

For the past five years, Coed Cymru, with the support of a wide range of partners, has developed an unique and highly innovative building system based on the characteristics of home grown softwood. While commodity prices for timber have fallen the research which led to the Ty Unnos building system will enable a wide variety of home-grown timbers, both softwood and hardwood, to be transformed through manufacturing into affordable housing and other buildings of outstanding performance. We believe that making a direct link between the forest and a pressing social need (housing) and our national targets to reduce fossil fuel use makes a persuasive argument for maintaining timber production.

Details of all our research activities can be found on [www.coedcymru.org.uk](http://www.coedcymru.org.uk)

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?

We take a positive view of this in as far as it goes. We are concerned that the development and administration of the Agri- Environment Programme including Woodland Grants is outside the remit of the Single body. This is a very important factor in determining land management practice and must be included in the remit of the Single Body.

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 would wish to see "Woodlands for Wales" specifically endorsed to provide some continuity of policy and practice through a period of change.

Q3 What are your views on this phased approach? How could we improve upon it?

Some phasing is inevitable but the priority must be to put staff and structures in place as quickly as possible to avoid uncertainty, the erosion of morale and the loss of experienced staff.

Q4 Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?

Yes, but they must be pursued with greater urgency. We strongly welcome the commitment to make sustainable development the "central organising principle" of the new body.

Q5 What are your views on the approach to the delivery framework?

The recognition that a “step change” is necessary is welcome. “Maintain, Improve, Develop”; this chimes well with the more specific objectives of Coed Cymru Cyf.

Q6 Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?

This seems a reasonable starting point to identify opportunities to avoid duplication and poor fit in the existing arrangements.

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?

We support the move to consolidate plant health under the Single Body but we have wider concerns about the effectiveness of plant health regulations to prevent the import of new pests and diseases e.g. with ornamental plants.

Q8 Do you agree with the proposals for coordination of Welsh Government investment in environmental research? How could we improve them?

We believe that an active research programme focussed on the particular priorities for Wales is essential to the development of coordinated, integrated policy and practice in our field. While we wish to see our efforts coordinated with others working across the UK, Europe and the rest of the world, we consider that Wales has not fared well under previous arrangements. We consider that focussed, practical research led by need and harnessing the considerable creative energy of the three bodies and academic and other partners is vital given the scale of the challenge facing us. Again we would cite WSAP as an example of stakeholder engagement capable of maintaining focus and drive in the research programme.

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?

The structure proposed seems reasonable but as elsewhere the devil will be in the detail and we wish to continue to engage in the process as the new body develops.

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?

Again, we would cite WSAP as a good example of an effective stakeholder group, although we recognise that the wider remit of the Single Body will require a number of specialist groups properly managed to ensure good coordination and integration.

We are grateful for the opportunity to contribute to this exciting project and we would be happy to enlarge on any aspect of our submission.

David Jenkins.

Director.

1<sup>st</sup> May 2012.

From: John Morgan [jfm@woodlander.co.uk]  
Sent: 01 May 2012 20:18  
To: SEB mailbox  
Subject: Natural resources Wales - Proposed arrangements for  
establishing and directing a new body

Attachments: SEBconsultation.doc

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

I attach as a Word doc my response to the above consultation,

Best wishes, John Morgan

## **Natural resources Wales - Proposed arrangements for establishing and directing a new body.**

In Wales forestry has a role to play in fulfilling both the Welsh Government's environmental and economic development objectives.

The Welsh Government owned forests amount to 40% of the total woodland area of Wales and it also represent the area which can most easily respond to the needs of the public at large. The management of these forests will be critical to reaching Welsh forestry objectives, both in the sense of their actually being achieved and also in their being achieved in a cost effective way. It is therefore a matter of concern that there is no clear indication as to the management structure for the publicly owned forests.

As the public forest estate developed, especially with increasing wood production, and as the private sector increased, together with increased public interest in the recreational and other benefits of woodlands generally, the Forestry Commission established the 'Forest Enterprise' as its management organization and hived off the remainder of its work mainly to a 'Forest Authority'. After devolution the Forest Enterprise disappeared.

It seems to me that reviving the idea of a 'forest enterprise' is all the more important if forestry in Wales is going to be part of a larger single environmental body. The management of the Welsh Forests needs technical and managerial skills which can be considered different to the kind of skills required for policy making and the devising of grant schemes and for other matters within the new body. There is therefore a need for a "Welsh Woodland Enterprise" or 'Menter Coedwigoedd Cymru' with its separate accounts. The top level management of the new body is unclear at the moment but one would envisage the head of the 'forest enterprise' being a board member with direct responsibility to the head of the organization, presumably the chair.

The separating out of the management of the forests would give confidence to investors in wood using enterprises, and others who have a business interest which will help develop local economies. The top posts advertised publicly for this sort of organization might be of interest to people with a managerial background who would not consider themselves appropriate for a more diffuse single environmental body. The organization would develop an expertise and esprit de corps which would be more difficult to achieve if forest management was lost somewhere in the new single organization. There is still a lot of experience within the Forestry Commission of managing forests for the often competing objectives of wood production, recreation and the environment. If management of our Welsh forests is not singled out for special attention this expertise and the tradition of multipurpose management will be weakened or even lost.

The private sector has of course an important part to play in meeting woodland objectives. The need here is perhaps as much one of detailed policy as organization. There is a need to reduce bureaucracy. Forestry grant forms are now so complicated that the typical applicant is unable to complete the forms, agents having to be paid by the Forestry Commission to do the work. There is also the need to recognize further that meeting public non market objectives can still incur private costs. There is the need to recognize that the growing of trees is rarely a commercially viable proposition, and especially not with broadleaved planting. At private sector meetings I have attended the complaint has been that the Forestry Commission grant advisers have little detailed knowledge of woodland management, a reduction having been seen over the last 10 years or so of staff with forestry qualifications. Attention to these types of issues will enable a cost effective contribution by the private woodland sector to Welsh woodland objectives.

*John Morgan, former Director (Wales) of the Forestry Commission*

**From:** Emyr W Evans [evans@emyrwyn.freeseve.co.uk]

**Sent:** 01 May 2012 20:36

**To:** SEB mailbox

**Subject:** NATURAL RESOURCES WALES

**Attachments:** NATURAL RESOURCES WALES\_ PUBLIC CONSULTATION DOCUMENT.rtf

Member of: WSTAA • Genweirwyr Gwynedd • ACA

# Cymdeithas Enweiriol Pwllheli a'r Cylch

## (PWLLHELI & DISTRICT ANGLING ASSOCIATION)



*President: - Mr D W Owen 3 Ship Terrace Abererch Pwllheli Gwynedd LL53 6YU*

*Chairman: - Mr M Roberts Gwynfa Ffordd Rhedyw Llanllyfni Caernarfon Gwynedd LL54 6SG*

*Secretary/Treasurer: - Mr E W Evans 2 Fron Oleu Caernarfon Road Pwllheli Gwynedd LL53 5LN*

*Membership Secretary: - Mr D W Hughes 4 Ger y Ffordd Eifion Terrace Y Ffor Gwynedd LL53 6UP*

**1<sup>st</sup> May 2012**

**Dear Minister,**

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

**Mr E W Evans Pwllheli & District 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,**

*Emyr W Evans*

**Signature**

**On behalf of Executive Committee Pwllheli & District Angling Association**

**From:** GRAHAM KING [gad.king@btinternet.com]

**Sent:** 01 May 2012 20:39

**To:** SEB mailbox

**Subject:** SW AEG - Comments on Single Body Consultation

Environment Agency Wales South West Area Environment Group (AEG) were invited to comment on stakeholder engagement as part of the Single Body consultation process. The AEG is a group of stakeholders from across sectors, who provide advice to the operational Area on its work.

The outcomes of a discussion involving the members who attended our latest AEG meeting in March were:

- Members expressed strong views that geographically based stakeholder groups similar to AEG should be considered under the new Single Body (SB). AEG currently provides an insight into the work of the Environment Agency and provides important links with local authorities and industry for collaborative work, particularly at a local level. It also plays a valuable advisory and influencing role.
- Members expressed the need for scrutiny and local accountability of such a large organisation as the SB. Although there would be WG scrutiny committees, engagement with stakeholders via AEG reinforces this.
- The AEG chair felt that with the loss of both EPAC and FERAC there is a danger of losing autonomy to Welsh Government.
- Members queried that if AEG, FERAC and EPAC are disbanded how will feedback continue to be provided on issues of interest?
- Members were of the view that the occasional disagreements between the various bodies over the past few years have been useful in identifying issues, and highlighting the difficulties in environmental decision making. It is considered important that the SB will be open and transparent about such internal discussions, and decision making in the future.
- Members stressed the importance of the energy sector in the work of the Single Body.
- Members felt that the National Parks also need to be considered in order to adopt a fully integrated approach.



Graham King  
Chairman – SWAEG

Gall yr wybodaeth yn y neges hon fod yn gyfrinachol, ac yn gyfreithiol freiniol. Os ydych wedi derbyn y neges hon trwy gamgymeriad, rhoddwch wybod ar unwaith i'r sawl a'i gyrrodd, os gwelwch yn dda. Yna dilëwch hi, a pheidiwch â gyrru copi at neb arall.

Bu inni fwrw golwg ar yr e-bost hwn a'i atodiadau, rhag bod feirysau ynddo. Serch hynny, dylech chwilio unrhyw atodiad cyn ei agor.

Efallai bydd rhaid inni ryddhau'r neges hon, ac unrhyw ateb iddi, i sylw'r cyhoedd pe gofynnid inni tan y Ddeddf Rhyddid Gwybodaeth, y Ddeddf Gwarchod Data neu at ddibenion ymgyfreithio. Y mae'n bosib hefyd y darllenir negesau ac atodiadau e-bost a yrrir at unrhyw gyfeiriad Asiantaeth yr Amgylchedd, neu a dderbynnir oddi yno, gan rywun arall na'r gyrrwr a'r derbynnydd. Hynny at ddibenion busnes.

Os ydym wedi gyrru gwybodaeth atoch, a chithau'n dymuno'i defnyddio, yna ddarllenwch ein telerau a'n hamodau, os gwelwch yn dda. Gellir eu cael trwy ein galw ar 08708 506 506. Am ragor o wybodaeth ynghylch Asiantaeth yr Amgylchedd Cymru, ewch at [www.asiantaeth-amgylchedd.cymru.gov.uk](http://www.asiantaeth-amgylchedd.cymru.gov.uk).

\*\*\*\*

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From: Mihaela Trelea-Newton [m\_trelea@yahoo.com]  
Sent: 01 May 2012 20:50  
To: SEB mailbox  
Subject: Consultation response

Attachments: SGF consultation response.doc

Dear Sir/Madam

Please find attached the response of the Scottish Geodiversity Forum to proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

Your sincerely,

Mihaela Trelea-Newton (secretary of the SGF)

## **Response of the Scottish Geodiversity Forum to proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources**

### **Who are we?**

The Scottish Geodiversity Forum ([scottishgeodiversityforum.org](http://scottishgeodiversityforum.org)) is the national voice which aims to promote Scotland's geodiversity, and seeks to widen the profile of geodiversity and influence national and local policies. We do these through various activities including organising events, writing leaflets and encouraging and supporting partners such as Countryside Rangers; by working with Visit Scotland to promote Scotland's geodiversity; by supporting local geoconservation groups to designate and monitor Local Geodiversity Sites to ensure they are included in Local Authority and Scottish Government plans and policies. The Forum spans a wide membership from organisations to individuals. We are a member of Geocanservation UK (GCUK).

Significant progress has recently been made regarding the recognition of the value and importance of the contribution of geodiversity to society in the ecosystem services framework. The Forum has worked with partners and the Scottish Government to produce Scotland's Geodiversity Charter, <http://scottishgeodiversityforum.org/charter/> which will be officially launched in June 2012.

### **The Forum's response to the "Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources"**

We recognise that there are Welsh bodies who are in a position to provide appropriate analysis of this document, but also feel that there is much value in working together and benefitting from the experience of other parts of the UK.

The Forum welcomes the initiative of the Welsh Government for a holistic ecosystems approach to managing the country's natural resources. We share your belief that united forces with a widespread expertise and a common target can ultimately improve the quality of people's life in these challenging times.

There is, however, one concern which we would like to raise: explicit reference to the importance geodiversity is almost completely lacking throughout the document. Merely indirect reference to it in the mentioning of "natural resources", "soil" and "land" is not enough to convince the reader that geodiversity is going to be seriously considered in future actions.

We feel it is crucial to note that geodiversity underpins everything:

- It sits alongside biodiversity as part of our environment;
- Supports and often determines biodiversity (case studies can be found on [www.scottishgeodiversityforum.org/case-studies](http://www.scottishgeodiversityforum.org/case-studies));
- Is the abiotic/mineral component of soil;
- Underpins landscapes and seascapes;
- Directly influences coastal erosion and flooding hazards;
- Is important in the management of water resources;

- Key factor in outdoor recreation;

A few places where direct mention of geodiversity, geology or geoconservation is painfully missing:

- Section 2.2.2 “We will continue to protect and enhance the environment and biodiversity”
- Section 4.1 “Regulatory decisions must protect air, water, soil quality and biodiversity to ensure[.]”
- Section 4.3 “[...] to ensure the best, most sustainable use of our natural resources, the land, air, water and biodiversity of Wales, for long-term public benefit”

In section 4.1, you specify “The new body would [...] (be) drawing on science and evidence informed by operational practice.”. Will an Earth scientist be part of the executive board? Especially in the case of coastal erosion and flood prevention – which appear to be key-issues on the new body’s agenda – the expertise of a geomorphologist is needed if a sustainable solution is to ever be found.

We do hope that these comments are constructive and that the final document will indeed be an example worth following for a truly holistic approach to the management of natural resources. We recommend, based on our experience in Scotland, that a Welsh Geodiversity Charter would be valuable in highlighting the importance and value of geodiversity and its immense contribution to many aspects of natural resources.

Yours sincerely,

Angus Miller (Chair – [chair@scottishgeodiversityforum.org](mailto:chair@scottishgeodiversityforum.org))

&

Mihaela Trelea-Newton (Secretary)

Scottish Geodiversity Forum

c/o 2/33 Pentland Drive

Edinburgh EH10 6PX

[www.scottishgeodiversityforum.org](http://www.scottishgeodiversityforum.org)

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

**Sent:** 01 May 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: Barbara Anglezarke

Organisation (if applicable):

Email / telephone number: barbara.anglezarke@me.com 01874 658662

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

In theory, this is a sensible approach, offering a real opportunity to start from scratch and work differently, making the most of the strengths of each organisation and learning from and leaving behind the weaknesses. However, the form of the new organisation has been decided before its function, principles and ethos have been set out and consulted on. The strengths and weaknesses of each organisation have not been mapped against essential functions of the new SB, so it is difficult to see how learning will be applied and new ways of working taken forward. What aspects of each organisation are valuable and need to be built on, and what practices, behaviours and culture will we leave behind? The broad principles set out in the document are very high level and aspirational – further details are needed in order for comments to be meaningful.

It would be good to know why in the initial Business Plan, the outcomes for people criterion was given only a 10% weighting. People are at the heart of an ecosystems approach and cannot be separated from ‘the environment’. If the aim of the SB is to achieve greater understanding and behaviour change in the general population, then a people centred approach is essential and needs to be a central aim. If sustainable development is to be the ‘organising principle’, then social, economic and environmental issues must have equal weighting in organisational structure, delivery and aims.  $\Sigma$  The consulted stakeholders cited in 2.4 do not include a range of others for whom access to and the use of woodlands

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?:

and green space is central – e.g. recreation and tourism businesses, education and skills trainers, community groups and social enterprises, communities of interest (mountain bikers, walkers, horse riders). Has a full stakeholder analysis been carried out? If so, it would be useful to see this. Again, if real change is to be achieved, those beyond the ‘traditional’ stakeholder groups must be and feel genuinely involved and valued. How will the enterprise sector and the general public be engaged? The creation of a new organisation is a unique opportunity to get this aspect of engagement and interaction work right from the start, rather than tacking it on later.

It’s widely agreed that form should follow function, so it is illogical for the shape of the new delivery organisation to be set before its remit and functions are clarified and defined. It will be essential for WG planners to be centrally involved in the new body, as their influence will be highly significant in both urban and rural settings. It would be useful to know more about how planning issues will be reflected and managed in the SB.

Again, if the SB is to have sustainable development as its central organising principle, and take major decisions that ‘affect the quality of life of people in Wales’, then reference to how the Body will engage, involve and consult people and communities needs to be clear.

Although people are mentioned in the document, exactly how it’s planned that the SB will engage and interact with them and what resources will be allocated to this important function is not stated. Reference needs to be made to the National Principles for Public Engagement in Wales, endorsed by the First Minister on behalf of the Welsh Assembly Government. The WG strategies and policies listed at 4.2 are revealingly limited to those concerned directly with environmental issues. Again, if SD principles are at the heart of the new SB, then social and economic outcomes must also be among its priorities, ‘supporting employment and wellbeing’ as stated in 4.3. As well as greatly improved integrated, cross-departmental working across the WG, the SB will need to play a key role in delivering the following Programme for Government commitments: o 1/003 - integrate our economic, education, skills and planning policies across all relevant Welsh Government departments and other

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

delivery bodies. o 1/014 – Identify opportunities to improve visitor infrastructure and product in Wales o 1/017 - Continue our efforts to regenerate our town centres through planning policies o 1/018 - Revive our seaside towns by investing in the infrastructure, renewal and regeneration of communities. o 1/035 - Encourage more young people to gain the skills that will develop Wales’ potential for economic growth. o 4/080 - Help people to lead healthy lifestyles by encouraging physical activity o 9/002 - Continue to invest in our most deprived communities, integrating our Communities First Programme with all our regeneration activity and ensuring that Communities First areas are a priority for funding across all Welsh Government programmes. o 10/025 - Ensure woodlands are for people - serving local needs for health, education and jobs. o 10/029 - Help create a competitive and integrated forest sector with innovative, skilled industries supplying renewable products from Wales. o 11/023 - Remain committed to improving public access to land with better access for families and young children. The new body needs to have an explicit legal function to engage, involve and consult with the public in all aspects of its work. Suggest the following revised aim for the SB to emphasize this: “To work with the people, communities and businesses of Wales to maintain, improve and develop Wales’ natural resources to deliver benefit now and into the future.”

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

The language used in Annex 5 needs to be simplified with jargon removed. A SMART approach is required – is this just an indicative structure? Not all the ‘Themes’ are reflected in the ‘What success will look like’ column, e.g. health and well-being. The lists in the first 2 Outcome Themes boxes are the same – is this an error? Need to identify and establish much more explicit economic and social objectives and measures. Need explicit reference to Programme for Government targets Need outcome focussed longitudinal monitoring and evaluation built in from the outset with stakeholder feedback. Consider use / development of the Groundwork Wales Green Infrastructure Valuation Toolkit to measure outcomes.

The functions listed have an environmental management bias – need to develop and include social and economic functions too if the overall aim is to deliver sustainable development outcomes. Evidence based spatial targeting is an essential starting point – it won't be possible to undertake all these functions everywhere, so an underpinning, easy to use methodology is needed. There are a number of tried and tested models which can be used and developed. Whilst it's assumed that public involvement and engagement will take place and run through all the functions listed, and that all staff will have some responsibility for this important work, a dedicated facilitation resource will be essential and should be included as a function in its own right. At present, many of these functions are only a small part of the job descriptions of staff in the three bodies and other delivery and legal / health and safety functions understandably take priority. The creation of a new body offers a great opportunity to resource this work properly in its own right. Illustrative examples would include: - information, guidance and support for colleagues within the SB, in WG departments, public and third sector bodies - consultation and engagement with the general public, community and interest groups – especially those in Communities First areas, and those with high indices of multiple deprivation - grant programme management and facilitation – including support for Glastir applicants - health and wellbeing – promotion, opportunities, initiatives - education, skills training and lifelong learning - facilitation and management of access to NNRs and the WGWE for a range of social enterprises, activities, events and projects - promotion and management of volunteering - enterprise advice and support - transport - small scale, community managed renewable energy schemes - urban woodlands and trees - FCW's Woodlands and You framework / CCW's Come Outside! - Social research, monitoring, evaluation One of Natural England's Directorates, 'Delivering with Communities' is entirely aimed at this crucial area of work - see [http://www.naturalengland.org.uk/Images/Organogram-February2012\\_tcm6-28379.pdf](http://www.naturalengland.org.uk/Images/Organogram-February2012_tcm6-28379.pdf) It's unclear why Visitor Centres should be provided through commercial franchise? The primary function of VCs is to provide a

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



service to the public – they are the potential ‘shop windows’ of the SB, educating and promoting understanding of the environment and ecosystems, providing opportunities for volunteering and involvement, and directly delivering a range of Welsh Government objectives. Options appraisals should be carried out before any decisions to change current management arrangements are taken. Table 2 ‘General Powers’ - again, should include an explicit function to engage, involve and consult with the public in all aspects of its work. Table 3 ‘Main Factors’ - development of a spatial targeting methodology will be essential.

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?:

Need to define the scope of ‘forestry policy’ function transfer to WG and the ongoing role of Forest Research. How will the WG Planning Division work with the SB? As already stated, planning will be a central issue in all the SB’s work.

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

An integrated and inclusive sustainable development approach to research is needed, including social and economic research, not solely environmental research.

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

It will be essential to ensure that Board members represent all stakeholder interests – including the third sector and civil society (e.g. WCVA, Cynnal Cymru). Again, an explicit role of the CEO and the Board should be to ensure that public engagement is being undertaken effectively and in accordance with the agreed National Principles.

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

Details of the stakeholder analysis required – who will be the SB’s key stakeholders? These need to include economic, social and environmental organisations and spheres and representation from each should be balanced to avoid bias. A third sector / civil society board or sub-group would help to provide specialist advice and best practice guidance, and well as facilitating access to this wide sector.

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

No comment

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

An independent Equality Impact Assessment should be carried out on the final draft of the SB proposals and recommendations. Health and wellbeing issues need to be given much greater emphasis, along with skills, training and enterprise – the sustainable development model used by the SB is at risk of being heavily skewed to the environmental strands. We need genuine and innovative cross-departmental/sector working to really start to deliver new and effective outcomes. The Programme for Government aspirations for urban regeneration and flood risk management need to be addressed and details of how the SB will influence urban green-space and benefit urban communities set out clearly. Language used through all documents (public facing and internal) needs to avoid jargon and be simple, consistent and easy for all to understand – unless concepts are clearly presented, easy to grasp and attention grabbing they will not be readily adopted. Currently they are just confusing - all of the following are referred to with no definitions given: - National Infrastructure Plan - Natural Environment Framework - A Living Wales - Natural Resources Wales - Networked Environment Regions - Ecosystems Services Approach - Sustainable Development This needs clarification at an early stage - consultation with non-specialists recommended.

**From:** Andrew Stumpf [Andrew.Stumpf@britishwaterways.co.uk]

**Sent:** 03 May 2012 09:24

**To:** SEB mailbox

**Subject:** Natural Resources Wales - Proposed arrangements for the Single Body

**Attachments:** Single Body Draft Response v2.docx

In my haste I attached the earlier un proof read version of my response when I sent it on the 1<sup>st</sup>. If it is possible to substitute the attached I would be grateful. The content is the same but typos and duplicated words not picked out by the spell checker have been cleaned.

Kind Regards

Andrew Stumpf

Head of National Programmes – Pennaeth Rhaglenni Cenedlaethol

M : 07710 175070

British Waterways - Dyfrffyrdd Prydain

The Wharf, Govilon, Abergavenny, Monmouthshire, NP7 9NY

Y Lanfa, Gofilon, Y Fenni, Sir Fynwy, NP7 9NY

Fax/Ffacs 01873 831788

[www.britishwaterways.co.uk](http://www.britishwaterways.co.uk)

[www.waterscape.com](http://www.waterscape.com)

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## **SINGLE BODY 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? :**

British Waterways does not have a view on the creation of a single body. We have worked effectively with all three organisations at an operational level, at an “industry” level and at a delivery level. We would wish to see a continuation of those areas where we have worked with the bodies for example:

- As a grantee receiving funding from the Splash fund and directly from CCW for the delivery of projects to increase recreational access and use of green / blue infrastructure
- As part of the Countryside Recreation Network sharing best practice at an industry level across the UK’s four nations and at a European level.
- In undertaking and supporting research including biodiversity protection and enhancement, water framework directive measures, social, environmental and economic outcomes from access and use of the outdoors, etc.
- Joint support for conferences and activities in Wales, for example the Waterway Conference and Assembly Cross Party Waterways Group.
- Operational issues such as waste management, flood management, etc.

As the canals owned and operated in Wales by British Waterways pass from Defra control to that of Glandwr Cymru – the Canal and River Trust in Wales – there is an opportunity for a closer working relationship between the Single Body and the Trust to ensure the canals are used to deliver for the Programme of Government and the specific and wider social, environmental and economic needs of Wales.

There is also the opportunity for further co-operative working with other bodies in Wales, for example the National Trust, Sustrans, Cadw, etc., where our agendas and objectives align.

### **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? :**

British Waterways is currently a public corporation that combines regulatory duties (boat licensing), facilitation (providing infrastructure through which others can offer services), service delivery (commercial activities and public services such as conservation of historic and natural assets), etc.

Inclusion of the commercial activities has allowed the organisation to attract people with the skills, experience and knowledge in order that it can adopt a private sector approach (value for money, the beneficiary pays where practicable) with a public sector ethos (long term approach, public service).

In this way we have been able to form an effective bridge between the public and private sectors, most evidently, for example, in encouraging regeneration of some of our industrial heartlands.

The inclusion of the Forestry Commissions' **commercial activities** within the single body could reinforce a culture of financial discipline of value to its public service delivery and complementary to its broader objectives.

The three bodies each undertake **monitoring, evaluation and research**. The Forestry Commission in particular is a lead in researching and evaluating the social and well-being benefits of access to the outdoors. The new body needs to have a duty to continue such work so that its policies (and those of the Welsh Government) are underpinned by best practice and solid evidence. Longitudinal studies over many years may be required to quantify the long term benefits of policies, for example those encouraging better mental or physical health. The Single Body should be required to continue to work with its counterparts across the four nations and Europe.

To achieve the Welsh Government's long term aims **new models for evaluation** of projects may be required taking greater account of non-market benefits that may accrue. Current Green Book models, while paying lip service to non-market benefits, are highly skewed towards economic outcomes and current practices.

The organisation needs to be at sufficient distance from Government to be able to be a "wise friend" offering **honest and unbiased advice** which may not always be what the Government wishes to hear.

A single point of contact and a **single view** on any particular issue would be welcomed. Currently water quality, flood alleviation, ecological impacts, etc., may each be commented upon separately leaving the applicant or planning authority to determine a path through the options. The private sector seeks certainty regarding the hoops it needs to jump through and in evaluating the viability of potential investments.

Encouraging **recreation and access** needs to continue to be a fundamental part of the Single Body's responsibilities. Not least because informal access underpins healthy activity, sport and tourism which themselves have economic and social benefits. Similarly **education** needs to be part of the body's activities to ensure a cultural shift takes place over the long term enabling people to understand and value their environment and to access it safely and responsibly.

While the existing bodies' responsibilities are largely concerned with the natural environment of equal importance is the **built environment** – the social and cultural landscape in Wales has been largely man made and is as much part of the character and distinctiveness of Wales as the wealth of natural riches. Our cultural heritage provides the anchor that connects communities and people to each other and the landscape. This is of equal importance to rural and urban populations.

There needs to be explicit links with other forthcoming **legislation**, not least the Heritage and Planning Bills.

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

The Phased approach would appear to be appropriate given the raft of legislation that will follow. The powers (and current activities) of the existing bodies should all be included at the outset with the ability to add to those powers as the approach develops.

**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 inclusion of “benefit to the people and economy of Wales” is supported.

There also needs to be clarity that the **built and social heritage** is as important as the natural heritage and is included within the aims as expressed in the document.

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

It was apparent from discussion at the launch event that the Welsh Government is taking the long view. In measuring performance there needs to be a clear separation between long term outcomes and lead measures (and milestones).

Valuing social, well-being and environmental outcomes can be challenging. **Research, monitoring and evaluation** and spreading of best practice should be a duty of the Single Body.

Exemplar case studies should be used to celebrate and illustrate the broad high level (qualitative) outcomes, to indicate travel towards the 25 year goals and **changes in behaviour**. There also needs to be a **finer grain** in the outcome measures, for example, to ensure populations at risk from poor health are able to access open space etc.

**Strategic partnerships** with “trusted partners” should be a measure. Accredited trusted partners should be subject to light touch regulation allowing resources to be concentrated on high risk areas.

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

Improving access to the environment for outdoor recreation needs to include access to water (including **canals**).

**Grant aid** should include other public and third sector bodies. British Waterways has received grants from CCW and the Splash fund to work with third sector and public partners in increasing access and understanding.

Community **capacity building** and education should also be included to assist in the cultural change required in understanding of the eco system approach and responsible use of green and blue space.

**Research** should be added to ensure a risk based rather than precautionary approach is taken. It should also support and value health and social benefits of the countryside. The built and social heritage is part of the cultural services delivered by eco systems and therefore should be mentioned explicitly. It is included in Table 2 but of equal value is monitoring and evaluation of initiatives and grant programmes.

Table 2 should include the development of **strategic partnerships** with other bodies where there is mutual benefit. This also to include accreditation of partners allowing light touch regulation similar to the Heritage Partnership Agreements which allow certain agreed and specified activities to be undertaken without further consent being sought.

In table 3 **costs and benefits** need to include non-market benefits (which can sometime be difficult to quantify). If existing market measures and models are used then the same outcomes as now will result.

The inclusion of the built and social heritage is welcomed and supported as it is important to well-being and creating a cultural anchor for people in their landscape.

Cross border working will be hugely important given the mobility of species and people – tourists and employees – existing habitats and infrastructure are cross border in many cases.

**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? :**

**Strategic partnerships** with “trusted partners” should be developed by the Single Body to reduce administration within both parties. Trusted partners would be accredited to undertake specific agreed works without recourse to the Single Body. An analogy are the Heritage Partnership Agreements allowing the named body to carry out specified works to listed buildings without individual listed building consent. Activities are included, excluded or “subject to notification”.

The transfer of navigation responsibilities is noted. The canals of British Waterways in Wales will transfer to the **Canal and River Trust** in the summer of 2012. The navigations of the Environment Agency may also be transferred to the Trust after the next CSR in 2015/16 subject to the agreement of the Trustees.

As the canals owned and operated in Wales by British Waterways pass from Defra control to that of Glandwr Cymru – the Canal and River Trust in Wales – there is an opportunity for a closer working relationship between the Single Body and the Trust to ensure the canals are used to deliver for the Programme of Government and the specific and wider social, environmental and economic needs of Wales.

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

The existing bodies and the Forestry Commission in particular have an established record in undertaking research, making the results publicly available and promulgating best practice through groupings such as the Countryside Recreation Network.

We take advantage of that evidence and share our own research and evidence through the same routes.

There is a difference between national and pan national research and project based research and all need to be undertaken. We would be concerned if there was a diminution of such outputs and its accessibility. Indeed the approach to a Sustainable Living Wales would indicate the need for more evidence that activities have clear social, economic and environmental outcomes.

We believe that some research is better delivered at the level where the projects are undertaken rather than at a Governmental level. We have also taken advantage of research undertaken in Scotland (by the Forestry Commission) and Ireland.

There also needs to be coordination with Cadw and other bodies and this may be better sponsored by the Welsh Government (and others) but undertaken across the four nations.

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

We agree that the Body needs to be free to offer independent advice to Government.

Further we agree that the Members should be appointed based on ability and to reflect the breadth of activities of the Single Body including the commercial activities currently undertaken by the Forestry Commission.

We also agree that the needs of Wales in a European context need to be reflected in the programmes under development from 2014 onwards (we too wish to see greater recognition of the role waterways could play in EU2020 other than freight transport).

**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 this section.



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

Where the Single Body regulates other parties (e.g. abstraction licences) it needs to offer a single view striking the appropriate balance between economic, environmental and social factors for Wales. That view must be based on risk and not a precautionary approach and any proposed regulation should only be implemented once that risk has been established.

The Body, in taking its view, should be required to demonstrate that it has considered a number of options and the impact of the approach it proposes to take.

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

As a cultural change is required the enabling forthcoming legislation may need to be supported by Codes of Practice and sector ambassadors to spread best practice to others in their sector. The Single Body should be active in supporting these initiatives.

Andrew Stumpf

Head of National Programmes /Pennaeth Rhaglenni Cenedlaethol

British Waterways / Dyfrffyrdd Prydain

The Wharf, Govilon, Abergavenny, Monmouthshire, NP7 9NY

Y Lanfa, Gofilon, Y Fenni, Sir Fynwy, NP7 9NY

**From:** Glyn Griffiths [glyn.bodlondeb@virgin.net]

**Sent:** 01 May 2012 22:46

**To:** SEB mailbox

**Subject:** Natural Resources Wales Consultation

**Attachments:** consultation Natural resources Wales.doc

Carrie Moss

I would like to submit the attached views to the above consultation

O G Griffiths

O.G & N Griffiths  
Bodlondeb  
Rhyd  
Penrhyndeudraeth  
Gwynedd LL48 6ST  
Tel. 01766770640  
Mob 07702587421  
[glyn.rhyd@gmail.com](mailto:glyn.rhyd@gmail.com)

16<sup>th</sup> April 2012

## Natural Resources Wales Consultation

Dear Minister

I can recognise and appreciate the need for the creation of a Single Body in Wales to meet current environmental, economic and social pressures on Wales's natural resources and to manage them in the most sustainable manner possible, being beneficial in some respects.

Having perused the consultation document I take particular exception to section 5.5 Internal Drainage Boards in that the three bullet headings are too simplistic and do not put forward the counter view, therefore I would like to submit the following response to the above consultation.

Regarding governance of the IDBs, land owners/occupiers (the ratepayers) are elected onto the boards and local authorities appoint members to the board as representatives of the wider community. Which ensures the local community can govern the management of their own water landscape in these specially designated areas.

This can not be said of the eleven Internal Drainage Districts (IDDs) in North West Wales, which previously had Boards who governed them locally, but are currently administered by the Environment Agency and governed by the Flood Risk Management Wales Committee with no local ratepayer or local community representation.

I believe a far better option would be to form two IDBs from the eleven IDD's in North West Wales (which would ensure local ratepayer and local community representation), with these new Boards working in co-operation with the other three existing Boards, to govern the management of the water landscape, and implement the environmental measures in the Water Framework Directive within these specially designated areas. With the new Body as an overseer to ensure that governance and probity are met.

Regarding resilience and economies of scale, I believe again an IDB would be a far better option to deliver the maintenance and upkeep in these areas. The Environment Agency has expressed concern that their administration and maintenance regimes in the IDD's are uneconomic.

I have obtained costs from the EA regarding the maintenance and cleaning of the main water courses in the eleven IDD's in North Wales of eighty pence per meter, using their own equipment or using national (UK) contractors.

A local contractor would be able to carry out the work to the same standard for thirty pence per meter, but is unable to tender due to the EA's policy.

Using local contractors would benefit the local economy with the income raised from the rates staying within the local economy and the work carried out at almost a third of the cost.

Therefore I strongly believe that there is no justification in your proposals for change. The mechanisms in place within the Land Drainage Act 1991 provide the basis for a functioning locally driven and funded solution to managing water levels in these designated areas, also the constraints placed by the Flood and Water Management Act 2010.

Yours Faithfully

O G Griffiths

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

**Sent:** 01 May 2012 23:45

**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: Neil Scott

Organisation (if applicable): National Laboratory Service Llanelli, part of The Environment Agency

Email / telephone number: nscott2742@gmail.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 think that this is the way forward for Wales and has a lot of potential to improve every aspect of our environment and the processes that manage it.

Question 2: In developing our proposals for the body, are there additional measures we could take to address the concerns we have identified in section 2.4 or any other concerns which you have?: The provision of laboratory services for the analysis of Welsh samples, river and beaches appears to have been overlooked. The laboratory at Llanelli could do all this work with the highly skilled and experienced staff that work there at the moment.

Question 3: What are your views on this phased approach? How could we improve on it?: The phased approach has to be done very carefully but efficiently to take in all aspects of the single body and to deliver it to a tight timescale.

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 I think they do provide a good basis for a positive outcome.

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?: Where work to maintain through compliance with for example Water Framework Directive & Bathing Waters Directive is highlighted there is no mention of having a Wales laboratory that could undertake this work. The laboratory at Llanelli is ideally set up to do this.

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

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?:

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:

Yes I do agree with the proposals, but I wish to highlight that research & development projects for the analysis of environmental samples are currently being done at the laboratory at Llanelli.

I work for the National Laboratory Service at Llanelli, which is part of the Environment Agency, not Environment Agency Wales. We have highly experienced and technically skilled staff currently working on R&D projects and routine sample analysis at the Llanelli site. The situation we face at the moment is that if we are not taken into the new Welsh Single Environmental Body then the laboratory will face closure as the work will be transferred to the 3 English labs at Nottingham, Leeds and Starcross (Exeter). This would mean that a large proportion of Welsh environmental samples would be analysed in England including all the Welsh bathing beaches, which are highly prized for their Blue Flags and excellent water quality. Surely it will be much better to keep the sample analysis in Wales, the work done by Welsh public sector employees, thereby keeping a significant number of highly technical and valuable jobs in the South West Wales area. We feel our inclusion to the single body has been overlooked at the moment as every employee can make a positive contribution to this process and would be proud to work for the new single body. This is a one

off opportunity to secure valuable jobs and personnel for the future of environmental analysis in Wales and I feel it is very important that it is taken.

**From:** Brown, Jill [jill.brown@environment-agency.wales.gov.uk]

**Sent:** 04 May 2012 13:23

**To:** SEB mailbox

**Subject:** Wales Coastal & Maritime Partnership Response to Natural resources Wales

**Attachments:** WCMP Letter to Natural Resources Wales Response.doc; WCMP Single Body response\_Final.doc

Dear Carrie, attached is an amended version of WCMP's covering letter as I omitted Pembrokeshire Coastal Forum from the list of those that contributed.

Apologies for this.

Thanks Jill

Wales Coastal & Maritime Partnership Officer  
& Water Framework Directive Officer  
Asiantaeth yr Amgylchedd Cymru /Environment Agency Wales  
Rhif Mewnol / Internal: 726 6134  
Rhif Uniongyrchol / Direct Number: 029 20466134  
07798 617774  
[jill.brown@environment-agency.gov.uk](mailto:jill.brown@environment-agency.gov.uk)

Gall yr wybodaeth yn y neges hon fod yn gyfrinachol, ac yn gyfreithiol freiniol. Os ydych wedi derbyn y neges hon trwy gamgymeriad, rhoddwch wybod ar unwaith i'r sawl a'i gyrodd, os gwelwch yn dda. Yna dilëwch hi, a pheidiwch â gyrru copi at neb arall.

Bu inni fwrw golwg ar yr e-bost hwn a'i atodiadau, rhag bod feirysau ynddo. Serch hynny, dylech chwilio unrhyw atodiad cyn ei agor.

Efallai bydd rhaid inni ryddhau'r neges hon, ac unrhyw ateb iddi, i sylw'r cyhoedd pe gofynnid inni tan y Ddeddf Rhyddid Gwybodaeth, y Ddeddf Gwarchod Data neu at ddibenion ymgyfreithio. Y mae'n bosib hefyd y darllenir negesau ac atodiadau e-bost a yrrir at unrhyw gyfeiriad Asiantaeth yr Amgylchedd, neu a dderbynnir oddi yno, gan rywun arall na'r gyrrwr a'r derbynnydd. Hynny at ddibenion busnes.

Os ydym wedi gyrru gwybodaeth atoch, a chithau'n dymuno'i defnyddio, yna ddarllenwch ein telerau a'n hamodau, os gwelwch yn dda. Gellir eu cael trwy ein galw ar 08708 506 506. Am ragor o wybodaeth ynghylch Asiantaeth yr Amgylchedd Cymru, ewch at [www.asiantaeth-amgylchedd.cymru.gov.uk](http://www.asiantaeth-amgylchedd.cymru.gov.uk).

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**Wales Coastal & Maritime Partnership**  
**Partneriaeth Arfordir A Môr Cymru**

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

2 May 2012

Dear Carrie

**Response to Natural Resources Wales – Proposed arrangements for establishing and directing Wales' natural resources**

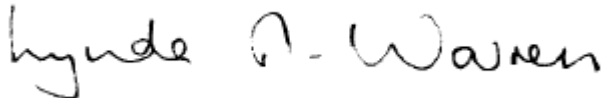
The Wales Coastal and Maritime Partnership was set up in 2002 to provide advice to government on sustainable development issues affecting the coast and seas of Wales as well as facilitating the exchange of information and the dissemination of good practice. The Partnership comprises representatives of organisations from the public, private and voluntary sectors.

This response represents the views of WCMP and is based on the deliberations of a Working Group set up to consider the proposed arrangements for establishing and directing Wales' natural resources.

Partners listed below have contributed to the drafting of this response. It incorporates comments received from other partners and is made on behalf of all those involved. It has been circulated to all WCMP partners. The response does not preclude those organisations who wish to make their formal responses directly.

The Partnership looks forward to the opportunity to provide further comments in due course as the proposed arrangements for the Single Body and the Living Wales agenda develop.

Yours sincerely

A handwritten signature in black ink that reads "Lynda A. Warren". The signature is written in a cursive style with a large initial 'L'.

Lynda Warren  
Chair – Wales Coastal & Maritime Partnership

Associated British Ports  
British Marine Aggregate Producers Association  
British Marine Federation  
Countryside Council for Wales  
Environment Agency Wales  
Pembrokeshire Coastal Forum  
Severn Estuary Partnership  
Royal Yachting Association  
The Crown Estate  
Wales Environment Link Marine Working Group (Marine Conservation Society,  
National Trust, RSPB, WWF Wales & Wildlife Trusts Wales)  
Wales Coastal Monitoring Centre  
Wales Landscape Partnership  
Welsh Federation of Sea Anglers  
Welsh Local Government Association  
Wildlife Trust Wales



**Natural Resources Wales**

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

***Response from the Wales Coastal Maritime Partnership***

**30<sup>th</sup> April 2012**

**Introduction**

Thank you for giving the Wales Coastal and Maritime Partnership (WCMP) the opportunity to comment on this important consultation. The WCMP was set up in 2002 to provide advice to government on sustainable development issues affecting the coast and seas of Wales, as well as facilitating the exchange of information and dissemination of good practices. The partnership is composed of organisations from the public, private and voluntary sector. This response is based on the deliberations of a Working Group set up to consider the Single Body consultation and incorporates comments received from other partners. It does not preclude individual members of the group from submitting independent comment on behalf of their respective organisations.

Our comments are made in the context of previous advice provided to Welsh Government and others by the partnership on various aspects relating to marine policy in Wales, much of which relates to securing an integrated approach to the management of the marine and coastal environment. In particular, the partnership was heavily involved in the development of the Welsh Integrated Coastal Zone Management Strategy (ICZM) in 2007 and drafted the Welsh ICZM Progress Indicator Set. More recently, in 2010 the WCMP established a Working Group to support the development of marine planning in Wales.

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 environment and the role that the body might play in delivering the sustainable development of Welsh seas.

From a marine perspective, WCMP believes that in setting up a new body that is focussed on delivering Government's 'Sustaining a Living Wales' agenda, more detailed proposals need to better reflect the particular nature of the Welsh marine environment, and the forces acting upon it. In particular:

- The open and dynamic nature of the marine environment and its ecosystems;

- The limits of our basic knowledge of the Welsh marine environment and the ecosystem goods and services that it provides;
- The need to effectively link the management of land and sea; &
- Limitations to 'enabling' opportunities; these generally relate to owners/occupiers of land and as this regime of ownership does not apply in the marine environment, it is unclear how policy objectives could be readily delivered.

WCMP wishes 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. The implementation of the Marine and Coastal Access 2009 in particular, represents a decisive move towards better management of Welsh seas, in order to meet the UK and Welsh Governments' shared vision of clean, healthy, safe, productive and biologically diverse seas. Embedded within the new policy and legislative framework (i.e. the UK Marine Policy Statement) is the ecosystem approach, which is fully supported by the WCMP as an important integrating strategy to support the delivery of sustainable development.

Whilst we fully support the government's intention to implement the new marine legislative framework, we suggest the need to address a number of complex issues that are restricting activity, and in some instances stalling the practical application in Wales of the ecosystem approach. Most notable and concerning to the WCMP are the current resourcing and capacity constraints within both the statutory agencies and the Welsh Government to deliver new areas of marine work, such as marine planning.

Marine Planning, based upon on an ecosystem approach, requires different types and levels of evidence, for example, to understand the marine environment both in its current state and how it is likely to change in the future. It is clear that marine planning, like natural resource management planning requires an intensive data and evidence process. As such we need to continue to develop our understanding of ecosystem functioning and services, and how they should be safeguarded and managed for the future. Whilst investment and greater coordination with regard to marine evidence gathering is welcomed, such as greater sharing and use of private sector and third sector data, WCMP believes that risk-based decision-making should make best use of existing data, adopting a Precautionary Principle and utilising expert judgement where necessary.

WCMP is aware of tentative proposals within Welsh Government to establish a Marine Programme Governance Structure. WCMP are in theory in support of such proposals, particularly a marine evidence group and a stakeholder group.

## **Overall**

WCMP understands the value in creating a Single Body for Wales and the importance of establishing a fit for purpose body with clearly defined functions governance arrangements. The new body needs to be robust and transparent in its modus operandi, and its remit should clearly state that it will deliver improved outcomes for the environment through protection and enhancement.

Whilst WCMP welcomes the opportunity to comment, we note that the timescales for the creation of the new body and associated consultation periods are extremely

challenging, to the point of feeling rushed. We do not feel that they reflect the complexities surrounding the establishment of the Single Body, nor do they provide sufficient time for stakeholders to meaningfully engage or for government to adequately digest valuable stakeholder feedback.

WCMP are concerned regarding the potential internalising of decision making within the new body with respect to permitting and provision of independent scientific environmental advice. We would caution that there is a danger that transparency will be reduced and the process of interpretation of legislation by the new body will be hidden from public view. WCMP highlights the recent case of Pembrokeshire Power Station for consideration. We support statements in the consultation to establish mechanisms to ensure transparency within the new body. Regarding arrangements for stakeholder engagement to ensure accountability and transparency, the WCMP would be happy to provide advice and be involved in discussions on this matter at the earliest opportunity.

As a delivery body, we believe that the new body must be supported by strong government leadership and adequate Welsh Government policy and steer to guide the new body. There must be an effective (transparent and adaptive) feedback mechanism between the new body and government to ensure that policy is delivered as intended and any mis-interpretation is swiftly addressed and resolved.

### **Aim and Strategic Outcomes**

The move by government towards more effective and integrated management of Wales' natural resources is welcomed, particularly for improved outcomes (environmental, social and economic). However, WCMP is concerned that the aim as set out in Section 4.4 of the consultation does not make clear the primary function of the new body, for example, to ensure environmental protection as a contribution to the achievement of sustainable development. Accordingly WCMP is of the opinion that the aim of the new body should be to, "maintain, improve, and develop the responsible stewardship of Wales' environment and natural resources on land and at sea".

As currently drafted and presented in the consultation document, we are concerned about the listed Strategic Outcomes. WCMP would like to seek reassurances that they apply equally to both the marine and terrestrial environment, and that there is not an implied level of prioritisation or hierarchy within the numbered list. We would like to establish if the resources available to deliver the five outcomes will be split proportionately and be balanced. Furthermore, we would question if the five outcomes can all equally be regarded as 'outcomes'; it would appear that some are more akin to aspirations or goals rather than outcomes or desired impacts.

### **Marine scope; integration between land and sea**

Wales' natural resources include those in the Welsh marine area; at over 15,000km<sup>2</sup> it represents both a considerable geographical area and a wide range of valuable ecosystem goods and services critical to the Welsh economy and the nation's health and well being. Despite this, WCMP notes with disappointment that the document's consideration of how the new body would manage Wales' natural resources appears to be focused very much upon management of the terrestrial environment, with very little in relation to its role of restoring, protecting and enhancing the marine environment. Furthermore, there is very little regard given to the interface between the land and sea; this is an important area where an integrated approach to natural resource management would be of greatest benefit.

At present the proposed scope of the new body's jurisdiction within the Welsh marine area is not clear. WCMP believes that it is vital to establish this and as such would like to suggest that the marine limits of the new body should broadly mirror those currently in place with respect to the Countryside Council for Wales.

WCMP considers that the new body should be central in both the preparation and delivery of natural resource management plans in Wales. We would welcome greater clarity as to how the spatial approach will bring together land and sea and would note the significant resources which will be required to deliver natural resource management planning of land and sea. WCMP is supportive of the development of national marine plans for the Welsh inshore and offshore plan areas. It is hoped that marine planning will provide a strategic, long-term planning mechanism for the marine environment in Wales. Furthermore, we believe that as part of the planning process, Welsh Government should develop a clear, integrated, vision for the Welsh marine area. Given the strong relationship between natural resource management and marine planning in both principle and function, the document should contain greater clarity as to the formal relationship and alignment between these processes. Furthermore, national infrastructure planning in Wales must be effectively integrated.

Given the challenges presented by integrating management regimes on land with those operating at the coast and for the marine environment, the WCMP would like to advocate the opportunities which exist to strengthen integration through the application of the principles of Integrated Coastal Zone Management (ICZM). WCMP supports the Wales' ICZM Strategy 'Making the Most of the Coast' (2007) and feel there is much merit in ensuring that this strategy is taken forward with the necessary resources, particularly at the local level in Wales, to ensure success in a joined-up approach and coordinated management in this complex area. WCMP considers that the new body, with a remit that embraces stewardship of land and sea, has a clear and important role to play in the delivery of the Wales ICZM Strategy.

Cross border working is especially important in the marine environment, for example, a number of European Marine Sites span jurisdictional boundaries. WCMP would welcome further details of how cross-border relationships would be managed between the new body, the Environment Agency, Natural England and other relevant bodies.

#### **Question 7**

Given the insufficient information and detail available at present regarding the transfer of the marine licensing system to the Single Body, WCMP is unable to comment as to whether we would support such a proposal. In light the complexities involved in the management of licensed activities at sea, we are concerned about any potential loss of expertise or resourcing of this function. The document states that a staged approach is favoured in relation to development of the new body, we would therefore like to seek assurances that during any transitional arrangements, existing regulatory bodies will be able to deliver the same level of service as at present. We would we would highlight recent experiences and lessons learnt associated with the creation of the Marine Management Organisation.

**WCMP are happy to provide further comment and advice as thinking develops with regard to the new body and the Living Wales agenda.**



From : Paul Bowen [bowenthefish@hotmail.com]

Sent: 02 May 2012 08:30

To : SEB mailbox

Subject: Response to 'Natural Resources Wales' - Public Consultation Document.

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](http://www.wales.gov.uk).

Deadline for replies = 2<sup>nd</sup> May 2012. Either by email to [SEB@wales.gsi.gov.uk](mailto: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'.

I am a member of a number of fishing clubs within Wales and represent the syndicate members of a number of fisheries on the Rivers Usk and Wye and also other inland waters within the Principality.

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,

Mr Paul Edward Bowen.

(13, Hatherleigh Road, Abergavenny, Monmouthshire, NP7 7RG . Tel No: 01873 858440).

**From:** Peter Cole [Peter.Cole@capitalregiontourism.org.uk]

**Sent:** 02 May 2012 08:56

**To:** SEB mailbox

**Subject:** Consultation Response

**Attachments:** Capital Region Touris1.doc

Please find attached the response to the Single Environment Body consultation agreed by the Directors of Capital Region Tourism on 30<sup>th</sup> April 2012

Please note it covers both the Natural Resources Wales and Sustaining a Living Wales consultation documents as CRT believes the 2 issues should have been dealt with in combination as the response makes clear

*Peter*

Peter Cole  
Regional Strategy Director

Capital Region Tourism  
Uwch Ranbarth Twristiaeth  
North Lodge  
Dyffryn Gardens  
St Nicholas  
Vale of Glamorgan  
CF5 6SU  
029 2059 9221 x 16  
Mob. 07974 309640  
[www.capitalregiontourism.org](http://www.capitalregiontourism.org)

If you are visiting us by public transport the X2 bus service serves St Nicholas from either Bridgend or Cardiff. Let us know and we will arrange a pick-up from the bus stop [www.traveline-cymru.info](http://www.traveline-cymru.info)

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## Capital Region Tourism: Report to Directors 30<sup>th</sup> April 2012

### Natural Resources Wales/ Sustaining a Living Wales

#### Purpose of Report

The purpose of this report is to agree responses from CRT to 2 Green Papers (ie leading to Wales-based legislation) issued by Welsh Government on the creation of a Single Environment Body (SEB) for Wales and the Management of the Environment.

#### Background

Responsibilities for environmental management and regulation at a national level in Wales are currently discharged through 3 agencies: Forestry Commission Wales (FCW), Countryside Council for Wales (CCW) and the Environment Agency Wales (EAW). WG is proposing a new body to take over the responsibilities of all 3. EA and CCW were themselves formed from the merger of previous bodies and FCW and EAW are part of wider UK organisations.

All 3 current bodies have been significant partners in the development and management of diverse tourism related projects in the region (e.g. Valleys Regional Park, Cognation Mountain Biking, Wales Coastal Path, Fishing, water access , nature reserves etc) aside from their wider regulatory, funding and advisory roles, so our sector should be taking a keen interest in the likely impacts of any changes.

In Sustaining a Living Wales WG is proposing the adoption of an Ecosystem Approach. This looks at the contribution of the environment holistically and places a tangible value on the goods and services provided by it in terms of:

- Supporting Services - Biodiversity, Geodiversity
- Regulating Services - Regulation of Air and Water Quality, Climate, Hazard, Flood, Drought etc
- Cultural Services - Landscape and seascape, Appreciation of nature, Mental & physical health, **Recreation & tourism**, Education, training & inspiration, Employment & voluntary work, Access and transport
- Provisioning Services - Food, Wood and other natural materials, Raw materials *e.g. stone, slate, minerals*, Water, Air, Energy, Genetic resources, Buildings & settlements

It is a truism that Wales' enduring tourism appeal depends on the quality of and access to the natural and built environment so again we should be very interested in the proposals.

Simplistically, therefore, the second consultation deals with the what? and why? of environmental management going forward and the first looks at the who? and how?

The deadlines for responses are 2<sup>nd</sup> May for Natural Resources Wales and 31<sup>st</sup> May for Sustaining a Living Wales. The full documents can be found at <http://wales.gov.uk/consultations/environmentandcountryside/?lang=en>

## Proposed Responses

### General:

- Form should normally follow function but in this instance it would seem that WG is set on changing the structures before the task is fully determined. There are clearly inherent dangers in such an approach and we would suggest that the at worst the processes should be carried out in parallel so that function can influence form more directly.
- The proposed changes are already having unintended consequences in terms of significant management resources, attention and expertise being taken away from the 'day job' to become internally focused on the development of the new body and approach. This is having a real impact on capacity and delivery in the 'real world'.
- Disentangling the Wales 'bits' of UK-wide bodies may also prove a significant administrative and legal distraction. This is especially problematic where water catchments and other eco-systems cross the national border

### Natural Resources Wales

- Current functions of the 3 bodies range on a spectrum from the overtly commercial to the heavily regulatory. Where will the emphasis and culture of the proposed new body be on that spectrum? From a tourism perspective we need to see involvement, support and encouragement for a range of sustainable tourism activities built in from day 1. This suggests we need a straightforward, robust and transparent sustainable development methodology to be identified to guide policy for the new body.
- Arguably however the Green Paper falls at the first hurdle as support for tourism and wider water recreation are not made explicit in the functions identified in Table 1 for a new body. Ideally we would like to see specific outcomes for any new body related to:

- Stimulating economic prosperity linked to tourism and providing a high quality location for business investment.
- This should also be reflected in the make-up of the board of management of the new body. We however note the intention for the new body to maintain WG's commitment to the Valleys Regional Park project which we support
- From a regulatory perspective, in for example local planning decisions, it should be helpful for both businesses and local authorities to have a single definitive view on environmental consequences and conditions. However we need this to start from the premise of sustainability which is economic, social and cultural as well as environmental.
- The creation of a single environment body however does not preclude the need to work closely with a range of other government departments and national institutions on environmental issues e.g. Visit Wales, Cadw, National Museum.
- Equally important is the partnership with local authorities (including national parks), AONBs voluntary sector and communities as delivery success will need to be visible at the local rather than national level.
- On a detailed point the EA is currently the navigation authority for the river Wye. Is it intended that the new body would take on this kind of role in future or will this be reallocated to the new Canal and River Trust (ex-British Waterways)?

### Sustaining a Living Wales

- While the Ecosystem Approach suggests that tourism is one of the services provided by the environment the needs and contribution of tourism are not explicit in the document overall. While there is specific reference to the value of improving access for the well-being of residents, we would also like to see clear duties regarding the need to plan for sustainable tourism among other economic activities which rely on the environment
- That said it clearly makes eminent to view our environmental assets 'in the round' and tourism as a sector is well aware of the enormous value delivered by maintaining a high quality environment, but we do need to ensure that sustainable development principles allow the industry to optimise returns and reinvestment.

- At the time British Waterways was consulting on its future, CRT asked WG to consider a more strategic approach to its water assets, as is being taken forward in Scotland. Although there was no response at the time, this has now also been raised by the Cross-Party Waterways Group, and of course has become highly topical in view of the drought in England. Happily the Ecosystem Approach would oblige Wales to think more strategically about all its environmental assets in future.

### **Recommendations**

It is recommended that the above comments are forwarded to WG in response to the consultations.

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

**Sent:** 02 May 2012 09:25

**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:

Mr Dave Mills

Organisation (if applicable):

Pontrilas Timber and Builders Merchants Ltd

Email / telephone number:

rtimber@pontrilastimber.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 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:** Peter J Barham [peterjbarham@googlemail.com]

**Sent:** 03 May 2012 14:56

**To:** SEB mailbox

**Subject:** Consultation on SEB from Seabed User and Developer Group, SUDG

**Attachments:** Welsh Govt SEB response.docx

Dear Sir

On behalf of SUDG ( [www.sudg.org.uk](http://www.sudg.org.uk) ) I attach a response to the recent consultation on the potential to create a single environmental body.

I apologise that this response is beyond the closing date, but unfortunately the consultation was only brought to my attention this week.

I hope that you will still be able to accept it and would appreciate acknowledgement of this

Many thanks

Peter Barham

For SUDG.

[www.sudg.org.uk](http://www.sudg.org.uk)

Peter Barham

Peter Barham Environment Ltd

[www.peterbarhamenvironment.com](http://www.peterbarhamenvironment.com)

[peterjbarham@googlemail.com](mailto:peterjbarham@googlemail.com)

01780 450931

07540 634324



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

[SEB@wales.gsi.gov.uk](mailto:SEB@wales.gsi.gov.uk)

SUDG  
Wood View  
Southwick Road  
Bulwick  
Northants  
NN17 3DY  
01780 450 931  
Mob 07540 634324  
3<sup>rd</sup> 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**

Firstly, I apologise for the lateness of this response which is due to the fact that the consultation was only brought to my attention in the last two days. I hope that you will consider the comments offered even though I am aware that the closing date for consultation passed yesterday.

The Seabed User & Developer Group comprises some of the key marine industries. The SUDG understands that the sea around our shores is a sensitive environment that needs to be valued and protected, but it is also a working environment that makes a substantial contribution to all our lives. From energy to aggregates and from ports to cables and leisure boating, the industries of the sea make an essential contribution to our land-based society and represent 4.2 per cent of gross domestic product supporting c.900,000 jobs.

We are an informal grouping whose participants have a common interest and commitment to sustainable development within the UK's marine environment. We believe that sustainable win-win solutions are possible from what are sometimes seen as competing needs. We are committed to working with all Government departments, and other stakeholders to ensure that new regulation (including the Marine and Coastal Access Act) makes a significant contribution to cost-effective regulation and marine management that benefits both business and the environment. Our website [www.sudg.org.uk](http://www.sudg.org.uk) sets out more information about the group and our priorities which are summarised as:-

- A future for our seas based on sustainable development
- Clear objectives which cover economic and social, as well as environmental needs
- An integrated approach to planning, management and protection
- Cost-effective regulation and management

- Planning decisions based on science and knowledge
- Robust mechanisms for high level resolution of problems
- Consistency from the devolved administrations
- Transitional arrangements while any new framework or legislation is put in place.

SUDG has worked closely with regulators in recent years to try and ensure that new and existing legislation contributes to both effective management of the marine environment and the development of sustainable industry. Consequently, we welcome the opportunity to comment on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources. Experience has shown us that an effective regulator is one which takes into account all aspects of development proposals and the commitment of the MMO to providing this balance approach is one which SUDG has welcomed from the outset. We would therefore strongly welcome a resilient regulator to manage the approvals process for developments in the Welsh marine environment in similar ways.

It is important that a regulatory body has access to advice from a wide range of organisations if it is to make the right decisions, but it is equally important that this advice comes from bodies that are responsible for providing it independently and that the regulatory body has the ability to examine it in a balanced manner. For this reason SUDG would strongly resist any attempt to absorb land use planning responsibilities into any new regulatory body. In the same vein the new authority must be responsible for managing the natural resources of Wales, not simply to protect them as the Minister states in the fifth paragraph of the Foreword. As with planning, SUDG recognises the importance of providing environmental advice in the decision making process, but we believe that this is done best by a regulatory authority receiving advice from appropriate organisations and not by producing the advice internally and then attempting to fit it into a balanced decision making process. In other words, while we recognise the benefits of aligning and combining certain functions to be 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. 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.

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. 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 addition we feel that for a SEB to be properly effective the New Body -

- must have robust internal Chinese Walls
- lead to consistent response and, transparent outcomes regarding genuinely balanced Sustainable Development
- provide further guidance mechanisms for assessing the balance between Environmental, Social and Economic pressures and services.
- must ensure that the Welsh consenting process does not lead to disincentive to Investment in Wales – ie it must ensure level playing field.

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 and this could cause considerable difficulty to an organisation responsible for providing both advice and decisions.

Finally, SUDG's experience of working in Wales has shown that there is considerable expertise in the staff we work with and, in making any change, we would underline the importance of retaining key knowledge/expertise and experience for all aspects of the marine delivery function.

SUDG remains committed to working with regulatory bodies and government advisors and therefore we are happy to discuss the views in this response further should you wish.

Yours Sincerely

**Peter Barham**  
For SUDG

**From:** escape.routes@btopenworld.com

**Sent:** 02 May 2012 09:41

**To:** SEB mailbox

**Subject:** Single Body - Natural Resources Wales

Dear Carrie

Having just read through the Consultation document with regarding to the proposed single body for the management of Natural Resources Wales, I am positively enthused by its content & its ideals. Whilst my initial interest in these developments is as a provider of Outdoor Recreation within Wales, I also have a wider remit as an Executive Officer for the Institute for Outdoor Learning (IOL) Cymru & the recently appointed Chair of the Wales Activity Tourism Organisation (WATO). Therefore my representation with regards to the implementation of a single body extends to potentially all who provide Outdoor Recreation within Wales.

The consultation pays particular attention to Outdoor Recreation & the continued promotion & support for it, with particular reference to families & children's participation, which I am encouraged by, although there will be a need to be creative in the use of the outdoors as that will support & appeal to a wider population of families & young people, who might be deterred by the traditional adventurous activities. The continued increase in bushcraft, forest schools, 'glamping', geocaching etc. all points to a need for the management of Natural Resources Wales to be alive to a very wide range of user groups and 'styles'.

The document makes reference to improving & increasing access to & use of the environment for Outdoor Recreation, although I am concerned when it only talks about 'managing land for public benefit' with no reference to our Welsh rivers, lakes & reservoirs. I appreciate that it does mention the Rivers Dee, Wye & Severn but the waters of Wales are so much more a part of our Outdoor Recreation provision. The bringing together of the expertise of current bodies will hopefully better integrate plans, as well as consolidate investment for our recreational environment - land, air, water & biodiversity.

The links to the Government priorities - 'Creating an Active Wales', activity tourism 'Economic Renewal Programme', tourism strategies for Regional Tourism Partnerships, regeneration through access & green space provision and supporting grass roots provision through the 'Climbing Higher' agenda certainly suggest a committed approach supporting responsible participation in Outdoor Recreation. These, coupled with providing 'quality fit for purpose places & facilities that support the full spectrum of Outdoor Recreation activities & ensuring 'effective delivery mechanisms to meet the stake holder aspirations' indicates a single body, willing to engage & work with the Recreation & Tourism sector, for the benefit of Wales & its people.

Finally , I am encouraged by the proposed representation at Board level of someone from the Recreation & Tourism sector, along with the other identified sectors, although we must not forget the provision of education & social/health services within the outdoors. There are many Outdoor Recreation (Activity) providers who span all of the sectors, as the provision of safe and stimulating experiences in the outdoors is a common thread. This 'joined up' action can only be of mutual benefit to all those sectors that will sit around the table, to ensure that a safe & well balanced sustainable approach exists within Wales.

If, on behalf of IOL (Cymru) & WATO, I can be of any further assistance, please do not hesitate to get in touch (contact details below).

Kind Regards

Paul

Paul Donovan  
Escape Routes  
Esgair  
Purdey Close  
Hunter's Ridge  
BARRY  
Vale of Glamorgan  
CF62 8NT

T: 01446-749447  
M: 07970-871711  
E: [escape.routes@btopenworld.com](mailto:escape.routes@btopenworld.com)  
W: [www.escaperoutes-cymru.co.uk](http://www.escaperoutes-cymru.co.uk)



**From:** Stephen Marsh-Smith [stephen@wyeuskfoundation.org]

**Sent:** 02 May 2012 11:08

**To:** SEB mailbox

**Subject:** FW: SEB Response from Wye and Usk Foundation

**Attachments:** A Management Plan for the Wye v6.pdf; WUF response SB.pdf

Carrie

Humble apologies: The email I sent earlier contained a response which I had not save the changes. A later version of our SB response is enclosed. Apologies

Stephen

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From : Stephen Marsh-Smith  
Sent: 02 May 2012 09:42  
To: 'SEB@wales.gsi.gov.uk'  
Subject: SEB Response from Wye and Usk Foundation

Carrie

Please find the Wye and Usk Foundation's response together with a document explaining our plan for the management of border rivers, especially the Wye. Please would you acknowledge safe receipt

Stephen

Dr Stephen Marsh - Smith OBE  
Executive Director Wye and Usk Foundation  
WUF Office 01982 560357 560788  
Home Office 560766 Mobile 07812118065  
Coach House, Old Rectory,  
Llanstephan, Brecon, LD3 0YR  
[www.wyeuskfoundation.org](http://www.wyeuskfoundation.org)

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The Wye and Usk Foundation's (WUF) response to Welsh  
Government's proposal  
Natural Resources Wales – proposal for a New Body



The Wye and Usk Foundation is a registered charity concerned with the delivery of actions to restore the fisheries and ecology of Wales's two premier SAC rivers. Unlike many environmental groups we do this by active management (rather than lobbying someone else to do it). Our work consists of the construction of fish passes, habitat restoration and schemes to correct the effects of acid rain, improve diffuse pollution. The benefits of these works are marketed through an innovative scheme that progresses these activities towards self-sustainability as well as achieving important targets in both the Habitats and Water Framework Directive and Biodiversity Action Plans. Full details may be found at <http://www.wyeuskfoundation.org/>

Our work has brought us into daily contact with the three bodies Environment Agency Wales (EAW), Countryside Council for Wales (CCW) and Forestry Commission for Wales (FCW) both as regulators from whom we seek consents and as delivering partners in a whole series of interlinked projects. Over a 15 year period we have secured approximately £12million worth of project funding for the two SAC rivers, Wye and Usk

**Our comments are structured to reflect our own sphere of activity (managing the biodiversity, fisheries, tourism and to a lesser extent, managing navigational access for canoeing). Responses from Wales Environment Link and FERAC on which we have representation, reflect our more general views. In this response we have confined our replies to our own sphere of activity.**

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

WUF wholeheartedly welcomes the prospect of a single body in Wales. It could not come a day too soon! At our operational level:

- There has been far too much cross referencing, confused messages, excuses for procrastination and disagreements between stat bods.
- There is also considerable duplication: EAW has a conservation /biodiversity function as does FCW and CCW (and for that matter so do local authorities) Often we are given two inexperienced officers where one good one would suffice.
- FCW is a serial polluter of watercourses and appears incapable of self-regulating. A single body should bring this into line with other industries.
- Managing the Wye SAC has four principal Statutory bodies EAW, CCW Natural England and EA. Please see ahead for our suggestions here.
- Leaving aside the issue of savings to WG, there would be considerable cost savings for the 3<sup>rd</sup> sector and NGOs dealing with just one organisation instead of three.

**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?**

Our concerns as stakeholders in the inland fisheries sector are that we are not lost in the massive process that will envelop the changes to the environmental sector. Inland fisheries is one that thrives on positive action and investment but is strangled by strategies and red tape.

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

There will inevitably be some disruption: However, WG is planning to proceed in the best way given the circumstances

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

All good stuff but can WG bridge the ever widening chasm between creating plans/ strategies and delivering any of the proposed work?

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

We cite the case of repairs to Crickhowell Bridge footings carried out in the late '80s. as just one example of existing delivery framework malfunction (There are plenty more) These were done without appropriate consultation and it has been clear for a long time that they block the passage of an important SAC species, Twaite shad and CCW's Usk SAC site plan refers to the need for action (of which there has been little).

Rectification is not complicated nor expensive but it clearly shows that the need for a better delivery framework. We therefore urge WG to place maximum emphasis on outcomes and the minimum on process. The current situation places WG at risk of infraction under the EU Habitats Directive.

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

Yes

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

**Navigation**

Our concern is with the Wye and Usk.

WG has already made clear its views on access and navigation on rivers in Wales following extensive consultation – it might be pertinent to reiterate that position, namely the preferred route is voluntary access arrangements in Wales' non navigable rivers. However, In the publically navigable section of the Wye (Hay on Wye downstream), there is one slight complication in leaving it in EA hands – at Monmouth, the river runs wholly through Wales only to become the boundary at

Redbrook just below (the Monnow, a Wye tributary is also part of the boundary) and then further downstream at Bigsweir, the upper tidal limit, the Navigational Authority is the Gloucester Harbour Trust – despite one bank being Welsh.

Do these incursions from England present any problem to the formation of the SB?

### **Wildlife Licensing**

Another troublesome area is the issue of licences- to- kill to aid the scaring of fish eating birds. This is currently handled by WG in consultation with CCW. We believe it should remain with WG who would consult the new SB. However, issuing the licence has been fraught with inconsistencies both sides of the border and often only done or dismissed on the whim of a junior officer. There is a need for a greater clarity.

### **Tree and Plant Health**

An area not touched on is the issue of Non Native Invasive Species NNIS (Plant and animal) In the case of invasive riparian plants the problem in Wales is massive, the use of existing legislation non-existent. Please would WG look at strengthening powers to increase the responsibility for not infesting between neighbours?

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

This could be a bottomless pit for resources and the opportunity for re- creating plans for the same old wheel need to be resisted when research results are available from other sources

### **5.5 Internal Drainage Boards**

Essentially, IDBs carry out operations that are far from environmentally friendly (converting streams to ditches, spraying off vegetation etc) Our rather negative experience with IDBs in England makes a powerful argument for them to be brought into the SB 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?**

*We have found that the response from FERAC on this subject pinpoints our own position and we reproduce their text below.*

“It is evident that several proposals within this section will be pivotal to the success of the New Body from the outset. They therefore warrant very careful scrutiny and comment.

#### **6.1. Status of the body.**

We consider it crucial that the New Body should be (and be seen to be) at arm’s-length and clearly independent of Welsh Government if it is to command trust and respect from stakeholders and the widest possible confidence of the general public.

The arrangements outlined under this heading have precedents elsewhere that appear to have worked well. Therefore, and subject to the caveats entered below (S.6.2), they have our qualified support as the best basis on which to proceed.

## 6.2: Governance Arrangements for the New Body.

The arrangements adopted for the governance of the New Body will largely determine its success or failure in achieving the essential trust, confidence and support from its stakeholders and the wider general public in delivering its stated aims and the required outcomes. It will be of paramount importance to get this right during the intervening transition period before vesting day.

In this respect we are aware of the concerns variously expressed by some environmental interests that the proposals for senior appointments depend too much on political expediency and favour, with the risk that the governance structure will be unbalanced and dominated by commercial and business interests at the expense of the natural environment. While we understand these fears, we do not accept that this is in any way inevitable. The Governance arrangements set out under this section are reasonably robust and transparent and we can suggest no practicable or otherwise acceptable alternative. However, it is important that the Welsh Government is aware of these fears and takes steps to allay them.

We wish to make specific comments within this sub-section under the following headings: -

### a) Appointments Process.

We accept that the appointments process should be as open and transparent as possible.

### b) Board Size.

Although not stated as such, we assume that the board will have a non-executive function.

It is proposed that the Board should consist of 'around 12 members'. We do not disagree. Any less would be too small to provide the essential balance across the range of key stakeholder interests. Any more might be too large to be manageable and effective.

### c) Board Structure.

The composition of the board in terms of representation by functional and key stakeholder interests will be critical in that it must achieve the correct balance between the protection and conservation of the natural environment, commercial and business interests and the needs of people and communities. Achieving this balance will remove much of the current concern that the New Body will be dominated by commercial and business interests and, of equal relevance also, it will address the concern that the work of the New Body will little more than a merged continuation of the work of the three parent bodies rather than a fresh approach to environmental management in Wales.

The initial structure suggested for the composition of the board allocates 8 of the 12 positions to identified stakeholder sectors and, with four positions held in reserve, this seems to be a reasonably well-balanced proposal at this early juncture.

We welcome and wholly support the inclusion of separate board membership for both the Fisheries and Recreation sectors. Indeed, we would be gravely concerned if this were not the case. However, we are surprised and concerned to note that no position has been allocated to Conservation and Biodiversity interests in their own right. We regard this as a serious omission that should be redressed when finalising the balance of board membership.

It may have been the intention to absorb conservation and biodiversity within the membership place allocated to 'Environmental Protection and Improvement'. This would not be acceptable as this equally important remit covers a very broad range of activities (including waste disposal, environmental impact assessment and water, air and noise pollution) and would require someone with particular capabilities that fall well outside the specialist fields of biodiversity, species conservation and statutory site designation.

d) Selection of Board Members.

It is stated that board members will be appointed on the basis of 'ability'. This broad attribute is open to different interpretations. We would expect it to cover their personal knowledge of their topic area, their negotiating and communication skills and, equally important, a proven record of background experience and achievement of multi-functional team-working within the general field of environmental, protection, regulation and management - preferably in Wales. Appointments should be based on what each board member can 'bring-to-the-table'; rather than as an automatic representative of any particular organisation.

e) Board Champions.

Where practicable, we strongly recommend that individual board members should assume the corporate role of 'champion' for a discrete topic area or functional activity. They would liaise with a selected range of stakeholder groups and provide an important central point-of-contact to represent their interests at Board level. This approach has been adopted by the EA Board and seems to have worked well in providing a direct means of two-way feedback and top-to-bottom engagement.

The proposed abolition of FERAC Wales as a statutory advisory committee makes this approach especially attractive for the fisheries, recreation and conservation functions. It might also include a board member with responsibility for engaging with the increasingly important Third Sector.

### 6.3. International & Cross-Border Governance.

These arrangements are clearly important at a strategic and policy level. We think it necessary that Wales maintains a strong voice at both a UK and European level.

### 6.4. Accountability to the Welsh Government.

We note and accept the arrangements defining the relationship of the New Body with the Welsh Government without further comment.

The proposed new Framework Document and Scheme of Delegation will be central to achieving a good working relationship between both parties, with outcome-based delivery being the key to success. It will be important to avoid any form of subsequent 'micro-management' by Welsh Government."

## **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?**

In respect of stakeholder engagement: in our sector (Fisheries and Biodiversity), no tears would be shed if the FERAC committee were replaced. Advisory committees breed a certain type of dysfunctionality – those keen on action leaving at the earliest opportunity. What does show promise are the Liaison Panels of the three WFD River Basins and the "conglomerate meetings", where actions do get taken forward (the case in the Severn RBD).

At a catchment level, the Local Fisheries Group could have some merit but there needs to be some structure and selection to avoid the current overly indulgent freedom of expression.

WUF carries out work under a Memorandum of Agreement (MOA) with EAW and occasionally CCW often the work is planned for durations of 12 months. It is essential that Mas are given and agreements made in March or April rather than dragging on until August or September as is often the case. NGOs need as much certainty as possible in working with Statutory Bodies

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

The one crucial issue to us and one that seems to lack any detail in the SB plan is how are Cross Border Rivers to be managed? We have prepared a 36 page document:

**“A Management Plan for the Wye”**

which suggests a cost effective solution for the Wye. This river crosses the border several times (at Hay, Monmouth and Redbrook) making its cross border issue more complicated than Severn and Dee. A pdf of this plan is included with this response. It has been sent to Defra Ministers, Welsh Ministers, Directors of EAW and EA, Wye MPs and AMs

**Conclusion**

We wish WG every success with this innovative and mould breaking development and remain highly supportive of this process.

Dr Stephen Marsh-Smith OBE  
Chief Executive, Wye and Usk Foundation

April 2012

Registered Charity No 1080319  
The Coach House  
Llanstephan  
Nr Brecon LD3 0YR

# A Strategy for the Management of Fisheries and Biodiversity in the River Wye

*A proposal by the Wye Salmon Fishery Owners Association and the Wye & Usk Foundation to  
secure the future of the ecology, fisheries and economy of the Wye valley*





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Note: For the purpose of this document, when the Wye is mentioned, it is to include the entire catchment. This is a wider definition than the Wye SAC.

## ACRONYMS used in this document

AONB	Area of Outstanding Natural Beauty
BAP	Biodiversity Action Plan
BARS	Biodiversity Action Recording System
CAMS	Catchment Abstraction Management System
CCW	Countryside Council for Wales
CROW	Countryside and Rights Of Way
DCWW	Dwr Cymru Welsh Water
Defra	Department for Environment and Rural Affairs
DSEPP	Defra: Strategic Environmental Project
EAGGF	European Agricultural Guidance and Guarantee Fund
EA(W)	Environment Agency (Wales)
EDT	Egg Deposition Target
EFF	European Fisheries Fund
ERDF	European Regional Development Fund
EU	European Union
FCW	Forestry Commission Wales
GAEC	Good Agricultural Environment Condition
NE	Natural England
NNIS	Non Native Invasive Species
SAC	Special Area of Conservation
SAP	Salmon Action Plan
SB	Single Body – the amalgamation of EAW, CCW and FCW
SSSI	Site of Special Scientific Interest
WG	Welsh Government
WSFOA	Wye Salmon Fishery Owners Association
WUF	Wye & Usk Foundation

## Executive Summary

1. With the advent of a single environmental body in Wales, the issue of how and who should manage the Border Rivers (Wye Dee and Severn) is seen as a catalyst for a new arrangement on the Wye - a river that crosses the border three times. The Plan envisages a substantially greater involvement of stakeholders in the day to day management and development of the river's fisheries and biodiversity
2. With the Water Framework Directive and Habitats Directive driving river restoration, managing the day to day aspects of the Wye fishery could be devolved to the stakeholders. It is anticipated that riparian owners would contribute a substantial amount of the funding which would be self-generated from revenues generated by the fishery and would deliver savings to the public purse while generating income for the rural economy. A budget is included with explanation to 2020
3. Details of the catchment is enclosed with a rationale for focus on salmon, the history of salmon management, charting the decline over a forty year period and how the issues affecting the river have changed over time.
4. Current funding arrangements are included for comparison and their sources; details of regulations and enactments and statutory bodies with an interest in the river contribute to the background section
5. The Management Plan itself is based around freeing up the regulator (currently EAW, CCW EA NE FCW) for important regulatory functions while leaving the aspect delivery to the new Board. A section details what is necessary to complete the development of the rivers' fisheries. This includes, fish pass construction, barrier removal, exploitation, artificial rearing, water resources, deployment of bailiffs, predator control, monitoring and many other aspects of river management

## The Plan

There is an opportunity to implement an innovative scheme for the management of fisheries and biodiversity in the river Wye SAC, which flows between Wales and England. There are several reasons why the timing makes action on this attractive. Currently (April 2012) a consultation is in progress in Wales concerning the implementation of a Single Environmental Body that will replace:

- Environment Agency Wales
- Countryside Council for Wales
- Forestry Commission Wales

The consultation acknowledges that there are difficulties in setting up the management of “Border Rivers”. These include Wye, Severn and Dee. Historically, the Wye and Dee were managed by the Welsh Environment Agency and the Severn from their Midlands office. However, on 1<sup>st</sup> April 2010, this was changed so that catchments were divided along political rather than natural boundaries and a number of problems ensued as a result, despite lip service to whole catchment and ecosystem management

Concurrently, the Water Framework Directive is acting as a force for good to put all rivers in a substantially better state in respect of their ecology and fisheries. This welcome development involves a wide range of stakeholders: rivers trusts; riparian owners and fisheries associations working with statutory bodies; water companies and other interests.

Thirdly, the “Localism” or “Big Society” movement is a driver for decentralising delivery and there is no better example of where this could be deployed to good effect than in the management of river catchments. Reasons for this are advanced later in the document.

The upshot of all this is that there is an opportunity to engage with third sector organisations to continue the restoration and development and also to take responsibility for the day to day management of the Wye, leaving the role of statutory regulator in the hands of existing agencies ideally, the new Single Body in Wales (Dee likewise and Severn perhaps as pre 1<sup>st</sup> April 2010).

### How it would work

At present, the Wye and Usk Foundation (WUF) and Wye Salmon Fishery Owners Association (WSFOA) are working in partnership with EAW, CCW and FCW (the forerunners of the new Single Body) on what are best described as improvement or capital works, aimed at long term river improvements. After 14 years this phase is well underway and an end is in sight. It would be possible to switch the existing capacity to assume various duties currently managed by the Environment Agency but at a very much reduced cost. These would include bailiffing, monitoring, maintenance and R&D, leaving the Agency and/or Single Body to focus on regulation and other duties (e.g. regulation, water quality, flood defence, waste management etc).

Unlike Scotland, where District Fishery Boards and Trusts are primarily responsible for just salmon, we propose the formation of a new Wye River Board, which would assume a wider responsibility for the management of all inland fisheries and biodiversity in the Wye catchment.

## **The Change Over**

On a date, perhaps 2<sup>nd</sup> April 2015, the new Board would come into being under an MOA or licence from the SB (Wales) and EA and NE (England). From that date, the SB would regulate the proper conduct of fisheries and conservation functions in the Wye catchment, with delivery carried out by the new Board. The nature of the Board would be that similar to a Partner/ Contractor – an expansion in scale of the current arrangements with WUF, rather than a new structure. This would not remove the ultimate responsibility for the SB to “Maintain Improve and Develop” Wye fisheries.

## **Board Constitution**

The Board would need to represent the main funders: principally Riparian owners and Government (via SB) but would also need to draw on the needs and experiences of other stakeholders. One option that works well in the Tweed – another border river - would be to have a broadly based Council that in turn elects an Executive. The Council could consist of:

- Riparian Owners (the majority)
- Rivers Trust (Wye and Usk Foundation)
- Biodiversity interests (e.g. wildlife trusts - 6 on Wye)
- Statutory Body representative(s)
- Local Authorities/AONB
- Anglers, angling clubs, guiding and ghillie representatives
- Other river users eg: walkers, navigators

## **Responsibilities**

The principal activities are listed below and would be enshrined in a rolling 5 year plan with WUF continuing to carry out most of the work:

- Fund raising
- Deployment of bailiffs
- Maintenance of habitats, repairs to fences
- Water Quality – acid waters correction
- Appropriate stocking
- Biodiversity and habitat management; NNIS species
- Monitoring
- Development – e.g. fish passes, habitat restoration, control of diffuse pollution
- Marketing of fishing (source of funds) and transfer of benefit to rural economy

- R&D

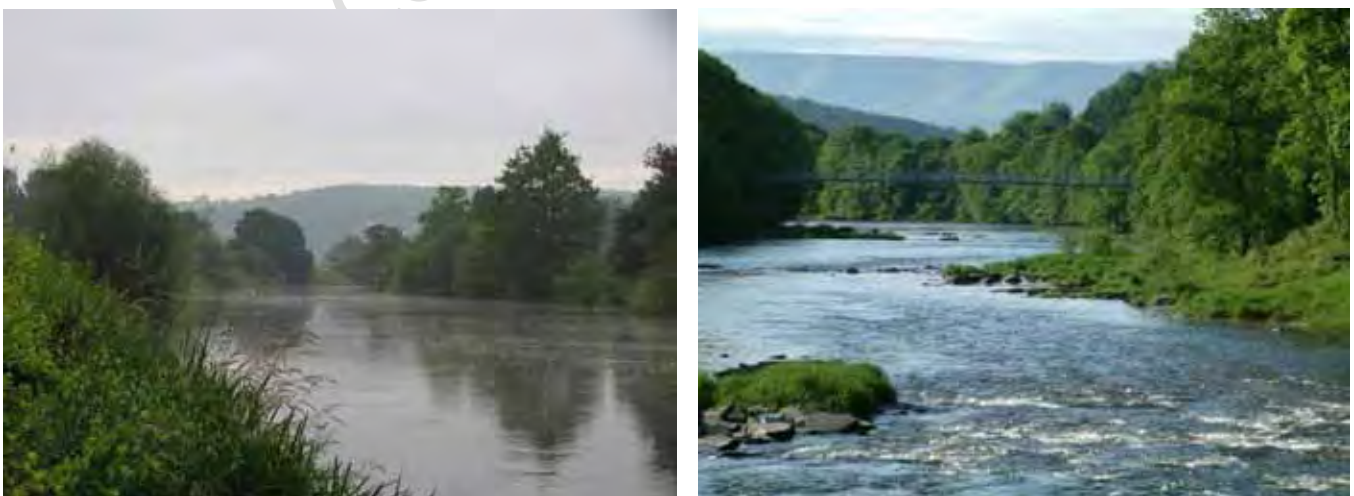
Many of the responsibilities listed above are or have been delivered by the Wye and Usk Foundation and it is envisaged that their use as delivery agent would continue. The charitable structure and experience of the trust would enable an uninterrupted transfer of duties. WUF is building up its monitoring skills as the need for capital works diminish and has staff capable of combining bailiffing duties with maintenance and other work.

## Funding

Unlike other areas of biodiversity or nature management, fisheries have the unique ability to raise significant funds directly through the letting of fishing and indirectly through high value enhancement to the rural economy. The Wye and Usk Passport is a scheme specifically designed for this purpose. It is capable of providing owners with the necessary funding to pay for the development and maintenance of the river and it continues its rapid expansion.

Currently, The Wye and Usk Foundation, core funded by owners' contributions, is restoring the Wye ecology and fisheries using a variety of funds. We have not been able to establish the value of the exact amount the river Wye costs the various Agencies to run and this is further complicated with the boundary split. EA alone estimate in excess of £1,000,000 pa though much is lost in head office recharges and other substantial overheads. CCW and NE will be spending less but by no means insignificant amounts. We have assumed that some of that is paid to the Board.

The tables on the following page suggest ball park costs for the proposed system. It is envisaged that the current high levels of investment in the river will decrease with time, while maintenance costs will increase. Bailiffing and R&D will rise but so will the income to pay for it. Additional expenditure can be raised by the Board if requested by Owners. It should be appreciated that a productive Wye fishery will be making a substantial contribution to the Exchequer via VAT, which will be levied on increasing visitor expenditure and increased employment. A spreadsheet showing an example of how the transition could be achieved is shown on the following page.

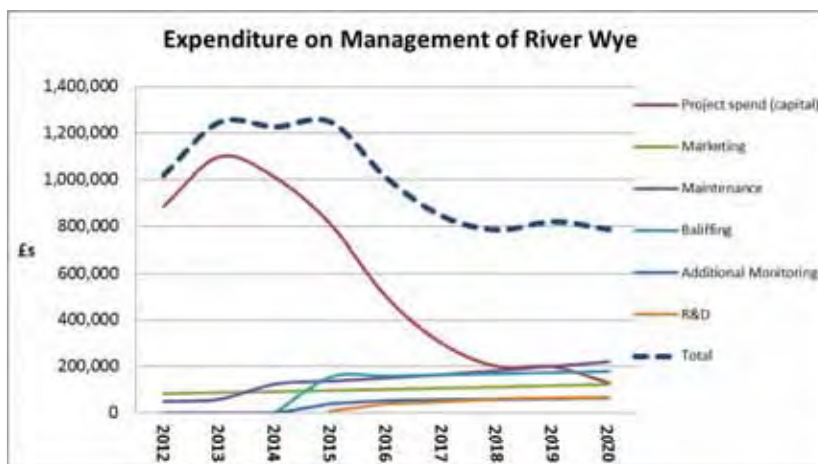
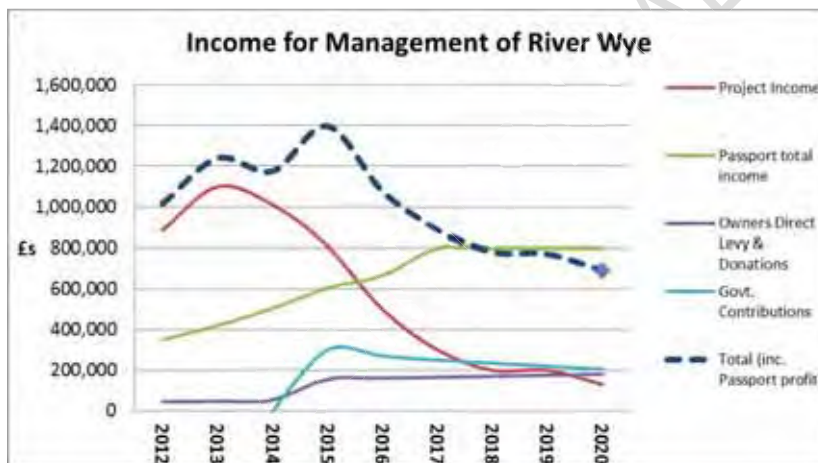


*Views of the middle (left) and upper Wye*

Income to Wye							
Year	Project Income	Passport total income	Passport Profit	Owners Direct Levy & Donations	Govt. Contributions	Total (inc. Passport profit)	Contingency/ Reserve
2012	886,000	350,000	84,000	45,000		1,015,000	£45,000
2013	1,099,000	420,000	92,400	47,250		1,238,650	£36,450
2014	1,010,000	504,000	110,880	54,338	0	1,175,218	-£15,943
2015	808,000	604,800	133,056	155,968	300,000	1,397,024	£132,700
2016	500,000	665,280	146,362	160,647	270,000	1,077,008	£201,067
2017	300,000	798,336	175,634	165,466	250,000	891,100	£248,441
2018	200,000	798,336	175,634	170,430	235,000	781,064	£245,035
2019	200,000	798,336	175,634	175,543	220,000	771,177	£196,548
2020	130,000	798,336	175,634	180,809	205,000	691,443	£102,107

Expenditure							
Year	Project spend (capital)	Marketing	Maintenance	Baliffing	Additional Monitoring	R&D	Total
2012	886,000	84,000	50,000			0	1,020,000
2013	1,099,000	88,200	60,000			0	1,247,200
2014	1,010,000	92,610	125,000	0		0	1,227,610
2015	808,000	97,241	137,500	155,000	40,000	10,641	1,248,382
2016	500,000	102,103	151,250	159,650	56,275	39,363	1,008,641
2017	300,000	107,208	166,375	164,440	57,963	47,741	843,726
2018	200,000	112,568	183,013	169,373	59,702	59,815	784,470
2019	200,000	118,196	201,314	174,454	61,493	64,206	819,663
2020	130,000	124,106	221,445	179,687	63,338	67,307	785,884



#### Income Notes:

From 2015 a Section 142 compulsory levy would be introduced ensuring all owners contribute. A tapering government contribution would also be introduced. The income from the Passport is not included in the calculation but shown to indicate the upward trend in lettings. Contingency is not cumulative

#### Expenditure Notes:

Costs of administration (rent, rates & admin staff etc) borne by the individual cost centres There will be 4-6 bailiffs available, working part time on other projects. Additional monitoring is the cost of work not included in projects. Maintenance costs e.g. keeping up fences, fish passes & liming etc.

## Background Information

### 2.1 Introduction

The Wye is the 4<sup>th</sup> largest river in England and Wales. Rising at Pumlumon, not far from Aberystwyth, the river flows 156 miles from Wales into England at Hay-on-Wye, returning to Wales north of Monmouth. From Redbrook just downstream, it forms the boundary (with the Monnow) between England and Wales. Much of the catchment is an EU listed Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and for part of its length, an Area of Outstanding Natural Beauty (AONB). From Hay on Wye downstream it has a public right of navigation. Its huge diversity and character makes it a haven for anglers who fish for its famous salmon, trout, grayling and its prolific coarse fish, and for wildlife enthusiasts, boaters, walkers and a wide range of other visitors.



Of crucial importance, is the status of the Atlantic salmon which once ran the Wye in very much greater numbers and size than at present. As well as being an iconic and protected species, a healthy stock of salmon offers the prospect of achieving a level of sustainability in respect of management costs as the value to the economy through angling is potentially very substantial. Additionally, it is fortunate that in re-establishing this species, there will be advantages to every other indigenous species in the river. Salmon restoration therefore remains of paramount importance and is the driver that could fund and enable solutions for the entire Wye SAC. The plan also seeks to reconcile the interface with other river interests.

### 2.2 History of Wye Management

The Wye has experienced a somewhat chequered history, particularly in respect of management of its salmon. There has been a progression<sup>1</sup> away from the involvement of local stakeholders such as riparian owners, who historically had been responsible for restoring and maintaining the river in the early 20<sup>th</sup> century.

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<sup>1</sup> Please contact Wye and Usk Foundation for details of the long term chronology of this disenfranchisement



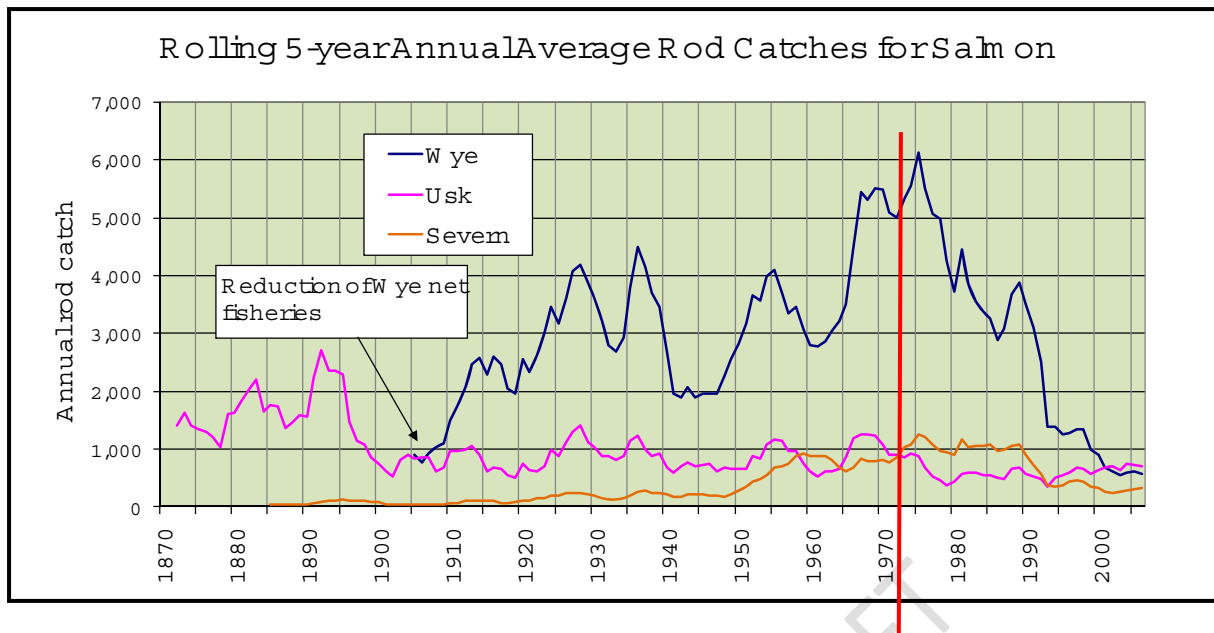


Figure 1: Five year rolling average of catches in the Severn Estuary 1973

There was a significant change in 1973, when the Water Act dissolved local river boards and placed the responsibility for “Maintaining, Improving and Developing” fisheries on the newly formed state owned regional water companies. Ensuing years saw a series of internal reorganisations. Firstly, in 1989 the National Rivers Authority (NRA) was separated from the privatised water companies only to be subsumed into the Environment Agency (EA) in 1995. During this period the bureaucracy expanded with a corresponding retreat from “the front line” but in so far as the Wye was concerned, the initial, ample funding didn’t find its way into improvement or restoration projects. In fact some schemes did very serious damage to salmon stocks.

In 2010 the Agency divided its responsibilities between EA Wales and EA along political rather than catchment boundaries bringing further problems and costs. More changes are anticipated in Wales in 2012, with the amalgamation of Environment Agency Wales, Countryside Council for Wales and the Forestry Commission.

From the mid ‘70s until 2002, the decline of salmon was almost inexorable. The thrust of the post ‘73 management era was process and not delivery. Poacher control and the commissioning of a small hatchery remained the sum of all actions taken. A default policy of supervised neglect allowed dams, weirs and some very adverse land use practices to degrade or block off **most of the Wye’s available juvenile salmonid habitat**. Initial budgets went unspent and then were lost as the organisation had limited skills in diagnosis and delivery. Added to this, the agency has used its law-making powers in such a reactive and cumbersome way that by the time byelaws have been introduced, they have often been too little too late and, in some cases, unnecessary. With an upturn in the 5 year average Wye salmon catch, the current proposed full mandatory catch and release is an example of the latter, though it would have helped if made 15 years earlier.

## Salmon Action Plans (SAPs)

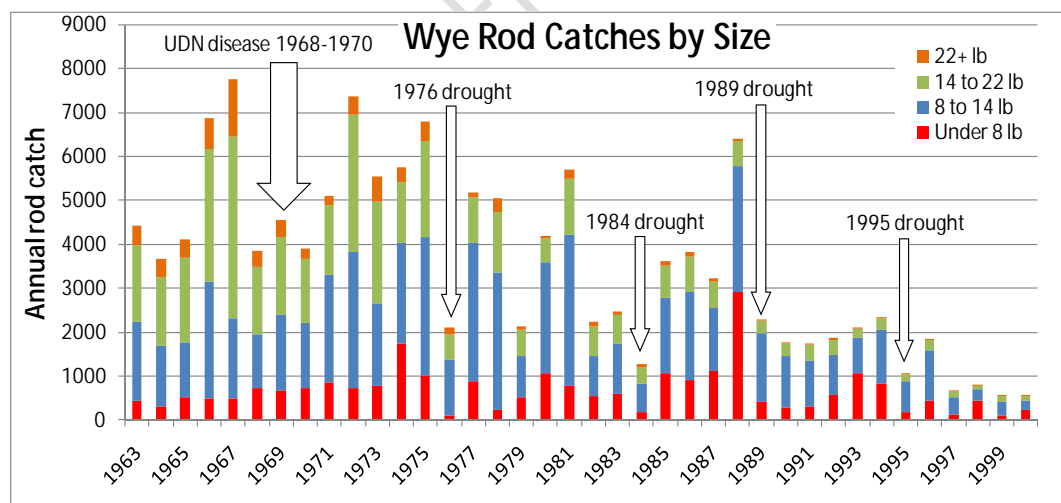
Salmon management has been attempted against a series of SAPs, the Wye having had three (early '90s, 1997 and 2003). Essentially, the early plans were a list of aspirations but worded in a way that the proposed action was the aspiration (“*consider the benefits of having a fish pass at.....*”) rather than the more obvious and desirable outcome. Many of the actions listed were simply reiterations of the “Day Job” and not focussed at salmon restoration.

In 1996, the Wye Salmon Fishery Owners Association (WSFOA) brought about the formation of a fisheries trust (The Wye Foundation, now WUF) to reverse the situation. WUF has worked separately and in partnership to reverse the trend. From this point, partnership working, particularly with EAW, proved a fruitful way of delivering many of the required actions. However, making good the inactivity of 30+ years takes time and the capital works programme has yet to be completed.

The 2003 SAP involved WUF as a key deliverer of many of the actions and many of the important outcomes were achieved. There has been no SAP since then. **Our proposals extend activities to include all Wye fish and other riparian zone species.**

### 2.3 Status of Salmon Stock 2012

It can be seen that the rod catch of salmon – a fair measure of stock size over time - has been in decline since the '70s. The absolute nadir was in 2002, when the catch was just 357.



**Figure 2:** Certain elements of the stock component have fared less well than others, notably the component of large 3 sea winter early running salmon (green and brown bars).

A number of reasons, including changes in sea survival rates, have been advanced as to why the rate of decline has outstripped that of most other rivers. It is conveniently overlooked that it was accompanied by declines in native trout populations clearly pointing to in-river problems.

WUF and partners have taken actions to address some of these issues during the last 12 years (and are continuing), since when there has been a steady improvement in the rod catch, despite a much reduced fishing effort:

Average Rod Catch 2002 to 2006	561
Average Rod Catch 2007 to 2011	752 (increase: 34%)

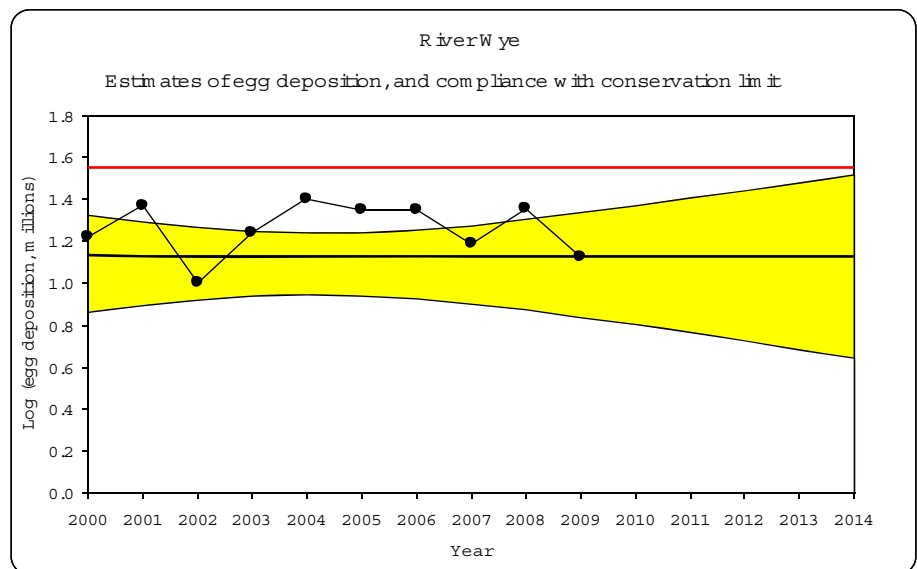
However, this compares with the Agency model, which suggests a flat line:

**Figure 3:** 2011 Model to predict the future of egg deposition target river Wye EA Wales.

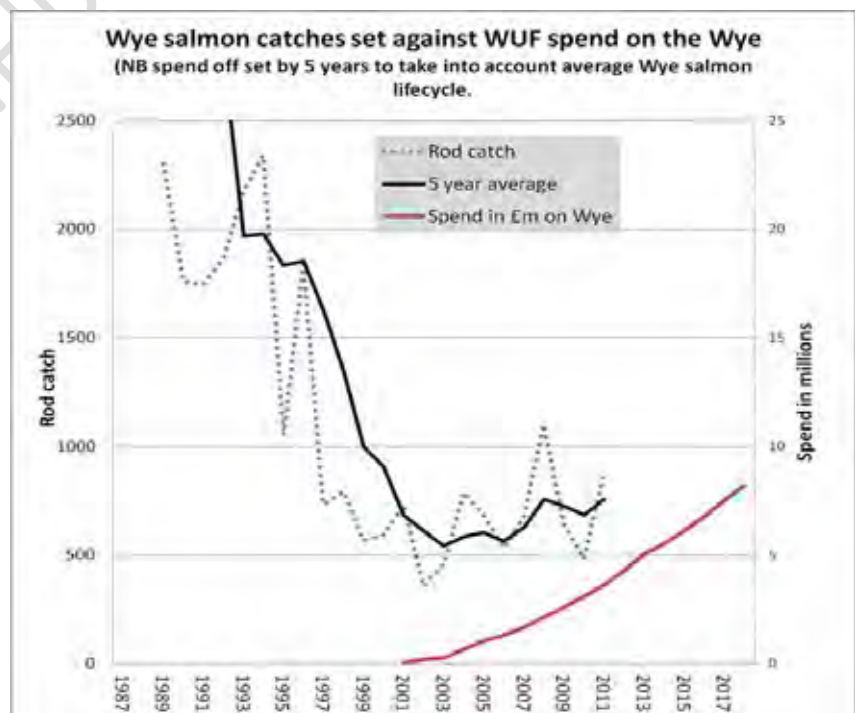
Red Line: egg deposition target (EDT)

Black line: projected EDT

Yellow: confidence limits



**Figure 4:** More recently, there has been a modest upturn. Moreover, this has been the only sustained upturn in Wye catches since the early '70s and can be shown to be as a result of actions taken by WUF and partners.

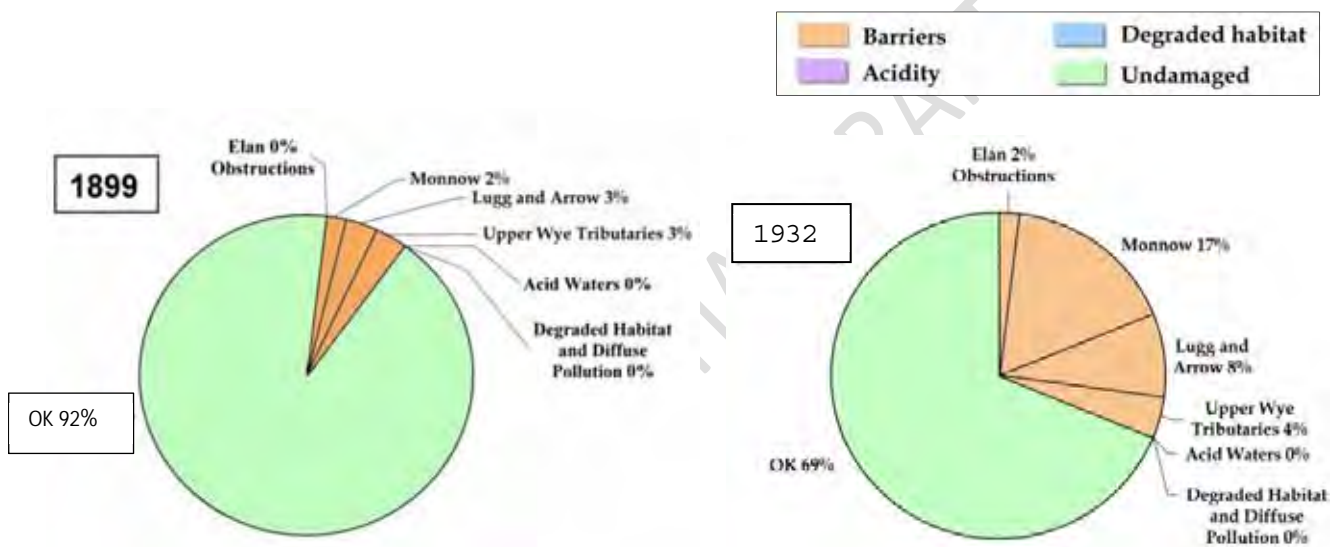


April 2012: there are clear indications that the improvement continues with a substantial catch of kelts from the run of 2011 and the best March catches for over 20 years.

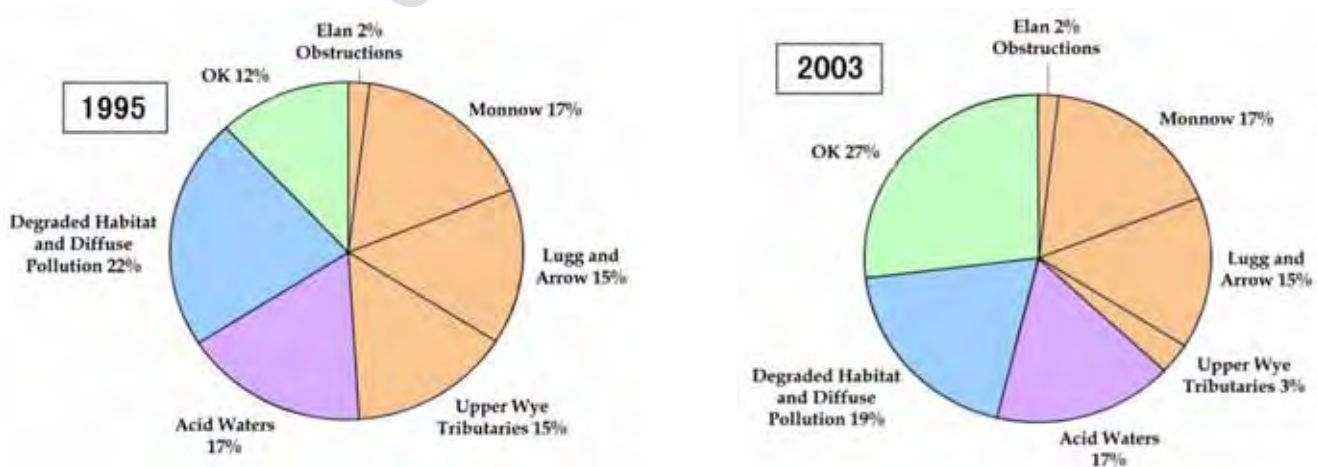
## 2.4 Issues Affecting the River and its salmon over Time

The graph on page 9 (*Figure 1*) shows the erratic rise and fall of Wye salmon catches. The quanta of issues that affect them are plotted against points in time where reliable information was available.

When the nets were bought off in 1899, recovery commenced in what was largely a pristine and freely open environment (Royal Commission 1901). Barriers to migration reduced available habitat and were noted in JA Hutton’s “Spawning tributaries of the Wye” survey in 1932. Despite that loss, a satisfactory run of salmon continued to establish itself, albeit during periods of high sea survival rates.



By the time WUF was formed 1996, the amount of functional habitat had been reduced to around 12%, as had the salmon run.

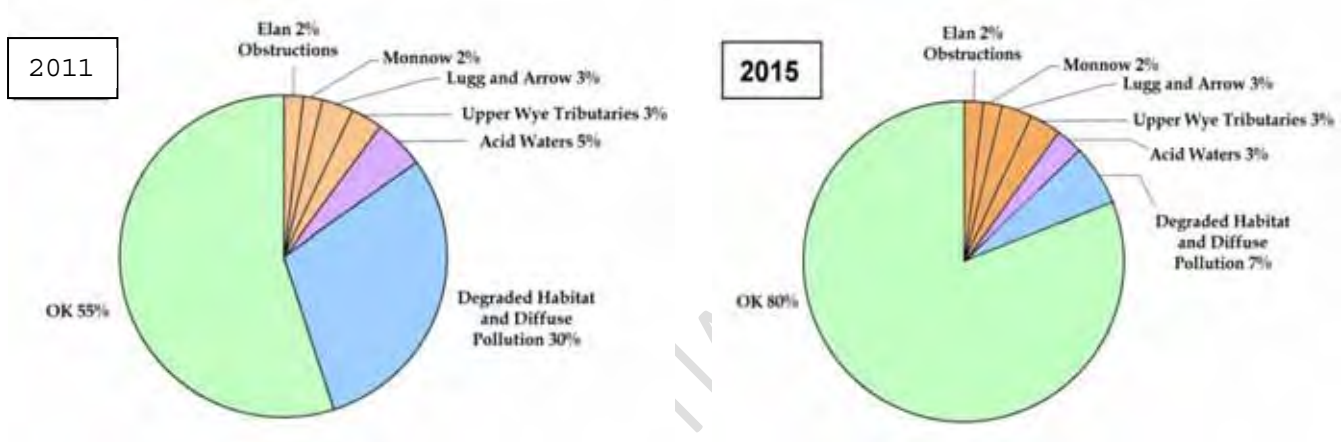


1995 is a representation of the extent of problems before WUF was formed.

2003 shows the state before the start of WUF's major habitat and de-acidification project.

Gradually this is being recovered with:

- Fish passes and barrier removal
- Restoration of damaged nursery habitat
- Treatment of acid waters
- Treatment of diffuse pollution
- Reductions in exploitation



2011 represents the current situation. It should be appreciated that certain works (e.g. the opening up of the Monnow catchment) will require a minimum of 5 years to generate additional stocks of migratory fish.

2015 is an aspirational scenario based on the completion of access and habitat restoration work as currently planned.

## 2.5 Current Funding Arrangements

### a) Statutory Bodies

The Environment Agency (EA/W), Natural England (NE) and Countryside Council for Wales (CCW) are funded from central government(s). CCW and NE require funding to support their offices and core staff to complete tasks such as site plans (CCW only, to date), enforcement and give grants, for example, to WUF to support projects. On top of similar core running costs, EA/W has additional responsibilities for monitoring and research. Although unable to give grants, they can commission work by others against a strict set of criteria.

Additional fisheries funding is raised by the Agency via rod licence sales. The EA/W alone estimates that about £1million is spent directly and indirectly on the Wye fishery annually, though uncovering just how and where is far from straightforward. They have been very supportive in respect of funding for WUF projects but it does seem that a large amount is deployed on overheads and central office recharges. Thus the total amount spent on the Wye in 2011 exceeds £2 Million.

The former bailiff force of 12 dedicated to the Wye is now reduced to a few individuals charged with covering a huge area with many additional duties.

Catchment sensitive farming officers are deployed in the Wye by both NE and EA/W to do something about diffuse pollution. Berated by the Audit Commission for being very poor value, here is a classic example of confused roles of deliverer and regulator. The whole issue of damage from land use, mainly farming, is one that has been allowed to develop faster than the contemplation of the resolution – i.e. it's getting worse.

#### **b) Private Funding - current**

WUF is a registered charity and raises funds from riparian owners, anglers and well-wishers. Using these core funds, projects are constructed that deliver what may be considered as essentially capital works: fish passes; habitat restoration and water quality improvements. This is very much a catch up exercise with what should have taken place over the past 30 years. The requirement for capital works will reduce over time, giving way to monitoring and maintenance. Funding is sourced from:

- Various EU funds: European Fisheries Fund; Life +; Regional Development Funds; Agricultural and Guidance Grant Fund; Leader+. Many have now ceased.
- Riparian owners and anglers
- Private trusts
- Statutory bodies
- Landfill and Aggregates Tax
- Sale of angling: The Wye and Usk Passport
- Defra and WG

WUF have 24 staff, including fishery scientists and experts in farm pollution management. Many are trained in monitoring, skilled in river restoration and maintenance, some with policing and military experience. In 2011, WUF spent £1.4million on its capital programme on both Usk and Wye.

## **2.6 Regulators, Directives, Acts of Parliament, Byelaws, Regulations and Codes of Practice**

How are the fisheries of the Wye controlled and regulated?

The **Habitats Directive** and **Water Framework Directive (WFD)** are of profound importance to the Wye. Both offer robust protection, drive restoration and trigger funds. An issue that is likely to test the former is its ability to prevent projects such as Severn Tidal Power - "The Barrage" - which would cause the extermination of all migratory fish (including 5 SAC features) if built as previously

proposed. WFD is the driver for putting all rivers in good ecological status and is welcomed as a driver for restoring the Wye.

The recently enacted (2011) **Marine and Coastal Access Bill** has updated all previous fisheries legislation, replacing the **Salmon and Freshwater Fisheries Act**.

Government (and EU) policy is managed by Natural England (NE) and Countryside Council for Wales (CCW) and is delivered through their agents the **Environment Agency** and the **Environment Agency Wales**.

Thus it is that the crucial “Site Plan”, a Habitats Directive requirement, is formulated by CCW though the plan appears to be a document of “work in progress.” As yet it is unavailable in England.

[www.wyeuskfoundation.org/problems/River%20Wye%20SAC%20Core%20Management%20Plan.pdf](http://www.wyeuskfoundation.org/problems/River%20Wye%20SAC%20Core%20Management%20Plan.pdf)

At present it is the Agency’s responsibility to deliver, either directly or with partners, any required works. They are also tasked with the responsibility for prosecuting fisheries byelaws and interpreting and carrying forward any relevant regulations. Additionally, the Agency has land drainage and water quality/pollution responsibilities, while CCW and NE are responsible for policing the Countryside and Wildlife Act (now the CROW Act).

Finally, the Forestry Commission require consultation in respect of riparian tree management – consents to remove above a certain volume of timber in a given period. In addition, they are responsible, through the 5<sup>th</sup> edition of their Forestry and Water Guidelines, for minimising damage to watercourses. Historically, this code of practice has been more honoured in the breach than observance and careful checking of their long term plans has always be required throughout the catchment by WUF/ fisheries interests.

One other statutory body exists: The Lugg Internal Drainage Board. Their brief is to ensure low lying land in the lower Lugg catchment is drained to aid farming. In places, its modus operandi of canalising streams and removing all vegetation is being revised in favour of a more natural approach.

*Winter on the upper Wye in winter*







## 3. The Management Plan

### 3.1 Future Structure and Funding

It is clear that the dream of the 1973 Act to provide a perfect national fishery service, funded by the state has not proved successful, judging by the significant decline in salmon across England and Wales, despite the high cost. While there have been exceptions, the majority of rivers have suffered reductions but famous salmon rivers such as Wye, Dart, Dee, Avon and others have undergone serious declines, placing their very survival at serious risk. Of 64 salmon rivers in England and Wales, there are only 12 (England 10 Wales 2) where salmon stocks were “not at risk” (Cefas 2010). Many of these are very small rivers (e.g. Ehen, Duddon, Fowey, Camel, Kent, Ogwen). Crucially, the few rivers achieving “Not at Risk” status often fall far short of the economic potential. Managing the various opposing factors has proved a task too difficult and it is clear that a highly centralised structure with its heavy emphasis on process is not the most economic, effective or expedient way forward.

By contrast, north of the border, management by discrete district fisheries boards and rivers trusts with high local and stakeholder interest has led to some of the highest rod catches ever recorded (2010). It is rod fishing that transfers the greatest benefit to the economy of this incredible species and thus self-funding and sustainable systems are created.

That there will be constraints on future central funding is self-evident. There is therefore a pressing need to provide efficient local management which can progress towards self-funding against a background of a government commitment to localism via its “Big Society” movement.

The Wye, with its diversity of habitats and species, wide range of issues and complexities of border, combined with the experience of existing partnership arrangements and self-funding opportunities, offers an opportunity to set up a pilot catchment management that could deliver a model for partnership and cooperation, along with a considerable saving to the Exchequer.

**For the delivery systems to function effectively, they are best freed from a dual role and the slow pace of the regulators. Crucially, there needs to be a clear division between the provider and deliverer of the service and any regulators, and there are significant advantages in placing the responsibility of delivery in the hands of motivated stakeholders. Finally, it is essential that rivers are managed on a whole catchment basis. None of this currently happens on the Wye.**

### 3.2 Regulatory Body and Responsibility of Government

The regulatory body (SB) would ensure works and activities carried out by the Board fall within current legislation through a consultation and consenting process (as now), possibly with an obligation to scrutinise the Board’s 5 year plan. The duties of flood prevention, water resource, pollution and waste management plus obligations under the various EU Directives remain with them, delivery of actions in biodiversity and fisheries going with the Board.

Clearly, there would be a shift in emphasis of employment between the statutory bodies and the new river board. Employment by the Board would allow shedding of public employment and/or a shift to the new sector. A proportion of the costs currently applied by government to the Wye would continue to be applied via the Board, though savings would be substantial if carefully managed. Core funding would be raised through section 142 of the Environment Act as a levy on every riparian owner. Thus the Board would have the ability to raise funds through, in the first instance, using the powers vesting in the statutory bodies. Public and specific grant funding would ensure Biodiversity requirements are fulfilled. (See page 31 re Navigational responsibilities)

### 3.3 Detail of River Actions – Current Projects and Future Proposals

A substantial amount of work has been completed in the last 15 years by the partnership of WSFOA/WUF/EAW/EA/CCW. In all £9,374,531 has been spent on both Wye and Usk with project funding secured against core receipts for 2012 (approx. £7,000,000 Wye).

The gross amount of habitat reopened through fish passage work and the length restored and protected through fencing and repair is shown in the graphs below:

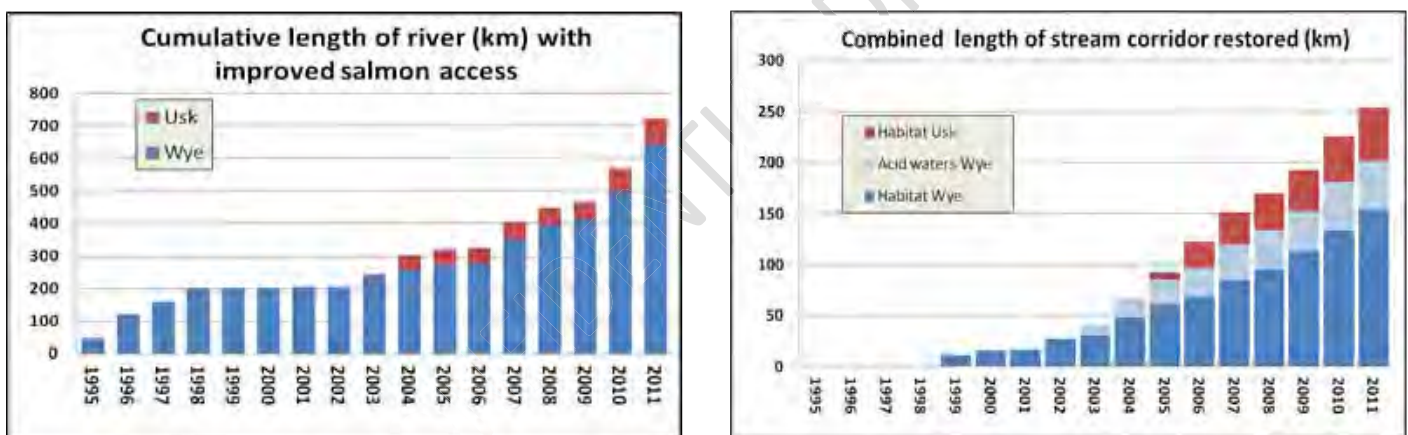


Figure 5

There remain a number of crucial works to be completed. At the end of these, monitoring, bailiffing, surveying and maintenance will form the more significant part of the work load. These plans are listed in order of importance with respect to salmon production. The order might be different if considered solely in relation to the Water Framework Directive.

#### 3.3.1 Loss of Spawning Habitat: Barriers to Migration

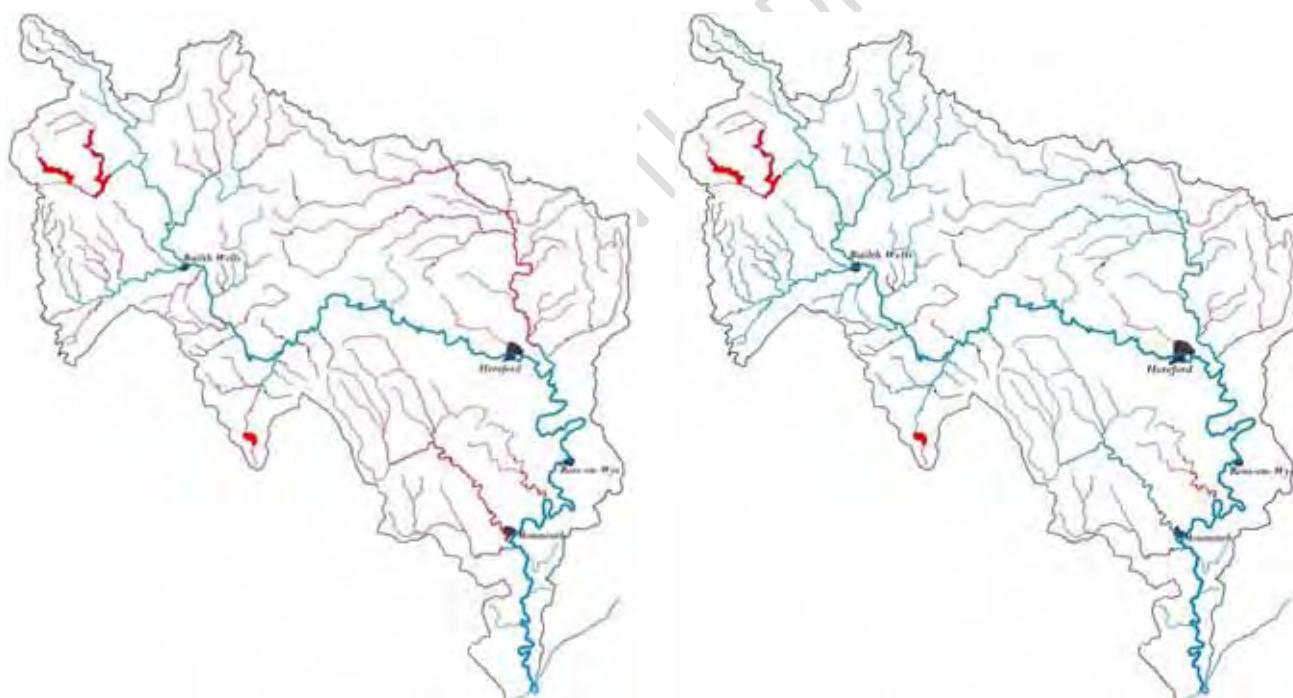
In 1995, about half the available juvenile habitat was blocked to ascending salmon. Since that date, well over 100 trash dams, weirs and barriers have been removed, eased or fitted with fish passes by EAW and WUF. Substantial barriers have been eased or removed from Lugg and Monnow, the Wye's largest tributaries. 2011 is the first year fish can ascend the entire Monnow, while fish have been

steadily colonising the Lugg and Arrow system since 2005 as passage has been progressively restored.

**Action 1:** Below is a table of works still needed on Wye Main River sites to ensure access at all flows:

SITE	Action Required	Completion	Responsibility/Cost	Funding (£= secured)
Trothy	Partial breach of barrier, + Eel Pass	2012	WUF £13K	WUF EFF (£)
Lugg Dayhouse	Removal or lowering of Weir	2012/3	EA ?	
Lugg Yatton Court	Fish Paas	2012/3	EA ?	
Arrow, Arrow Mill	Fish Pass	2012/13	EA ?	
Arrow Mowley 2	Baulk Fish Pass	2012	WUF £10K	WUF Defra/RT (£)
Arrow Downfield 1	Sectional cut through bridge footings	2012	WUF £10K	WUF Defra/RT (£)
Arrow Mahollam	Removal of weir or Baulk fish pass	2012	WUF £10K	WUF Defra/RT (£)

*Figure 6*



*Figure 7. Left: 1995 Wye catchment - blocked rivers marked in red. Right: Status in 2011*

**Action 2: Other fish access work.** WUF has identified a number of barriers on smaller streams where significant cost effective improvements can be made. It is planned to render these passable by 2013. The approximate number is 20, including Honddu, Arrow, Escley, Clywedog, Dolau Cyff, Iago, Cage, Garren and others.



*A baulk fish pass at Hunton on the River Arrow. This is one of several on the Arrow and a very cost effective way of restoring fish access on rivers with many weirs.*

### 3.3.2 Restoration of Habitats

In a series of EU funded projects starting in 1998, WUF and partners have managed riparian trees, erosion, stock exclusion (fencing), and provision of drinking points, gravel protection and localised silt reduction. Current and proposed projects are tabulated below. The total cost of the project includes costs for other project actions:

Project	Where Applicable	Quantum (completed)	Fund/Cost (total project cost)	Notes
ISAC	Irfon	37 km (20km)	£1.2 million	To 2013 Funding secured
Dwyrain Cymru Salar 2009	All welsh tributaries	17km (11km)	£523K	To 2012 Funding Secured
Rivers Trust /Defra	Farm Pollution Management	75+ farms	n/a	2012 Funding secured
EA fund	Hindwell, Garren	4km (0km)	£30K	2012 Funding secured
Hereford 'NIA replacement'	Ross sands, Garren etc	In preparation	£90K	2015 Funding secured
Sir Maesyfed '12 (EFF)	Ithon	31km	c£500K	2015 Approved April '12 Project starts Oct
Catchment Restoration Fund (CRF)	England only (Defra)	c70km	Up to £1.6m	2015 1 <sup>st</sup> stage approval, Final result end April
CRF Wales	Trothy	4 km + FPs	£75 - 115K	2012 Bid in progress, result May '12

**Figure 8**



*Above: Pre and post habitat restoration on Wye tributaries.*

We estimate somewhere between 65km and 100km of stream still require habitat restoration to both protect, and maximise productivity for salmon and all species, but that may be an underestimate particularly if animal stocking levels increase. **The area of most concern is the Ithon catchment.** Costs vary between £7K/km for single bank fencing, provision of alternative water and minimal tree work to £20K/km for sites requiring double bank fencing, extensive tree work and/or bank repair (revetment). Additionally, there is an increasing maintenance requirement while project funding has been secured for Ithon and in Herefordshire.

**Action 3:** Continue to restore degraded stream habitats wherever suitable cost benefits can be achieved.

WUF and partners invested in a project to determine how existing laws, byelaws and regulation impact on the rather ad hoc practice of taking gravel out of the river. This practice, if carried out at certain times of the year can be seriously damaging. Details may be found at:

[www.wyeuskfoundation.org/projects/rasp2009.php](http://www.wyeuskfoundation.org/projects/rasp2009.php)



*Uncontrolled winter gravel extraction: certain death to fish eggs.*

**Action 4:** Continue to procure a cessation to damaging gravel abstraction.

### 3.3.3 Water Quality and Diffuse Pollution

Current pressures include acid rain, pesticides, sedimentation and eutrophication (elevated phosphate levels).

#### **Acidification**

The pHish project set down a methodology for the effective treatment of the effects of acid rain and successfully restored water quality to the upper Wye and tributaries above Llangurig. Techniques included sand liming and hydrological source (HSL) introductions.

The other part of the Wye catchment affected is the Irfon above Llanwrtyd Wells. Currently, the ISAC project is treating this section by restoring afforested wetlands, sand liming and HSL. The annual cost of sand liming is about £7K pa and will require annual dosing for at least another 10 years, possibly longer.

**Action 5:** Continue with ISAC and sand liming of upper Wye and Irfon plus monitoring.

#### **Diffuse Pollution**

Excessive amounts of fine sediment, pesticides (especially sheep dips and metaldehyde), herbicides and phosphorus related to current farming practices are damaging a large part of the catchment. Synthetic Pyrethroids have been banned from veterinary use but are still applied by the Forestry Commission.



*Above and right: Dudale Hope, a site that passed a cross compliance inspection in Herefordshire in 2010.*

**Rectifying these problems will become the most serious issue affecting the river**, partly because other issues are being resolved but also because farming is still intensifying, especially in Herefordshire.

The existing plans of Catchment Sensitive Farming, coupled with ineffective regulation by EA and the Rural Payments Agency are falling well short of the necessary incentive and deterrent. Much of the critical soil management devices (such as soil management plans and requirements to retain soils in GAEC) are either unenforced or carry no penalty if abused.

What is required is a robust regulatory system coupled with incentives to ensure some of the basic requirements of farm pollution management are in place. We believe that there needs to be clarity between the regulators of farming practice and those charged with delivering advice.

**Action 6:** WUF has recently completed a project to identify changes to agricultural regulation and new funding sources (DSEPP: project details available from WUF). A project that started in January 2012 focusses on improving water quality in combination with a grant pool and will restore three water bodies. Budget £100K pa.

Further funding is anticipated via the Defra Catchment Restoration fund.

**Action 7:** Continue to press for agricultural regulation to prevent the pollution events referred to.

### 3.3.4 Water Resources

Increasing demand for water coupled with an aversion to capital programmes has rendered the Wye catchment fully abstracted (as defined by CAMS). A series of reservoirs on the Elan supply water to the Midlands and Birmingham by direct pipeline and also by direct abstraction at Lydbrook. At Monmouth the Wye/Usk Transfer pipes water to South East Wales against releases from Elan. In addition, licences allow abstraction for local and agricultural use.

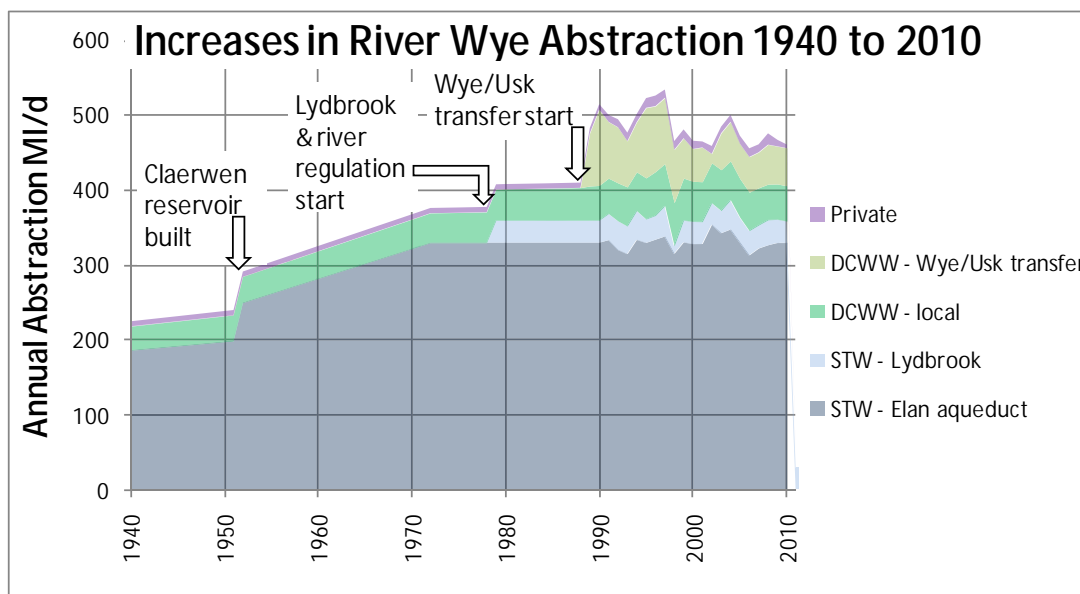


Figure 9 DCWW = Dwr Cymru Welsh Water STW = Severn Trent Water

The operation of releases from Elan has been changed since the original inception and the focus has been on maximising the resource, not necessarily for the benefit of migrating fish or river habitats. The Habitats Directive 'Review of Consents' process requires all licensed operations to demonstrate 'no adverse effect' on the site (i.e. river Wye) and since this is not the case, some changes are envisaged.

**Action 8:** WUF had previously engaged a hydrologist to inspect these proposals and examine their effectiveness. The upshot is a comprehensive document proposing modifications that are rather more fish and SAC friendly.

**Action 8b:** More small scale winter storage reservoirs. As the effects of climate change place heavier demands on water resources, it will be important to ensure a high degree of compliance with permitted abstraction licences. (EA/NE using recent grant availability)

### 3.3.5 Exploitation

#### Commercial fisheries – Estuary

In 2000 WUF, in partnership with WSFOA and the United Usk Fishermen's Association, bought out the Severn Estuary drift nets, negotiated a five year moratorium with the Goldcliff Putchers and



forced the Environment Agency to honour their own plans to shut the Wye Putchers. This followed the 1999 National Salmon Byelaws putting the start date of estuary netting back to 1<sup>st</sup> June.

The Goldcliff Putchers were subsequently bought out by the Environment Agency. In 2002 WUF joined with the Wessex Chalk Stream Trust to complain to the EU about the Irish driftnet fishery taking fish destined for English and Welsh SACs. In 2007, the entire (legal) fishery was closed.

In 2010, WUF and EAW jointly secured a one year moratorium on the Lydney Park putcher fishery and EA(W) secured a second year in 2011. A national byelaw now prohibits the sale of rod caught fish and there is a requirement to tag any commercially caught fish. A further byelaw was made closing the drift net fishery for good.

Following a decade of conservation in the estuary, exploitation is confined to Putchers, Lave nets and draft nets sited upstream of the Wye confluence, although Wye (and Usk) fish will be exploited by them. The most significant of these is the Lydney Park fishery. The recent Marine and Coastal Access Bill which incorporated and revised the various Salmon and Freshwater Fisheries Acts offers the prospect of applying significant curtailment to exploitation in these estuary instruments.

**Action 9:** EA to continue to pursue significant reductions in the remaining estuary instruments.

### **Rod Exploitation**

Since 1995, a series of byelaws have failed to address the problem of insufficient spawning stock. These include:

- 1995: Fly only beginning and end of season; start of worming and prawning delayed until 1<sup>st</sup> June.
- 1999: National Byelaws - catch and release until 15<sup>th</sup> June; worming and prawning delayed 2 weeks until 15<sup>th</sup> June.
- 2003: start of season delayed until 3<sup>rd</sup> March (from 26<sup>th</sup> January); worming and prawning banned.
- 2010: proposal to introduce catch and release all season.

From 1997, it was apparent that a mandatory catch and release scheme was required on the Wye. In 1998, WUF and partners instigated a scheme for voluntary release, raising levels of return from 7% to over 80%. However, a mandatory byelaw is likely to be in force in 2012. A Board with high stakeholder engagement might have achieved this without a byelaw. These are expensive, time consuming and invariably late.

### **High seas exploitation**

The Ocean Silver report (SALSEA project) made the following recommendations following investigations into the marine phase of salmon survival:

- A) Maximize natural smolt output from every catchment
- B) Reduce exploitation, especially of mixed stocks
- C) Reduce obstructions to migration, especially in respect of renewable energy schemes

- D) Find ways to reduce damaging impacts of aquaculture (Scotland)
- E) Monitor stocks at sea by including salmon in pelagic fish surveys. Take action to protect stocks revealed as vulnerable

Further work found that size at marine entry and exposure to chemicals and acid flushes during freshwater had implications for marine survival.

**Action 10:** Continue to monitor latest research to ensure that management is aimed at ensuring the smolts leaving the Wye are of the best possible condition to survive the marine phase.

### 3.3.6 Predator Management

Salmon are predated upon at every one of their life stages. Other fish species are the main culprits, notably brown trout, pike and chub. These feed off juveniles while other fish and crayfish species eat their eggs. Avian predators include goosander and cormorant. Otters prey on salmon in the rivers while seals and various cetaceans/large fish prey on them in the high seas.

Prior to 1981 and the Countryside and Wildlife Act, it was possible to control cormorants and goosander. This can now only be done on the issue of a licence either from NE or WG and limited numbers will be issued for the operation of scaring.

Research has been carried out on the North Esk (sawbills) and more recently by MAFF (now Defra) into the effects of bird predation and measures to reduce damage. The Wye was selected as the site for the work on goosander predation. Published in 1999, the reports remain a salutary lesson in the futility of engaging this type of quasi politico/environmental research.



*Wye Goosander (and right) Cormorants on the Wye.*

**Action 10:** Investigate further mitigation options for these species and implement the findings.

### 3.3.7 Artificial Rearing

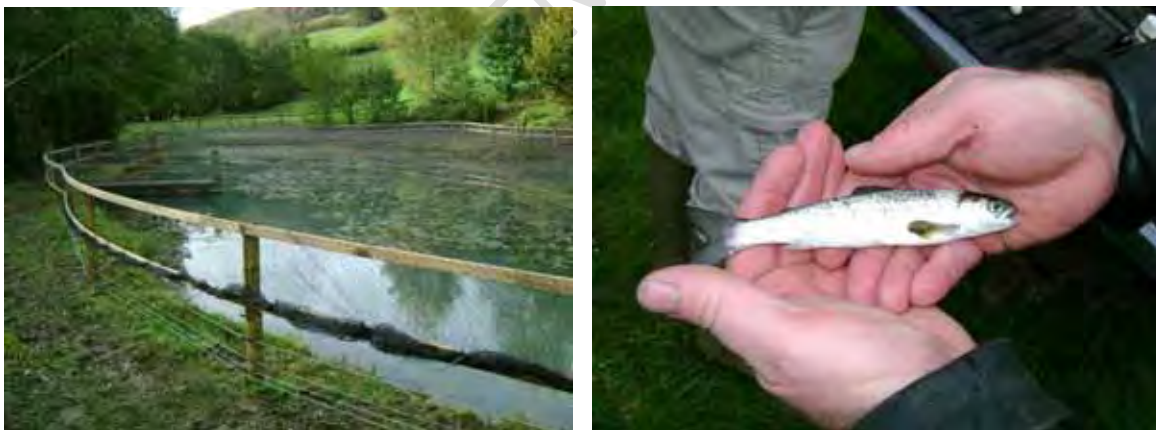
The first Wye hatchery started in 1974 and was replaced by other projects in 1995, 2002 and 2009. The latter is at Cynrig, near Brecon, and managed by EAW. While there is a presumption against natural rearing on any SAC, it has been permitted on the Wye as mitigation for the area of habitat excluded by the Elan dams. A calculation is made of this area and an estimate of its production is translated into numbers of eggs and hence quantity of fish that may be taken for the hatchery.

Previously, fed-up fry have been stocked out above obstructions to reduce the effects of competition with native salmon. However, as fish passage projects have progressed, the available of good quality tributary has reduced to a point where alternative methods of release now need to be considered.

One option is the use of Semi Natural Release (SNR) ponds and a scheme is currently being operated in the catchment.

Currently the hatchery at Cynrig is used for a variety of hatching schemes (crayfish, mussels trout and salmon) The mitigation stocking is paid for by DCWW and it is anticipated that would continue.

**Action 11:** Monitor results of SNR ponds as a means of increasing salmon stocks.



*Semi Natural Smolt Release Pond and (Right) Smolt*

### 3.3.8 Monitoring

The monitoring of fisheries is another example where change is urgently required. The application of a centrally dictated set of criteria (the interpretation of electro-fished key sites) has been shown not to be sufficiently sensitive to detect changes in fish populations. A more specific approach linked to success with activities in progress would be more indicative. Central Office dictats take many years to change.

Historically, salmon numbers have been assessed at various life stages by techniques that include:

- Electrofishing
- Redd counting
- Fish counters
- Rod catches
- Smolt counters and fish traps
- Genetic investigations

Each has its merits and drawbacks. It should be appreciated that the sheer size of the Wye coupled with seasonality constraints on counting plus cost point towards electrofishing as the obvious choice. Adult fish counters are problematic for the Wye: an absence of weirs in an ideal place and high turbidity makes one counter technology inappropriate, while the presence of barbel renders the current acoustic systems unreliable. Improvements are anticipated, however, which might make adult salmon counting feasible on the Wye in the future.

Redd counting is frequently hampered by adverse weather, is very time consuming and requires a lot of personnel. On the credit side, a manned presence on the tributary system during the spawning season deters poachers and enables inspection and detection of barriers, broken fences etc. It is very useful as a means of detecting early the success or otherwise of fish passage construction.

Given careful interpretation rod catch data can be used to give important information about specific run components, migration timing and overall numbers. Scale samples can add to information on run component and provide vital genetic data (see ahead). Rod catch data is used to estimate total numbers of salmon, which in turn delivers the egg deposition target achievement. This could be replaced by a more accurate genetic test, provided sufficient numbers of samples are taken from a complete representation of the entire run (i.e. not all taken from one site).

Traps work best on smaller streams. However, the sheer size and number of tributaries on the Wye coupled with cost may make this second or third choice to other methods.

Electrofishing has the ability to assess how successful spawning has been. With a window of opportunity of 3 to 4 months, substantial areas can be fished and, dependent on the actual sampling method, can be used to compare results over time, the effects of habitat restoration and also acquire genetic samples. In areas of very low fish density, the 5 minute riffle sample can detect early recolonisation by virtue of the high number of sites sampled in any given time. Quantitative or semi Quant investigations allow year on year comparisons of a given site. **Crucially, electrofishing samples a whole range of fish species.**

Currently, the Wye is sampled annually on a very limited basis but specific investigations, linked to projects, are carried out by EAW/WUF when required. Every six years a much more in depth electrofishing study is carried out. Recently, WUF has trained 8 staff to substantially increase capacity. The Tweed Foundation carries out a thorough investigation of a third of the catchment

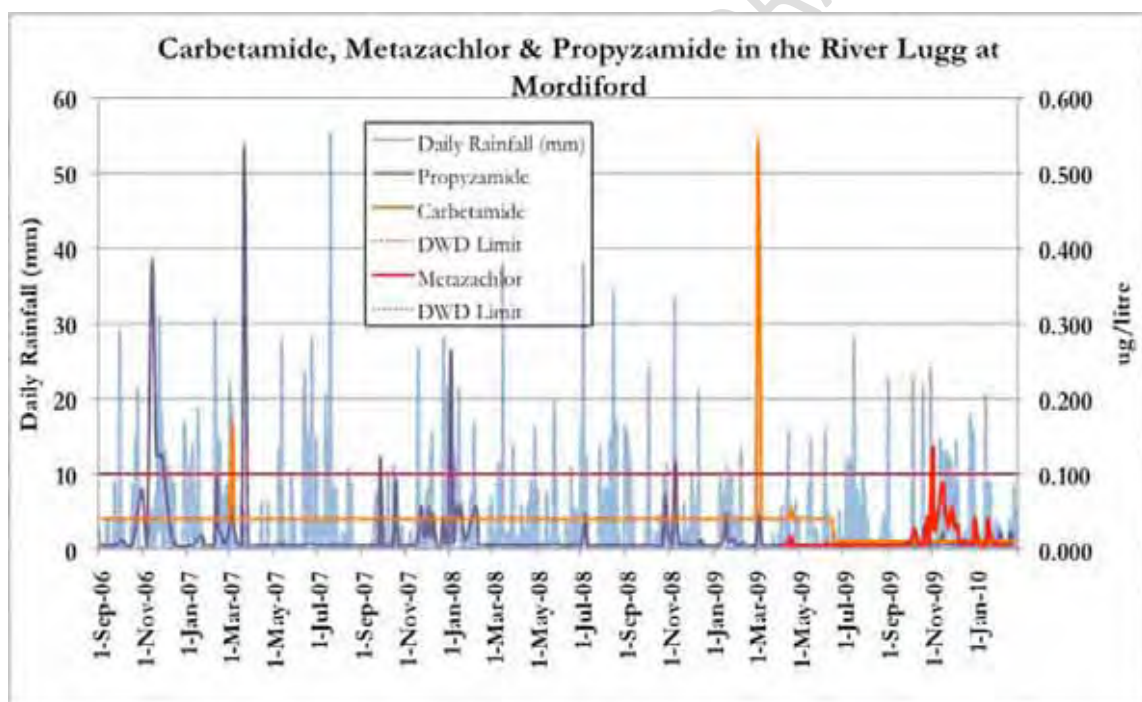
every year, while the Eden covers half the catchment in a year using a modified semi quantitative/5 minute riffle technique which allows for Favourable Conservation Status (FCS) classification.

**Action 12:** Review monitoring programme to establish a Wye specific relevant assessment and implement it.

**Action 13:** Implement relevant R&D to further our knowledge of fish populations and stocks and quantify success of stocking measures where required.

Every bit as important as fish counting are investigations to determine water quality and the factors causing its deterioration. These include:

- Invertebrate sampling
- Diatom analysis
- Chemical analysis (pH, P, pesticides)
- Sediment sourcing



*Figure 10: Chemicals in the river. The horizontal lines are Drinking Water Directive maxima.*

**Action 14:** Continue to support (where funds allow) long term datasets and specific investigations that address known problems and concerns.

### 3.3.9 Other Species and Biodiversity Issues

The Wye is listed as a Special Area of Conservation and Site of Special Scientific Interest (SSSI) based on a number of species and habitats. These include:

- Atlantic salmon
- Allis and twaite shad
- White clawed crayfish
- Bullhead
- Lamprey (3 species)
- Eel (Eel management plan species!)
- Otter
- Pearl Mussel
- Wild Chive (SSSI)

These and many of the Biodiversity Action Plan species e.g. Trout, Kingfisher, Dipper, Water vole, Little ringed plover, to name a few, are benefitting from works currently in hand.

WUF has been involved in a range of Biodiversity projects. Currently, ISAC is restoring crayfish and Pearl mussels to the Irfon and for seven years we have been involved in attempts to eradicate Signal crayfish. On the Lwyd (and Usk tributary) we constructed Sand martin nesting boxes to replace a lost bank that was the only site they nested in- with considerable success. In the Monnow catchment, the water vole has been successfully reintroduced and maintained in parallel to riparian restoration

**Action 15:** This plan should continue with actions to restore other riparian species and note the benefits of existing projects. Additional steps are to be taken to enable maximum biodiversity gains whenever possible. BARS should be updated for all Biodiversity Action Plan BAP gains.

### 3.3.10 Invasive Species

There is an ever expanding list of Non Native Invasive Species (NNIS) affecting the Wye corridor. WUF has conducted an invasive weeds eradication programme since 2007, focussing on Giant hogweed and Japanese knotweed. Trials have been conducted on Himalayan balsam eradication/control on tributaries and sections of the main stem to evaluate the inputs required to manage this invader and the Monnow Rivers Association are eradicating it from their catchment, working progressively downstream.

A concern for biodiversity and fisheries is that balsam out competes native plants whose presence protect the bank, leading to erosion and increased siltation. The other two diminish diversity and GH is poisonous.

Two other species are of immediate concern to the Wye and its stakeholders: Signal crayfish and Mink. Projects are in hand to control both (please see [www.wyeuskfoundation.org/projects/weed](http://www.wyeuskfoundation.org/projects/weed) )

**Action16:** Continue with existing programmes to eradicate invasive species asking for visitors and anglers to assist in identifying sites of infestation.

**Action 17:** Promote biosecurity awareness within river users to reduce risk of transfer and new species arriving, especially the Killer shrimp, *Dikerogammarus villosus* and *Gyrodactylus salaris*

### 3.3.11 Research & Development, Surveys & Data Collection (GIS)

Balancing the urgent requirement to restore sufficient habitat to ensure salmon survival against the perceived need for on-going R&D remains as much a human issue as a practical one. As the emphasis shifts from capital works and their completion (fish passes, habitat restoration and farm improvements etc) funding could be freed to pursue additional monitoring and fisheries development. This should be based on essential local (Wye) needs rather than, perhaps, wider aspirations. Examples of WUF R&D to date include:

- Investigations into the legal aspect of gravel abstraction - the RASP Project.
- Research into the effect of water abstraction and regulation on salmon migration on the Wye.

#### **Other monitoring and investigations:**

Genetic investigations have become sufficiently cost effective to determine important details such as salmon run size, extent of straying, number and characteristics of individual stocks and identify potentially poached fish. It should be able to detect success with artificial stocking based on the detail of individual “family” codes i.e. those from the hatchery parents reappearing as captured fish.

**Action 18:** Fund appropriate research that guides management.

### 3.3.12 Stakeholders

The primary stakeholders who have both a vested interest and care and concern for the river are listed below. The Board would ensure all are kept up to date with activities and consultations as necessary:

- Riparian owners through WFSOA
- Wye and Usk Foundation
- River Associations: Lugg and Arrow Fisheries, Monnow Rivers Association
- Angling clubs
- Anglers
- Guides and ghillies
- Walkers and boaters
- Wildlife enthusiasts
- Businesses supported in all or part on the environmental services provided by the river

Associated groups include:

- National bodies (e.g. Rivers Trust, Wild Trout Trust, Grayling Society, Barbel Society etc)
- Wildlife trusts (six on Wye)
- National angling bodies
- Local Authorities, AONB, Brecon Beacons National Park (a short section near Hay)

### **Interface with other river users**

Generally, there is a harmonious relationship amongst rivers users. The Wye Valley Walk attracts thousands each year with ornithologists and wildlife enthusiasts causing low impacts. There are three rowing clubs (Monmouth, Ross and Hereford) and pleasure boats at Symonds Yat that are confined to the Loop, none of whose activities impact significantly on other users.

The exception is the conflict between the canoeists, kayakers and rafters and the anglers and owners. Below Hay on Wye there is an accepted public right of navigation while upstream, the recent Wales Government report accepts there is no public right. Problems arise in both sections.

In the navigable section problems and conflicts arise from the inexorable, unmanaged and uncontrolled expansion in numbers of canoes and rafts using the river. As with angling and biodiversity, public money is used to fund infrastructure (launch sites etc) but unlike the former, there is no contribution from the navigators. Their contribution to the local economy is low value tourism in comparison to their rather high impact.

Above Hay, canoeing is by arrangement with the owners. Arrangements were set up and maintained by WUF <http://www.wyeuskfoundation.org/navigation/wye.php> and are generally adhered despite national canoe bodies (Canoe Wales and British Canoe Union) still claiming 365 day rights of access, despite Wales Government's full support for voluntary access. These highly successful arrangements would continue with the Board.

WFSOA has a place on the Wye navigation committee, a statutory advisory committee, as does The Salmon and Trout Association. Representation can be made through this and other means to reduce the adverse impact of canoeing downstream of Hay on Wye.

### **3.3.13 Marketing, PR and Communication**

The "Wye and Usk Passport" is a flexible and highly effective marketing scheme that makes all fishing in the Wye (Salmon, trout, grayling and coarse) available through the internet and booking office. Anyone can take part in the scheme. It has introduced many thousands of new angling visitors



to the catchment, enabling owners to fund improvements to their fisheries and contribute to WUF projects, plus significantly enhancing the rural economy.

The scheme has given a lot of reassurance to funders wishing to see long term benefits from environmental improvements and currently generates over £1.2m pa for the local economy. This would be massively increased if salmon fishing improved, estimated to be £10m pa.

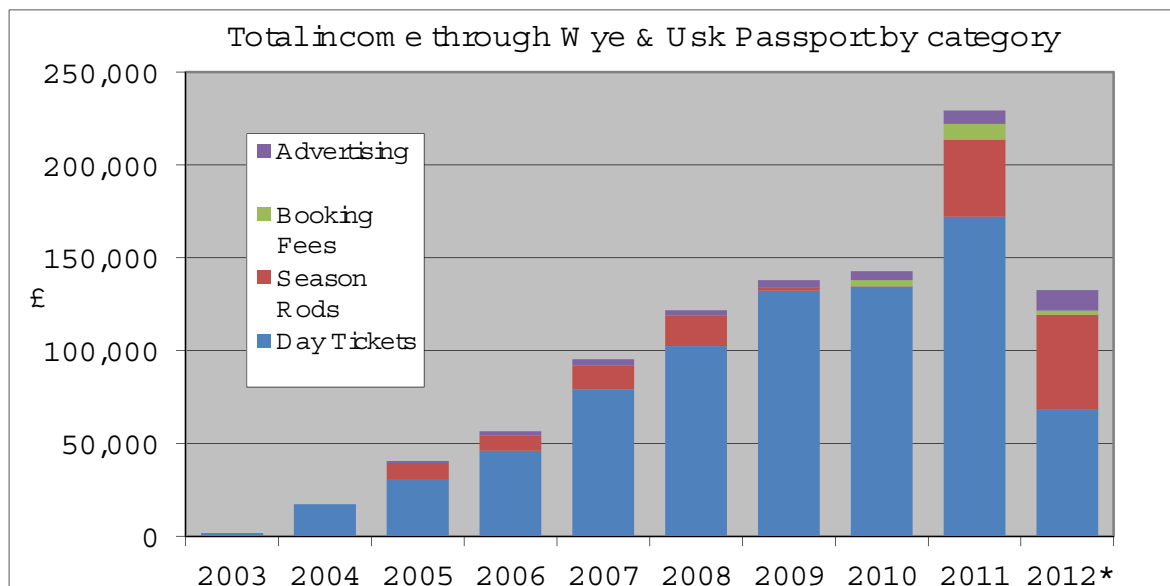


Figure 11 [www.wyeuskfoundation.org/fishing/booking\\_office](http://www.wyeuskfoundation.org/fishing/booking_office) \*Up to 5<sup>th</sup> April 2012

### 3.3.14 Policing, Bailiffing and Other Checks

At present, bailiffing is managed by the Agency with limited staff on both sides of Offa's Dyke. This has led to the absurdity of a response to a poaching report last year "the nearest bailiff is in Leicester" (100 + miles away), while an available welsh bailiff was only a few miles away just over the border. Numbers of staff "on the ground" have been progressively reduced from the early '90s when 12 bailiffs worked exclusively on the Wye fishery. Their purpose included licence checking, poaching patrols on lower river and estuary and, during the spawning season, patrolling the upper river and redd counting.

What stakeholders would like is for a protective force to patrol and check the river for poachers and illegal fishing or fishing without a licence or permit. The current force is unable to act against the modern poacher who often has a rod licence and perhaps does not speak English. Coastal and Estuary protection would be left to the existing authority.

EA bailiffs are not permitted to deal with licenced fishers who don't have a permit. This is an offence under the Theft Act 1968 but could be managed with a Board employed bailiff or constable.

The Agency has recently engaged EOs – Environmental Officers - to investigate diffuse and other pollution. This function could be added to the list of tasks for Board employees or retained by the SB.

One difficulty with the efficient deployment of bailiffs is the seasonality of the work. This can be mitigated by using staff who can also work on one or other of the capital or maintenance projects. It would be necessary for the SB to “warrant” bailiffs engaged by the Board.

#### 4. Conclusion

The requirement to resolve the borders river issue coupled with obligations to fulfil fisheries obligations and comply with EU directives, biodiversity plans and other strategies places a heavy burden on the public purse. It is our contention that this can be best achieved by deploying a local Board with direct or indirect fund raising powers, leaving government Agencies to scrutinise and regulate. We commend future discussion on the subject.

Dr Stephen Marsh-Smith for WFSOA and WUF  
April 2012

Associated Documents available on request from WUF

- Tweed Commissioners Budget and reports 2009 – 2011
- Fish Legal Document tracing changes in stakeholder involvement in fisheries management in 20<sup>th</sup> Century



Otter (*Lutra lutra*)



Brown trout (*Salmon trutta*)



Twaite shad (*Alosa fallax*)



Sea Lamprey (*Petromyzon marinus*)



Dipper (*Cinclus cinclus*)

**From:** Tony Hughes [tony.hughes@denbighshire.gov.uk]  
**Sent:** 02 May 2012 09:55  
**To:** SEB mailbox  
**Cc:** Howard Sutcliffe; Karen Holthofer  
**Subject:** Natural Resources Wales Consultation

**Attachments:** WG Natural Resources Wales 020512.doc

Please see the attached response from the Joint Advisory Committee for the Clwydian Range and Dee Valley AONB

Regards

Tony Hughes  
Swyddog Cynllunio AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Clwydian Range and Dee Valley AONB Planning Officer

Loggerheads Country Park, Near Mold, Denbighshire, CH7 5LH

Ffon/Tel: 01352 810614  
Ffacs/Fax: 01352 810644  
e.bost: tony.hughes@sirddinbych.gov.uk  
e.mail: tony.hughes@denbighshire.gov.uk

<http://www.sirdinbych.gov.uk>  
<http://www.denbighshire.gov.uk>  
<http://www.cefnwladssirddinbych.org.uk>  
<http://www.denbighshirecountryside.org.uk>  
<http://www.ahnebryniauclwyd.org.uk>  
<http://www.clwydianrangeaonb.org.uk>

FACEBOOK Denbighshire Countryside Service

Mae'r wybodaeth a gynhwysir yn yr e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag o wedi eu bwriadu yn unig ar gyfer pwy bynnag y cyfeirir ef ato neu atynt. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, hysbyswch yr anfonwr ar unwaith os gwelwch yn dda.

Mae cynnwys yr e-bost yn cynrychioli barn yr unigolyn(ion) a enwir uchod ac nid yw o angenrheidrwydd yn cynrychioli barn Cyngor Sir Ddinbych. Serch hynny, fel Corff Cyhoeddus, efallai y bydd angen i Gyngor Sir Ddinbych ddatgelu'r e-bost hwn [neu unrhyw ymateb iddo] dan ddarpariaethau deddfwriaethol.

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**Bryniau Clwyd a  
Dyffryn Dyfrdwy**  
Clwydian Range  
and Dee Valley

Ardal o Harddwch Natïrïol Eithriadol  
Area of Outstanding Natural Beauty

Eich cyf/Your ref:

Ein cyf/Our ref

Dyddiad/Date **2 May 2012**

Rhif union/Direct dial **01352 810614**

E-bost/E-mail **tony.hughes@denbighshire.gov.uk**

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

Dear Carrie

## **WELSH GOVERNMENT CONSULTATION: NATURAL RESOURCES WALES**

Thank you for seeking the views of the Joint Advisory Committee (JAC) for the Clwydian Range and Dee Valley AONB on this consultation document.

The following observations are submitted on behalf of the committee following consultation with the Chair of the JAC.

**“The JAC supports the principle of improving joined up thinking and action in respect of conservation and management of Wales’ environment and natural resources. The JAC also recognises that better coordination will also assist with implementation of an ecosystem services approach and sustainable development in general.**

However, in general the JAC is very concerned that the consultation document does not give sufficient weight to the importance of Wales’ protected landscapes (AONB’s, National Parks and Heritage Coasts) and the role of the proposed new organisation in this respect. The JAC is 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 disappointing to note that not only are the specific duties of CCW in respect of landscape conservation and enhancement downplayed, but also that complementary functions around the management and promotion of countryside recreation and understanding and enjoyment of this resource are not recognised. The importance of geodiversity and geoconservation in relation to an integrated ecosystem services approach is also downplayed in the document. The JAC considers these to be

Cyd-Bwyllgor Cyngor AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Gwasanaeth Cefn Gwlad Sir Ddinbych  
Parc Gwledig Loggerheads  
Yr Wyddgrug  
CH7 5LH  
01352 810614  
parc.gwledig.loggerheads@sirddinbych.gov.uk  
www.ahnebryniauclwyd.org.uk



Clwydian Range & Dee Valley AONB Joint Advisory Committee  
Denbighshire Countryside Service  
Loggerheads Country Park  
Mold  
CH7 5LH  
01352 810614  
Loggerheads.countrypark@denbighshire.gov.uk  
www.clwydianrangeaonb.org.uk

significant omissions and would ask that they be given more serious consideration in establishing and directing the new body.

Support for protected landscapes in Wales should be a fundamental objective of the proposed new body, particularly as AONB's are an established and successful mechanism to deliver the ecosystems approach. Guided by the AONB Management Plan, the Clwydian Range has successfully delivered an integrated ecosystems approach, blending environmental, social and economic objectives with conservation and enhancement of the landscape. This work has been promoted and supported by CCW and will falter if the necessary momentum and associated resources are not maintained within the new single body.

Specific comments on the proposed arrangements for establishing and directing the new body are as follows. Relevant page numbers in the consultation document are in shown in brackets:

- Welcome confirmation that the intention is to maintain and enhance current environmental standards and outcomes (p.14), but from the general comments above further assurances are required in respect of protected landscape conservation and enhancement and associated issues such as countryside access, etc.
- Support the proposed Aim and Strategic Outcomes for the new body subject to natural beauty and the conservation and management of Wales' protected landscapes as a natural resource and ecosystem service being explicitly recognised as a Strategic Outcome. The JAC considers that the word 'conserve' should also be incorporated in the overarching aim of the new body (p.18).
- The JAC notes that some £68m of savings are projected from the merger over ten years, and welcomes the statement that this will be reinvested in improving Wales' environment and its environmental services (p.10). The JAC would ask that conservation and management of protected landscapes be recognised and given priority in allocating funding.
- All three bodies currently have duties in respect of AONB's resulting from S.85 of the Countryside and Rights of Way Act 2000 which is not referred to in the section on legal issues (p.13-15). It is assumed that the new body will also be covered by this act, but the JAC would welcome specific recognition of this point. In addition, responsibilities and obligations arising from the European Landscape Convention are not adequately recognised.
- The JAC welcomes the intention for the new body to be independent of the Welsh Government in its decisions and delivery of its work, and thus able to offer impartial advice to government (p.27).
- 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 AONB partnerships and 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 AONB's in Wales, which currently receive considerable support through direct grant aid from CCW. 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 AONB's 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 on the ground."

Yours sincerely,

**Tony Hughes**  
**For the Clwydian Range and Dee Valley AONB Joint Advisory Committee**

Cyd-Bwyllgor Cyngor AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Gwasanaeth Cefn Gwlad Sir Ddinbych  
Parc Gwledig Loggerheads  
Yr Wyddgrug  
CH7 5LH  
01352 810614  
parc.gwledig.loggerheads@sirddinbych.gov.uk  
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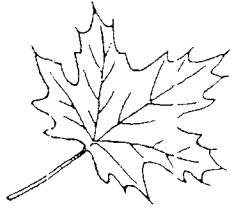
Clwydian Range & Dee Valley AONB Joint Advisory Committee  
Denbighshire Countryside Service  
Loggerheads Country Park  
Mold  
CH7 5LH  
01352 810614  
Loggerheads.countrypark@denbighshire.gov.uk  
www.clwydianrangeaonb.org.uk



David Parsons MICFor

Forestry Consultant

The Sheiling Llanvaches Caldicot Monmouthshire NP26 3AZ  
Tel: 01633 400418



Ms Carme Mass

Living Wales Programme Team

Dept for Environment and Sustainable Dev.

Wales Gear

Cathays Park

Cardiff CF10 3NQ

1st May 201

Dear Ms Mass

Future of Forestry in Wales Single Body

As a retired FDM from the FC, I view with some concern the inclusion of the FC in this new body.

My concerns centre around the following

1. The Welsh assembly Govt (WAG) will find it more difficult to achieve its new woodland target of 100,000 ha of new woodland without a dept devoted entirely to forestry.
2. Commercial forestry particularly conifer woodlands are important for jobs and industry in Wales. It is essential that conservation interests, without being rejected, do not bear too heavily on commercial forestry (ie conversion of extensive areas from conifer to broadleaved woodland)
3. If Wales does not continue to produce some of the conifer timber it needs for building, fencing, biomass etc, increased quantities will have to be imported. Some of this may come from the ancient forests of Russia.
4. Timber companies may reduce their investment in Wales.

P.T.O.

## Training.

In agriculture farmers under 40 receive additional financial support. There is a need for training and finance for forestry personnel particularly for gangs which tackle small wood where the volume of timber does not justify the use of expensive machinery. I have first hand experience of this, cutting such a wood.

I hope this arrives in time to meet the deadline.

Yours sincerely,

A. B. [Signature]

**CYMDEITHAS PYSGOTA LLANDEILO Cyf**  
**LLANDEILO ANGLING ASSOCIATION Ltd**

~~225~~  
225

ANNEDD WEN  
MILO  
LLANDYBIE  
AMMANFORD  
CARMARTHENSHIRE  
SA18 3NX

Dear Minister,

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

*G A Stephens Secretary Cymdeithas Pysgota Llandeilo Cyf*

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

On behalf of..Cymdeithas Pysgota Llandeilo.

0112 7 202  
225



*The Orchard, Perriswood, Penmaen, Swansea SA3 2HN  
Y Berllan, Coed Peris, Penmaen, Abertawe, SA3 2HN*

Tel / Ffôn: 01792 371665 e-mail / e-bost: [ridgegower@btinternet.com](mailto:ridgegower@btinternet.com)

Carrie Moss  
Living Wales Programme Team  
Dept for Environment & Sustainable Devpt  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

1 May 2012

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

The Gower Society is one of the largest and longest established local amenity societies in Wales. Its area of concern is the lordship of Gower (based on the earlier Welsh Commote of Gŵyr), which includes the first Area of Outstanding Natural Beauty in the United Kingdom, the designation of which was confirmed on 10 December 1956.

The Gower Society is a member of the National Association of Areas of Outstanding Natural Beauty and is represented on the Gower AONB Partnership. We fully support the submissions made on behalf of these two bodies by Howard Davies, CEO of NAAONB (19 April 2012) and Mike Scott, AONB Team Leader of the Gower AONB.

In particular, we would like to emphasise the following points:

1. AONBs have been designated in recognition of their national importance as distinctive and valuable landscapes that are worthy of protection.
2. The 1949 Act and the CRoW Act of 2000 supply the main statutory bases for the conservation of the natural beauty of AONBs. All public bodies, statutory undertakers and holders of public office (including the Welsh Assembly, Assembly Members and Local Authorities in Wales) have a duty to ‘conserve and enhance’ the natural beauty of AONBs. This is not a desideratum that would be nice in theory but can be side-stepped in practice, but is an absolute duty of these public bodies and their members. It cannot be ignored, by-passed or circumvented, however honourable the intentions of any proposal put forward.

3. We are particularly concerned that the term “landscape” is not used in any meaningful way in the document, despite the absolute importance of this concept in the designation of AONBs. (*viz* para 2.3 of the NAAONB response).
4. The consultation document does not appear to recognise the obligations of the SEB or the Welsh Government to implement the European Landscapes Convention or the requirements of the CRoW Act.
5. There is no reference to the SEB taking on the role of designating or protecting landscapes of national importance. This is particularly important to The Gower Society, since its proposal of an extension to the Gower AONB has been with CCW for more than seven years with no meaningful response.
6. The separate bodies which are expected to form the SEB, currently have different values, different priorities and different perspectives. Each of these is important; and it is difficult to envisage how a merged body will be able to give appropriate weight to these differing values, priorities and perspectives without losing something of importance. That something seems likely to be the protection and enhancement of special landscapes.

In summary, The Gower Society finds the consultation document seriously short on recognition of the huge importance of landscape and landscape protection in Wales. And this is despite the huge benefits of landscape to the health, the culture and the economy importance of Wales.

Yours faithfully,



Malcolm Ridge  
Chairman

Teifi Rivers Trust

227

Glanwerchyr,  
Maesllyn,  
Llandysul.  
SA44 5LD

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

Date: 26/04/12

Dear Ms Moss,

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

I am writing in my capacity as chairman of Teifi Rivers Trust to add our support to the proposals to establish a new body for environmental management in Wales combining the existing Environment Agency, CCW and the Forestry Commission.

We have worked well with these agencies in recent years and have established a good understanding of the issues currently impacting on the aquatic environment here in the Teifi valley. We also have a good track record for delivering environmental improvement schemes and look forward to playing our part within the new framework. We also hope that environmental issues will be viewed as a continuing priority for the Welsh Assembly Government.

Yours sincerely,



Dr. I.M.Thomas.



## Federation of Welsh Anglers

**Company Address:-**

**17 Gilbert Street**

**Holyhead**

**Anglesey**

**LL65 2NR**

**Telephone: 01407 761055 Mobile:- 07748701326**

**Email:- Nic\_E\_Massey@Hotmail.Com**

228  
CF

29<sup>th</sup> April 2012

Mr John Griffiths AM  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Minister John Griffiths AM

### **Formal Response to Welsh Government Public Consultation on Natural Resources Wales**

**The Federation of Welsh Anglers** represents the three Governing Bodies of Angling in Wales, Welsh Federation of Sea Anglers, Welsh Federation of Coarse Anglers and Welsh Salmon & Trout Angling Association we became the unified umbrella body controlling angling in Wales in 2005.

We were sent a copy of the formal response put forward by the FERAC committee and broadly wish to give it, subject to some reservations, our support.

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. One of our reservations is the absence of any meaningful direction on the transfer of the Fisheries Function to the New Body, even though 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. This is most important given the amount of money Angling brings into the economy and the number of jobs it supports. It should also be remembered that anglers are the

- people most involved in the environment whether it is through their Angling Associations, Rivers Trusts, or local, National Committees.
2. We understand that the proposal is to disband the FERAC committee. This is only acceptable if there is a similar more effective way put forward to engage with Fishery and angling interests as well as the wider community at a local and national level. FERAC has done sterling service in the past and if it is now showing signs of not functioning then this may be down to the appointment of membership and direction rather than FERAC itself. It is not clear if it is intended to abolish other committees such as the National Access forums. There must be built into the new body at a very early stage a framework for open consultation, this will be essential for the New Body to have any credibility. We say this as there were many decisions made when the Environment Agency was formed after the NRA that led to a severe downgrading of services. We would envisage that a reform of the Local fishery Groups would, if done correctly, help to achieve this. Members? (Care should be taken to appoint people for their knowledge and not politics) of the Local fishery Groups or of a National group that would meet say twice a year to be appraised on ongoing policy and other necessary matters. Some may say that committees have not been effective in the past this can be down to the fact that at times they are not given sufficient information and time, and items when presented are a fait accompli.
  3. There will be much expense and work in the next ten years on conforming to the Water Framework directive. Much of the failures on water bodies from this directive relate to fish and in particular Salmon. Wales is already a tourist destination for fishing and we need to keep this momentum going. It is also acknowledged for its country side, sea coast and marine life. The new Body must from day one protect this, even if it means bringing in new legislation to protect our fisheries. It must protect both our Inland and marine fisheries and the best way we see to do this, is to have a combined force of personnel dedicated to this work. The recent consultation on the drafting of the Sea Fishing order is a step in the right direction but the New Body will need to have sufficient resources to monitor and protect our fishing to the outer limits. In relation to this, there are proposals for new Marine Protection Zones. There would be no point in proposing these zones if there is neither will or means to make sure they are fully protected.
  4. Inappropriate land use from urban to rural areas is damaging our water environments, be it from farm land and diffuse pollution, to the general mismanagement of building and other sites adjacent to water courses. We hope that the new body will be proactive in advising the Welsh Government on these matters and in turn that the Government then make the necessary resources available to tackle the problem. Failure to do so will make complying with the Water Framework Directive difficult to implement.
  5. Many essential functions of Environment Agency have been centralised in England. Functions such as the Live Fish Movement centre at Brampton, the National Coarse



fish breeding unit at Calverton, the National Rod Licence Centre, and The Scientific Laboratory are all based in England.

Wales currently benefits from the wealth of expertise and knowledge within these functions, let us hope that this will remain and continue, at the same time allowing the New Body to commission its own facilities and centres of excellence to support Welsh Fishery needs.

6. The Value of our fresh Water Coarse fisheries, excluding the value of the Salmon and Sea trout fisheries is circa £75m. Due to the way Angling and Fishing is managed in Wales the custodians are in the main, the Anglers. In some cases they have been lucky to purchase fishing rights, ensuring the fishing for future generations of Anglers and visitors in Wales. Other waters are leased at great expense. The previous body, the Environment Agency Wales had a statutory remit to improve maintain and promote fisheries. Countryside Council also had similar duties. Let us hope that these statutory duties are not lost in the formation of the New Body.
7. The earlier name of the Body was the New Environmental Body. We preferred this as it did enforce the message that the Environment will be central to its work.
8. We are concerned that the inclusion of Forestry Commission in the New Body will introduce an element to it that would unlike the other two be more prone to causing pollution. This will need to be managed with protocols at a very early stage if the New Body is to be a model for protecting the environment.
9. The Welsh Government is making a brave step in forming a New Body it will need to have all the legislation needed to protect Wales's natural Assets its Coastline, Countryside and Water environment. As all these are integral it is imperative that the new Body is given the function to police and protect them from the tops of the mountains to the Seaward limit.

Hard copy of the email sent on the 2th April 2012, I would be grateful if you would acknowledge the receipt of this document.

Yours faithfully

Nick Massey  
Company Secretary  
Federation of Welsh Anglers

GWAUN CAE GURWEN ANGLING ASSOCIATION  
LYNNFORD MARTINSON (*hon sec*).  
16 WAUNSTERW  
RHYD -Y-FRO  
PONTARDAWE  
SWANSEA  
SA8 4NF

229

30/4/12.

Dear Minister,

**Formal Response to Welsh Government 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.

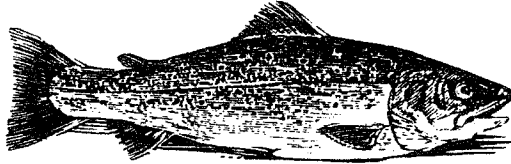
It has also identified several matters of particular interest and concern to fisheries and angling interests throughout Wales. In this respect, we strongly support the following key points identified in the FERAC Wales response: -

1. The structure of the Board of the New Body should include a suitable member with a clear and explicit remit to 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,



Dolgellau Angling Association



WELSH ASSEMBLY  
GOVERNMENT - 12

11 2 MAY 2012

RECEIVED

Secretary/Treasurer: E.M. Davies B.E.M.  
Maescaled, Dolgellau, Gwynedd LL40 1UF  
Telephone: 01341 422706

~~130~~

230

30/4/12.

Carrie Moss,  
Living Wales  
Programme Team,  
Department For Environment,  
Welsh Government,  
Cathays Park,  
CARDIFF  
CF10 3NQ

Dear Ms Moss,

NATIONAL RESOURCES WALES  
PUBLIC CONSULTATION RESPONSE

As Chairman of the Gwynedd Local Fisheries Group (LFG), I am concerned as to whether our Group will be allowed to function after the setting up of the Natural Resources Wales Body. We in North Wales are very dependant on Tourism, as an example, in the Dolgellau Area we have very many static caravans, all owned by fishermen and their families, who live here throughout the fishing Season.

We work with Hoteliers, who advertise package holidays, which includes fishing. We have visitors from all over the World.

I am also the Secretary of the Mawddach Conservation Committee since 1986, when we set it up the Mawddach Hatchery with the compensation money, after the fish kill in 1984. Welsh Water set up the hatchery on our behalf, then passed over to N.R.A. and then on to the Environment Agency. Still operating after 26 years.

The Environment Agency are going to build a new Hatchery on the River Tryweryn, at Bala, commencing next September and finishing before the setting up of the new Body.

Yours sincerely

  
E. M. Davies.

From: Mortimer, Isabel (SPF&P - SP)  
Sent: 03 May 2012 10:34  
To: Moss, Carrie (DESH)  
Cc: 'robert.luxton@woodfuelwales.org.uk'  
Subject: FW: R Luxton SEB Consultation

Carrie - Thanks and here is the email from Mr Luxton

Issy

Isabel Mortimer  
Policy Support and Integration Team - Tim Cymorth Polisi ac  
Integreiddio Strategic Planning Division - Yr Is-Adran Cynllunio  
Strategol SPF&P - Cynllunio Strategol, Cyllid a Pherfformiad

Tel / ffon: (029) 20 82 6706  
Ffacs / Fax (029) 20 82 3802  
Ext: 6706

email: isabel.mortimer@wales.gsi.gov.uk

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amgylchedd.  
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environment.

-----Original Message-----

From: robert luxton [<mailto:robert.luxton@woodfuelwales.org.uk>]  
Sent: 03 May 2012 10:17  
To: Mortimer, Isabel (SPF&P - SP)  
Subject: R Luxton SEB Consultation

Dear Isabel

Thanks for your help.

Attached are 'details' which were attached with the failure notice.  
Also attached is my response.

I intended to submit this yesterday evening as the web page gave a  
submission end date but no time. I found the online response facility  
was no longer available so I emailed using the address given.  
Unfortunately this was returned to my mail box as you can see below.

Kind regards

Rob

-----Original Message-----

From: postmaster@Wales.GSI.Gov.UK [<mailto:postmaster@Wales.GSI.Gov.UK>]  
Sent: 02 May 2012 22:31  
To: robert.luxton@woodfuelwales.org.uk  
Subject: Delivery Status Notification (Failure)

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Delivery to the following recipients failed.

Consultation@Wales.GSI.Gov.UK

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Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSI yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

## **Consultation questions**

**Dr Robert Luxton**  
**Project Manager**  
**Woodfuel Wales**

**Unit 6**  
**Dyfi Eco Park**  
**Machynlleth**  
**Powys**  
**SY20 8AX**  
**0845 456 0342**

We are a membership organisation representing wood fuel related businesses in Wales. We currently have around 125 members businesses and we work on improving quality of products and services within the industry as well as improving supply chains and developing consumer understanding of wood fuel.

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?

Woodfuel Wales welcomes the opportunities and potential benefits presented by the formation of a Single Environmental Body to the Welsh economy and to the future of our valuable ecosystems. The wood fuel supply chain is complex and integrates aspects of ecology, forestry management, business, energy security and sustainable economy. Central steering, to guide and nurture the development of the wood fuel / biomass sector, which will become increasingly important to the sustainable development of Wales, appears on the face of it to be vital.

Our concern is that the difficulties involved with integrating three previously independent departments and the inevitable friction and atmosphere of confusion that may develop in the early stages without strong leadership and complete adoption of the principle of a SEB by all staff will set the wood fuel sector and others back years. At present supply of wood fuel from Welsh resources is at an immature stage. The sector needs these resources to develop in parallel with the growth of wood fuel heating equipment installation so that supply chains do not develop that rely on excessive long distance transportation and imported wood fuel. For sustainable development, job creation and a low carbon economy to happen, integrated management must have wide vision and a cooperative ambition.

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 welcome the proposal to allocate dedicated policy resources to forestry and the commitment to public ownership, skills and security of supply in forestry.

The wood fuel industry sources material from both public and private sectors. Each has a role to play in promoting and developing confidence in the consistency of quality wood fuel supply. However, it is concerning that no mention has been made that whilst the publicly owned woodlands will be developed under the SEB, privately owned woodlands, which have huge potential to deliver a significant contribution to supply, is under the Department of Agriculture, Food, Fisheries and European Programmes. An opportunity now exists with the SEB to develop coordination in promoting the development of wood fuel from both sources. It makes no sense to have the management and development of these sources split. Any reduction in administrative and organisational complexity would be of great advantage to wood fuel processing businesses and allow more coordinated development of quality of products and sustainability of resources.

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

The 'opportunity to review priorities' does not receive much attention within the description of the phased approach but would appear to perhaps be the most difficult aspect of the process. Developing an 'ecosystem approach' seems at this stage rather an obtuse ideal that could be interpreted in many ways, with each department taking a different perspective. For the development of true core priorities it would seem sensible to introduce an element of learning, debate and discussion, whereby, employees from all department could be allowed the opportunity to fully understand and embrace the 'ecosystem approach' as well as learning about the cultures of the other two departments. Within the format of a conference perhaps.

An opportunity for CCW and EAW staff to understand the forestry/wood fuel sector, and the same for forestry staff, would seem sensible.

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 strategic outcomes are rather narrow and offer little insight into how conflicting points will be resolved. Unfortunately, 'consumption of raw materials', even if under an umbrella of sustainable development, conflicts directly with 'conservation, restoration and enhancement of ecosystems'. This needs to be recognised upfront by the SEB and a plan developed of how to work both together for best possible outcomes.

There is no recognition of the importance of the energy sector in a future Wales and no mention of developing woodland resources for wood fuel, both public and private.

Direct mention should also be made of developing sustainable jobs within emerging sectors.

It should be a principle, that resources are used locally/regionally wherever possible. This sustainability issue can conflict directly with economic development and so must be under discussion early on in the formation of the SEB.

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

We agree with the development of a delivery framework but would suggest that it needs to be more specific for different sectors. The forestry/ wood fuel sector is complex and diverse and impacts on many existing policies. An assessment of how each sector succeeds within a policy framework would seem most appropriate and measurables need to be appropriate and sensible.

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

Although the list appears comprehensive, there are many conflicting functions within the tables and a clear idea of priority needs to be formed. Each SEB employee needs to understand what the priorities are within a long term plan for the national good. We would like to see mention of utilising resources locally and a recognition that there will be opportunities and incentives for small local enterprise in the future management plans of our woodlands. Well managed woodlands and the utilisation of its products has huge potential to impact positively on many of the functions listed but incentives and guidance must be present early on.

The identification of 'cornerstone functions' and prioritised related actions to secure and safeguard those functions would seem sensible. Which actions can most easily bring about success?

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 Response

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 plan for the new body to continue the arrangement with Forest Research as this service is high quality and effective and we would encourage the Welsh Government to make more use of this service particularly as many research issues such as disease control are cross border/nation issues.

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

No Response



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, particularly in the early stage would seem vital to the rounded formation of the SEB. The Body must be open to engagement so that opinion and expertise can be input at many levels.

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

No response

**From:** Clarke, Dave (DES-DT)  
**Sent:** 03 May 2012 12:39  
**To:** Moss, Carrie (DESH); Shaw, Calum (ESH - DT)  
**Cc:** Loveland, Ron (ESH - Energy Advisor to Welsh Government)  
**Subject:** FW: Single Body Consultation- MCT and marine consents unit

**Attachments:** SEB consultation response.pdf

Calum - another for the folder

Ron - confirmation of receipt

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**From :** Loveland, Ron (ESH - Energy Advisor to Welsh Government)  
**Sent:** 03 May 2012 12:38  
**To:** Clarke, Dave (DES-DT)  
**Cc:** Cummings, Michael (ESH - SE&ID); Boddington, Wendy (ESD - SE&I)  
**Subject:** FW: Single Body Consultation- MCT and marine consents unit

[Dave, fyi](#)

[ron](#)

---

**From :** Cummings, Michael (ESH - SE&ID)  
**Sent:** 03 May 2012 10:15  
**To:** Boddington, Wendy (ESD - SE&I)  
**Cc:** Loveland, Ron (ESH - Energy Advisor to Welsh Government); Davies, Prys (Head of Sustainability, Energy & Climate Change); Harrington, Paul (ESH - SE&ID); Davies, Aled (BETS - Sectors & Business); Bradshaw, John (BETS - Sectors & Business); Asby, Rhodri (DFMC - CALM); Oates, Jonathan (PPCS - PPMR); Sydenham, Tim (ESH - Energy Advisor)  
**Subject:** FW: Single Body Consultation; MCT and marine master

[MCT thoughts on absorbing marine consents unit into SEB and moving RE up the priority list.](#)

[Mike](#)

---

**From :** Kidd, Joseph [mailto:joseph.kidd@marineturbines.com]  
**Sent:** 03 May 2012 09:48  
**To:** Cummings, Michael (ESH - SE&ID); Williams, Julia (ESH - ECM)  
**Cc:** Ainsworth, David  
**Subject:** Single Body Consultation

Mike and Julia, good to see you both last week, would be good to have a proper catch up soon on the Skerries project.

We only realised yesterday that it was the last day for the consultation on the Single Environmental Body

and didn't manage online submission to work.

Could one of you forward the attached submission to the relevant person.

Many thanks,

Joe

Joseph Kidd  
Site Development Manager

Marine Current Turbines Ltd  
The Court, The Green  
Stoke Gifford  
Bristol BS34 8PD

Mobile: +44(0)7973 145 178  
Direct Dial: +44(0)117 906 6134  
Telephone: +44(0)117 979 1888  
Fax: +44(0)117 906 6140

[joseph.kidd@marineturbines.com](mailto:joseph.kidd@marineturbines.com)

[www.marineturbines.com](http://www.marineturbines.com)

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2<sup>nd</sup> May 2012

*Consultation response to proposed Single Environmental Body*

Marine Current Turbines Ltd (MCT) has been working on the development of a tidal energy project off Anglesey since 2006 and is aiming to construct the project as part of the project specific company SeaGeneration (Wales) Ltd in 2015.

A consent application was submitted for the project in March 2011 and is currently being assessed by the Welsh Governments Marine Consents Unit (MCU).

MCT would like to express its concern with regard to the proposed move of MCU into the proposed Single Environmental Body (SEB).

Unless the development of renewable energy projects is set as one of the key objectives at the inception of the SEB, then it is envisaged that there will not be a pathway for Welsh Government (WG) to influence consenting decisions according to policy priorities. In this scenario it is likely that consenting decisions will be made solely on local environmental issues which could prove to be a significant barrier to marine renewable energy projects in Wales as the approach could be overly risk averse and not consider the wider issues of climate change and sustainability that are key policy priorities for WG.

MCT would suggest that either the MCU remains within WG and continues to have strong links to the WG Energy Policy team, or a strong statement of intent regarding marine energy is included in the objectives for the SEB if this is in fact one of WG's key objectives to meet its ambitious renewable energy targets.

**Marine Current Turbines Ltd**

The Court, The Green  
Stoke Gifford  
Bristol BS34 8PD

**Telephone:** +44(0)117 979 1888

**Fax:** +44(0)117 906 6140

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From: Nerys Sanpher [<mailto:n.sanpher@ccw.gov.uk>]  
Sent: 01 May 2012 14:26  
To: SEB mailbox  
Subject: Natural Resources Wales Consultation - Response from  
theCountryside Council for Wales

FAO: Ms Carrie Moss, Living Wales Programme Team, Department for  
Environment & Sustainable Development, Welsh Government, Cathays Park,  
Cardiff CF10 3NQ

Dear Ms Moss,

Natural Resources Wales Consultation

Please find attached a response to the above consultation, sent on  
behalf of Mr Morgan Parry, Chairman of the Countryside Council for  
Wales.

Regards,

Mrs Nerys Sanpher,  
Cynorthwy-ydd Personol i'r Cadeirydd a'r Prif Weithredwr / Personal  
Assistant to the Chairman and Chief Executive, Swyddfa Ganolog /  
Central Office, Cyngor Cefn Gwlad Cymru / Countryside Council for  
Wales, Maes y Ffynnon, Penrhos Road, Bangor, Gwynedd LL57 2DW.

e-bost / e-mail: [n.sanpher@ccw.gov.uk](mailto:n.sanpher@ccw.gov.uk)  
ffôn / tel no: (01248) 387141  
ffacs / fax no: (01248) 385506

--- Ar y Wê / On the Web ---

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# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Anfonwch eich ateb at/Please reply to: Mr Morgan Parry, Cadeirydd/Chairman  
Cyfeiriad Isod/Address Below  
Llinell Union/Direct Dial: (01248) 387141; Ffacs/Fax: (01248) 385506  
Ebost/Email: n.sanpher@ccw.gov.uk

## Natural Resources Wales Consultation Response from the Countryside Council for Wales

### Introduction

The Countryside Council for Wales welcomes the opportunity to comment on “Natural Resources Wales – Proposed Arrangements for Establishing and Directing a new Body for the Management of Wales’ Natural Resources”, hereafter referred to as the Consultation.

Once in every generation there comes an opportunity to consider whether our institutions are fit for purpose, make form better fit function and redefine priorities and relationships. This is one such opportunity, and CCW welcomes it. There are many good reasons why the Government is right to create a new Body at this time, with the existing three agencies having been established at different times and at geographical scales and with somewhat overlapping remits. Although close co-operation has ensured that overlapping remits haven’t resulted in duplication of effort on the ground, the logic of institutional boundaries is sometimes hard to defend. After 10 years of devolution, now is a good time to think what structures are required for the next generation, and create a new agency which is designed, constituted and implemented in Wales.

The work of the new Body should be seen as that of managing the life-support systems within the territory of Wales. All other public policy aspirations depend on a functioning and safe environment; therefore environmental protection is the first and ultimate front-line public service. It should be accorded suitable status and influence.

However there are great risks from embarking on a redesign of the institutions of environmental governance at a time of economic downturn and severe financial constraints, so we must ensure that the new Body is properly funded so that it can deliver the aspirations set out in the Consultation. Many stakeholders will seek reassurance about this. There will be pressure to abandon programmes and commitments that have low public visibility or limited political support, even though they may be of the highest scientific priority and have the longest-term significance for sustainability. The gains made in the years of plenty become vulnerable, and the commitment and morale of staff are put at risk.



**Gofalu am natur Cymru - ar y tir ac yn y môr • Caring for our natural heritage - on land and in the sea**

Staff naturally have fears for the future of their jobs and careers, and continued uncertainty on the pensions proposals. The timescale for negotiating terms and conditions is short. The year ahead will be one of great uncertainty for all staff, from scientific officers to administrators, from specialists to generalists.

All the more remarkable therefore that throughout the extensive consultation exercise with all staff and Council members which produced this response, staff were positive about the opportunities that a new Body might offer, and excited about working in a different way to achieve our goals. But a range of concerns emerged about what is proposed in the Consultation.

## General Comments

The new Body was seen to offer a single voice and perspective on key priorities and outcomes, a whole territory approach (land, sea and air, rural and urban), efficiencies, and greater weight and influence to tackle bigger issues through integration.

However there were fears that the Body would not be able to exert influence and win support from other sectors, e.g. economic, social, health etc. This could arise if the proposals lack a clear and **well-communicated vision** of what the new approach is to achieve, or if the Body lacks resources to deliver better outcomes. The Making the Connections policy agenda is a powerful means of integrating policy and delivery in Wales, and the new Body will need the collaboration “beyond boundaries” of other departments and agencies in order to integrate the aims of the Green Paper and the Sustainable Development agenda across Government and beyond.

There was also concern that the proposals for establishing a new Body are moving too fast, ahead of the development of the new conceptual framework, leaving the Body as a stitched together version of existing functions rather than a new entity with a **new culture and mission**.

Opportunities identified by staff and Members included the **involvement of stakeholders** in the creation of the new Body, and the potential for a bigger Body to put the environment higher up the public agenda. Perceived threats included the loss of **advisory functions**, with the new Body’s role becoming limited to delivery; budget cuts in key areas arising from a drive for efficiency, and the different political agendas in UK and Wales.

## Our Earlier Evidence

In a submission to the Welsh Assembly’s Sustainability Committee in March 2011, copied to the Welsh Government, CCW made the following observations:

*“Should a new single environmental body be created, CCW’s opinion is that the body should:*

- *Have a clear statutory remit to protect, conserve and enhance the environment, within the context of sustainable development*
- *Be an independent and authoritative voice on the environment, providing advice to Government, based on sound science.*
- *Have a clear shared vision for environmental delivery and functions before its establishment, with clarity on the role and remit of the new body, the role of Government (across departments), business and the third sector*
- *Be able to achieve improvements in environmental outcomes as well as efficiencies”*

We also recommended that the development of proposals for the new Body should have regard for

*“The changes to environmental governance going on elsewhere: worldwide (the revised Convention on Biological Diversity Compact and Strategic Plan, the global study of Ecosystems and Biodiversity (TEEB); at European level the revised EU Biodiversity Strategy and targets and; at UK level the National Ecosystem Assessment, the UK Government’s White Paper on the Natural Environment and Biodiversity Strategy and the Lawton Review of England’s wildlife and ecological systems”*

Although we remain committed to supporting the development of the Single Body, we do not feel that some of our earlier comments and recommendations have been taken on board. In addition to this, the emphasis in this Consultation has shifted substantially towards resource management, and a deliberate shift in the framing of the issues away from environmental outcomes, which is not helpful.

## Outcomes for the Environment

CCW believes that environmental outcomes should be the most important consideration when designing the new Body. Indeed we supported the high weighting given to Outcomes for the Environment (35%) in the Business Plan. Indeed it could be argued that the Business Case produced a strong case for change precisely *because* it put an emphasis on improved environmental outcomes.

The Consultation initially restates the priority given to environmental outcomes as set out in the Business Case (Section 2.1 page 10 of the Consultation). It is disappointing therefore to see the Consultation then lists only three “factors driving change” (Section 2.2 page 10), none of which are environmental and all of which are internal to the Welsh Government:

- the need to modernise regulation .....
- the need to focus on Welsh priorities .... and
- the need to ensure value for money.

Whilst these are important and supported by CCW, they are minor societal concerns set alongside the massive environmental and resource challenges that face us. The original pretext for adopting the ecosystem approach, set out in the first “Living Wales” document was that critically important international targets for biodiversity and climate change had been missed, and that we needed a new approach a new look at our institutions in Wales.

Those three “factors driving change” in Section 2.2 do not accurately reflect the expanded issues in Annex 1 (which we welcome) and do not adequately reflect the external context within which we are working. The result is an unhelpful re-framing of the debate about the case for change.

Although Annex 2 Section 1.1.1 expands a little on the environmental challenges (and this section really should be at the front of the Consultation document), nowhere is there a statement of what the desired **environmental outcomes** should be. Cleaner air? More productive forests? Reduced GHG emissions? More biologically diverse uplands? These may well be developed through documents such as the Environment Strategy, and there “success factors” written as if they were outcomes in the proposed Delivery Framework, but the main body of the Consultation sets out in some detail the procedural outcomes Government wishes to see: simplified regulation,



early resolution of conflicts, value for money etc. CCW would like to see the **drivers of environmental change** being given more prominence, and the desired environmental outcomes set out more clearly.

Although **heritage designations** are noted in the Green Paper, there is no mention of the **historic or cultural aspects of the environment** elsewhere in that document. Neither is there any mention or discussion of them in this Consultation, apart from one tangential reference in Table 3. For many people these are the most cherished aspects of their local environment, and they have significant value to the economy and the identity of the nation. Accepting that their management is vested in bodies outside the current proposals for the establishment of a Single Body, there is still a strong case for a more **integrated narrative** for describing the environment in the Green Paper, and both the Heritage Bill and the Environment Bill that follow. The systems of landscape mapping that CCW has developed in recent years incorporates data and interpretation of historic features, and we have many shared objectives with bodies such as Cadw with regard to access to and understanding of the environment. For these reasons, the interests of Cadw, National Museums of Wales and other public bodies needs to be taken into account during the establishment of the Single Body.

## Statutory Purpose

The Consultation does not define a Statutory Purpose for the new Body, yet this would have to be put in the establishing legislation. The document proposes that the Statutory Purpose should be drafted after consultation responses have been considered. There is however an “Aim”, derived from that set out in the Business Case:

**“To maintain, improve and develop Wales’ natural resources, to deliver benefit to the people and economy of Wales now and into the future”**

There are two presumptions inherent in this Aim which CCW is unhappy with:

1) That everything that the new Body will be tasked with “maintaining, improving and developing” can be described as a resource. **We do not believe this is the case**, for two reasons. Firstly, nature has inherent value as well as value to humans – it doesn’t have to enter the human economy (surely a prerequisite for calling something a resource) to be worthy of our protection and conservation. It is an established philosophical principle of civilised societies that we act as **guardians of the other species we share our planet with**, and we should not seek to overturn this principle. Secondly, for a Body that must be facing and engaging the public, the use of the word “resource” must be carefully limited. Most people do not see their environment as a resource; therefore the new Body, and the Welsh Government, should at all times use **terminology that is meaningful to the general public**. For this reason, the name of the new body should not include the word “resource” but should refer to “environment”.

2) That all natural resources can be developed. They clearly cannot. The word “develop” is appropriate for freshwater fisheries and forestry, where there is a high degree of human intervention such as in the establishment of a monoculture, or the ecosystem is otherwise highly modified. For other resources which the new Body will have responsibility for, such as landscape quality, the use of the word “develop” would be highly inappropriate. Many types of development within a National Park or an AONB for example would reduce the economic value of that “resource”. For most people, and probably for legal purposes, “resources” means oil and gas, minerals etc. over which the Single Body cannot have a remit to maintain, improve, or develop.

For these reasons **we do not think that the emphasis in the aim, statutory purpose or name of the new Body should be entirely on “natural resources”**, but should encompass other dimensions of the environment. Resources are important, and there will be hugely increased global demand for (and pressure on) natural resources including land in the coming decades. But the resource management agenda is not entirely congruent with the role of a Welsh Government environmental body: there are essential duties and responsibilities that cannot be considered as being related to resources, and conversely resource management has components the new Body will not have legal responsibility for.

Our preference is for an aim which is closer to the aim set out in the Natural Environment Framework “A Living Wales” from September 2010. Reference must be made to ecosystems or the environment, if the duties of the new Body are to be properly defined or understood.

**“To ensure that Wales has healthy, diverse and resilient ecosystems (or environment) for the benefit of future generations, so contributing to sustainable development”**

Or, more in line with the internationally agreed definition of the ecosystem approach:

**“To foster the conservation and sustainable use of the environment and its natural resources, so enabling Wales to achieve sustainable development”**.

The statutory purpose of the new Body also needs to state clearly the **provision of independent advice to Government and decision makers**. There is an over-emphasis on delivery in the proposal as it stands, and an absence of focus on technical advice to policy makers. Good policy development by government depends upon the advice received from the bodies responsible for policy implementation: good policy cannot be developed in the absence of the experience of implementation. Conversely, efficient and effective delivery is absolutely dependent upon a sound understanding within the delivery organisation of the purpose and development of the policy. The scientific advisory process set up for the single body should adhere to the ‘Principles of Scientific Advice to Government’.

The definition of sustainable development is important in the definition of the Body’s statutory purpose. If WG’s aspiration is to make sustainable development the central organising principle of government, it will need a robust, effective and well-funded environmental agency to encourage, engage, exemplify, enable and enforce.

## **Duties and Functions of the Single Body**

CCW supports the main Areas of Work set out in Table 1, although a greater number of marine examples would demonstrate more clearly that this will be a Body with marine and terrestrial duties and responsibilities. The importance of boosting the rural economy through tourism should be given a higher profile.

CCW staff and Members were keen to ensure that two duties were included in the legislation that establishes the new Body:

- 1) A duty to research, monitor, update and produce a State of the **Environment Report**, at intervals frequent enough to be an objective and impartial basis for the development of Government programmes and the implementation of Government policy. In our submission on the Green Paper, we emphasised the need for a State of the Environment Report as a starting

point for transposing the ecosystem approach into a new environmental management framework for Wales.

2) The new Body should also have a duty to **promote the understanding and enjoyment of the natural environment and natural heritage, both marine and terrestrial**. We welcome the inclusion of designation and management of National Nature Reserves as a function of the new Body in Table 1 but they have such a key role in ecosystem function, research, management and understanding that they should have a higher profile in the Green Paper and this Consultation and should be afforded special status.

CCW believes that the new Body should have four other roles, and these should be set out in the legislation:

1) **Glastir**. 85% of the land area of Wales is under agriculture and forestry and the Green Paper is right to acknowledge (if very briefly!) the importance of these land-uses to the economy of Wales. But Glastir, which is attempting to take an ecosystem services approach to farming support, is not integrated into the discussion. Sustainable land management is key to delivering the ecosystem approach and direct delivery of land management schemes such as Glastir would give the new body a more hands-on approach and considerably more leverage in achieving its objectives. Glastir should have longer-term objectives than its predecessor schemes if it is to enable sustainable land management. Experience of previous agri-environment schemes shows that Glastir could win greater support from farmers and other stakeholders if it was operated at arms-length from Government. A duty to operate Glastir should be transferred to the new Body at an appropriate date in the near future.

2) **Fisheries management**. It would be more coherent if the new Body had responsibility for all fisheries management, freshwater and marine. This would bring them all into a consistent framework for ecosystem management. There will no doubt be resistance to this change from those currently tasked with sea fisheries management, but this does not seem to us a reason for not making this change.

3) **Climate change**. We support the proposals in Table 1 for the Body to have clear roles in relation to climate change, although it is not clear to what extent (apart from being the Competent Authority for the EU ETS and CRC Energy Efficiency Commitment) it can contribute to mitigation. The new Body should take the lead role in climate change adaptation, with regard to all aspects other than urban planning and building design. The Body's role in providing advice to Government, the public and the private sector on appropriate adaptation measures should be given greater emphasis.

4) **Leadership and experimentation**. Rather than limit the remit of the new Body to tightly defined roles and responsibilities, the Government should encourage it to play a leadership role in resolving some of the difficult problems and trade-offs inherent in the complex landscape of environmental management. Giving the Body experimental powers would enable it to try out different ways of working and novel techniques and to establish a lead role in achieving sustainable development. The need for a long-term futures-approach to priority setting and resource allocation means that the work of the operational work of the new Body may have to be protected from short-term fluctuations in political agendas.

## Stakeholder Engagement

The Consultation notes (Section 2.4) that discussions were held with a wide range of stakeholder groups, and a conference held, at which a number of concerns were raised. But the document then highlights only the concerns of two sectors – forestry and industry – whilst appearing to ignore the concerns of other stakeholders that were clearly expressed during the preparation of the Business Case. The forestry and industry views are well founded but there were also concerns raised about

- the role of the third sector,
- the importance of local decision making,
- the protection of biodiversity,
- the quality of landscapes,
- the threat of climate change

but these do not seem to merit noting as stakeholder concerns. The views of industry are clearly reflected in the outcomes identified, such as a simpler regulatory landscape and reduced delays on planning applications, and while CCW supports these objectives we would also want to see other perspectives acknowledged.

The linkages with **other public sector partners** beyond CCW, FC and EA should be factored in, without widening the scope of reform so much that consolidation or agreement becomes difficult to achieve. Local authorities in particular are major actors in environmental resource management, and local delivery of national priorities needs to be designed into the new Body's DNA from the outset. We welcome the Consultation's commitment to "new and innovative approaches and partnerships for delivery, including work with third sector partners and local authorities" and to enabling "more locally based decision making and accountability".

There is considerable scope for empowering the **third sector** and extending the "concordat" arrangements established with the Wildlife Trusts and others, and the "citizen centred" approach requires their engagement and advocacy in any new governance arrangements. However there are considerable dangers in giving the third sector additional responsibilities if resources are not also made available, so a fine balance needs to be struck here.

The way the Single Body engages with the **private sector** will be critically important to its success and to the achievement of its objectives. EAW and FCW already have well-established relationships with some industries, as does CCW with agriculture and tourism. It would be desirable if regulated or grant-aided businesses could also become partners in achieving the goals of environmental protection and sustainable resource management, and that will require investment in the art of relationship building. Some leading companies now have far-sighted policies for achieving sustainable resource use and environmental protection, and have adopted strategies for urgently adapting their businesses to the reality of a resource constrained world, and we could learn from their experiences.

Along with private businesses and other stakeholders, the **general public are also customers** of the new Body and will have legitimate expectations of how their needs will be met. Listening to the concerns of stakeholders, responding to those concerns, communicating the new Body's priorities and informing them of decisions and activities, will all require the new Body to have a significant communications capacity.

CCW has greatly valued the support of the **Police Liaison Officers** in combating wildlife crime and in helping our staff in the field. We hope this resource combined with that of EA and FC can be carried forward and enhanced in the new body. This should be added to the Table 1 areas of work.

In order to deliver a significant campaign to put environment at the heart of decision-making and to encourage sustainable behaviours by individuals, that communications resource needs to use a wide variety of platforms and media, and to have expertise in the techniques of social marketing and advocacy. Stakeholder engagement should not be seen as the unavoidable price to pay for minimising public objections. The stakeholder-engagement culture of CCW should be carried through to the new Body so that added value and environmental stewardship are planned, managed and monitored outcomes of stakeholder engagement.

## Science, Evidence and Advice

CCW welcomes the commitment in the Green Paper (page 6 line 23) to improving our understanding of ecosystems, as the first of seven stages of embedding the new approach. CCW has pioneered the understanding of ecosystem science in Wales, in particular the interface with practical land management and the implications for public policy. Ecosystem science is not new, but the move up from habitat scale as the focus for management is now emerging, and the Welsh Government is right to position itself at the leading edge of this development. We say more in our response to the Green paper consultation about the Science Strategy for Wales.

For the purposes of transparency, **independence of advice** and involvement of civil society in its governance arrangements, the new Body should be an Assembly Government Sponsored Body with as much independence of operation as is consistent with the delivery of Government policy. The Body's evidence base development should conform to the Joint Code of Practice for Research (JcoPR) and the Government Chief Scientist Advisers (GCSA) guidelines which place a strong reliance on in-house staff capacity and capability to address technical issues.

Every effort should be made to preserve the **expertise and knowledge** that has been built up in CCW since its creation, in particular the science base, the local knowledge and the well-established tradition of partnership working. The new Body should build on existing initiatives, data and experience of working with stakeholders on programmes such as LANDMAP, Open Access, Outdoor Wales On Line etc, complementing the equally valuable institutional knowledge brought by EAW and FCW. CCW has been an early adopter and advocate of Information Technology (IT) as a tool for organisational efficiency and for communicating information about the natural environment. It has led the way in Europe on remote sensing of the environment. The new Body should build on this experience.

FCW and EAW also have valuable expertise and knowledge to bring to the new Body, and bringing the research capacity of the three organisations together greatly increases the knowledge base available to Government policy makers.

There are currently **skills gaps** in the environment sector (habitat restoration, lower plant and vertebrate ecology and environmental assessment) and there will be emerging specialisms related to ecosystem management and natural resource planning that staff will need to be recruited to. The demand for geological and soil science expertise will also become increasingly important as we look to make the best use of our natural resources and adapt to climate change. The move up from habitat scale to a larger-scale, more integrated approach to management requires new combinations of disciplines.

As well as the biological sciences, research and monitoring of **physical, chemical, climatological and geo-morphological trends** will always be needed, to give a true picture of the State of the Environment. There needs to be a long-term commitment to this, embedded in a strategic programme, and clear and well communicated reporting mechanisms. Interactive GIS systems can be used to help gather data and evidence, and also to disseminate information more widely and in an accessible form.

Dedicated **laboratory facilities** for the new single body will be essential for the analysis of physical, chemical and biological material gathered in the field.

**Monitoring and surveillance** is missing from Table 1. Evidence needs to be gathered on the effects of our interventions and the impact of our policies, through effective monitoring and surveillance. A method of recording loss of habitats to development and land use change outside the planning system would also facilitate participation by local communities. The provision of this sort of data for public use should be a statutory requirement with the proposed legislation, enabling it to comply with Article 17 and CBD reporting requirements. If done correctly it would be a key part of implementing the 12 ecosystem approach principles, taking everyone's knowledge on board and engaging stakeholders.

There is a strong case for the **social sciences** to be considered alongside the natural and physical sciences when considering the ecosystem approach. Engaging communities, businesses and individuals in taking action and supporting regulatory regimes will require an understanding of values, motivation and behaviours and social science will improve the robustness of evidence supporting the technical advice the Body can offer to policy makers in Government and will make it more relevant to departments other than Environment. The development of interdisciplinary research will be key to understanding complex behaviours related to the environment.

CCW said this in evidence to the Welsh Government last year:

*“A new environmental body, providing independent advice to government, will need an integrated synthesised approach to providing evidence and advice underpinned by science to inform the decision making process in Wales together with a delivery and regulatory function on land and at sea. To reflect the new approach set out in ‘A Living Wales’ the new environmental body should be enabling, innovative and be encouraged to develop experimental schemes on behalf of the Welsh Assembly Government to identify and test new solutions to ensure environmental, economic and social well being.”*

We also recommended that:

*“The Single Body should be able to commission research and work directly with academic institutions to maximise our knowledge base for sound decision-making”.*

The Consultation proposes that the Welsh Government should take on the central co-ordination of research and evidence, establishing a single framework for external research and commissioning. Whilst CCW accepts that the Government's research agenda is much wider than the functions of the new Body, we believe that if the new Body is to build a reputation for objective, impartial and independent advice then it must **retain control of the research agenda relating to its functions, and should manage its own research budget**. We support the development of a shared research agenda with Government, the academic community and others, not just within the environment field but to build an inter-disciplinary knowledge base with social scientists, health professionals, economists etc.

We also need to increase the environmental science capacity of Welsh Universities and research institutes, for the knowledge they generate and for the future environmental managers they teach. The Wales Environment Hub is a model for how to build relationships between the academic research community, research institutes, government and new SB.

The new body should have a strategic role in influencing the Defra research programme and other government research programmes. Where appropriate single body staff should be empowered to represent Welsh interests.

## Relationships Beyond Wales

We welcome the suggestion that “the new Body and/or the Welsh Government may need to deploy some additional resource to ensure the interests of Wales are properly represented in UK and international discussions in respect of forestry and environmental regulatory matters.” CCW has good experience of working through JNCC on nature conservation matters, and that would be a good organisational template for engaging with Scotland, Northern Ireland and England on those other matters.

Since the UK Government is the EU Member State body and the signatory to international treaties, there remains a need for a small UK-wide body directed and funded by the country agencies to advise on “federal” functions and international links. The **European context** is hugely important to the work of the new Body, and its laws and directives will inform its priorities.

It would be in Wales’ interests to invest such a body with a reasonable level of resource, because much of the Environment Agency’s policy and science resource is currently located in “centres of excellence” around its English regions and at its England and Wales head offices in Bristol and London. Similarly, much forestry expertise is located in Scotland. It would be counterproductive at this time to duplicate non-geographically specific expertise in Wales although this could be built up over time as resources allow. But JNCC-style **co-ordination of evidence gathering in relation to UK, European and international commitments or processes**, such as agri-environment schemes under the Common Agricultural Policy, would allow Wales to maintain some influence in these cross-border agendas. Adoption and promotion of **common standards** should also be a function of this federal body, as could horizon-scanning for **best practice** from international agencies.

## Staffing, Management Structure and Governance

The Single Body must be fully accountable and transparent, should publish information and evidence and explain its decision making. If a small Board of 8-15 Members is the preferred option, a small number of **advisory committees** should be considered. We support the Consultation’s suggestions in this regard. Perhaps most important would be effective engagement with stakeholders, either at a single national level or at a more devolved local level. There would be value in an amended Regional Flood and Coastal Committee, and a Forest Advisory Panel to maintain strong links with the commercial sector.

We also suggest a **Scientific Advisory Committee** to scrutinise and advise on the scientific, evidence gathering and advice functions of the new Body. Its membership should overlap with the Scientific Advisory Council for Wales.

Engagement with local communities will also be essential (see our response to the Green paper consultation) as will local accountability for decision making. The local resource plans will require permanent channels of negotiation and representation. For all these reasons, **local liaison Committees** would be very beneficial, and we welcome the proposal in the Consultation to “continue provision for the board of the body to run local committees as it sees fit, and we would require the body to bring forward, consult upon and implement proposals to ensure effective stakeholder engagement”

It is right that the new Chief Executive and Director’s team be given the responsibility for staffing structures and human resource issues, and the Consultation does not ask for views on these operational issues. But CCW staff offered some suggestions for improvement based on their current experiences.

The new Body should create opportunities to **develop skills** and have a clear career development strategy. Studentships and apprenticeships and secondments are good ways of developing advocacy skills and cross-sector engagement.

**Training** will be vital in the early years, as skills gaps emerge and new ways of working are established. It may well be that new specialisms in ecosystem management and resource planning will need to be encouraged through staff training and links to the higher education sector. This may open up new funding streams and research collaborations. The new Body could then be a knowledge hub for Wales and a centre of excellence for the UK.

Management process and true performance measurement techniques (such as goal-directed project and programme management and planned learning via use of CCW’s current ‘experimental powers’) should be adopted for those aspects of the new Body’s work that will require commitment to outcomes where significant risk, uncertainty and innovation are implicit. We should not rely solely on current capability, activity-based planning and targets that preclude ‘learning and improving while doing’.

## Values and Principles

CCW believes that values and principles must inform the development of

- a transforming vision;
- a Welsh Language Strategy;
- a Strategic Equality Plan; and
- practising what we preach.

To provide a long term direction of travel for the new approach there is a need for an ambitious **transforming vision** for the future of our natural environment and its contribution to well-being and quality of life in the face of the key drivers impacting on the environment – climate change, demographic change and consumption pressures. This will require us to move towards long term planning, integration and innovation in service delivery focused on opportunity as well as constraints, to ensure delivery of a wide range of goods and services within a sustainable development context. **Clear values and principles must underpin the new approach**, that have been developed with and supported by stakeholders. Third sector, public sector and private landowners and developers who will deliver many of the outcomes, must be encouraged to share the values and principles. Staff of the new Body must be comfortable adopting attitudes and behaviours that are consistent with those values and principles.



Principles for the new Body's use of the **Welsh language** need setting out at an early stage. We welcome the Minister's announcement that best practice from the existing bodies should be carried into the new Body – and the Welsh Language Board held up CCW's Welsh Language Scheme and practice as exemplary in the sector – but practical decisions are being taken now about the architecture of internal communication that could prejudice the achievement of best practice. There are fears that the achievement of an exemplary Welsh Language Scheme or Strategy - which will not be adopted until after vesting - will be undermined by resource allocations being determined now.

**Equality principles and practice** need to be strong in the new Body. CCW has adopted a Strategic Equality Plan which could form the starting point for the development of a similar document by the new Body. Whereas great progress has been made in each of the 3 current organisations, women have not yet achieved parity with men at senior management level. Neither, until recently, have the interim programme teams (established to take forward the NEF and SEB projects) had good enough representation of women. Black and ethnic contributions to the environment bodies (and the environment sector in general) need to be encouraged and nurtured. This applies to governing bodies and advisory committees as well as the staff side.

The new Body must **practice what it preaches**. Taking forward CCW's achievements in energy saving in buildings, fleet management etc. would make a good case study for public dissemination and a big contribution to the Welsh Government's Climate Change strategy. There are also many good practice examples in the EAW and FCW, for example the FC's UKWAS-certified sustainable forest management practice.

## **Answers to Specific 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 proposal to establish a new Body, and urge the Government not to see it as a merger. We would like to see a greater sense of urgency reflected in the proposals for the new Body and the Green paper proposals for a new environmental management framework: environmental challenges are rapidly accelerating and our response should be geared towards rapid transformation rather than business as usual.

Integrated management is an essential component of an ecosystems approach, upon which it is assumed the new body will lead. But since the statutory purpose of the new Body is not set out, it is not possible to gauge the extent of its management competence. There is an over-emphasis on delivery in the proposal as it stands, and an absence of focus on technical advice to policy makers. Much management is achieved by others, and the role of the new Body in advising and incentivising how this should be achieved is an important contribution to integration.

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

Section 2.4 focuses on only two, albeit an important two, of the many stakeholders and therefore represents a very partial summary of stakeholder views. An ecosystems approach and the positioning of sustainable development as the government's central organising principle demands the engagement and understanding of farmers and other rural interests – yet their voices are not heard loudly in the consultation. We are concerned about the role of

- the third sector
- the importance of local decision making
- the protection of biodiversity
- the quality of landscapes,
- the threat of climate change

and considerably more work is required to address these concerns.

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

In an ideal world the function of a new body would be defined before the form. A phased approach that involves the new Body in advising Government on the further development of the ecosystem approach and the institutional arrangements for achieving it, is clearly desirable. But it is also essential that at vesting we do create a new Body and do not simply bolt together the existing bodies under the flag of convenience of the single Body. A new culture and a way of working will be established very quickly and will be difficult to shift if it is found to be counter-productive. The phased approach set out in the Consultation is driven by the legislative timetable in Cardiff and Westminster and the decision to stick to a vesting date of 1st April 2013. This will certainly introduce some urgency and rigour into the work of the next 12 months but Government should not underestimate the disadvantages of this timetable. The Board and senior management of the new Body must be tasked with the creation and establishment of a new culture and new conceptual framework, as a priority every bit as urgent as the delivery of operational targets.

**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.** We do *not* consider that “‘To maintain, improve and develop Wales’ natural resources, to deliver benefit to the people and economy of Wales now and into the future’ is a good basis for the principal aim or strategic outcome. See our substantive response under “Statutory Purpose” above. Not everything that the new Body will be tasked with maintaining, improving and developing can be described as a resource, and not all resources can be developed.

Resources are important, but the resource management agenda is not entirely congruent with the role of Welsh Government environmental body: there are duties and responsibilities that fall outside the supply-and-demand arena of resource utilisation, and conversely many of the levers of resource supply and demand are beyond the reach of the Welsh Government or its agencies.

A better purpose, one that is more in line with the internationally agreed definition of the ecosystem approach and which better reflects the environmental priorities that face us, would be

**"To foster the conservation and sustainable use of the environment and its natural resources, so enabling Wales to achieve sustainable development".**

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

CCW staff have contributed to the development of the Delivery Framework Table in Annex 5 and we are content that most of the main themes and objectives are set out there. However the new Body should also be given a leadership role in resolving some of the difficult problems and trade-offs inherent in the complex landscape of environmental management, as well as tightly defined roles and responsibilities. The need for a long-term futures-approach to priority setting and resource allocation means that the work of the operational work of the new Body may have to be protected from short-term fluctuations in political agendas.

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

CCW particularly supports the functions described as

- 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
- Conservation, restoration and enhancement of the landscapes and seascapes of Wales
- Improving and increasing access to, and use of, the environment for outdoor recreation
- Increasing public involvement in decisions about the use and management of the environment and natural resources of Wales

and wishes they had been better elaborated and emphasised elsewhere in the document.

We would like to see the significance of **invasive non-native species** recognised by expanding the function currently describe as “Prevention or reduction of the spread of pests and diseases affecting all trees and timber products” to read “Prevention or reduction of the spread of pests, diseases and non-native invasive species affecting all habitats, whether natural or modified”. Adding further illustrative examples from the terrestrial and marine environment would expand the scope of this function. It would help break down the silo between forestry interests and the rest of the new Body, and could point the way to how new teams could be built from the synergy of staff and knowledge from all three legacy bodies. There will be many other examples of how this could be done for the functions set out in Tables 1-3.

We think the new Body should be given a duty to research, monitor, update and produce a **State of the Environment Report**, at intervals frequent enough to be an objective and impartial basis for the development of Government programmes and the implementation of Government policy.

We support the proposals in Table 1 for the Body to have clear roles in relation to climate change. The Body’s role in “Renewable Energy Programmes” would have to be elaborated. The Body’s role in providing advice to Government, the public and the private sector on appropriate adaptation measures should be given greater emphasis.

In table 3, line 1, “The likely costs and benefits (this includes both costs to the environment and costs to people and organisations) it’s not clear what is the meaning of “costs to the environment”, so it’s difficult to comment on this.

We would also like to see a more specific reference in Table 3 to the **Welsh language, equality and environmental management**. Best practice from the existing bodies should be carried into the new Body and improved on if possible (see “Values and Principles” above).

We suggest the new Body’s participation in the activities of cross-border and international fora be made explicitly by this amendment to the last function in Table 1:

“Membership of other public bodies (including those outside Wales and including those with a UK and international relevance) to increase knowledge transfer and participation in the shaping of policy proposals where this is relevant to the functions of the Body, and provision of advice to Ministers”.

**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 support the proposal to consolidate species licensing in the new Body. Bringing marine licensing into the new Body would however introduce a full regulatory role requiring an ability to balance Government policy in an SD context, and the new Body would have to be very well resourced to deliver this role.

We think that Sea Fisheries management and Agri-Environment Schemes should be within the new Body, since they are significant mechanisms for ecosystem management, although we are sympathetic to the arguments in favour of phasing these in over time.

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

**Not entirely.** The Consultation proposes that the Welsh Government should take on the central co-ordination of research and evidence, establishing a single framework for external research and commissioning. Whilst CCW accepts that the Government’s research agenda is much wider than the functions of the new Body, we believe that if the new Body is to build a reputation for objective, impartial and independent advice then it must **retain control of the research agenda relating to its functions, and should manage its own research budget**. It is also more likely to break new ground and pioneer new techniques such as in the field of remote sensing if this research agenda is at arms-length from Government.

The new body should have a strategic role in influencing the Defra research programme and other government research programmes. Where appropriate single body staff should be empowered to represent Welsh interests.

**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, broadly. The Single Body must be fully accountable and transparent, should publish information and evidence and explain its decision making. A small number of advisory committees should be considered, to ensure effective engagement with stakeholders at a national and local level. We also suggest a **Scientific Advisory Committee** to scrutinise and advise on the scientific, evidence gathering and advice functions 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?**

We welcome the Consultation's commitment to "new and innovative approaches and partnerships for delivery, including work with third sector partners and local authorities" and to enabling "more locally based decision making and accountability" for the new Body.

Stakeholder engagement should not be seen as the unavoidable price to pay for minimising public objections. The **stakeholder-engagement culture** of CCW should be carried through to the new Body so that added value and civil society stewardship are planned, managed and monitored outcomes of stakeholder engagement. The ultimate aim should be that everyone in Wales values their environment and acts in ways that protect it.

This will require the new Body to have a significant communications and engagement capacity.

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

We support the proposals on these specific aspects of the regulatory arrangements, although they are wider issues around the principles of regulation that we have set out in our submission to the Green paper consultation.

It is clearly desirable that "an appropriate functional separation be established between the team developing the project and the team that undertakes that assessment" and that "effective regulatory decision making should be independent of the political process". We think that in order to increase public faith in the regulatory system, "**decisions** (that) have a lawful, transparent rationale which balances all relevant interests and, in so doing, protects the environment" **should be publicly communicated with full supporting evidence.**

The arrangements need to take account of **decisions taken outside Wales** (for example on energy developments) that impact on the Welsh environment or which have implications for Welsh resources. In recent times these have been a major complicating factor in the consents and licensing process, and rationalisation of this externality would reduce the burden on developers.

We support the proposal for "co-located professionals with a common goal", in order to "maximise the likelihood of early engagement, identification of problems, and sensible discussion with the applicant to resolve problems before they become major issues".

The wider issues are around the intention to make the regulatory regime simpler. **The Welsh Government must be clear on the reasons for doing so.** It is a legitimate objective to reduce the costs to industry (in time and money) in negotiating consents and permits arising from different legislations and in dealing with multiple agencies. However there is no case for a weakening of the regulations or lowering the standards of environmental quality.

*Cyngor Cefn Gwlad Cymru*  
*Countryside Council for Wales*  
May 2012

**From:** Stephanie Merry [stephaniemerry@focus-offshore.com]

**Sent:** 03 May 2012 23:49

**To:** SEB mailbox

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

**Attachments:** OEG Response to SEB Wales May2012.pdf

Dear Sir or Madam,

Please accept my sincere apologies for this delayed response to the above consultation. The REA only became aware of the consultation at the beginning of this week and prior commitments did not permit an earlier response. I hope that you will consider the REA's comments (attached), even though the closing date was yesterday.

Yours sincerely,

Dr Stephanie Merry

Head of Marine

Renewable Energy Association

Capital Tower

91 Waterlo Road

London SE1 8RT

Tel: +44 (0)20 7925 3570

Fax: +44 (0)20 7925 2715

Web: [www.r-e-a.net](http://www.r-e-a.net)



## Ocean Energy Group

### Natural Resources Wales

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

### CONSULTATION RESPONSE FROM THE OCEAN ENERGY GROUP OF THE REA

The Renewable Energy Association (REA) welcomes the opportunity to comment on the Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources. The Association represents British renewable energy producers and promotes the use of sustainable energy in the UK. The membership is active across the whole spectrum of renewables, including wave and tidal, electric power, heat and transport fuels. Members range in size from major multinationals to sole traders. There are over 800 corporate members of the REA, making it the largest renewable energy trade association in the UK.

The REA's main objective is to secure the best legislative and regulatory framework for expanding renewable energy production in the UK. The Association undertakes policy development and provides input to government departments, agencies, regulators and NGOs.

In order to cover sector-specific issues, a number of so-called 'Resource Groups' have been set up. The Ocean Energy Resource Group (OEG), comprising more than 100 individuals, covers wave energy and tidal stream energy. The Welsh tidal energy developer, Tidal Energy Ltd, is an active member of the Group and keeps us informed of activities in Wales of relevance to the marine energy sector. The primary focus of the OEG is the progress of energy conversion device and array development to prove the capability and survivability of full-scale projects, and the legislative measures required to support and finance projects in order to bring them to commercial fruition.

The REA believes that the UK's wave and tidal energy resource provides a unique opportunity, in terms of a clean, totally renewable source of electricity generation, provision of a new industry with job creation and export potential and a major contribution to security of energy supply. Wales controls an excellent wave and tidal resource around its coast, second only to Scotland within UK waters. We are therefore keen to ensure that any changes to the current marine regulatory regime will not erect barriers to the harvesting of this energy resource or hinder the development of an indigenous industry for Wales, with unrivalled potential to bolster the country's economy and create new jobs.

#### General Comments

1. The REA welcomes the intention expressed on page four of the consultation document, to modernise and simplify the existing regulatory and management framework in Wales.



2. We agree that the creation of a Single Environmental Body would potentially simplify the regulatory landscape, by providing a single point of contact for engagement with the Statutory Nature Conservation Bodies which provide advice for licensing decisions.

3. However, we are concerned about some of the additional roles and functions which will be assigned to the SEB. We believe that its key role should be to help manage the natural resources of Wales, not simply to protect them as the Minister states in the Foreword. The text of the consultation document also emphasises the powers of the new body to protect rather than to manage (page 14).

4. It is not clear how the SEB is intended to interface with the delivery of marine planning, regulation and management, at a time of great change in these areas following the introduction of the Marine and Coastal Access Act. Perhaps this will be clearer when the outcome of the current natural resource planning consultation has been published and we would urge the Welsh Government to consider the functions and responsibilities of the new body further at that time.

5. The REA is particularly concerned over the proposals to transfer the marine licensing function from the Welsh Government team to the new SEB. It is vital that licensing decisions are made by an independent body, in an even-handed, transparent and objective manner. The advisory role of the SNCBs must remain separate from licensing and permitting, and we are not convinced that the two functions, with different and potentially conflicting objectives, can be achieved in an unbiased fashion through a single body.

6. We respectfully suggest that, instead of combining the conservation advisory and licensing functions in a single body, it would be more beneficial to centralise the marine planning, regulation and management functions in a new body, along the lines of Marine Scotland or the English Marine Management Organisation, with the statutory advisory function remaining with the proposed SEB.

I hope these comments are helpful. Please do not hesitate to contact me if you wish to discuss any of the issues raised.

Dr Stephanie Merry

Head of Ocean Energy Group, Renewable Energy Association

Tel: 07786 543138

**From:** Elfyn Jones [elfyn@thebmc.co.uk]  
**Sent:** 02 May 2012 10:23  
**To:** SEB mailbox  
**Subject:** Single Environment Body consultation

**Attachments:** Single Environment Body consultation response.docx

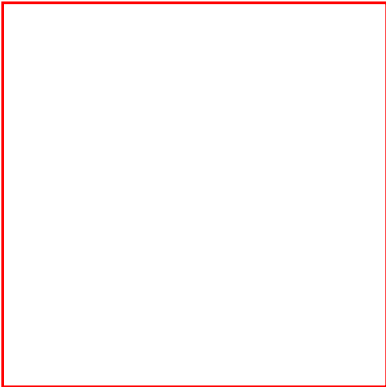
Dear Sirs,  
Please find attached the formal response from the British Mountaineering Council to the Welsh Government 's consultation on the creation of a new single body to manage the environment of Wales.

Please feel free to contact me at the address or using the contact details on the attachment should you require any further information.

Kind regards

Elfyn Jones  
Swyddog Mynediad a Cadwraeth (Cymru)  
Access and Conservation Officer (Wales)

Tel:0161 445 6111  
Direct:01690 720124  
Mobile :0755 499 8910  
Fax:0161 445 4500  
Web <http://www.thebmc.co.uk/Category.aspx?category=17>



The British Mountaineering Council  
Siabod Cottage,  
Capel Curig  
Conwy  
LL24 0ES

Working for Climbers, Hill Walkers  
& Mountaineers since 1944

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Swyddfa Cymru/Wales Office  
Siabod Cottage, Plas Y Brenin, Copel Curig,  
Betws y Coed, Conwy LL24 0ES

t: 01690 720 124 | e: office@thebmc.co.uk  
w: www.thebmc.co.uk

May 1<sup>st</sup> 2012

Dear Sirs,

**British Mountaineering Council Response to consultation on “Natural Resources Wales”**

The British Mountaineering Council (BMC) is the national representative body for mountaineering, hill-walking and rock-climbing in Wales and England. The organization was created in 1944 as a council of the main mountaineering and climbing clubs that existed at that time in the UK. Today it has over 75,000 individual members and over 218 affiliated climbing and mountaineering clubs, including over 4,500 members and 18 affiliated clubs based wholly in Wales.

The BMC welcomes the opportunity to respond to the Welsh Government consultation on the creation of a single body to manage the environment of Wales but has some concerns on certain elements of the proposal. The overall concept of having a single body to manage the key elements of the environment, including access and recreation is to be welcomed and should hopefully streamline and give greater clarity to the visiting public and other recreational users of the countryside.

The main concerns that we as a body have regarding the consultation is as follows:-

- We feel that the consultation is generally light in reference as regards recreation and access, although Recreation and Access is integral to the ‘public health and wellbeing’ aim of the new body we feel that the promotion and encouragement of informal access and recreation to the countryside should have a greater prominence be a core part of the function of the new body.
- The retention of existing advisory and statutory committees on access. The consultation does not refer to the important role made towards managing access and recreation by the current National Access Forum for Wales nor does it refer to the support currently given to supporting local access forums given by CCW. We feel strongly that this is something that needs to be considered and included as part of the core role and duty of the new organization.

working for climbers, hill walkers & mountaineers



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Siabod Cottage, Plas Y Brenin, Copel Curig,  
Betws y Coed, Conwy LL24 0ES

t: 01690 720 124

e: [office@thebmc.co.uk](mailto:office@thebmc.co.uk)

w: [www.thebmc.co.uk](http://www.thebmc.co.uk)

## General comments

There is a general tendency for the consultation to focus on the regulatory, licensing and enforcement role of the new body. As an organization that has a long history of successfully negotiating access for recreation to protected and sensitive sites, based on voluntary agreements we believe that the facilitation role of the new body in negotiating and setting the standards for such negotiations should have much greater prominence. In our opinion these locally agreed voluntary agreements tend to be far more effective and have greater public support than a top down regulatory and enforcement approach.

Historically many conservation bodies, especially those with a more regulatory role have tended to adopt a very conservative “precautionary principle” towards informal recreation and public access to protected and other sites of conservation importance. In recent years this has been balanced by the advice and direction given by the recreation staff at CCW. We would like to see this approach continue in the new body, with a greater emphasis on genuine evidence based research to balance the true impact of recreation and the benefits of such recreation to the public. In particular we would like the new body to adopt a “least restrictive options” approach to recreation on sensitive and protected sites. With suitable information and education of the user, in our opinion this is a more effective mechanism for protecting the conservation features of a site, is more cost effective than a formal regulatory approach and more likely to gain longer term public support for protecting important sites.

Many of the clubs and members that we represent are based outside of Wales, and the great majority of the users of the Welsh countryside for informal recreation are not from Wales. The new body gives a great opportunity for Wales to develop its own direction to improve access to the coast and countryside of Wales and create new initiatives to encourage better and more responsible use of the Welsh countryside and coast. However, there does need to be a focus on cross-border working to ensure some consistency and understanding of the issues outside of Wales. This is especially so in relation to coastal access, the review of the Countryside Code and initiatives such as rights of way improvement plans.

In conclusion the BMC welcomes the simplification and streamlining of process and the delivery of environmental services that should occur as a result of the creation of a single body, but feel that the role of the new body to deliver, promote and support improvements to countryside

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Siabod Cottage, Plas Y Brenin, Copel Curig,  
Betws y Coed, Conwy LL24 0ES

t: 01690 720 124 | e: [office@thebmc.co.uk](mailto:office@thebmc.co.uk)  
w: [www.thebmc.co.uk](http://www.thebmc.co.uk)

recreation and access is not explicit enough in the consultation. In particular the current roles of the existing bodies in promoting and encouraging responsible public access is not sufficiently highlighted and that there is over-emphasis on the role of the new single body on protecting the environment by means of formal licensing and regulation.

If you wish to have a greater explanation of our response or further information then please contact us at the address on this letter.

Yours sincerely

Elfyn Jones

Access & Conservation Officer (Wales)

working for climbers, hill walkers & mountaineers

From: Kate Ashbrook [<mailto:hq@oss.org.uk>]  
Sent: 02 May 2012 10:25  
To: SEB mailbox  
Subject: Re: Natural Resources Wales Consultation

Dear Ms Moss

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

Please see the attached response from the Open Spaces Society.

Yours sincerely

Kate Ashbrook  
General Secretary  
The Open Spaces Society  
25A Bell Street  
Henley on Thames RG9 2BA  
tel 01491 573535  
email: [hq@oss.org.uk](mailto:hq@oss.org.uk) <<mailto:hq@oss.org.uk>> website [www.oss.org.uk](http://www.oss.org.uk)  
<<http://www.oss.org.uk/>> registered charity 1144840 registered in  
England and Wales, limited company number 7846516

Remember those open spaces - make room for The Open Spaces Society  
<<http://www.oss.org.uk/legacies/>> in your will

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25A Bell Street, Henley-on-Thames, Oxon RG9 2BA

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

2 May 2012

Dear Ms Moss

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

**Response from the Open Spaces Society April 2012**

1. The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation Society) was founded in 1865 and is Britain’s oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people’s right to enjoy them.
2. The society is particularly concerned to protect the common land of Wales. There are around 175,000 hectares of registered commons, covering about 8.4 per cent of the land area. They have immense public interest: 66,000 hectares (36 per cent of common land) are sites of special scientific interest; 82,000 ha (45 per cent) lie within national parks; over 7,000 ha (four per cent) are within areas of outstanding natural beauty; over 17,000 ha (nearly 10 per cent) are within Environmentally Sensitive Areas; and 100 per cent are subject to a public right of access on foot and on many there are also rights to ride.
3. We are pleased to have the opportunity to respond to the Welsh Government’s proposed arrangements for a single environmental body for Wales. We fully support the response from Wales Environment Link. We answer some of the questions below.

**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?**

4. We can see the benefits of creating a single environmental body, set out in the paper. However we would be concerned if this was in any way to prejudice the work on common land, open spaces and public paths currently undertaken by the Countryside Council for Wales.

(registered in England and Wales, limited company number 7846516, registered charity number 1144840)

The Open Spaces Society (formally The Commons, Open Spaces and Footpaths Preservation Society) campaigns to create and conserve common land, village greens, open spaces and rights of public access, in town and country, in England and Wales. Founded in 1865, we are Britain’s oldest national conservation 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?**

5. Our concerns are that public access and recreation will play a smaller part in the single body than they do currently in the Countryside Council for Wales, because there will be so many conflicting demands on the organisation's resources. The organisation may well have fewer statutory duties relating to public access and recreation and therefore this could tend to have a lower priority than, for instance, nature conservation designations. The Forestry Commission and Environment Agency have a large number of statutory duties all of which could be put above public access and rights of way, meaning that these are then demoted.
6. In addition there is no mention of work on protected areas, ie national parks and areas of outstanding natural beauty, nor on registered common land which, as stated above, brings a vast amount of public benefit. Nor does 'landscape' receive any recognition—a regrettable omission.

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

7. We submit that the proposed new body is too focused on the use of national resources, with insufficient emphasis on their protection and management.
8. We consider that the proposed aim of the new body should contain the word 'protect', and also a reference to public enjoyment. We suggest the aim should be: 'to protect, maintain, improve and develop Wales' natural resources and to promote their enjoyment by the public, to deliver benefits to the people and economy of Wales now and into the future.'
9. The strategic outcomes make no reference to protected landscape, ie national parks and areas of outstanding natural beauty, nor to landscape in general, nor to registered common land. These must be included.

**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?**

10. It is vital that the new body is independent of government and is able to champion the environment, as a critical friend of government and policy makers.

**Annex 1 paragraph 1.14**

11. We are pleased to see the paragraph on outdoor recreation and management. However there is no recognition of the importance of the public rights-of-way system in providing opportunities for people to walk, ride and cycle throughout Wales. The new body must take a robust stance in promoting all public rights of way, not just certain routes, and putting pressure on the local authorities to ensure that paths are in good order and well cared for. In addition, we are surprised there is no reference to the Wales Coast Path and the role of local authorities in ensuring that it remains in

good order and is continually improved, given that quite a bit of the path is not yet on the coast.

12. We are concerned that there is no reference in the document to the role of the new body in relation to common land which is of great importance, for its wildlife habitats and for public recreation among many other public benefits. The new body needs to promote the formation of commons councils and proper management of the land in the interest of all.

### **Conclusion**

13. The Open Spaces Society, with other voluntary bodies concerned with the environment, would like to be fully engaged in and consulted about the formation and development of the new body.

Yours faithfully

*Kate Ashbrook*

Kate Ashbrook  
General Secretary

**From:** Paul Raymond-Barker [paul@raymond-barker.co.uk]

**Sent:** 02 May 2012 11:04

**To:** SEB mailbox

**Cc:** 'Kath McNulty'

**Subject:** Natural resources Wales consultation

**Attachments:** Response to Single Environmental Body.doc

Dear Carrie Moss,

I attach my response on the consultation on the Single Environmental Body proposals.

P.A. Raymond-Barker

Raymond-Barker & Co

11a Broad Street

Builth Wells, LD2 3DT

Tel: 01982 552858

Mobile: 07901 820410

[www.woodland-sale.com](http://www.woodland-sale.com)

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Name: Paul Raymond-Barker, FRICS

I am a self-employed Woodland Manager based in Builth Wells and have been practising in Wales and Herefordshire since 1966.

Question 1 I do not consider that the management of the Forestry Commission is compatible with the CCW and the EA. The FC has approx 120,000 hectares to manage. The FC is an environmental body but is also a commercial one and has a definite commitment to the processing industry. It is a business and a great many jobs and other businesses depend on it.

I cannot see the logic in the SEB.

Question 2 If the SEB proposals are confirmed, it is essential that the forests continue to be managed by foresters on sound silvicultural and commercial lines.

Question 3 This has to be done very carefully and only when all arrangements are in place.

Question 4 This question should be more specific and give some priorities. There seems to be a reluctance to quote 'The Wales Woodland Strategy' and the national need to grow trees for timber production which can be totally compatible with social and environmental objectives.

Question 5 This is unduly complicated. Why cannot the framework be described and expressed in simpler terms.

Question 6 The Wales Woodland Strategy: Woodlands for Wales deals with this question more clearly.

Question 7 Research is all important and it could be a co-ordinated approach providing that specialist researchers are employed to include forestry researchers. At present the FC have an excellent and knowledgeable team. We would not want this diluted.

Question 9 There must be active forest managers on the Board and the chief executive must be independent. The Board should also be independent of the Welsh Government.

Question 12 I am deeply apprehensive about the future of the Welsh National Forest. It is a valuable national asset built up over many years which must not be squandered.

Conclusion

The long term management must not be sacrificed for short term gains. The Single Environmental Body will have a heavy responsibility to manage the asset expertly securing jobs and the industry.

Paul Raymond-Barker  
Raymond-Barker & Co  
11a Broad Street  
Builth Wells LD2 3DT  
Tel: 01982 552858  
Mobile: 07901 820410  
Email: paul@raymond-barker.co.uk

**From:** Estelle Robinson [estelle@field-studies-council.org]

**Sent:** 02 May 2012 11:14

**To:** SEB mailbox

**Subject:** FSC response to the Natural Resources Wales (Single Body) Consultation

**Importance:** High

**Attachments:** Natural Resources Wales consultation-May 2012 FINAL.docx

Dear Carrie / A Living Wales Programme Team,

Please find attached the Field Studies Council's response to the Natural Resources Wales (Single Body) consultation.

If you have any further queries or would simply like additional information, please don't hesitate to get in touch.

Kind regards,

Estelle

Estelle Robinson  
Policy and Public Affairs Officer  
Field Studies Council

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## Field Studies Council

Submission to:

## Welsh Government Natural Resources Wales

2 May 2012

### **About FSC:**

The Field Studies Council (FSC) is a pioneering education charity committed to bringing environmental understanding to all. The FSC provides informative and enjoyable opportunities for people of all ages and abilities to discover, explore, be inspired by, and understand the national and built environment. We believe that the more we know about the environment, the more we can appreciate its needs and protect its diversity and beauty for future generations. We feel that fieldwork should be a vital element of an imaginative and contemporary education.

Established in 1943, the FSC has become internationally respected for its national network of education centres and is the UK's leading provider of natural resources related field courses. It currently welcomes 145,000 visitors every year on courses to its national network of 17 Field Centres. These include groups from nearly 3,000 schools, colleges and universities. FSC is also a leading UK provider of biodiversity and ecology related training courses for adult learners, including both career development for professionals involved in ecology, natural history and landscape related disciplines and also courses for leisure learners who are interested in discovering more about the world around them. Finally, FSC is also a leading publisher in this field, publishing nearly 150,000 identification guides and related resources every year.

The FSC has four centres in Wales: Margam Discovery Centre (Port Talbot), Rhyd-y-creuau Field Centre (Conwy), Oriellon Field Centre and Dale Fort Field Centre (Pembrokeshire).

All of this activity provides a substantial evidence base to inform our submission.

[www.field-studies-council.org](http://www.field-studies-council.org)

### **Background**

Fieldwork and outdoor learning is good for children and young people and good quality fieldwork helps to improve education standards (Rickinson et al, 2004). It helps them gain a practical understanding of the world around them, build self-confidence, test their abilities, take managed

risks and develop a sense of responsibility and tolerance towards places and people. It also supports physical and emotional well-being. Fieldwork should be vital element of an imaginative and contemporary education programme. It helps all children and young people understand subjects, such as like science, geography and history, through real world examples and first-hand experience. It also provides hands-on experimental skills that are an essential part of science and geography work.

Furthermore, and often more importantly, outdoor learning provides an exciting and memorable experience for young people which can enthuse and inspire them, and will help to transfer what they learn in school to their everyday lives through dealing with real world examples at first hand.

As well as being familiar with the impact of fieldwork on children and young adults we are also aware of the critical role that field experience has on adults, both professionals and leisure learners. The FSC believes that fieldwork experience – and access to sites and facilities that enable this to happen – is essential for delivering a workforce with the competence, confidence and commitment to do the jobs that support natural resources management. It is also needed to develop the volunteer base which supports much of this activity.

Please find below our responses to the consultation questions. Our recommendations are in bold.

*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 Field Studies Council welcomes the proposed change and endorses the rationale for change. We can see that this could provide excellent syntheses in public understanding and participation. We are, however, concerned about the potential loss in profile of education, training and professional skills development.

- **The FSC encourages the Welsh Government to ensure that education, training and professional skills development be visibly included within the main functions of the new body.**

*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 three main concerns that the FSC has within this section relate to timescales, skills loss, and grants.

a) Timescale

The FSC has in the past welcomed the timely support of the Countryside Council for Wales (CCW) with regards to grant aiding Welsh sector training, the efficient responses to requests for information and advice, and the decisions taken in relation to planning issues and environmental concerns.

- **The FSC recommends that the Government introduces and signposts the phasing of amalgamation transparently and well ahead, to avoid unnecessary disruption to the environmental sector.**

b) Skills loss

The FSC recognises the potential efficiencies, but would like assurance that the amalgamation of the staff bodies does not result in any loss of skills, and also provides sufficient capacity to ensure that the skills gap identified by the Institute of Ecology and Environmental Management (IEEM, 2011), the Environment Research Funders' Forum (ERRF, 2010), and the National Assembly for Wales (2011) can be filled. Similarly, the taxonomic impediment and weaknesses in scientific approach

have been referred to throughout the UK. Wales has an opportunity to lead the way in ensuring the UK trends are reversed.

- **The FSC recommends that critical 'natural resources' skills are maintained (both inside and outside an amalgamated body), including: species recording, identification and classification; environmental impacts, surveying and monitoring methodology; and scientific and statistical analysis and reporting.**

c) Grants

The FSC recognises that the environmental NGOs in Wales have made effective use of pump priming funding in order to develop mutually-supportive relationships and to develop activity (both jointly and independently) though which they have been able to support, promote and develop activity which cascades the government 'natural resources' policy through schools, colleges and the training organisations. The FSC, therefore, welcomes the reference to grant aid and the recognition of the value of CCW's past support in providing training grants to promote best practice.

- **The FSC recommends that the present level of support for third sector and voluntary organisation is protected in order to enable them to continue their critical work in enabling government 'natural resources' policy to be implemented effectively in the future.**

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

The FSC acknowledges that amalgamation could involve a phased reduction in staffing but seeks reassurance that that this will not diminish or reduce the full continuation of support for the sector groups (such as training providers, recording groups and specialist societies) and thus enabling them to deliver their potential to provide very cost effective and effective support through trained staff and volunteers and NGO workers.

- **The FSC recommends that administrative and specialist agency support for sector groups is protected throughout the amalgamation process.**

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

The FSC feel that aims and strategic outcomes could be linked more effectively to the 'ecosystem services' approach and that the overarching aim should be environment focused rather than people focused. This could be done by the inclusion of one word in the aim. The inclusion of the 'AND' makes the aim much more eco-centric. This could be further emphasised through linking with ESDGC (education for sustainable development and global citizenship) which would enable Wales to celebrate and support an integrated environmental policy.

- **The FSC recommends that the aim should be : 'To maintain improve and develop Wales natural resources AND to deliver benefit to the people and economy of Wales now and into the future.'**

5. *What are your views on the approach to the delivery framework?*

The FSC welcomes the detail presented in the table in Annex 5– and would like to suggest the inclusion of further columns to simplify the presentation for the reader.

- **The FSC recommends:**
  - **The inclusion of two extra columns: a resources column to emphasise what might be needed to deliver each point; and a training and education column to illustrate how staff might be supported in the delivery of the aims.**



- The inclusion of a training strategy for Welsh Agency workers, including awareness raising/training in points 10-17.

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

The FSC feels that these tables are well presented and highlight the special nature of the Welsh provision.

- The FSC recommends some minor modifications to emphasise the public engagement, community involvement and skills development opportunities.

#### Table 1

These could be included on page 40 where there is reference to conservation and restoration. This will need scientific recording and this would be a welcome role for the voluntary and recording agencies in Wales. In addition – on the same page – there is a mention of outdoor recreation.

- The FSC recommends a positive reference to ESDGC (education for sustainable development and global citizenship) through expanding this or introducing a new line to emphasise the benefits of the public awareness, understanding, and volunteering in the classic habitats and ecosystems in Wales.

We welcome the inclusion of educational lines on page 42 as these emphasise the synergy in involving outdoor education programmes and nature reserves.

- The FSC recommends that these education statements are broadened to include grant aid for education providers to allow access to all for Welsh environmental education programmes – and that this funding be accessible to all providers.

#### Table 3

- The FSC recommends that training and public engagement are listed as one of the main factors which the proposed body will have to have regard to in exercising its functions.

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

- The FSC recommends that there is reference to non-native species in this sector and makes it clear that Schedule 9 species (eg. Japanese Knotweed) will be integrated into their remit.

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

- The FSC urges that research be given a high priority in the following three areas:
  - Ecosystem Services e.g. through monitoring and surveillance for climate change, eutrophication and other environmental change drivers.
  - Developing critical partnerships to collect and gather data, including optimising citizen science and the work of recording societies.
  - Social and educational research which examines how 'natural systems' services are benefitting the Welsh nation.

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?*

See responses above. The FSC welcomes the overall purpose of the proposal(s), but seeks reassurance that supporting training and development, environmental education and promoting public understanding of the environment, and sharing best practice across these areas remain core activities for the new body

- **The FSC recommends that 'natural resources' education and training – both through formal education in schools and informal education through the environmental network and media – should be a key function of the new body.**

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

The FSC welcomes this proposal and looks forward to more detailed information.

- **The FSC urges that future arrangements for stakeholder involvement recognises the critical importance of volunteer training, involvement of the recording societies and museums, and partnership working with education providers.**

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

Although the overall approach is well described it could be simplified.

- **The FSC recommends that a simplified diagram or flow chart would improve users understanding of the regulatory arrangements.**

This consultation response was submitted by Margam Discovery Centre, on behalf of the Field Studies Council.

For further information, or to discuss the points raised in this document, please contact:

**Dr. Steve Tilling, Director of Communications:** [steve@field-studies-council.org](mailto:steve@field-studies-council.org)

## References

Environment Research Funders' Forum (2010). *Most wanted: Postgraduate Skills Needs in the Environment Sector*.

Institute of Ecology and Environmental Management, (2011). *Ecological Skills: Shaping the profession for the 21<sup>st</sup> Century – Phase 1 research report*.

National Assembly for Wales (2011). *The science, technology, engineering and mathematics (STEM) agenda*. Enterprise and Learning Committee.

Rickinson, M., Dillon, J., Teamy, K., Morris, M., Choi, M.Y., Sanders, D., Benefield, P. (2004). *A review of Research on Outdoor Learning*. National Foundation for Educational Research and Field Studies Council.

**From:** Liz A. Davies [LizDavies@anglesey.gov.uk]  
**Sent:** 02 May 2012 11:52  
**To:** SEB mailbox  
**Cc:** Arthur Owen; Dylan Williams; DAVID COWLEY (DavidCowley@anglesey.gov.uk); john.i.jones@magnoxsites.com; Jim Woodcock  
**Subject:** Natural Resource Wales Consultation

**Attachments:** Nat Resource Wales final April 2012.doc

Please find attached the Isle of Anglesey County Council's response to the above outlined consultation document.

Please do not hesitate to contact me should you require any additional information or wish to discuss the matter further.

Kind Regards

Liz Davies  
Senior Development Officer  
Isle of Anglesey County Council  
01248 752 498  
[ladpl@anglesey.gov.uk](mailto:ladpl@anglesey.gov.uk)

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Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

## **Natural Resources Wales – Consultation Document**

The Isle of Anglesey County Council welcomes the opportunity to comment on the above outlined document. The comments have been co-ordinated by the Economic Development Unit.

### **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?**

As set out in the Green paper ‘Sustaining a Living Wales’, there is a clear need to better understand the relationship between the environment and our social and economic needs, health and wellbeing. Accordingly, the Isle of Anglesey County Council welcomes the establishment of a single environment body for Wales as there is clearly a need for a contemporary and fit for purpose organisation to protect, enhance and capitalise upon Wales’ diverse and numerous natural resources.

Against this backdrop it is therefore imperative that the single environmental body provides outstanding leadership in Wales and the UK in terms of the sustainable development of our natural environment, based upon an integrated and consistent approach to proactive dialogue and collaboration at all levels.

It is essential that the management of our natural environment is not considered in isolation – and this principle must be fully embraced by the new single environment body. The IACC believes that the Welsh Government’s proposal to deliver to greater integrated management should be based upon streamlined decision making processes which fully consider the sustainable, environmental, economic and social impacts and benefits on a local, regional and national scale.

Wales’ natural resources cannot be ‘compartmentalised’ and managed without proper regard to human impacts, in the form of increased demand, development and access etc. The same applies to the built/manmade resources, our town and communities infrastructure, places of work, enjoyment etc. There is an interaction between the two which is not fully considered in the document. The natural and manmade resources and their respective ecosystems are not mutually exclusive, but interact and have the potential to both be managed in such a way as to secure sustainable outcomes.

In addition the single environment body must undertake its future activities efficiently and effectively, with an unrivalled commitment to improved transparency and reduced bureaucracy.

It is clear that both the ‘Sustaining a Living Wales’ and this consultation will inform proposed Sustainable Development, Environment and Planning Bills. It is therefore essential that the linkages between the documents is clearly outlined and illustrated within each of them.

Finally there also needs to be consideration as to how this radical policy shift on the future management of natural/environmental resources will interact with other Welsh

Government policy imperatives on climate change, economic development, infrastructure investment, rural depopulation, Welsh language and culture, etc.

**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 addition to the concerns and mitigation measures outlined in section 2.4 there is also some concern that the formation of a new, single body will lead to a loss of locally based staff with specialist knowledge and expertise. It is imperative that any changes do not erode the relationships and detailed understanding that have developed over a number of years between the Isle of Anglesey County Council and the EAW, CCW and FC; as well as impact negatively upon specific areas of collaboration in the short to medium term (i.e. strategic activities associated with the proposed new nuclear build at Wylfa).

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

The Isle of Anglesey County Council welcome the phased approach however the timescales associated with establishing the new body by April 2013 are extremely challenging – and it is crucial the complex process of creating the body does not impact negatively upon the current activities and commitments of the three organisations during 2012.

Further consultation on the phasing is also welcomed.

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

The proposed aim and strategic outcomes for the single environmental body are sufficiently broad to encompass the variety and range of challenges and opportunities associated with Wales' natural resources.

The IACC believes that the proposed aim and outcomes will ensure that the future activities of the single environment body are undertaken in a strategic and holistic manner, delivering integrated management of the natural environment. The body will recognise the unique and dynamic characteristics of the Country's natural resources and encourage their sustainable use to support and maintain communities, both now and in the future.

The IACC welcomes the specific reference to the need for the country's natural resources to be capitalised upon to deliver benefits to the Welsh economy as this approach must be seen as fundamental to achieving the complete and long term aspirations of sustainable development locally, regionally and nationally. It is essential that the single environmental body is fully committed to sustainable economic development/ regeneration and social progress (in particular in those areas of greatest need).

The IACC does however question how aspirational and ambitious the stated strategic outcomes are, and whether they will enable the single environmental body to take a truly innovative approach towards the management and utilisation of the natural resources of Wales.

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

The IACC supports the proposed approach to the delivery framework and the proposed level of detail illustrated in annex 5 of the consultation document is welcomed.

However given the scale and proposed functions of the body, we feel that all relevant stakeholders should be given an opportunity to provide comment and feedback upon its performance and successes (once it has been established). This would ensure greater transparency; underpin a commitment to stakeholder engagement and encourage greater collaboration at both a strategic and operational level.

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

Wylfa Head on Anglesey has been identified by the UK Government as a one of the potential sites for the development of a new nuclear power station and in accordance the IACC request further clarity regarding the role, function and approach of the new single environmental body towards major energy infrastructure consent applications.

The potential new nuclear build is considered sustainable in terms of its long term job creation, contribution to economic growth and wellbeing of local communities, contribution to carbon reduction targets and minimal impact on the environment.

The need to provide connections to, and enhance the National Grid Transmission network also needs to be considered. Electricity generated offshore may need to land in substations located in an Area of Outstanding Natural Beauty with new grid lines. To consider this in a truly sustainable manner the wider ecosystem needs to be taken into account, not just the coastal site, but Wales (and the wider UK) which will benefit from the jobs, future electricity supply and carbon reduction.

As this is unclear within the document the IACC request greater clarity on the matter.

**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 IACC agrees with the proposals for co-ordination of Welsh Government 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?**

No comment.

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

The IACC supports the proposed approach in relation to stakeholder arrangement. However it is essential that any changes in stakeholder arrangements need to recognise and consider existing local stakeholder engagement processes and structures which are already functioning successfully and effectively.

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

No comment.

**From:** Carmichael, Sarah [sarah.carmichael@environment-agency.wales.gov.uk]

**Sent:** 02 May 2012 11:57

**To:** SEB mailbox

**Subject:** Natural Resources Wales' consultation

**Attachments:** SB Consultation FRMW response final 02May12.doc

Please find attached EAW's Flood Risk Management Wales Committee's response to the Natural Resources Wales' consultation.

Regards, Sarah

Sarah Carmichael

External Relations /Cysylltiadau Allanol

Environment Agency Wales / Asiantaeth yr Amgylchedd Cymru Ffon/Tel: 02920 466248

Ebost/Email: [sarah.carmichael@environment-agency.gov.uk](mailto:sarah.carmichael@environment-agency.gov.uk)

Gall yr wybodaeth yn y neges hon fod yn gyfrinachol, ac yn gyfreithiol freiniol. Os ydych wedi derbyn y neges hon trwy gamgymeriad, rhoddwch wybod ar unwaith i'r sawl a'i gyrodd, os gwelwch yn dda. Yna dilëwch hi, a pheidiwch â gyrru copi at neb arall.

Bu inni fwrw golwg ar yr e-bost hwn a'i atodiadau, rhag bod feirysau ynddo. Serch hynny, dylech chwilio unrhyw atodiad cyn ei agor.

Efallai bydd rhaid inni ryddhau'r neges hon, ac unrhyw ateb iddi, i sylw'r cyhoedd pe gofynnid inni tan y Ddeddf Rhyddid Gwybodaeth, y Ddeddf Gwarchod Data neu at ddibenion ymgyfreithio. Y mae'n bosib hefyd y darllennir negesau ac atodiadau e-bost a yrrir at unrhyw gyfeiriad Asiantaeth yr Amgylchedd, neu a dderbynnir oddi yno, gan rywun arall na'r gyrrwr a'r derbynnydd. Hynny at ddibenion busnes.

Os ydym wedi gyrru gwybodaeth atoch, a chithau'n dymuno'i defnyddio, yna ddarllenwch ein telerau a'n hamodau, os gwelwch yn dda. Gellir eu cael trwy ein galw ar 08708 506 506. Am ragor o wybodaeth ynghylch Asiantaeth yr Amgylchedd Cymru, ewch at [www.asiantaeth-amgylchedd.cymru.gov.uk](http://www.asiantaeth-amgylchedd.cymru.gov.uk).

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April 21<sup>st</sup> 2012

Ms Carrie Moss  
Living Wales Programme Team  
Welsh Government  
Cardiff  
By email: [SEB@wales.gsi.gov.uk](mailto:SEB@wales.gsi.gov.uk)

Dear Ms Moss

## **Response to 'Natural Resources Wales' consultation**

Flood Risk Management Wales supports the formation of the new body and offers some main suggestions below and answers to the consultation questions (as attached):

### **1. Objectives of the body:**

- (a) We agree that combining Environment Agency Wales, Forestry Commission Wales and the Countryside Council for Wales can offer better value for money to the Welsh tax-payer (considering that about £150m is spent between all of them) and better locally-specific outcomes for the Welsh population.
- (b) Although some indicative savings are mentioned in your document, the new body should have a business plan that is firmer about the financial benefits as well as outcomes for people. Some examples of improved outcomes in each subject of its operation would be helpful.
- (c) We believe that the new body should explicitly target economic, social and environmental development at the same time. We suggest "sustainable development" should be its objective, defined as economic and social growth and development with the present environment resources preserved or increased.

### **2. Functions of the body:**

- (a) Rather than a 'linear' combination of the functions of the three present bodies, the new body should attempt to identify the main outcome areas for Welsh people and organise frontline service delivery around them. A support-service organisation can then support them and issues like new powers or newly identified needs could be isolated to be added to the organisation as and when refined.
- (b) We suggest that there are two main ways of combining the delivery of services. The first is isolating the present main delivery areas such as planning advice, investment in (and maintenance of) new infrastructure including for flood risk management, emergency planning, forestry income, environmental income and enjoyment, and environmental regulation. The other is grouping around people outcomes such as regulation including advice and risk management, enjoyment and income generation, and asset creation and maintenance.
- (c) While all of the services offered by the three bodies are important, we suggest that flood and coastal erosion risk management should be seen in a different, higher, light given two main characteristics. First, it is possibly the only service which cannot be delivered without collaboration with important partners such as local authorities, Welsh Water, the police and the Fire and Rescue Service.

Second, historical evidence (eg, the Pitt report) shows that poor delivery has multiple long-term costs economically, socially and environmentally. The risks from flooding and coastal erosion affect many sectors of the Welsh economy and society, including economic development, transport, agriculture, individual lives and property. Minimising those risks is therefore essential to the future of not only the managed environment but to the country of Wales, its people and economic future. Successful flood and coastal erosion risk management must be integral to the new body.

- (d) Within economic development we suggest that the new body should be tasked to work with the business community in the promotion of Wales as an attractive place to locate businesses that utilise the types of natural resources that Wales is relatively well endowed with compared to many other parts of the UK, for example water resources.

### **3. Combination process and governance:**

- (a) We support the process of appointing a shadow Chair (and through him/her the Chief Executive) and enabling the forming of the Board and executive team with the relevant skills.
- (b) We suggest that a board of up to ten non-executives would be adequate to govern the new body. It should capture within it generic corporate governance skills (eg, strategy, finance, risk, leadership, business management) and specialist technical expertise (eg, sustainable development, environmental conservation, engineering, forestry, fishing).
- (c) We recommend that the new body has three specialist governance committees to deliver outcomes for Welsh people. First, it should have a stakeholder panel which should meet a few times a year and include all important partners such as local authorities, farming and fishing organisations, businesses, charities and so on. Second, it should have a consumer panel which should have three chapters: South East, South West and North Wales. Each part of Wales has its own unique needs and the body's success would depend on public confidence from all three parts.
- (d) The third committee should be the statutory flood risk and coastal erosion management committee, Flood Risk Management Wales. This committee has the advantages of local, stakeholder and regional acceptance as well as vital technical expertise. It has all local authorities represented, usually by cabinet members with responsibility for the environment, and the support of the Welsh Local Government Association. It also has cutting-edge academic expertise on the subject as well as those with important engineering, conservation, farming and business expertise.

Thank you.

Yours sincerely

Deep Sagar  
Chair, Flood Risk Management Wales

## Response to the 11 questions contained in the consultation

### Summary of WG consultation, including the questions, and links to issues raised by committee's in the January 2012 debate of the single body [FRMW response in blue](#)

#### Summary and consultation questions

Section	Topics	Consultation questions
1. Background	Covers the sustaining living Wales document; sustainable development context and purpose of the consultation	<a href="#">No comments</a>
2. What is the case for change?	A summary of the information from the business case and the reasons for change	<p>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?</p> <p><a href="#">The SEB proposal is consistent with more collaborative and partnership ways of working as directed by Welsh Government's FCERM National Strategy and we support the principle.</a></p> <p><a href="#">The potential is good but it is essential that the new body delivers <u>better</u> outcomes than current arrangements yet it is not clear from the consultation document how this will happen. There should be clear examples/case studies of how this will be achieved, measured and reported.</a></p> <p><a href="#">There is a lack of clarity about how the estimated cost savings will be captured, measured and reinvested within the functions of the SEB to improve the environment and services to people and business. Who and how will decisions be made about where the savings are</a></p>

allocated within the SEB? Reference is made to increasing policy capacity and technical expertise but these are not currently problem areas in delivering improved environmental outcomes. There is a danger the savings will be 'lost' in general operating budgets / overheads and not result in measurable new benefits to the environment and public. Clear examples of how this extra money might be spent in the first couple of years are needed.

FRMW is concerned that a lot needs to be done to ensure the new organisation is fully functional from day 1, especially in business critical activities, e.g. FCERM capital programme and incident response. The Consultation document indicates that the SEB will have more resources to handle a serious incident but this will not be achieved without significant time and money spent on appropriate training FCW and CCW staff.

We would like to see clear success criteria for following years so that the public / stakeholders can measure the benefits of the SEB. This is not adequately covered in the consultation document.

**Q2: In developing our proposals for the body are there additional measures we could take to address concerns we have identified in section 2.4 or any other concerns which you have?**

This section is mainly about forestry concerns. The inclusion of FCW is important and integral to the performance and future success of the SEB because of the potential it brings to better influence activities across large areas of land. Mention should be made though of the opportunities to strategically plan, manage and deliver for a wider range of objectives and not just 'forestry' focused.

SEB will be able to speak with 'one voice' so it is important there is more a more streamlined / less burdensome approach to regulatory activities on business. An outcome from the SEB must be that Wales is a better place in which to operate and not perceived as being over-regulated.

3. Legal powers	A summary of the Public bodies Act; the proposed phased approach to implementation	<p>Q3: What are your views on this phased approach? How could we improve it?</p> <p>SEB will need to work within the existing legislative EU / UK framework – we are concerned that Welsh Government may not be able to make some of the changes indicated in the Consultation. The SEB must meet its obligations under these existing powers and legislation e.g. EU Flood Regulations and achieving the SEB’s outcomes is partly dependent upon the delivery of those wider legislative changes first.</p> <p>A phased approach is acceptable but it is important that the ongoing work and delivery of FCERM is not disrupted or delayed e.g. awareness, new projects, response etc. Also there are some important decisions to be made by the new organisation early on and an outline action timetable would be useful.</p> <p>We feel it is essential that the SEB has a very clear image and identity from day 1 and needs to be able to fully articulate its contribution to an improved Natural Environment as well as its role in terms of flood risk management and advising / supporting / informing local decision makers e.g. Local Planning Authorities.</p> <p>The potential success of the desired SEB environmental outcomes will be intrinsically linked to the success of the spatial planning system and infrastructure investment planning in Wales. This is an area for FCERM that could be influenced and changed with the SEB yet it is not clear from the Consultation document what will be done e.g. will TAN 15 be reviewed, how will SUDS fit, will improved powers be sought regarding third party assets, where does BS8533 fit etc. These are very important issues and the relationship between the SEB and planning must be considered early on. Many of our historical problems can only be addressed by improvements to our planning system and its relationship to FCERM.</p> <p>Delivery by the SEB of improved FCERM cannot be separated from the development of other legislation, eg sustainable development and FCERM needs to be able to influence this.</p>
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		<p>We are concerned that Welsh Government may not have sufficient legislative time available to deliver the secondary legislation required after Vesting Day to support delivery of the later phases of the SEB's remit and outcomes – how will time be found for this?</p> <p>We have serious concerns about the resources, expertise and training of members of LA committees, especially planning, if they are to fully understand the links to NEF and the SEB and perform their expanding roles successfully. How will guidance be provided to local planning authorities on weighing the wide range of factors they must consider, including the short and long terms effects of flooding and climate change? How do they balance the Natural Environment against competing demands from people and the local economy?</p>
<p>4. The purpose of the new body</p>	<p>Discussion of SD and the ecosystem approach; link to WG strategic policies; WG ambition for the new organisation; Aim and strategic outcomes; delivery framework with objectives and success measures</p>	<p>Q4: Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved?</p> <p>We believe the ecosystem approach is sound but feel the wording of the aim of the SEB should be reversed so as to put people and the economy first, not the environment.</p> <p>The strategic outcomes are poorly worded, they are more like actions / activities and there is no measurement or definition of the new results from the SEB versus the status quo.</p> <p>Given the importance of FCERM work in the SEB, we are concerned about the lack of any explicit reference to flood risk in the outcomes. We would like to see a specific flood risk strategic outcome such as -  <i>“Ensuring the risk to life and impacts upon property, the economy, infrastructure and environment from all sources of flooding is understood and minimised”</i></p> <p>Q5: What are your views on the approach to the delivery framework?</p> <p>The references to flood risk are very weak – they should be more specific and discrete. If</p>

		<p>the strategic outcomes are strengthened in terms of flooding then this would be carried across into the delivery framework.</p> <p>The lack of any reference to the importance of flood awareness, understanding risk and resilience, managed retreat and creation of new coastal habitats is a concern. These will be a major part of FCERM work within the SEB and should be reflected.</p> <p>We do not agree with the ‘New Body influence ranking’ of ‘A’ for Indicators 27 and 28 (page 62 Indicators in last column) when these should be ‘B’ – these are through joint delivery between SEB and local authorities.</p> <p>There is a lack of clarity about the role of others and in particular LA’s in the SEB role, remit and delivery. The principles should be clearly defined for the SEB from the start and not left to be worked out at a later stage.</p> <p>We feel there is only limited connection between strategic outcomes and the delivery framework and that overall this delivery framework is too complicated. Properly defined outcomes and a well thought through framework should be the foundations for delivery, allowing both the SEB and the public to measure progress and results.</p>
5. The functions of the body	<p>Breaks down functions of three bodies into 3 categories – duties and powers; general powers; duties to consider issues in carrying out functions.</p> <p>Functions moving in/out of new body:</p>	<p>Q6: Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved?</p> <p>Table 1 should be clear that it’s about coastal erosion, not ‘erosion’ per se. Table 1 – ‘advice on SMPs’ should be revised to say “provide strategic advice on the management of all sources of flooding and coastal erosion”.</p> <p>Q7: what are your views on our proposals for changes to WG functions, including Marine and wildlife licensing and tree and plant health? How could they be improved?</p> <p>No comment</p>

	<p>Navigation; WG functions for policy and forestry policy in particular; Marine licensing; wildlife licensing; tree and plant health; agri-environment and sea fisheries; research and evidence. Internal Drainage Boards</p>	<p>Q8: Do you agree with the proposals for co-ordination of WG investment in environment research? How could we improve them?</p> <p>We do not agree that Welsh Government should lead the external research programme. If the SEB is to be independent of Welsh Government, it should be able to commission and manage independent research as it sees fit to meet the policy set by Welsh Government. This could be an example of a beneficial outcome from the SEB, by fostering increased research expertise and capability within Wales.</p>
<p>Section 6: Governance, accountability and transparency</p>	<p>Status of the body; governance arrangements for the new body; international and cross border governance; accountability to Welsh Government;</p> <p>Stakeholder engagement proposals;</p>	<p>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?</p> <p>We are concerned about the cross-border issues relating to FCERM on both fluvial and coastal work under the SEB. How will Welsh Government ensure these run smoothly when the SEB is a separate organisation from the EA, especially if Wales develops different policies or approaches to England?</p> <p>The SEB will be accountable to Welsh Government solely through the Minister for Environment. How will this work when the SEB's work will clearly have important links to other Ministers' departments if it is to be fully effective?</p> <p>More information on how the new governance systems will work would be helpful. What is the likely management structure under the CEO and how would FCERM fit into this? At the moment, the ultimate responsibility for Welsh FCERM activities is totally and clearly with EAW's Director. What will the new position be and will it be as clear and accountable?</p> <p>There is a lack of clarity of the Board's functions / remit. Is it an Executive Board?</p>



Self permitting;  
SEA and Habs  
Directive;  
conservation  
advice where the  
body regulates  
others

Executive power must sit somewhere to enable the status of FRMW to be defined. We are concerned that no mention is made of flood risk in the list of board member's desired experience.

FCERM has a different relationship with EAW than other parts of the business and the role of the proposed FRMW committee should be carefully examined. We need to retain and not dilute its technical expertise and skills and ensure it has the capability to be the review body for FCERM (including surface water) in both the SEB and the LAs which have an increasingly important role.

In defining the role of FRMW within the SEB, there is the opportunity for Welsh Government to consider accessing its expertise to provide advice to government (and possibly the SEB) and inform their development of policy, especially in the early days of transition.

It is unclear how FRMW will report within the SEB. Will it be to the Board, CEO or a line manager with flood risk responsibility? What will be the role and level of influence of FRMW? These roles and responsibilities need to be defined – there are different options depending on how the Board is structured and the new management relationships within the SEB. FRMW need to have clarity on this in order to be able to inform its response.

Ideally, we would have preferred to see the position of IDB's clearly resolved as part of this change to an SEB. We understand the need for more review and consultation but feel this can and should proceed during the transition process so that this issue can be dealt with early by the SEB.

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?

The idea of local committees or boards appears good and the wording should be more positive in saying there will be local boards. But more information on their number, format and remit at this stage would be helpful, rather than presumably leaving it to the CEO /

		<p>main board to decide later. The board may well be too preoccupied with start-up issues initially to give consideration to this important issue. We have a chance to create cross-cutting local boards with increased LA (and other) representation that will improve local input, communication and delivery as well as addressing local issues.</p> <p>There is no clarity on how the SEB, its board and the local boards will relate to existing FCERM community or stakeholder groups. There is a danger these will become 'lost' in the set up of the new larger environmental body and we need to avoid a north-south divide and encourage localism. The principles should be defined at the outset. Also how will FRMW relate to these local boards? There is the potential for committee members to be proactively linked to the boards.</p> <p>Q11: What are your views on these aspects of the regulatory arrangements?</p> <p>No comments</p>
<p>Section 7: Managing change</p>	<p>Shadow body; managing the legacy; cross border management; services for Wales provided by EA and FC GB; Funding arrangements; staff and asset transfers;</p>	<p>EAW currently has a 'ring fenced' budget specifically for FCERM work. The new arrangements within the SEB are not specified. We feel it is vital to maintain the existing budget arrangements, given FCERM's critical importance to the social, economic and environmental well being of Wales. We also recommend that the SEB is given greater clarity and certainty of its forward FCERM budget to enable more efficient and effective FCERM delivery. Ideally, this should for a confirmed budget across at least a three year horizon, not the current annual position where budgets are only finalised a couple of months before the start of the financial year and future years' funding only having an indicative status. This would be of significant help in raising future partnership funding / levies.</p>

**From:** Graeme Summers [graeme.summers@envsys.co.uk]

**Sent:** 02 May 2012 12:18

**To:** SEB mailbox

**Subject:** SEB Consultation

**Attachments:** Environment\_Systems\_SEB\_Consultation\_Response\_300412.pdf

Dear Carrie,

Please find attached the Consultation Response to "Natural Resource Wales" on behalf of Environment Systems Limited.

Kind regards

Graeme

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Graeme Summers  
Director  
Environment Systems  
Tel: +44 (0) 1970 626688  
Mobile: +44 (0) 7967 470077  
[www.envsys.co.uk](http://www.envsys.co.uk)

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Environment Systems Limited  
**Consultation Response to “Natural Resource Wales”**

30<sup>th</sup> April 2012

Contact: Dr. Katie Medcalf, Environment Director, Environment Systems Limited, 11 Cefn Llân Science Park, Aberystwyth, Ceredigion, SY23 3AH. Tel: 01970 626688 E: [katie.medcalf@envsys.co.uk](mailto:katie.medcalf@envsys.co.uk)

### Background

This response is on behalf of Environment Systems Limited. Environment Systems helps organisations understand and better manage our environment. We do this through providing leading edge consultancy and services to help clients benefit from environmental information intelligence and insight. We specialise in the development and use of geographic information, in particular from remote sensing sources, for the delivery of baselining and monitoring in the environment and agriculture sectors.

Formed in 2003, Environment Systems is a Small Medium Enterprise (SME), based in Aberystwyth and currently employing 23 members of staff. All staff are highly skilled and educated to either graduate or postgraduate level. The majority of our current customer base is in the public sector (central, agency and local government) and non-governmental organisations primarily across UK but increasingly outside the UK.

Environment Systems, through the contact given above, are willing to enter into further dialogue on this submission and the related issues.

### Summary

Environment Systems welcomes the opportunity to provide a response to this consultation on Natural Resources Wales. We have not been able to answer all the questions as they have been set out but can supply the following comments;

- 1) We broadly support the creation of the new Single Environment Body to help the delivery of the ecosystem approach within the context of sustainable development in Wales.
- 2) We would want to ensure that the new Body retained all the current key skills held by the three organisations; making sure that the new Body is an intelligent customer, knowing what it wants and knowing how it will achieve it.
- 3) The phased implementation of the new Body should not be too drawn out; once a decision is made it must be clear and well planned. The idea of having a long period of inaction and indecision is not good for the environment of Wales or for Wales PLC.
- 4) The ecosystem approach is still based on relatively new science; given the increased economies of scale that could be achieved by the merger there should be opportunities to embark on additional research activities into the ecosystem approach to further understand the benefit for Wales (e.g. the implementation of a Welsh Government wide test of the impact on the provision of natural resource of new and existing policies). This should be done in conjunction with and in extension to the existing Welsh Government and Defra environmental research activity.

## Environment Systems Consultation Response

- 5) We would welcome further clarification on how the new Body will interact with the other environmental agencies and departments; both in a cross border approach (e.g. catchments), but also thematically (e.g. Forest Research and FERA).
- 6) The new Body must maintain contact on the ground – ensuring that the ecosystem approach is not simply theoretical – but delivering results in the environment of Wales.
- 7) There are significant current investments in information systems across the three organisations (including GIS, remote sensing and decision support systems) – a lot of which currently sits outside Wales – that will need to be carefully considered and merged.
- 8) The new Body presents an opportunity to ensure the systematic collection, management of and access to environmental information for Wales.
- 9) As an SME that actively delivers into the three existing organisations we would have some concerns over any significant changes to the current procurement principles and processes. We would welcome encouragement of SMEs as research and delivery partners for the new Body.

**From:** Janina Gray [janina@salmon-trout.org]

**Sent:** 02 May 2012 12:29

**To:** SEB mailbox

**Subject:** New Welsh Government body.doc

**Attachments:** New Welsh Government body.doc

Please find enclosed S&TA response.


Kind regards,

Janina Gray

Head of Science  
Salmon & Trout Association  
Fishmongers' Hall  
London Bridge  
London  
EC4R 9EL  
Tel: 020 7283 5838  
Mobile: 07889603030  
Fax: 020 7626 5137

Email: [janina@salmon-trout.org](mailto:janina@salmon-trout.org)  
[www.salmon-trout.org](http://www.salmon-trout.org)

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

Dear Ms Moss,

The Salmon & Trout Association (S&TA) welcomes the opportunity to respond to the consultation on 'Natural Resources Wales- Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales'.

S&TA was established in 1903 to address the damage done to our rivers by the polluting effects of the Industrial Revolution. For 108 years, the Association has worked to protect fisheries, fish stocks and the wider aquatic environment on behalf of game angling and fisheries. In 2008 it was granted charitable status. S&TA's charitable objectives empower it to address all issues affecting fish and the aquatic environment, supported by strong scientific evidence from its scientific network. Its charitable status enables it to take the widest possible remit in protecting salmonid fish stocks, and the aquatic environment upon which they depend.

The S&TA strongly support the proposals to establish a "New Body" for environmental management in Wales. We fully endorse the consultation response written by the FERAC working group. Providing the issues raised in the response are addressed, we look forward to the more integrated approach to sustainable management of the environment. In typical we would strongly support:

1. The strongest possible representation of fisheries interests on the Board of the New Body (we need to obtain a seat at the high table).
2. Following the proposed abolition of FERAC as a statutory committee, its replacement by an agreed framework for more effective stakeholder engagement with fishery and angling interests at a National and local level – preferably based on the existing Local Fishery Groups in some refreshed and revitalised form.
3. Greater powers for the New Body to influence and regulate future land-management strategies and practices in Wales.
4. The eventual inclusion of the currently separate responsibility of Welsh Government for sea fisheries management and enforcement into the New Body and its amalgamation with the inland fisheries management and enforcement service.
5. No restriction on the ability of the New Body to commission and undertake its own operational research, surveillance and monitoring in relation to its (enlarged) statutory functions, duties and responsibilities.

Fishmongers' Hall, London Bridge, London EC4R 9EL  
T: 020 7283 5838 | F: 020 7626 5137 | E: [hq@salmon-trout.org](mailto:hq@salmon-trout.org) | W: [www.salmon-trout.org](http://www.salmon-trout.org)

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This is essential to secure good ecological quality for the rivers of Wales and their ability to provide a wide range of ecological services that are so important to communities and the economy. As the response highlights, there are increasing opportunities for third sector organisations to assist the new body to achieve its objectives such as meeting the requirements of the Habitats and Water Framework Directives. To do this we need the continued support of the Welsh Government and the new body so that we can have an increasing involvement in improving the quality of Welsh rivers.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Paul Knight', is written over a light blue circular background.

Paul Knight  
Salmon & Trout Association Chief Executive

Fishmongers' Hall, London Bridge, London EC4R 9EL

T: 020 7283 5838 | F: 020 7626 5137 | E: [hq@salmon-trout.org](mailto:hq@salmon-trout.org) | W: [www.salmon-trout.org](http://www.salmon-trout.org)

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**From:** Greg Pycroft [g.pycroft@anpa.gov.uk]

**Sent:** 02 May 2012 12:30

**To:** SEB mailbox

**Cc:** 'Emyr Williams'; 'Paul Sinnadurai'; 'Michel Regelous'; Aneurin Phillips; John Cook; Tegryn Jones; Jean Packer; 'Judith Orritt'; margueritem@pembrokeshirecoast.org.uk

**Subject:** National Parks Wales Response to Natural Resources Wales

**Importance:** High

**Attachments:** image001.jpg; National Parks Wales response to Natural Resources Wales.pdf

Dear Ms Moss

Please find attached the response of National Parks Wales to the Natural Resources Wales Consultation. Are you able to indicate whether the consultation analysis will be made publically available? If so, are you able to say when you expect that to happen.

Yours sincerely

Greg Pycroft

---

**Greg Pycroft** MSc, LLB(Hons).

Policy Officer - Swyddog Polisi

National Parks Wales

Parciau Cenedlaethol Cymru

126 Bute Street - Stryd Bute

Cardiff – Caerdydd

t. 029 2049 9966

f. 029 2049 9980

e. [g.pycroft@anpa.gov.uk](mailto:g.pycroft@anpa.gov.uk)

[www.nationalparkswales.gov.uk](http://www.nationalparkswales.gov.uk)

[www.parciaucenedlaetholcymru.gov.uk](http://www.parciaucenedlaetholcymru.gov.uk)

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Mae'r e-bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth Freintiedig. Os yw wedi eich cyrraeddtrwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu a'r unwaith. Mae unrhyw gynnwys nad yw'n ymwneud a busnes swyddogol y corff sy'nafon yr e-bost yn bersonal i'r awdur.

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Carrie Moss  
Living Wales Programme Team  
Dept for Environment and Sustainable Development  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ  
By Email: [SEB@wales.gsi.gov.uk](mailto:SEB@wales.gsi.gov.uk)

02 May 2012

## National Parks Wales' Response to *Natural Resources Wales*

National Parks Wales is grateful for the opportunity to respond to the Welsh Government consultation, *Natural Resources Wales (the new Single Body for Wales' natural resources, SB)*. The three National Park Authorities (NPAs) 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. This response has been informed by National Park Authority Members and Officers, who are able to draw from their experience with the organisations that are due to constitute the SB.

We welcome the opportunity to inform the development of the SB and offer our collective thoughts to the questions posed within the consultation document. We wish to stress that NPA Members have expressed concerns about these significant consultations coinciding with local elections and boundary change consultations, which has not been helpful to them.

While we broadly welcome the proposals there are several points and recommendations, referred to within the comments below that we wish to stress. First, National Parks Wales wishes to reiterate our concern that the form of the SB is being set prior to its functions being fully realised in legislation. This is likely to lead to an extended period of uncertainty as the Natural Environment Framework (NEF) is enacted through the legislative process. The NEF must be linked, and at the very least, in parallel to the creation of the SB otherwise we are simply overseeing a merger of three bodies, not the creation of a new body with a new vision for the future of natural resource management.

Secondly, we wish to stress that the SB must act to ensure that experience, expertise and knowledge is not lost through the process of merger, whether that's through the loss of staff or through the rationalisation of resources. Thirdly, we believe that the SB will need to deliver the associated Natural Environment Framework as locally as possible. The National



Park Authorities (which have particular expertise in natural resource management) look forward to engaging at a local and regional level, since we believe that protected landscapes (the National Parks and Areas of Outstanding Natural Beauty) are well placed to act as strategic delivery partners.

Fourthly, the Management Board of the SB will need to balance experience and knowledge amongst its Members, this may be a considerable undertaking across a board of twelve. The vision they set and the work programme they oversee will set the course for a sustainable Wales.

Finally, we recommend that the SB reflects upon the way in which it engages with stakeholders in the future. We believe that it will have to look beyond the environmental sector and engage with broader civil society. Such an undertaking will be through active and continuous engagement across all sectors from people, communities, voluntary organisations, community and local councils, public bodies, private sector businesses and those who are charged with regulation in all its forms. We believe this will be best served by the Welsh Government giving the SB the remit to promote understanding and appreciation of Wales' natural resources.

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Brocön Beacons, Pembrokeshire Coast, and Snowdonia National Parks. Working in Partnership.

Parciau Cenedlaethol Cymru  
National Parks Wales

126 Stryd Bute / 126 Bute Street  
Caerdydd / Cardiff, CF10 5LE

Ffôn / Tel 029 2049 9966  
Ffacs / Fax 029 2049 9580

E-bost / Email [nationalparkswales@anpa.gov.uk](mailto:nationalparkswales@anpa.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?*

National Parks Wales broadly supports the Welsh Government's proposal. Our constituent National Park Authorities currently maintain effective delivery partnerships with all three organisations, the Countryside Council for Wales (CCW), the Forestry Commission Wales (FCW) and the Environment Agency Wales (EAW). We hope that the merger of the three into the SB will lead to further integration of operational matters (for instance, land management) as well as regulatory matters. We trust that the current enabling function of CCW in particular is retained and that initiatives, partnerships and effective working is not jeopardised. To this end we look forward to discuss and explore the future enabling role of the SB.

We recommend that the SB considers protected landscapes, both National Parks and the Areas of Outstanding Natural Beauty, as key strategic delivery partners. The close relationship between the 12 CBD Ecosystem Approach Principles (<http://www.cbd.int/ecosystem/principles.shtml>) and the IUCN management guidelines for Category V landscapes such as National Parks and Areas of Outstanding Natural Beauty (<http://data.iucn.org/dbtw-wpd/edocs/PAG-009.pdf>), mean that National Park Authorities and AONB Boards are ideally suited for the establishment of strategic delivery partnerships with the SB. This recommendation is in direct response to strategic outcomes 3, 4 and 5.

We believe that of the three factors driving change, only one, the third "the need to ensure value for money" is well defined by the current financial climate in which everyone operates. We trust that this does not dominate the setting up of the SB since the other two factors on pages 7 and 8 are less defined, whether in legislation or policy. We repeat our concern that the form of the SB is being set prior to its functions being fully realised and defined. The Natural Environment Framework, *Sustaining a Living Wales* will generate significant and challenging consultee responses which will require sufficient time to work through. The period of uncertainty may last several years as the Natural Environment Framework is enacted through the legislative process. We understand the desire to "...*minimise the period of uncertainty for the staff of the three organisations...*" (third bullet Section 2.5) yet the following bullet refers to a "... *dynamic environment subject to change.*" This indicates that uncertainty both for SB staff and stakeholders will continue for some time after the SB is established. Giving sufficient time to complete the *Sustaining a Living Wales consultation*, and associated work, should assist with alleviating this uncertainty.

The NEF does not yet provide an "... *important policy context...*" to develop the principles for the organisation to follow. This should emerge once that consultation and all follow up work has been completed. Therefore we hope that more time can be given in order to ensure that the SB is established with a clearer understanding of how it will meet its additional "ecosystem" remit. We welcome the intention to maintain current environmental standards and recommend that this objective, as well as building upon it, is set as a 'critical success factor' for the SB.



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Parciau Cenedlaethol Cymru  
National Parks Wales

126 Stryd Bute / 126 Bute Street  
Caerdydd / Cardiff, CF10 5LE

Ffôn / Tel 029 2049 9966  
Ffacs / Fax 029 2049 9580

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Given the intended influence of the proposed changes in future, we believe that some definitions and concepts proposed in both of these consultations (*Natural Resources Wales* and *Sustaining a Living Wales*) should be revisited with a view to amend. The SB has to avoid the misconception that environmental conservation is about regulating the environment; rather is it about regulating people's interactions with the environment, in particular the negative interactions. Both consultations mix the terms "*balance*" and "*integrate*" and derivations thereof. (See for example Annex 1, first sentence of paragraph 1.1.) We recommend that "*balance*" should be removed and "*integrate/integration*" used in future. It is not possible to achieve sustainable development by balancing different factors; sustainable development can only be achieved by integrating factors. Another example concerns biodiversity and the way in which it is presented as an ecosystem service, it should be presented as embodying the fundamental components of all ecosystems, where ecosystems and biodiversity are mutually dependent.

We recommend that further consideration is given to the statement "*Businesses need clarity... and encourages economic growth without lowering economic standards*". The NEF agenda will be developed within the current economic arena, which is dominated by a GDP-led approach to economic policy. GDP is inimical to sustainable development; so the NEF requires a different economic backdrop and associated indicators. Wales has the opportunity to help guide business and industry towards a new understanding of environmentally-led growth and re-development. The current regulatory landscape is necessarily complex precisely because business and industry is yet to place environmental conservation and considerations earlier on in the business planning cycle, at the heart of business and industrial practice.

We welcome the joined-up thinking that is anticipated through the SB and we recommend that integration encourages the sharing of data between the Welsh Government (farming division/Glastir) and the SB; and between both bodies and bodies charged with the management of land, whether NPAs and AONBs, or more generally, land managers. The integration of data sharing would improve the quality of management plan preparation and monitoring of outcomes, such as improved biodiversity etcetera. It would also improve stakeholder engagement and increase transparency.

*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. National Parks Wales has raised concerns in the past that changes to the current regime, with a heavy focus upon the merger of environmental regulatory functions into one body, may reduce attention to the statutory services overseen by each constituent body. In CCW's instance this includes landscape, but also includes a broad range of issues from invasive species to recreation to culture and cultural heritage. These services influence and shape the special qualities of National Parks. We therefore seek reassurance that the stature of these important non-regulatory services will not be reduced as a result of the proposed changes.



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Parciau Cenedlaethol Cymru  
National Parks Wales

126 Stryd Bute / 126 Bute Street  
Caerdydd / Cardiff, CF10 5LE

Ffôn / Tel 029 2049 9966  
Ffacs / Fax 029 2049 9580

E-bost / Email [nationalparkswales@npwa.gov.uk](mailto:nationalparkswales@npwa.gov.uk)

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

On the whole National Parks Wales, a key stakeholder, supports the phased approach and would welcome further information, as well as opportunities, for the National Park Authorities to provide input as and when necessary. Above we have expanded upon our concerns regarding a phased approach that largely concern the "form before function" issue.

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

National Parks Wales offers the following observations and recommendations based upon what is provided in the consultation.

We welcome the intention to invite the NAW to legislate for the SB and the aim to "*help join up environmental decision making... 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.*" However, we wish to stress that Wales has yet to reappraise spending priorities and increase investment in biodiversity conservation in order to meet the 2020 target to halt the loss of biodiversity. Given that failure to meet the 2010 target was regarded as one of the principal drivers of the NEF, the absence of a step change in practical, resource allocation terms since 2010 should be of concern to the Welsh Government.

We recommend that the three bodies, within the SB, develop a consistent approach to their distinct operations, that they have clear operational protocols and that they are required to maintain high standards of public consultation and engagement. For example, we recommend that planning authorities are always consulted by the forestry part of the SB when Environmental Impact Assessments are undertaken for forestry operations within National Parks; planning permission may well be required. We also recommend that the environment part of the SB speeds up its environmental permitting consents in order to fall into line with the timetable for the relevant planning application. For example when the SB is consulted by another organisation, it submits clear, concise, simple to understand and timely responses to consultations, in particular to local planning authorities.

We believe that where the SB is required to provide a national leading role for the ecosystem approach, this should include learning from successful projects already underway in Wales, for example The Green Valleys CIC in the Brecon Beacons National Park.

We recommend that the SB considers how or whether it will provide an enhanced level of support to the non-governmental and voluntary sectors, over and above that provided by the three separate bodies.

We recommend that the current close links between CCW and the four Wales Local Records Centres be retained and enhanced within the SB.



BRECON BEACONS  
NATIONAL PARK



Pembrokeshire Coast  
National Park



SNOWDONIA  
NATIONAL PARK

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Parciau Cenedlaethol Cymru  
National Parks Wales

126 Stryd Bute / 126 Bute Street  
Caerdydd / Cardiff, CF10 5LE

Ffôn / Tel 029 2049 9966

Ffacs / Fax 029 2049 9580

E-bost / Email [nationalparkswales@npwa.gov.uk](mailto:nationalparkswales@npwa.gov.uk)

The statement that the SB will work within the "... *legal framework and strategic policy context...*" set by the SD Scheme, *One Wales: One Planet* should be corrected since the SD Scheme does not strictly set a "*legal framework*". The legal framework is provided by the 2008 Climate Change Act and other relevant environmental, wildlife and countryside and natural environment legislation, which already applies to Wales, and within which the Welsh Government, and other public bodies, operate. Welsh legislation will add to this existing framework and we recommend that an aim of the new legislation is to ensure that existing legislation works better in Wales and that it is not confounded or contradicted by other legislation and public policy.

National Parks Wales welcomes the statement, "*In making its choices the [SB] would need to integrate the protection and management of the environment... with the need to develop the Welsh economy.*" This is a strong commitment to the integration of environmental protection.

We propose that the SB has a lead role in assisting the Wales Biodiversity Partnership.

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 benefit of the people and economy of Wales now and into the future.*' National Parks Wales believes that this amended aim captures the intrinsic value emphasised in the EU 2050 biodiversity conservation target <http://ec.europa.eu/environment/nature/biodiversity/policy/>.

We recommend that strategic outcome #3 be amended to: "*Further the conservation, restoration and enhancement of ecosystems and biodiversity.*"

Concerning Annex 1:

We welcome the remit "... *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 green house gas emissions.*" We believe that this statement gives a clear sense of direction to the SB.

We welcome the reference to the Environment Strategy for Wales within the annex (1.2). We recommend that through the development and implementation of both the SD Bill and Environment Bill progress in achieving Environment Strategy for Wales objectives is reviewed with new action plans set to move forward. We believe that this would provide coherence for the SB to build upon. It enables an adaptive management approach, building on what is in place already. For the SB, continuity and building on existing foundations will be the key to success. The Environment Strategy for Wales is, for the moment, a more coherent strategy than the NEF.

We understand why the consultation refers to improving the health of the "*underlying ecosystem*" but in practice this means improving the health of biodiversity - biodiversity conservation, restoration and enhancement. This means conservation in the wider countryside, to supplement and support designated areas and sites. Wales can make



better use of national data sets such as the Environmental Change Network, National River Flow Archive and the several national flora and fauna-based monitoring systems. Yet it will still be biodiversity, the habitats and species of principal importance to Wales, where intervention occurs.

The statement "...moving from biodiversity loss to net gain..." (1.3) needs further definition. We believe that it should not signal a move towards biodiversity offsetting. We recommend that net gains should signal ecological restoration, enhancement and expansion.

We welcome the reference to "...a coherent ecological network of protected sites and wider countryside measures..." (1.3). We assume that this network refers to a commitment to expanding the series of designated sites, though we acknowledge that existing site selection criteria may need to be developed further.

We recommend amending the following statement to read: "...developing resilience by supporting healthy well-functioning ecosystems incorporating habitats and species of principal importance to Wales" (1.3).

Concerning Annex 2:

National Parks Wales believes and recommends that the focus on natural resource management to support sustainable development must incorporate the intrinsic value of biodiversity.

"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.

*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. We recommend that both the delivery framework and annual remit letter be developed in close consultation each year with relevant experts within the SB.

Concerning Annex 5:

We recommend that in order to move forward, Wales needs to establish a clear baseline on the status of the habitats and species of principal importance to Wales, based on assessing things in terms of their conservation status as well as ecosystem services





provided. We recommend that a summary assessment be completed of the status of air, soil and water quality in Wales, with recommendations for how to improve sub-standard situations in different sectors and how to mitigate sources and causes of disturbance.

*“Contribute to GHG abatement by regulation and by managing land and influencing its management by others to reduce GHG emissions”.* We recommend that the WG commissions research to find out how quickly blanket bogs, wet heaths, raised bogs and lowland fens and mires need to be brought into a favourable conservation status in order to halt the damaging rate of CO<sub>2</sub> emissions from these habitats where they are in a damaged or unfavourable condition. Given the failure to meet 2010 targets, and the former Environment Minister Jane Davidson’s assertion in 2008 that there were just 100 months (eight years, i.e, until 2016) to avert runaway climate change, we believe that conservation action on these habitats is a national priority.

We need to maximise the resilience of habitats and species to cope in situ and to adapt where and when they can. It is not possible to *“Support the adaptation of ecosystems to a changing climate”*. There are too many variables and the statement assumes that we are or ever will be in a position to exert this sort of deliberate control. The role of the SB and strategic delivery partners is one of active intervention, surveillance and monitoring, as it always has been but on a much larger and more intensive scale, with the added weight of this now being a national priority.

We propose that outcomes and success measures need to be included in response to the EC Resource Efficiency Roadmap.

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

Broadly, yes. We recommend that designated landscapes, especially National Parks, should be included under more than one heading; although we accept that these are illustrative examples at present. The Welsh Government has noted within its own Policy Statement for National Parks and National Park Authorities (March 2007, pg3) that Wales’ National Parks are “places that experiment with new approaches in sustainable development and environmental conservation”. We therefore believe that they should be considered more holistically than is currently set out within the consultation document.

We also wish to highlight that the environment’s cultural associations should be better recognised than in the present form. At present little consideration has been given to this topic. Likewise, National Parks Wales is concerned with the lack of consideration given to access and recreation issues. Across all of the National Parks this sector is a significant contributor to regional economies and a lack of coordinated approach could jeopardise economic wellbeing. Recreation is also a key influence on land-use and biodiversity; improper, uncoordinated management could damage the natural heritage and historic environment of National Parks. National Park Authorities would welcome the opportunity to outline how due regard for culture, cultural heritage, access and recreation could be amalgamated into the SB’s proposed functions and arrangements.



Given the critical function of Wales' commons for conserving biodiversity, storing carbon, holding rainwater, and providing for recreation and relaxation and food production, we strongly recommend adding a specialist advisory service for the conservation and management of registered commons to the SB's remit.

*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?*

National Parks Wales broadly agrees with the proposals within the consultation document. With regard to the two options provided on Wildlife Licensing, we prefer option 1 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 National Parks Wales through its constituent authorities to help shape the proposed body's coordinated approach in environmental research.

National Parks Wales recommends that the SB offers effective support to the Wales Environment Research Hub and that a co-ordinated and collaborative environment rather than competitive one is developed between universities, research institutions and the SB. We recommend that a strong science-based approach be applied to the SB's decision-making. A "representative research body for Wales" could act to ensure that sufficient scientific rigour is applied by the SB. For example this might be required to improve the level of detail applied in relation to Water Framework Directive monitoring requirements or in relation to undertaking or providing evidence for Habitats Regulations Assessments. Scientific rigour must be achieved in a way that informs good decision making; and contributes towards the public understanding of science, policy implementation and the value to society of sound environmental management.

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

Yes we welcome the SB being established as a WGSB. 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, including for example from local authorities and National Park Authorities.



*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?*

In principle, yes, we agree with the assumption that current stakeholder provisions need to be refreshed and made more relevant to wider society (reflecting the cultural changes within the SB that are expected to take place from the board level downward). The clear commitment to effective stakeholder engagement 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 own wellbeing outcomes (pg 18) and social/environment justice outcomes. The NPAs have experience in this area, for example through the "Mosaic Project" and through working with vulnerable young people.

Since the SB will be responsible for conveying the NEF 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. To ensure that this occurs we recommend that the Welsh Government gives the SB the remit to promote the better understanding and appreciation of natural resources. This kind of remit could spur the SB to innovate. It could, for example, establish strong ties with education establishments and education teams within other organisations, such as the National Park Authorities.

We welcome 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.

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

By upholding pertinent legislation transparently (whether in relation to self-permitting or through the regulation of other parties) the SB will 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 recommend that somewhere during the evolution of Sustaining a Living Wales, the SB or the forthcoming Bills, the WG develops an effective means of working with DEFRA (for example) to undertake cross-border conservation projects shared with England. For example, for over 12 years the BBNPA, CCW and Natural England have tried, without success, to develop a holistic cross-border conservation project for the Black Mountains SSSI. The project has faltered, stuttered, stopped and started during these years for these simple reasons:

- Different administrations
- Different administrative rules for agri-environment schemes
- One commoners association that operates cross-border, only able to achieve any benefits on the English side



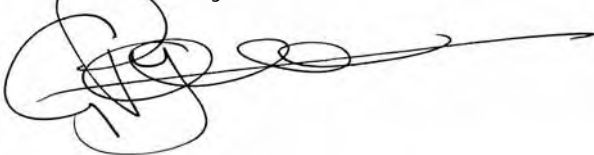
- The BBNP extends up to the boundary but the land ownership of the SSSI owner-occupiers straddles the border, including that owned by the BBNPA.

This problem has prevailed since devolution, and is an issue of interest to the Areas of Outstanding Natural Beauty, especially the Wye Valley, which straddles the Welsh/English border.

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 an expedient but challenging timetable (notwithstanding the concerns we raise above). National Parks Wales trust that there will be opportunities in the future for meaningful discussions with the Welsh Government and the SB on issues relevant to the delivery of National Park purposes.

If you have any questions, please do not hesitate to contact me in the first instance.

Yours sincerely



**Greg Pycroft**  
Policy Officer, National Parks Wales



**From:** Garth Roberts [personal contact details removed]

**Sent:** 02 May 2012 12:43

**To:** SEB mailbox

**Subject:** "Natural Resources Wales" (WG14766).

**Importance:** High

**Attachments:** 120430natres1.doc

Formal Response to Welsh Government Public Consultation on "Natural Resources Wales" (WG14766).

Herewith my response.

You may wish to withhold my contact address etc details

Garth Roberts

By E mail

29 April 2012

John Griffiths AM  
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” (WG14766).**

I am making my response as an ex-Towy Fishery Owner with a long-term and close involvement in fisheries and related matters at Regional and National Level, as listed at Para (10) below.

1. I support the general sentiments of the response and recommendations made by FERAC (Wales).

2. The aspirations of Welsh Government (WG) are noted but in the absence of any detailed proposal it is difficult to comment other than to urge caution in the selection & hierarchy of constituent bodies. Unlike the old NCC, the CCW is not truly a conservatory body, neither is FCW wholly a regulatory organisation, managing some 40% of our woodlands. With regard to EAW, in my opinion, some aspects of the original privatisation of the water industry remain open to interpretation.

2.1. The Water Framework Directive means that cross-border relationships cannot be confined to boundary-type matters. Large areas of Wales (and England) are administered under the Severn and Dee River Basins, leaving only the western-most areas of Wales, solely in WG 'control' (Western Wales).

3. It is essential that the new body is singularly and transparently protective of our environment, constituted and entitled simply, unequivocally, for instance as “Environment Protection Wales” (EPW) or similarly so.

4. In considering the “Natural Resources Wales”, I have also read the Green Paper, “Sustaining a Living Wales” (WG13943), which demonstrates current concerns and frustrations in managing Wales under existing disparate regimes. There is an obvious perception in some quarters, of a need to negate many constraining factors. Unfortunately (perhaps?), here in the real European world, many of those utopian proposals are irrelevant and will remain non-starters until and if ever UK revises its policy on Europe.

5. Nevertheless, the integration of the agencies could provide a unique opportunity for a more pragmatic approach and an end to what FERAC realistically describes as “silomentalities”. This would undoubtedly be welcomed by all practitioners of land & sea management, leading to clearer understanding and appreciation of the ecological implications by industry and commerce.

6. It is inherent that water is at the core of all facets of land management, trade & industry. Here at the threshold of climate change, limits to its availability will be accentuated. The predominance of nature's needs must be fully recognised before any hopes of *sustainability* can be realised.

7. The vulnerability of a finite water source is exemplified in the Towy (Tywi) Catchment where potable supplies are already distributed daily to over 400000 people, across South Wales almost to Cardiff, much being entirely lost from the catchment. Tywi water extracted near at Nantgaredig Carmarthen is augmented by dam water discharged to the river from Llyn Brienne Reservoir many miles away in the Cambrian Mountains. In dry weather, the entire catchment is increasingly dependant on maintaining the water balance.

8. Good land management is fundamental to ensuring water quality. In the uplands the peat bogs are vital to the long term carbon budget and critical in counterbalancing interception, transpiration and acidic runoff from forests where liming is increasingly required.

9. Healthy fisheries are directly indicative of adequate and good quality river water. Present day protective legislation is nothing new. Such measures date back to the times of Edward 1st and subsequent monarchs. The historical and active involvement of fishermen long predates the recent 'green wellie' lobby.

10. Riparian ownership in Wales is no longer exclusive to the landed gentry. Although all inland waterways are private property, many such main river-rights are now owned or leased by the members of modest angling clubs. Those Fisheries Interests necessarily hold a wealth of experience in all aspects of river management. Their direct involvement in future activities is essential to providing useful guidance to the well-intentioned urban influences of new-found recreational users of the countryside, some of whom view it as a free-for-all playground.

Yours sincerely

Garth Roberts  
([www.carmarthenshire.org.uk](http://www.carmarthenshire.org.uk))

11. Brief relevant CV.
- 1982 -2008. Carmarthenshire Fishermens Federation (CFF). Honorary Secretary.\*
  - 1981 to date The Salmon & Trout Association. Local Water Resources
  - 1984 to date. Atlantic Salmon Federation (ASF of Canada). Life Member.
  - 1985 – 89. Welsh Water Authority (WWA).  
Honorary Bailiff  
West Wales Local Consumers Advisory Committee (LCAC)  
Regional Fisheries Advisory Committee (RFAC) member for West Wales
  - 1989 -96. National Rivers Authority (NRA).  
Regional Fisheries Advisory Committee (RFAC) 1989 -94.  
Local Fisheries Group (West Wales) – Chairman 1989 -94.
  - 1996 -2008. Environment Agency Wales (EAW)  
Local Fisheries Group (West Wales) – Honorary Secretary 1996 -2008.
  - 2007-2010. The Carmarthenshire Rivers Trust - Founder Trustee & Secretary.

\* **As CFF's Honorary Secretary**, I led a number of successful projects maintaining and bettering local rivers, their ecologies and fisheries, including,

- 1986            Litigation against a polluter,
- 1986 – 91      Working with WWA and NRA on fish radio-tracking schemes;
- 1992 and 96    Carmarthen Eastern Bypass - Direct involvement in river planning.
- 1992/4         Facilitated Llynyfan Hatchery.
- 1994            Forced abandonment of proposed landfill site.
- 1998 - 99      Towy valley aerial surveys.
- 1999            CFF donated £10,000 and raised £27,000 towards EAW fish tracking equipment.
- 2001            The Towy rod-fishery closed voluntarily during the FMD Outbreak.
- 2004 - 08      Collaboration with EAW's upper Towy liming experiments.
- 2007/08        CFF raised £88,000 'in-house' to buy out 6 of 9 Towy Estuarial Seine net Licences.
- 2007            Created the independent Carmarthenshire Rivers Trust (CRT), now a Charity also working for local rivers, already with a number of successful projects completed.

In 2008, the CFF represented the interests of angling clubs, associations, syndicates, fishery owners and concerned individuals, owning or leasing fishing rights along 90% of the Towy and on some larger tributaries, on the rivers Taf, Teifi, Eastern Cleddau, Usk, and elsewhere in Wales and England. In excess of 11,000 anglers.



From: Ben Underwood [<mailto:ben.underwood@cla.org.uk>]  
Sent: 02 May 2012 12:58  
To: SEB mailbox  
Subject: CLA response to National Resources Wales Consultation

<<CLA response to SB.docx>> Dear Carrie,

Please find attached the Country Land & Business Associations response to the proposed arrangements for establishing a new body for the management of Wales' natural resources.

If you could acknowledge receipt of this email that would be much appreciated.

Kind regards

Ben

Ben Underwood BSc (Hons)  
Director Wales  
Unit 8  
Broadaxe Business Park  
Presteigne  
LD8 2LA

T: 01547 317085

M: 07702 926055

F: 01544 260023

E: [ben.underwood@cla.org.uk](mailto:ben.underwood@cla.org.uk)

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

The CLA is the membership organisation for owners of land, property and businesses in rural England and Wales.

For information on our work and how to join online, visit

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## Natural Resources Wales

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

### Response from the Country Land and Business Association

#### **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 CLA cautiously welcomes the proposal. This is an opportunity to be radical, to move away from the current bureaucratic systems landowners face whilst dealing with these bodies and to ensure that the new body has a strong ethos to encourage, enthuse and work with landowners and farmers to deliver.

This body must help work with landowners, farmers and rural businesses to allow them to grow in a sustainable manner, to encourage and facilitate a vibrant rural economy and not try and stifle it.

The Forestry Commissions commercial angle must not be diluted by an overriding focus on biodiversity and recreation delivery in the new body. The creation of a new body must result in streamlining the service they [all three bodies] provide to our members (i.e. less clipboards in the countryside), whilst at the same time saving on administration costs for landowners and farmers.

We have concerns about Internal Drainage Boards being subsumed into this organisation. Drainage Boards can strongly focus on ensuring efficient drainage for agronomic reasons. The Environment Agency have for some time managed a number of drainage boards and there have been real issues with charging and coordination of work.

We have some concerns over the cost implications of removing the Forestry Commission and Environment Agency functions away from the umbrella organisations in England. Will this lead to a greater onus on the new body to do more chargeable work or to raise charges for permitting and inspections and the like?

There needs to be clear safeguards put in place to ensure the points we make above, come to fruition. To this date the current business plans and work going forward have not gone far enough in ensuring this will happen.

#### **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 chairman of the new body must be someone who has had considerable experience of commercial land management. It is essential that the board must have good landowner representation. The quickest way for this organisation to fail on delivering its objectives would be to have a board that was completely environmentally focused without a balanced view on sustainable land management and rural businesses.

The CLA strongly propose that the new body has a number of staff called rural business enablers which would get involved in situations where a balance needed to be struck between facilitating profitable businesses and enhancing the environment. This would put a

stop to draw out, costly and frankly pointless discussions that go round in circles where neither the environment nor the rural business benefit.

There must be clear guidance on a fair and transparent appeals process. This has not been forthcoming yet.

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

The phased approach is essential and must ensure that projects on the ground and decisions that may impact on rural business moving forward are not delayed in any way.

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

As a key stakeholder representing those who own and manage approximately half the rural land mass of Wales the CLA are still not satisfied with the way in which the body is developing. We need greater clarity on the streamlined approach to landowners that has been promised and the one point of contact system for larger landowners.

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

The Delivery Framework is missing a key factor in its outcome themes. We would strongly suggest the following addition:

*Work to develop a vibrant rural economy that allows businesses to grow and prosper in a sustainable manner.*

The CLA cannot support the current framework without more emphasis placed on the new body working with those managing rural land and businesses and not against.

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

Again there needs to be more emphasis on the fact that the new body must actively help facilitate sustainable development of rural businesses.

One of the functions listed does state that the new body must encourage sustainable use of the environment and natural resources by supporting new and existing enterprises. However this does not go far enough. Some rural businesses are not necessarily making use of the environment and natural resources but just so happen to be located in a rural area providing much needed jobs and income. There must be a function within this new body that explicitly states that they will encourage and support new and existing businesses in rural areas. Not just timber suppliers and recreation facilities as stated.

We have concern over the function that elicits increasing public involvement in decisions about the use and management of the environment and natural resources in Wales. Whilst the CLA fully support better engagement with the general public about the environment and landscapes of Wales a new body must fully acknowledge that much of it is privately owned. The best managers of natural resources and those best able to deliver environmental services are the very people who manage the land, its landscape and habitats. Thus there needs to be a function that clearly states that the new body will work with land managers and landowners to deliver both for the environment and the rural economy in Wales.

**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?**

One of our major concerns highlighted above is the safeguard of the commercial side of forestry. The policies governing agriculture are not made by an environmental body and thus forestry as a commercial land use should be treated the same. The CLA agree with the proposals of moving forestry policy into Welsh Government and creating a team who can liaise closely with technical forestry colleagues and stakeholders. It is imperative that forestry policy focuses on encouraging a profitable forestry sector whilst also looking at environmental objectives.

In respect to wildlife licensing, we urge the Welsh Government and the new body to review the way that European wildlife law is delivered in Wales. A review along these lines is being carried out in England by the Law Commission and Defra. Whilst we acknowledge the need to protect vulnerable species the current protection afforded to certain species such as the great crested newt is disproportionate.

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

The CLA agree with this approach.

**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 proposals. We must however reiterate again the importance of having landowners, managers and farmers on the board. We would also state the importance of having a rural business owner outside of farming/forestry on the 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?**

We agree with the approach. The caveat being that very quickly a large number of overlapping and resource intensive committees/discussion groups can develop which frankly end up as talking shops. Groups need to remain focused, small and articulate in their business.

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

The correct language is used in this section and we endorse the following statement:

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

However, as is the case with the planning system in Wales, the overarching policy from the Welsh Government points in the right direction but it fails to penetrate right down to the grass roots. The CLA need further assurances and clarification on how the new body will fully balance all relevant interests and not just the environment. A sceptic would suggest that a new body made up of environmentally focused staff mainly from the Environment Agency and CCW, would lead to the creation of a new body that would create a big imbalance towards the environment at the detriment of the economy. This cannot happen and the CLA need further assurances on how this will be prevented.

**From:** Amanda\_A\_Davies@flintshire.gov.uk

**Sent:** 02 May 2012 13:01

**To:** SEB mailbox

**Cc:** Alison Jones; Amanda Davies; Barbara Owsianka; Caroline Matthews; Carys Solman; Claire Pooley; Caroline Wilson; Danielle Fry; David Carrington; David Cowley; Emily Meilleur; Emma Broad; Geoffrey Hobbs; Hannah Powell; Isabel Macho; Jill Jackson; Kate Taylor; Kate Stinchcombe; Katie Partington; Leanne Bird; Liz Stewart; Lindsey Rendle; Margaret Iles; Mark Winder; Melanie Dodd; Nerys Davies; Paul Sinnadurai; Rachel Price; Rebecca Sharp; Rhys Jones; Richard May; Richard Wistow ; Robert Jones; Rogers Keith; Rolf Brown; Rosie Carmichael; Samantha Harris; Steve Williams; Sarah Dale; Anna Hobbs; Elizabeth Webster; Emma Guy; Alison Heal

**Subject:** Natural Resources Wales consultation response

**Attachments:** Natural Resources Wales consultation ALGE response 05.12.doc

Please find attached the response prepared on behalf of Association of Local Government Ecologists (ALGE) Wales.

Regards

Amanda Davies  
Ecologist/Ecolegydd  
Conservation and Environment Section / Adran Amgylchedd a Chadwraeth  
Planning / Cynllunio  
Environment Directorate / Cyfarwyddiaeth yn Amgylchedd  
County Hall / Neuadd y Sir  
Mold / Yr Wyddgrug  
CH7 6NF  
Tel/Ffon: 01352 703268  
Fax/Ffacs: 01352 756444  
Email: / E-bost: Amanda.A.Davies@flintshire.gov.uk

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message that do not relate to the official business of

Flintshire County Council shall be understood as neither

given nor endorsed by it or on its behalf, and consequently

Flintshire County Council shall bear no responsibility

whatsoever in respect thereof.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na

chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

nad ydynt yn berthnasol i waith swyddogol

Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo

nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn

unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

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Opinions advice, conclusions and other information in this message that do not relate to the official business of

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Deellir na fydd unrhyw safbwyntiau, na chynghorion, na chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

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nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

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ASSOCIATION OF  
Local Government Ecologist

**Natural Resources Wales: Proposed arrangements for establishing and directing a new body for the management of Wales' Natural Resources: Consultation response from Association of Local Government Ecologists (ALGE) Wales.**

**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 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 whilst furthering the conservation, restoration and enhancement of ecosystems rich in biodiversity.

There is concern relating to the emphasis of the 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? :**

The only stakeholders identified in 2.4 are forestry and industry, - What about health, local government, and conservation organisations.

There is value in the existing local offices for each organisation enabling access and regular contact with staff from all 3 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 important, therefore, that a local office network is maintained to enable service users convenient opportunities to discuss problems and issues.

It is essential that the new body does not become purely regulatory or that its duties become watered down. 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. The retention of these elements within the new body and in Wales emphasises the importance of the retention of specialists.

This is an opportunity to roll out the IUCN Protected Landscape / UK National Park approach across Wales.

There is concern that the new body would not be independent of the WG and would



therefore be restricted by the WG. It is important that the new body is independent from WG and an Appointed Board should be able to ensure this independence is recognised. The new body should be seen as independent and advisory to WG. It should also retain links to relevant UK organisations such as JNCC, EA FC, CEFAS etc.

The new body needs to have grant giving and research powers. These powers should follow from the role of the new body as an independent advisor to the Welsh Government.

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 SB 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 SB officers being based in each LPA. The new SB also needs adequate resources to monitor any consents given.

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

Currently 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.

In particular, we don't want to lose in the detail of the new body, the role of LBAPs & LRC's and recorders, volunteers and their associated expertise, local knowledge and enthusiasm. Many aspects of the current arrangements are supported by grants from the 3 existing bodies that also provide invaluable advice, guidance and information (two-way communication) which as a whole form an invaluable partnership network and a considerable environmental & social asset.

There is also an opportunity for the new body to incorporate Green Infrastructure in the Urban Environment; urban trees in particular are not currently a priority for FCW but are important in their own right with regard to climatic mitigation, sustainability and healthy living.

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

The paper focuses on legal constraints rather than the practicalities of change. General feeling is that the timeframe for the changes is very ambitious and that rushing through such a major re-organisation for the sake of it, means there is likely to be considerable disruption and reduced provision of service, affecting 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? :**

Healthy diverse ecosystems, that are able to function resiliently in the long term, should be the principle aim of the single body; biodiversity should be intrinsic to this. 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 list is by no means exhaustive:  
The 2020 Biodiversity objectives are not addressed in the functions described; infact there is no mention of Biodiversity.  
Conservation and invasive species grants are not covered in the functions, at present these grants fund a high proportion of local conservation/biodiversity project delivery.  
Peat conservation / reinstatement is not included with Climate Change.  
Forestry and Access management should include community and low impact woodland / forest food production and harvesting, and health as well as recreation and timber production.  
Value of certain species in their own right eg pollinators.  
Research functions and monitoring functions are not covered in the tables

There is the capacity for a range of different (non-forestry/woodland) habitats restoration/management initiatives within FC land holdings e.g. peat bogs and heathland. These deserve strategic attention within the framework of national and regional habitat connectivity and biodiversity action planning. but currently this is hard to achieve via FC Design Plans but could be an opportunity within the SB.

**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? :**

We can see real benefits to the single body dealing with all marine and derogation licencing. However for this role to function properly it will need to be adequately resourced to enable compliance monitoring and undertake enforcement as required.

There are a range of statutory organisations in existence and their roles in relation to the new body also need to be considered, eg 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 and therefore retain its specialist functions.  
As above, research commissioned by other UK organisations eg FERA needs to be considered so that Wales is not excluded from UK wide opportunities.

**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; And perhaps a “grass roots” appointed member?

It is important that any advice given is not watered down to take account of the varying interests within the organisation, but there will need to be some means within the new body to overcome the potentially conflicting functions.

**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 associated partnerships are key stakeholders and NEF delivery mechanisms.

**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 to itself.

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. 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:**

Concern 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 a need to include how existing funding arrangements for LPA biodiversity and countryside management will be maintained. Many Biodiversity Officer Jobs rely on existing CCW s9 funding and jobs will be lost if it does not continue.

There was concern that a new charge may be applied to conservation licences, which would not be considered a positive move. This consequently raises issues of whether SSSI and SAC consents/assents will be charged for, which would compromise required conservation management, thereby negating the core objectives of the NEF.

**Prepared on behalf of ALGE Wales by Amanda Davies 1<sup>st</sup> May 2012**

**From:** James, William [William.James@valero.com]  
**Sent:** 02 May 2012 13:38  
**To:** SEB mailbox  
**Subject:** Valero response to 'Natural Resources Wales' consultation

**Attachments:** Natural Resources Wales consultation Q&A.docx

Dear Sir/Madam,

Please find attached a copy of Valero's response to the 'Natural Resources Wales' consultation on the creation of the single environment body.

Kind regards,

William

William James  
Public Affairs Assistant  
Valero Energy Ltd  
Pembroke Refinery  
Pembroke  
Pembrokeshire SA71 5SJ  
Tel +44 1646 649974  
[william.james@valero.com](mailto:william.james@valero.com)

Registered office: 7<sup>th</sup> Floor, 11 Old Jewry, London EC2R 8DU, England.  
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## Natural resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources

Please submit your comments by 02 May 2012:

### Email:

SEB@wales.gsi.gov.uk

### Post:

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

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? :

*Valero welcomes any efforts that aim to streamline and simplify oversight mechanisms and which assist in our efforts to maintain our record of compliance with the Welsh Government's environmental regulations. The emphasis in the consultation document on the removal of organisational boundaries, allowing for a single point of entry and simplification of discussions between the agency and stakeholders (Section 2.2.1) is a development which Valero appreciates and looks forward to utilising.*

*Valero's Pembroke Refinery has always maintained positive and proactive relationships with the Environment Agency Wales (EAW) and the Countryside Council for Wales (CCW), and anticipates an equally professional relationship with any Single Body (SB) proposed in this consultation. We particularly welcome the repeated emphasis throughout this consultation document on the proposed SB's role in "supporting economic development" in Wales, designing "new regulatory arrangements which simplify processes and encourage investment, whilst maintaining environmental standards" (Foreword), and also "using its regulatory powers proportionately to enable economic development and growth while protecting the environment from inappropriate use and damage" (Section 2.2.1). We look forward to constructive and positive discussions with the proposed SB's officials on these matters and related topics.*

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 raised in Section 2.4 are matters which directly affect Valero and its core business interests and operations in Wales. We note the concerns raised in the consultation document that "the proposed new body could increase regulation and stifle development", yet welcome the consultation document's emphasis that any SB would "improve and simplify how we regulate in Wales, thereby supporting and encouraging industry and demonstrating more clearly that Wales is 'open for business'" (Section 2.4). However, Valero would recommend greater clarity from the Welsh Government as to what practical measures can be taken to demonstrate the proposed SB's commitment to Wales being 'open for business'. As was noted in a recent Milford Haven Port Authority report, concerns raised by members of the energy sector in Wales focused most strongly on "additional costs involved in meeting UK only [environmental] legislation, with the refining companies needing a level playing field with other EU competitors" (Prof. Max Munday, Welsh Economy Research Unit, Cardiff Business School, Cardiff University, 'An analysis of economic activity dependent on the Milford Haven Waterway', February 2012, p. 18).*

*A concrete example of how a new SB would approach economic development concerns would be what initial views it would take towards the recently closed consultation on changes to Chapter 7 of the Planning Policy Wales (PPW), which seeks to revise the “perception that the economic component of sustainable development has been overlooked” and that a revised policy requires “planning authorities to adopt a more holistic approach to economic development” (WG14092, ‘Revision of Chapter 7 of Planning Policy Wales – Supporting the Economy, p. 2)? Representatives of Valero would be willing to meet and discuss Welsh Government officials about these and other concerns, either privately or as part of the many public forums of which we are a part (i.e. the South West Wales Economic Forum).*

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

*Valero understands and appreciates that the establishment of the proposed SB will be constrained initially, both in legal and practical terms. Valero therefore supports the consultation document’s emphasis on phasing in the SB’s functions and powers. Valero particularly welcomes the Welsh Government’s intention in the first phase not to confer “any additional powers on the body... as compared with the powers which the bodies have at present” and that “these principles [will] underpin consequential or supplementary amendments in our order” (Section 3.2).*

*With regard to the anticipated changes to the proposed SB’s legal basis in future phases, which would be “needed to meet the full ambition of ‘Sustaining a Living Wales’” (Section 3.3), Valero would welcome further communication with the Welsh Government on the future coherence between devolved and local planning authorities, including the proposed SB. The ‘Sustaining a Living Wales’ document’s intention to “look at the boundaries of environmental systems and land use planning to make sure that decisions are taken coherently and by the most appropriate part of the system” (Sustaining a Living Wales, p. 20) is something which Valero would greatly appreciate, particularly how the move to an ecosystem approach and environmental planning would impact upon the Welsh Government’s recent emphasis on promoting economic development in the Planning Policy Wales (PPW).*

*Valero would also welcome further clarity from the Welsh Government on the proposed time frame for moving from Phase 1 (setting up the SB) to Phase 2 (making legal changes to the SB) – which Valero recognises would be subject to further public consultation – and whether or not those anticipated changes to the SB’s legal basis would be subject to independent evaluation of the SB’s effectiveness in performing its Phase 1 functions. Valero would recommend that such an evaluation form a part of the independent external assessment of the quality and effectiveness of the body’s system of internal control, at the conclusion of the two-year probation period mentioned in Section 6.4 or a similar system of assessment.*

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

*Valero appreciates the consultation document’s recognition that the proposed SB needs to balance the “benefits that the environment provides... with the need to develop the Welsh economy”, and that this emphasis forms a central part of the Welsh Government’s attitude to sustainable development (Section 4.1). Valero welcomes the inclusion of socio-economic considerations into the proposed aim of the SB and that promoting economic well-being is also included in the strategic aims of the organisation (Section 4.4). As a result, Valero welcomes these proposals as a good starting point for the proposed SB’s aims and strategic outcomes.*

*However, Valero would like to see the Welsh Government go further and in greater detail to reassure key stakeholders, particularly in market-sensitive industries such as the energy sector, of the proposed SB’s commitment to sustainable economic development as central to the well-being of the people and economy of Wales.*

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

*Transparency and accountability are important aspects in building confidence in the proposed SB, and as such Valero welcomes the Welsh Government’s commitment to put in place an effective delivery framework to detail the organisations. Valero particularly welcomes the commitment to creating a “customer focused” service*

*(Section 4.5), and we hope that the delivery framework can form a positive aspect of the proposed SB's relationship with key stakeholders.*

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

*N/A*

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? :

*Valero considers the proposals to change Welsh Government functions to marine licensing as a key priority for our operations in Pembrokeshire. We welcome the anticipated benefits to marine licensing by moving the responsibilities of the Marine Consenting Unit (MCU) to the proposed SB, especially the move towards a more simplified and streamlined approach with a single point of contact within the SB. The current system does require a certain amount of duplication as applications to carry out marine works are viewed by different regulatory bodies, so Valero is very welcoming of the predicted increase in efficiency that these changes will bring about.*

*However, reflecting on the concerns expressed in the recent National Assembly Environment and Sustainability Committee report that there be "no weakening of performance or reduction in the quality of service delivered by the three existing bodies during the transition period" (National Assembly for Wales Environment and Sustainability Committee, Report – the business case for a single environment body, May 2012, p. 14), Valero would like to receive similar reassurances that the process of marine licensing be unaffected in terms of performance and service delivery by the transition from the current MCU system to the SB.*

*Valero would appreciate further stakeholder discussion with the Welsh Government concerning the transfer of marine licensing, and would reinforce the importance of stakeholder engagement during the transition period on any procedures concerning marine licensing.*

*With regard to sustainable development, Valero would like to receive assurances that the Welsh Government's commitment to giving equal weight to environmental, social and economic considerations be reaffirmed within the marine licensing context. Valero would endorse the Environment and Sustainability Committee's view more broadly that "no one function of the [single environment] body is exercised in a way which would be detrimental to another" (Environment and Sustainability Committee, Report, p. 8).*

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? :

*Valero welcomes the proposal to establish the new SB as a Welsh Government Sponsored Body (WGSB), and that any appointments would be made in accordance with the Commissioner's Code of Practice for Ministerial Appointments to Public Bodies. Having confidence in the accountability and independence of such a public body is of critical importance, and Valero is assured that the integrity and high-regard in which the Forestry Commission Wales (FCW), Environment Agency Wales (EAW) and the Countryside Council for Wales (CCW) are currently held will be transferred to any proposed new SB.*

*Valero also welcomes the proposed arrangements for the make-up of the SB's board, in particular that members have experience representing "a range of interests (e.g. environmental protection and improvement, local government, business and industry, forestry, agriculture, fisheries, recreation and tourism)" (Section 6.2). Valero considers it vital that any new SB confirms its reputational credibility with key stakeholders, and an early demonstration of this can be made by adhering to this commitment to promote board members with a range of interests, including those with business and industry experience. Achieving this would help the proposed SB*

*go a long way toward fulfilling its ambition of becoming an “independent, respected and professional body that plays a central role in the future sustainable development of Wales” (Section 4.3).*

*In particular, Valero would recommend an independent Chair and board members with knowledge of the unique pressures and concerns facing the energy industry in Wales, especially given the energy sector’s central importance to the Welsh economy and the recent findings that “every direct job in the energy sector in the [Milford Haven area] supports a further 1.7 FTE jobs in the Welsh economy (an employment multiplier of 2.7)” (Munday, ‘An analysis of economic activity dependent on the Milford Haven Waterway’, p. 15). This recommendation would also apply to the establishment of the ‘Shadow Body’ that precedes the SB (Section 7.1).*

*Valero believes that assessing any new proposed SB’s commitment to engaging with key stakeholders on this and other related issues should form a core part of the independent external assessment of the quality and effectiveness of the body’s system of internal control, at the conclusion of the two-year probation period mentioned in Section 6.4.*

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 recognition in the consultation document that the proposed SB “would need to ensure effective engagement with a full range of stakeholders”, including business and industry, and that “effective engagement with stakeholders would be essential to the success of the new body” is fully supported by Valero (Section 6.5). As a Welsh Government Anchor Company, Valero is already fully engaged and working closely with Welsh Government agencies to promote economic renewal and also sustainable development. Valero would be very pleased to maintain and continue our positive engagement with the proposed new SB in a similarly cooperative manner.*

*Valero recognises the Welsh Government’s determination to abolish a number of existing statutory advisory committees (i.e. EPAC, FERAC), and to move more generally to incorporate “more flexible, non-statutory arrangements” (Section 6.5). Valero also notes the Welsh Government’s intention to “continue provision for the board of the body to run local committees as it sees fit” with the anticipated advantages of flexibility, ownership, stakeholder input and the ability to consider “more radical engagement methods” (Section 6.5).*

*Valero welcomes any changes that make SB-stakeholder consultations and cooperation easier and more dynamic. We remain open to all methods of engagement with the proposed SB, including the move towards more flexible, ad hoc and non-statutory arrangements outlined in the consultation document. However, we would insist that very high standards of transparency, fair access and probity that have marked Valero’s dealings with the EAW and CCW in the past remain when those organisations are merged into the SB.*

*On the specific subject of safety and emergency response, i.e. to marine oil spillages, Valero would like to receive reassurances from Welsh Government that the usual well-established coordination and communication between government and industry remain unchanged by the creation of the SB.*

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

*As mentioned in the consultation document, Valero shares similar concerns over “where the new body would regulate other parties... and where the Countryside Council for Wales currently provides conservation advice through the consultation process (Section 6.6.3). Valero welcomes the aspiration that conservation experts and permitting teams, by working together, will “reduce unnecessary formality, bureaucracy and time and costs.” This mirrors Valero’s support for a more streamlined and simplified regulatory framework.*

*However, it remains to be seen whether these arrangements will lead to greater co-ordination from within the new SB – as hoped for by both Valero and the Welsh Government’s consultation document – or whether these changes might internalise past disagreements between the existing bodies. This is an outcome that Valero wishes to avoid. In the ‘Sustaining a Living Wales’ consultation concerning resource management planning, the Welsh Government spoke in terms of “environmental regulators and managers will need a common framework for decision-making.... We would aim to provide a consistent framework for the statutory bodies’ decisions,*



*ensuring that any tensions between potentially competing aims are as far as possible resolved up front” (WG13943, ‘Sustaining a Living Wales: A Green Paper on a new approach to natural resource management in Wales’, p. 17). Valero is disappointed that the Welsh Government did not use the opportunity presented by this consultation on the proposed SB to further clarify these issues.*

*Valero would appreciate greater clarity and reassurance from the Welsh Government on how the decision-making process will develop between co-located professionals from both a regulatory and consultative background, and would recommend that these discussions form a principal part in the SB’s engagement proposals (Section 6.5) and the independent external assessment of the quality and effectiveness of the body’s system of internal control, at the conclusion of the two-year probation period (Section 6.4).*

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

N/A

**From:** Trevor Dines [Trevor.Dines@plantlife.org.uk]  
**Sent:** 02 May 2012 13:43  
**To:** SEB mailbox  
**Cc:** Nicola Hutchinson; Tim Wilkins; Cath Shellswell  
**Subject:** Plantlife response to Single Body consultation

**Attachments:** Plantlife Single Body consultation response.docx  
Dear Wales Government,

Please find attached a response to the Single Body consultation from Plantlife.

Yours sincerely,  
Trevor





## Natural Resources Wales (Single Body) consultation

May 2012

**Plantlife** is the organisation that is speaking up for wild plants. We work hard to protect wild plants on the ground and to build understanding of the vital role they play in everyone's lives. Wild plants are essential to life - they clean our air and water, provide food and shelter for our insects, birds and animals and are critical in the fight against climate change.

Plantlife carries out practical conservation work, manages nature reserves, influences policy and legislation, runs events and activities that connect people with their local wild plants and works with others to promote the conservation of wild plants for the benefit of all.

In Wales, **Plantlife Cymru** provides co-ordination for plant and fungi conservation through Plant Link Cymru (PLINC), a forum of 13 conservation organisations and specialist societies. PLINC provides overall co-ordination for the delivery of 221 Section 42 species - 40% of all priority species.

Plantlife Cymru is Lead Partner for 57 Section 42 species - vascular plants, bryophytes, lichens and fungi - and represents these species and plant & fungi interests on the Wales Biodiversity Partnership Species Expert Group, Woodland Ecosystem Group, Heathland and Grassland Ecosystem Group, Enclosed Farmland Ecosystem Group and the Non-native Invasive Species Group.

Plantlife values the opportunity to take part in this important consultation.

***Plantlife supports the Single Body consultation response submitted by Wales Environment Link. Additional comments are provided here on areas of specific concern to Plantlife.***

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

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

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

*environment policy and its subsequent delivery should also operate seamlessly, both within and beyond the new body. “*

### **Species and habitat expertise and capacity**

In addition, Plantlife strongly supports a primary and explicit role of the Single Body being the provision of habitat and species expertise to a capacity and competency to fulfil its roles and responsibilities. We are very concerned that, in the formation of the Single Body, specialist habitat and species expertise will not be retained. We consider at least one full-time expert ecologist is required for each of the major habitat/ecosystem types: woodland, heathland, upland, freshwater, grassland, farmland (arable) and marine. Some of this expertise has recently been lost for critically important habitats in Wales (e.g. upland ecologist) and the formation of the Single Body is an opportunity to ensure that a full compliment of posts is in place. As well as providing expert conservation advice and guidance throughout the organisation, these posts could provide additional roles, such as chairs for the WBP Ecosystem Groups.

Additionally, and of even more importance, the Single Body should have sufficient dedicated expertise for lower plants (lichens, bryophytes, fungi) and for vascular plants (flowering plants and ferns). Together, these groups make up 239, or 42%, of the species on the Section 42 list of priorities for conservation. Currently, expertise within CCW for these groups is provided by just two part-time posts and one full-time post – we suggest at least four expert posts are required to support these plant and fungi groups. Without sufficient expertise to support and work in partnership with the NGO community, the conservation of these groups suffers. For example, lichen and fungi sites have been lost through insufficient capacity for casework, protected sites are being managed without their botanical and fungal interest being taken into account, grant applications cannot be developed in time, and guidance and training for Glastir cannot be provided.

The NGO sector cannot work alone on these species groups. The recent National Ecosystem Assessment showed that plants and fungi play a role in delivering 10 of the 12 Ecosystem Services, more than any other group of organisms. As fundamental building blocks of habitats and ecosystem, providing essential resources and services for ourselves and all our other wildlife, plants and fungi need sufficient and effective expert capacity within the Single Body to ensure healthy and resilient ecosystems.

At the recent launch of the Red Data Lists for Wales, the Environment Minister endorsed the Welsh Government commitment to supporting delivery of the Global Strategy for Plant Conservation (GSPC, see NEF Targets Paper) in Wales. A major contribution it can play towards Target 15 of the GSPC (*The number of trained people working with appropriate facilities in plant conservation increased, according to national needs, to achieve the targets of this strategy.*) is to build sufficient expert capacity into the Single Body.

### **Glastir**

Plantlife agrees strongly with the views expressed in the WEL consultation response, namely that, “that potential exists to incorporate the delivery of agri-environment schemes and management of landscapes in the functions and remit of the Single Body. This would show genuine commitment by Welsh Government to a joined up approach; would enhance the body’s capacity to deliver strategic land management and environmental outcomes for Wales, and serve to care for our most cherished and vulnerable landscapes.”

Our experience to date over the development and implementation of the Glastir scheme do not foster confidence that the scheme will deliver for biodiversity, and we fear that the Welsh Government could fail in its biodiversity duty to protect priority species in the wider landscape as a result. Glastir is the major scheme to deliver biodiversity and other environmental objectives outside the protected sites network, it is (potentially) a perfect example of the ecosystem approach embodied in A Living Wales. Plantlife believes that the habitat and

species expertise within CCW, FCW and EAW, and within the partnerships these organisations have with the NGO sector, would greatly benefit from a more joined-up approach if delivery of Glastir rested within the Single 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?**

**From:** Kidd, Susan [Susan.Kidd@thecrownestate.co.uk]  
**Sent:** 02 May 2012 13:51  
**To:** SEB mailbox  
**Cc:** Tudor, David; Burgess, Olivia  
**Subject:** Consultation Response - Single Environment Body

**Attachments:** WalesSEB\_MAY2012.pdf  
Attention: Carrie Moss

Please find attached our response regarding the current consultation on the Welsh Government's 'Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales'.

Should you have any queries regarding our response or our organisation in general, then please don't hesitate to contact David Tudor on 0207 851 5071 or myself on the number below.

Kind regards,  
Susan

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Susan Kidd  
Marine Policy and Planning Advisor

Description: Description:  
Description: Description:  
<http://logos>.

The Crown Estate  
16 New Burlington Place  
London W1S 2HX  
Tel: 020 7851 5248  
Fax: 020 7851 5125  
Mob: 07850 206 817  
Email: [Susan.Kidd@thecrownestate.co.uk](mailto:Susan.Kidd@thecrownestate.co.uk)

[www.thecrownestate.co.uk](http://www.thecrownestate.co.uk)

Please think - do you need  
to print this email?

Description: Description: Description: Description: TCE Award Footer

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

Dr David Tudor  
Senior Marine Policy & Planning Manager  
Tel: 020 7851 5017  
Fax: 020 7851 5125  
E-mail: david.tudor@thecrownestate.co.uk

02 May 2012

Dear Sir/ Madam

### **WELSH GOVERNMENT CONSULTATION – NATURAL RESOURCES WALES**

The Crown Estate welcomes the opportunity to comment on the current Welsh Government consultation about the 'Proposed Arrangements for Establishing and Directing a New Body for the Management of Wales' Natural Resources', as: -

- the organisation with the vested rights to lease the generation of renewable energy on the continental shelf within the Renewable Energy Zone out to 200nm;
- the rights to lease the offshore area to be used for methane gas and carbon dioxide storage;
- the seabed and significant foreshore owner with an interest in all licensable activities undertaken within its ownership;
- the mineral owner with an interest in the marine aggregates sector;
- a landowner with an interest in capital & maintenance dredging; and
- the seabed owner with an interest in the disposal of dredged material at sea.

We support the Welsh Government's ambition to apply an integrated approach to the management of Wales' natural resources and to promote the important role that natural resources play in the quality of life, society and the economy of Wales.

We wish to take this opportunity to encourage greater clarity regarding the delivery aim and objective of this new body and whether its *primary* aim is to deliver environmental protection or sustainable development.

Throughout the consultation document there are multiple references to providing environmental advice, protection and enhancement of the environment and biodiversity as well as noting that '*the new body would have sustainable development as its central organising principle, using the ecosystem approach to inform how it undertakes its work and drawing on science and evidence informed by operational practice*'. It would be helpful if further clarification was provided as to what the agreed overall driver of this body will be and whether this varies for the different delivery functions that sit within the body.

We would also welcome further consideration being given to the appropriateness of marine licencing functions being taken over by the new body and split from working in partnership with marine planning as they currently do, particularly in the absence of a marine plan/s.

We highlight the need for marine licence decision makers to remain autonomous in their interpretation of specialist advice and in the delivery of government policy. Under the proposed new structure it may be difficult for decision makers to apply a balanced approach to decision making, in terms of weighing up social and economic objectives in addition to environmental objectives.

We support the government's acknowledgement that organisational structures need to be put into place to ensure that the functions of the new body are able to remain independent in terms of regulation and delivery. In implementing such measures, careful consideration must also be given to how transparency in decision making processes will be facilitated.

Should you have any queries or require any additional information with regard to this matter, please do not hesitate to contact me on 0207 851 5017.

Yours sincerely,

**Dr David Tudor**  
Senior Marine Policy & Planning Manager



**From:** Sue [susan@jamesdaviessawmills.co.uk]

**Sent:** 02 May 2012 14:16

**To:** SEB mailbox

**Subject:** Consultation Paper WG14766 - Response

**Attachments:** Consultation Paper Response 2-5-12.doc

## **WELSH GOVERNMENT CONSULTATION: NATURAL RESOURCES WALES – PROPOSED ARRANGEMENTS FOR ESTABLISHING AND DIRECTING A NEW BODY FOR THE MANAGEMENT OF WALES’ NATURAL RESOURCES**

**Response by the United Kingdom Forest Products Association.**

### **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 these 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.

Quinton J. Davies  
Managing Director  
2<sup>nd</sup> May 2012

**From:** andy.roberts@flintshire.gov.uk  
**Sent:** 02 May 2012 14:32  
**To:** SEB mailbox  
**Cc:** Carl\_Longland@flintshire.gov.uk; Andrew\_Farrow@flintshire.gov.uk  
**Subject:** SEB Consultation Response Flintshire County Council

**Attachments:** Welsh Government Consultation NRW FCC Response.pdf

To whom it concerns

Please find attached the Council's comments in respect of the consultation document Natural Resources Wales. I would be grateful if you could acknowledge receipt and if you have any queries about the response, please contact me in the first instance using the contact details with this email.

Andy Roberts

*(See attached file: Welsh Government Consultation NRW FCC Response.pdf)*

Andy Roberts  
Planning Strategy Manager  
Environment Directorate  
Tel 01352 703211  
Fax 01352 756444  
email andy.roberts@flintshire.gov.uk

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Opinions advice, conclusions and other information in this

message that do not relate to the official business of

Flintshire County Council shall be understood as neither

given nor endorsed by it or on its behalf, and consequently

Flintshire County Council shall bear no responsibility

whatsoever in respect thereof.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na

chasgliadau nac unrhyw wybodaeth arall yn y neges hon,

nad ydynt yn berthnasol i waith swyddogol

Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo

nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn

unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

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Opinions advice, conclusions and other information in this message that do not relate to the official business of Flintshire County Council shall be understood as neither given nor endorsed by it or on its behalf, and consequently Flintshire County Council shall bear no responsibility whatsoever in respect thereof.

Deellir na fydd unrhyw safbwyntiau, na chynghorion, na chasgliadau nac unrhyw wybodaeth arall yn y neges hon, nad ydynt yn berthnasol i waith swyddogol Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb am y rhannau hynny o'r neges.

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

**Response from Flintshire County Council 1<sup>st</sup> 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?:**

The principle of the creation of the SEB is supported as long as the resultant body is genuinely capable of delivering the sustainable development 'brief' given by the Welsh Government and to be embodied in the forthcoming Sustainable Development Bill. This will require a more positive, proactive, and responsive approach from the SEB, to rebalance the overly bureaucratic, precautionary and risk-averse approach currently practised. It is essential for the new body to become greater than the sum of its parts. There is also a need for the SEB to be supported by clear policy direction from the outset to make a clear impact, rather than for these to emerge over time following implementation.

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

It is unclear how the existing local network of working relationships with the various functions will be maintained as it would be wrong to lose the investment made in establishing these. This includes maintaining the local offices allowing access and contact with appropriate officers. Equally, the SEB will need to be adequately resourced to at least maintain and hopefully improve capacity for meaningful consultation and engagement with Local Authorities on planning and other regulatory functions.

There is also a concern as to the degree to which the SEB will be genuinely independent of the WG, given the potential for the Minister to use his powers of call-in or direction. Finally, whilst not directly related to this consultation, if the approach here is to create a greater focus and capacity for natural resource management, there is a concern that the preservation and management of the historic built environment will fall further behind in terms of WG priorities unless there is a similar intention to properly fund and resource this through the forthcoming Heritage Bill.

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

It is an essential part of creating this new body that an early opportunity is taken to "review priorities and change processes" (section 3.3). Unless this happens there is a danger that a 'business as usual' approach may prevail and the longer this is allowed to govern the culture and operation of the new body, then the less likely that any real modernisation will take place, and therefore any real benefits other than just saving money.

**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 is a concern that unless a modernising approach is instilled from the outset, then some of the functional areas of the new body, which at present are dysfunctional in terms of being overly bureaucratic (such as woodlands management grant funding), will not possess the strategic capability to not only deliver WG strategy for that function, but also will be unable to recognise the wider links and relationships required to deliver the broader scope of WG strategy in an holistic manner.

There are also other areas where the new body will require a positive and flexible outlook but the concern is that the regulatory requirements will swamp this ambition e.g. Whilst compliance with EU species and habitat directives is important, the current perception is that there is an overly precautionary approach taken by the responsible body which does not provide sufficient clarity for Local Planning Authorities who are left exposed when considering these issues as part of their decision making process. The new body needs to build much better relationships with LPAs in order to maximise understanding and minimise challenge, and to facilitate an efficient approach to development management.

Finally, the new body will need to be able to define and evidence the 'Environmental Capacity' of an area in order to better inform sustainable development and the planning process (including LDPs).

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

However the framework is set out it will need to factor in the needs for growth and development that are promoted by other WG policies and strategies, otherwise simply protecting the environment for the environment's sake will create conflicts and will also ignore the possibilities for environmental enhancement that economic opportunities and development can offer.

It is unclear how this framework will be developed, by who, and who will be consulted on it. What role will there be for Local Authorities to comment on/agree these frameworks and what weight will they have as a material consideration?

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

Whilst this seems a comprehensive list it may be better to cross reference the functions to the strategic/SD priorities of the WG in order to demonstrate how the new body will 'deliver'. What is missing is any reference to how and with whom, the new body will deliver these functions i.e. what role/relationship with LPAs will there be? Is there scope for local Service Level Agreements with local authorities? Can any functionality be 'devolved' to LPAs?



**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?:**

Support the proposal to rationalise the arrangements for marine and particularly wildlife licensing. The latter currently involves both WG and CCW, and any proposal which simplifies and clarifies the responsibility for this function, as well as providing for a clearer relationship between planning decisions, ecological mitigation, and licensing, is welcomed.

Whilst the reasons for not incorporating the agri-environment function are understood, it is considered that the overly bureaucratic administration of that function must be streamlined whilst at the same time maintaining closer strategic and operational links with related functions within the new body.

**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 agreed that the coordination of research and its alignment with WG priorities is sensible, however the new body should be able to retain some autonomy to commission and carry out its own research. This would retain some flexibility to be able to respond to emerging issues. The main priority in relation to research and the new body is to develop a robust evidence base that establishes the environmental capacity of an area.

**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 key test for the new body in relation to local issues will be its ability to develop appropriate working relationships with local authorities to ensure that local issues are recognised and dealt with. The composition of the proposed Board will be key to achieving local accountability and responsiveness, and would clearly benefit from Local Authority representation. More clarity would be welcomed around the status of the advice given by the new body particularly in relation to planning matters and whether the advice given will be 'one voice' or advice that is multi-faceted, given the different and sometimes potentially contradictory functions to be contained within the new organisation.

**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 important to maintain the network of existing local groups and interests, perhaps with the need for some rationalisation, but it is unclear how this will be facilitated or supported by the new body. Whilst the concept of a local committee focused on SD is interesting, more information is required on this.

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

Given the new format for this body and the closer ties with WG, there needs to be greater transparency in the process of self permitting. Otherwise, the main concern is to have greater clarity for the mechanism for consultation with the new body and local planning authorities on development proposals and pre-application enquiries.

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

1. How will the present funding arrangements for local biodiversity, countryside management etc. currently administered by CCW, be handled by the new body?

2. Key issues to resolve in establishing the new body:

- a). Communications – Local authority Members, Officers and the public need to fully understand what the new body is and does. This requires a clearly worded strategy to inform this understanding;
- b). Governance – The understanding of, and mechanism for ensuring that this public facing body is both responsive and accountable does not come through clearly from the consultation document. Whatever Board or governance structure is established, it must have local government representation (perhaps via the appropriate lead member) to ensure that this is achieved;
- c). Legislation – WG must consider the potentially significant knock on effects on the interaction with local authorities and key stakeholders, of developing new legislation and policy to guide the role of the new body following its implementation;
- d). Interaction – It will be important to map out the precise strategic and operational relationships with the equivalent body in England in the interests of regulatory and policy consistency, as well as with Local Authorities (particularly in exercise of their planning responsibilities) perhaps through a formal Service Level type agreement;
- e). Resources – Whilst it will be a difficult enough exercise to simply transfer staff from three organisations into one by the due date, there is concern that the need for expediency will outweigh the consideration of the skills and competencies required to achieve the modernisation envisaged, with the funding available to deliver this;
- f). Transition – Management of the transition to the new organisation will be key to its ultimate success or otherwise, including early relationship building with key stakeholders like Local Authorities, as well as communicating convincingly with all those with an interest, including the public.

Andy Roberts  
Planning Strategy Manager  
1<sup>st</sup> May 2012

**From:** Natalie L. Aylott [n.aylott@neath-porttalbot.gov.uk]

**Sent:** 02 May 2012 14:42

**To:** SEB mailbox

**Subject:** FW: Welsh Government Consultation NRW Response

**Importance:** High

**Attachments:** Welsh Government Consultation NRW (3) (2).doc

To whom it may concern

Please see the attached response from Neath Port Talbot County Borough Council .

Thank you

Natalie

NPT Climate Change Team

Briefing note for EMT 30<sup>th</sup> April 2012

Welsh Government Consultation

## **Natural Resources Wales**

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

### Response from Neath Port Talbot County Borough Council

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

The proposal is supported in principle, although dependent on transparent and accountable arrangements being in place between regulatory and operational functions and the ability to manage the potential conflict between these functions.

The new body needs to take into account Sustainable Development as a central organising principle and continued support for local biodiversity conservation action, countryside and sustainable communities.

**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? :**

General concerns about the arrangements for the clear division of regulatory and operational functions. The new organisation requires sufficient resources to meet the demands from consultations on planning and other regulatory functions of Local Authorities.

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

It will be important to consult fully with stakeholder and partner organisations including the local authorities before any decisions are made.

**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 will be a fundamental role of the SB to embrace sustainable development, using the WG definition, as a central organising principle.

Concern there is no reference to the conservation of biodiversity and its intrinsic value in the aims and strategic outcomes. This is of particular concern as biodiversity is seen as the underlying basis of the ecosystem approach upon which the services and outcomes we need for society are reliant upon.

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

There should be greater emphasis on communication of objectives and it needs to be set out in a user friendly format with clear measurable objectives that use plain and simple language.

There are economic opportunities that the natural environment is able to deliver that are not considered here.

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

There are some areas of work missing:

Opportunities for the economy arising from the natural environment need to be included

Concern no reference to general biodiversity conservation and support for local biodiversity action. Biodiversity conservation and enhancement is a key consideration in any sustainable development approach.

We need clarity around planning decisions with one coherent response.

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

**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? :**

In relation to the consolidation of wildlife licensing, this would be welcomed. From a customer point of view this would be simpler as you know who you need to go to for a licence. In addition, licensing, especially for European Protected Species, currently involves both WG and CCW potentially doubling up on staff input. If the SEB was to undertake licensing this would likely be a rationalisation of the system.

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

Agreed, it seems sensible to coordinate research however the document says little about the very important role of research and this should be identified as a very relevant role of the new body.

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

Having the lead and strategy in one body makes good sense providing WG and others listen to and take account of advice coming from the SB.

There is a need to get closer to our own policies and communicate better, i.e get over the perception that policy is not integrated.

Having one body should address the problem of a single opinion. However, while the roles of the former organisations could be seen as complementary and therefore suitable for amalgamation, those former bodies often gave different and equally valid responses to consultation questions/planning issues. Effort should be made to ensure that the differing views are properly accounted for.

**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 need to consider the effect on collaboration at the local level. Amalgamation and integration of organisations leads to disruption and the potential breaking of hard won processes and relationships at the local level. Effort should be made to ensure the local relationships are maintained where they are important to local communities.

Query on how will policy approach the 'use of public space' that is managed by other organisations

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

There needs to be clear separation between regulation and implementation.

Bringing together the regulatory process will affect the current role of LA's and potentially disrupt current establishments (staff arrangements) that do not have regulation as their only role. Taking small element regulation away from the LA will not sit easily with residents who suffer from local problems and need a fast local response. This element of regulation should therefore be dealt with locally.

In relation to self-permitting, this would be supported if there was a mechanism in place to make such decisions transparent and accountable. This could potentially be addressed through publishing the decision and the information used to inform it. In addition, consenting depts and operational depts should be kept separate in the organisational structure with separate management streams. This should similarly apply for HRA/SEA.

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

Clarification about whether and how the local biodiversity, countryside and sustainable communities funding currently administered by CCW will be incorporated into the new body.

Natalie Aylott  
Climate Change Team

To: [SEB@wales.gsi.gov.uk](mailto:SEB@wales.gsi.gov.uk) Date: 26<sup>th</sup> April 2012  
Ref: DJ/LB  
Cc: Contact: Dafydd Jarrett  
Tel: 01341 423 148  
Fax:  
Email: dafydd.jarrett@nfu.org.uk

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

NFU Cymru represents 22,380 farmers, managers and partners in agricultural businesses including those with an interest in farming and the countryside. We welcome the opportunity to respond to this consultation.

As requested we will respond to the specific questions raised in the consultation with a few general issues we would like to bring to the Government's attention at the end.

**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?**

NFU Cymru would welcome the more streamlined regulatory system that a Single Body should in theory at least have the ability to deliver. We would welcome regulatory simplification, a single point of entry/contact and advice for businesses, landowners and tenants. We would also envisage that stakeholder engagement arrangements would be simplified and streamlined, however some agendas / meetings would become potentially prohibitively long without strict focusing of topics. It would also be important that the appropriate senior staff dealing with matters on the agenda are present at the meetings, to ensure that they are productive and worthwhile for stakeholders and for the single body.

The ability for the Single Body to be able to redeem VAT is essential otherwise funding would become even tighter.

**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 stakeholder concerns mentioned in section 2:4 relate, in the main, to the forestry sector. The largest sector by a long way in land use terms in the agriculture sector (80% land cover).

Sustaining a Living Wales also needs to be about food production, a factor sadly lacking in the business case for the new body. The key challenge that must be faced by Government and the Single Body alike is to increase production whilst minimising our environmental and



climate change footprint in doing so. This must be key if Government is serious in the statement that Wales is open for business. The new body needs to enhance and not stifle agriculture and food production in Wales. The consultation appears to recognise the value of the forestry estate to the rural economy but is less explicit as to the value of agriculture which is a major concern that needs to be corrected and embraced by the Single Body.

The Single Body needs to have the trust of the farming industry in the way it deals with its functions from the very start.

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

Generally NFU Cymru would agree with the phased approach. However, we are concerned that the future direction of travel is dependent on the outcome of the sustaining a Living Wales programme. In some ways this is putting the chicken before the egg, as the ecosystem approach is very much in its infancy and not yet fully developed. Also the phased approach's final step is dependent on getting wide ranging Acts of the National Assembly into Welsh law, not necessarily a straightforward task.

### **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 strategic outcomes basically fit in with the current stated outcomes of CCW, EA and FCW. However the challenge of merging 3 organisations with 3 very different cultures and functions should not be underestimated.

NFU Cymru believes that they could be improved by having a specific strategic outcome on developing the economy of Wales. It is mentioned in the overall aim but not specifically referred to on the 5 strategic outcomes and this in our view is a serious omission.

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

NFU Cymru is concerned that the delivery framework is too focused on protection. We remain concerned that this would stifle development with overzealous implementation thereby restricting genuine projects. How for example would the Single Body deal with planning appeals relating to new dairy units which will be needed in the future?

NFU Cymru would agree with the outcome theme illustrated as far as staff are concerned. Staff must be well led, well trained and well-motivated. The success, or otherwise, of the body will depend on this.

As mentioned previously there must be a concept of a one stop shop. This will only work in a large organisation if there is the right system in place for getting to the appropriate person that can deal with queries effectively and quickly. Strong management of staff will be important with clear lines of demarcation and a 'can do' attitude. Staff should be Single Body staff from the word go and not former staff of CCW, EA or FCW. It must be seen as and operate as a totally new organisation..

Staff in the new body and managers in particular need to actively consider how they alternate between regulation and advice. Clearly the carrot is always better than the

regulatory stick. One way of doing this is to dedicate staff to work streams – the so called Chinese Wall Concept. Without this a staff member could be giving advice to a farmer one day and regulating against the same business on another.

Separating staff does work as has been shown with the Farm Liaison Service of the Rural Payments Wales division of WG. It will however only work if they are given enough resources. This will be cost effective in the long term as it reduces the number of potential costly regulation breaches through improved delivery of education and advice.

Finally the staff chosen for this role must be excellent communicators, with service provision in both Welsh and English – for many they will be the face of the Single Body and arguably the most important staff members it will have. It is important that staff of the Single Body are motivated with opportunities and career paths.

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

NFU Cymru believes that the functions described are a reasonably comprehensive summary of those required of the new body. We do however have one fundamental concern in table 3; the wording seems to omit the costs to businesses including farmers. This is a serious flaw so we would like the wording of the first function to be changed to, 'The likely cost and benefits (this includes both costs to the environment and costs to people, **businesses, farmers** and organisations)'. EA staff will be familiar with the Water Framework Directive which clearly states that the cost of any action needs to be taken into account before it is implemented. We suggest that the Single Body takes a similar overall approach before coming to a decision.

We also, on behalf of members who farm on the Welsh Border, welcome the recognition of potential cross border impacts. Flood Defence Staff are important in the Severn Area for example and members in the Upper Severn would not wish to lose staff and local offices to the English side. There could be other examples but what we wish to see is continued coordination of activities after the new body starts its stated functions.

**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?**

NFU Cymru would agree with the proposals for changes to functions where these would be appropriate to the needs of Wales. On Wildlife Licensing we believe that this should be consolidated to the Welsh Government where there is a specialist role already established.

The Welsh Government has decided that Glastir is to be the primary mechanism of delivery for biodiversity, water and climate change mitigation support on farms on Wales. It is important that there is commonality between the scheme and some of the functions of 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?**

NFU Cymru sees Research and Evidence to be a highly important function of, and indeed an opportunity for the Single Body. It will allow evidence to be collected (not necessarily all within Wales) which is relevant to Welsh requirements. To this end there is an excellent opportunity to utilise the facilities and expertise that exist at our Welsh Universities and Research Centres, all of whom should be encouraged to become active partners. Evidence based decisions are absolutely essential moving forward.

**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?**

Governance due to the size and extensive function of the new body will be another key in achieving good delivery.

We welcome the fact that the board and the chair would be independent of Welsh Government but the role of the Single Body itself in relation to Government is not clear at all in the consultation document. Will the body itself be an independent advisor or will it, as implied, be a Government sponsored body unable therefore to question the decisions taken by Government? This needs clarification.

Whilst recognising that Governance Boards can become too large to function effectively due to the broad functions that the Single Body will need to carry out, numbers should not be too small either. We are pleased to see that agriculture is included in the range of interests mentioned and indeed in land area terms one should be the absolute minimum number on the Board representing agriculture.

**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?**

NFU Cymru would generally agree with setting up more flexible and rational stakeholder arrangements. We do also agree that Flood Risk Management is an important and stand-alone function and particularly welcome the commitment to run local committees.

Allied to this are the Internal Drainage Boards and the Internal Drainage Districts in Wales and we will respond to the separate consultation planned by Welsh Government on their future.

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

NFU Cymru recognises the concerns surrounding self-permitting regulatory assessments. Decisions will need to be transparent and in the public domain. We welcome the fact that the Single Body will make provision to separate permitting decisions from operational activity. We would also welcome the proposal to appoint joint teams to improve the efficiency process.

## Other Issues

NFU Cymru welcome the fact that the name has now changed to a Single Body in preference to a Single Environment Body as it better reflects its function.

We also welcome the fact that the business case identifies overall cost savings but are concerned that the cost of the change and the time it will take has been underestimated which will potentially reduce or even eliminate the identified cost benefit.

NFU Cymru is concerned about the lack of detail of the Single Body's relationship with Local Authorities and National Parks in Wales. AONB's for example are given scant mention and what will be the role of the Single Body in landscape developments in Wales?

NFU Cymru members have also expressed their concern about the chopping and changing made by successive Welsh Governments on Ministerial responsibility. The Single Body will come under John Griffiths as Environment Minister but many of its decisions will affect the functions of the Business and Rural Affairs Departments. Consultation with these departments is essential if the Government is serious about its stated aim that Wales remains open for business. Business includes productive, profitable and sustainable farms.

**Facilitation and not regulation needs to be the overall ethos of the Single Body.**



**Murco Petroleum Limited**  
**Milford Haven Refinery**  
**PO Box 10**  
**Milford Haven**  
**SA73 3JD**  
 22<sup>nd</sup> May 2012

Number: WG14766

Welsh Government Consultation Document

## Natural Resources Wales

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

Consultation Question	MURCO Response
<p><b>Question 1:</b>            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? (page 12)</p>	<p>The overall ambition to bring only the three bodies together seems a little short sighted. There is a considerable opportunity to embrace a number of directly associated NGOs into the equation, for example the Marine Consents Unit, Sea Fisheries GLASTIR etc.</p>
<p><b>Question 2:</b>            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? (page 12)</p>	<p>There seems an overarching focus on the ecology, forestry and natural resources, with only brief regard for the important function of the regulatory duty of industry and commerce. There is clearly the need for more information in regard to the place that Industry and Commerce has in the overall scheme.</p>
<p><b>Question 3:</b>            What are your views on this phased approach? How could we improve on it? (page 15)</p>	<p>There is a lack of clarity beyond the first phase which seems merely to consolidate the functions of the Environment Agency, CCW and the Forestry Commission. It would seem that rather than agreeing and adopting a clear future environmental policy and then ensuring that the organisation fits that need, it appears to be all happening in reverse. The alternative of setting environmental policy prior to setting up the SEB would clearly be an improvement.</p>
<p><b>Question 4:</b>            Do these proposals provide a good basis for the principal aim and strategic outcomes of the body? How could they be improved? (page 18)</p>	<p>Whilst there is no reference to the 'Industrial Sector' within the delivery of Welsh strategies and there is only reference to "<i>prevent, minimise, remedy or mitigate the harmful effect on the environment of pollution, alien species and diseases</i>" this suggests that the strategy is heavily weighted towards sustainability, protection of natural resources and eco-systems, with little acknowledgement to the value of industry and commerce in Wales. Description of the place that industry has in the future strategy as well as the regulatory function of the Environment Agency would be a valuable addition.</p>



<p><b>Question 5:</b> What are your views on the approach to the delivery framework? (page 19)</p>	<p>It is puzzling to understand the statement below taken from Annex 5 of the consultation. The question is asked, will the current function of the Environment Agency continue under the relevant UK domestic Legislation after the formation of the Single Environmental Body (SEB), or are there plans to adopt a 'devolved approach' in Wales</p> <p><b>Relevant Welsh Government Indicators with new Body influence ranking</b> 14. Emissions of toxic air pollutants and concentrations in the air – <b>A</b> <b>A</b> – indicators more influenced by the new Body's actions than other factors</p> <p>Again there is a clear emphasis on the delivery of sustainability, but little supporting detail on how that is likely to be achieved, particularly in the industrial and commercial sector.</p>
<p><b>Question 6:</b> Are the functions described in tables 1 to 3 a reasonable summary of those required? How could they be improved? (page 21)</p>	<p>Within the Industrial context in Table 1 there seems to be little change between the existing functions of the Environment Agency and those proposed for the SEB. Once again there is a clear message towards sustainability, ecosystems, timber with the absence of any reference of substance to the Industrial and Commercial sectors.</p> <p>Table 2 suggests a very blinkered sample of what may be some of the overall powers across functions. Once again a clear lack of the acknowledgement of Industry and Commerce and the detail of any new powers expected under the new single body.</p> <p>Table 3 appears to bring nothing new to already specified functions. It does however suggest that there may be a crossing of the Local Authority boundary in some areas of responsibility such as for example: <i>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.</i></p>
<p><b>Question 7:</b> 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? (page 25)</p>	<p>There is clearly a need to consider the inclusion of all the relevant Welsh Government functions into the new SEB. This would allow a much more coordinated and joined up management of all the overarching environmental functions. Bodies such as the Marine Licensing Unit, GLASTIR, Fisheries, and Wildlife Licensing etc should all be considered for inclusion in the new single body.</p>
<p><b>Question 8:</b> Do you agree with the proposals for co-ordination of Welsh Government investment in environmental research? How could we improve them? (page 25)</p>	<p>Yes, providing research is at all levels and includes industry and not just focused on forestry or ecosystems.</p>



<p><b>Question 9:</b> 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? (page 30)</p>	<p>It is agreed that this would represent an applicable approach at this stage.</p>
<p><b>Question 10:</b> 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? (page 32)</p>	<p>It is believed that the timing management of setting up new committees to replace those existing will be paramount to avoid a vacuum being created. Whilst the value of the existing Regional Flood and Coastal Committee has been recognised and the function retained, can we be sure that there has been a full assessment of the disbanding of the FERAC and EPAC?</p> <p>Can we therefore be sure of the effectiveness of the new proposed board of the new single body, in view of potential loss of local input?</p>
<p><b>Question 11:</b> What are your views on these aspects of the regulatory arrangements? (page 34)</p>	<p>The approach of the new SEB in this area seems to be fixed almost entirely on retaining the separate functions for the Environment Agency and the Countryside Council for Wales. In practical terms this is not a very 'single body' approach and will inevitably lead to conflict between participants in the one body. This may even suggest that the identities of the EA and CCW will exist after the setting up of the new SEB. Improvement here would only possible with clear removal of current identities on the formation of the new SEB. It is believed that this is unlikely to happen and 'business as usual' may prevail.</p>

**J D Llewellyn**

**J D Llewellyn**  
**Strategic Manager**  
**External Relations**  
**Murco Milford Haven Refinery**

**From:** Preuss, Stefan [Stefan.Preuss@nationalgrid.com]

**Sent:** 02 May 2012 14:59

**To:** SEB mailbox

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

**Attachments:** 120502 Natural resources Wales response Final.pdf

FAO: Carrie Moss, 'A Living Wales' Programme Team

Dear Carrie,

Please find attached a response from National Grid to the above consultation.

Should you have any queries or wish to discuss of the issues raised in our response, please do not hesitate to contact me.

Kind regards

Stefan

Dr Stefan Preuss

Strategic Policy Advisor

Land and Development

National Grid

Tel: +44 (0) 1926 653627

Mob: +44 (0) 7920 261040

[stefan.preuss@nationalgrid.com](mailto:stefan.preuss@nationalgrid.com)

National Grid House

Warwick Technology Park

Gallows Hill

Warwick CV34 6DA

UK

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

Dr Stefan Preuss MRTPI  
Strategic Policy Advisor  
Land & Development

stefan.preuss@uk.ngrid.com

Submitted by email to [SEB@wales.gsi.gov.uk](mailto:SEB@wales.gsi.gov.uk)

Tel.: +44 (0)1926 653627

Mobile: +44 (0)7920 261 040

[www.nationalgrid.com](http://www.nationalgrid.com)

2<sup>nd</sup> May 2012

Dear Carrie,

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

I am writing in connection with the consultation on the above. National Grid welcomes this opportunity to comment and I would like to submit the following comments on behalf of National Grid.

### **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?**

National Grid generally supports the proposal to create a single environmental body for Wales. In particular, we support:

- i) The aim to ensure that the new body provides integrated, complete and consistent advice which brings together the areas of responsibility and expertise of the present bodies;
- ii) The proposal to provide a single point of contact to stakeholders, including developers, as well as the need for consistent and integrated advice in a timely manner based on a common shared view;
- iii) The commitment by the Welsh Government that the proposed change must not lead to an increase in regulation or stifle appropriate development; and
- iv) The need for the new body and the Welsh Government to continue to work closely with similar bodies in England and the UK Government to maintain common environmental standards and to ensure consistency in advice and decision making.

### **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?**

National Grid generally supports the creation of a single environmental body but we share some of the concerns expressed previously, particularly by industry. In order to address these concerns and to ensure the new body delivers the stated objectives, National Grid considers that the following tests will also need to be satisfied:

- i) **Resourcing:** The new body needs to be resourced appropriately so that it is able to provide advice in a technically sound and timely manner. This is particularly important in respect of nationally significant infrastructure projects (NSIPs) to ensure these are well advised and not delayed;
- ii) **Specific/local knowledge and advice:** From our experience, the current bodies, particularly the Environment Agency (EA) in Wales and the Countryside Council for Wales (CCW)<sup>1</sup>, often hold valuable local knowledge about the areas in which specific development projects are located. It will be important to ensure that such knowledge is retained in the new organisation to the benefit of stakeholders such as local authorities and developers;
- iii) **Clarity of requirements and advice:** The new body will play an important role in relation to development projects, including NSIPs. It is essential that the new body expresses any requirements on project promoters (e.g. information requirements when undertaking environmental assessments) clearly and at the earliest opportunity to avoid confusion, misinterpretation and delay. Similarly, any advice given by the new body to project promoters should be clear, timely and unambiguous;
- iv) **Proportionality of requirements and advice:** From our experience to date, the current bodies, particularly the EA in Wales and CCW, generally take a proportionate view when it comes to the information and assessment requirements placed on project promoters. For example, it is generally recognised by those bodies that a different type/level of detail of information is appropriate at different stages of a development project. It is essential that this proportionate approach is retained under the new body;
- v) **Professional, technical focus:** We strongly agree with the Welsh Government's ambition stated in the consultation document that the new organisation should be "an independent, respected and professional body". It should have a clear focus on providing professional, technical advice and guidance to interested parties. We also agree with the consultation document that, as part of this, the new body will need to have an understanding of commercial issues which should include commercial requirements of development projects; and
- vi) **Cross-border working and alignment:** The new body will need to work with, and seek to achieve consistency with, relevant bodies in England, including Natural England and the Environmental Agency in England. This is an important issue which has also been highlighted in the recent report by the Environment and Sustainability Committee<sup>2</sup>. In our view, this should include ensuring consistency of data sets and information tools held by these bodies. There should also be consistency in the requirements imposed on developers, e.g. in respect of the information that developers are expected to provide. This is particularly relevant in respect of development projects, including NSIPs, that cross boundaries and/or that may have a cross-border dimension.

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

National Grid does not wish to comment in detail on the proposed phased approach, other than to stress the critical importance of ensuring a smooth and seamless transition from the present arrangements to the new body. National Grid supports the recommendation by the Environment and Sustainability Committee to ensure that there is no weakening of performance or reduction in the quality of service delivered by the three existing bodies, including during the transition period.

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<sup>1</sup> National Grid does not have much experience of working with the Forestry Commission in Wales.

<sup>2</sup> National Assembly for Wales Environment and Sustainability Committee: Report - the business case for a single environment body, May 2012.

Any ongoing work, including the provision of advice and regulatory decisions dealt with by the present bodies, must continue to come forward without adverse impacts on quality of service and without delay. This is particularly important to 'live' and planned development projects which rely on the advice and decision making by the present and new bodies.

The details of any changes should be clearly communicated well in advance of their implementation so that all involved, including staff working for the new body, local authorities and developers, are well informed and can agree and take any necessary steps to ensure an orderly and seamless transition.

National Grid wishes to be consulted at the earliest opportunity prior to any further phases of change as outlined in the consultation document.

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

National Grid supports the objective of providing the new body with a clear focus on sustainable development and with a remit to join up environmental advice and decision making. We generally welcome the strategic aim proposed in section 4.4 of the consultation document. However, we consider that rather than distinguishing between "improving" and "developing" Wales' natural resources (which overlap to some extent), it would be more appropriate to add a further purpose which recognises the huge potential Wales' natural resources offer, for example, in terms of providing low carbon, renewable energy sources such as wind and hydro power. We would therefore suggest a small revision to the proposed aim as follows (amendment underlined):

*"To maintain, improve and harness Wales' natural resources, to deliver benefit to the people and economy of Wales now and in future".*

The new body will have to play a key role in contributing to the transition to a low carbon future, including by facilitating the development of low carbon and renewable energy and associated energy infrastructure. This should be clearly recognised and included in the strategic outcomes proposed in section 4.4. National Grid would therefore suggest that the following outcome is added:

*"Contribute to the transition to a low carbon future, including by facilitating the development of low carbon and renewable energy."*

National Grid agrees that the new body should work within a clear legal and policy framework. This of course includes the framework set in place at the Welsh national level as outlined in the consultation document. However, there should be explicit recognition that this also includes the relevant legal and policy framework at UK level such as the National Policy Statements (NPSs) on NSIPs and the UK Marine Policy Statement. The advice and decision making by the new body will need to sit within the context of, and seek to deliver, this UK and Welsh national legal and policy framework.

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

National Grid agrees that it would be useful to develop a delivery framework which sets out the purpose of the new body at a more detailed level and helps to focus the body on delivering its statutory responsibilities and legal functions. That framework should recognise the important roles the EA in Wales and CCW currently play in relation to planning and development matters, including in respect of NSIPs, by providing technical advice and by being responsible for granting certain 'non-planning' consents which may be required as part of a development project.

As far as NSIPs are concerned, National Grid strongly supports the Planning Act 2008 regime, including the clear statement of energy policy in the NPSs and the streamlined planning process that the Act established. The designated energy NPSs clearly set out UK Government policy on the need for the different types of NSIPs and the issues and impacts that should be considered in project development and consenting. Decisions on energy-

related Development Consent Order (DCO) applications must generally be taken in accordance with the relevant designated NPS.

In addition to a clear UK energy and planning policy context, the Planning Act 2008 put in place a single consent concept and greater certainty over application timescales for NSIPs. National Grid strongly supports the principle of a streamlined planning system where decisions about a major infrastructure project that has been developed through a process of appropriate community and consultee engagement can be taken through a single consent application. Whilst a 'single consent' was how the Planning Act 2008 revisions were first described, there is now an understanding that the process is in fact one of coordinating a number of different consents in different regimes. In particular, the 'single consent' concept is only available in Wales in limited circumstances, as in Wales a DCO may only grant consent for development associated with an NSIP (as well as for the NSIP itself) in respect of certain works associated with proposals for underground gas storage in natural porous strata, whereas in England 'associated development' may be consented if it relates to any NSIP.

Further, there are certain prescribed non-planning consents/authorisations which may be provided for in a DCO application in Wales with the agreement of the normal decision-making body. In many cases, that power lies with the Welsh Ministers or a statutory public body such as the EA or CCW. National Grid would encourage the pragmatic use of this power by the Welsh Government and other bodies in order to streamline the 'aligned consenting' process in appropriate circumstances. The creation of the new single environmental body provides the opportunity to seek to streamline and align these consenting activities. The new body should therefore have a clear objective to seek to align its consenting activities as much as possible and this should be set out clearly in the purpose of the body, the delivery framework and any supporting guidance.

The IPC Advice Note 11: "Working with Public Bodies – Part 1" (May 2011)<sup>3</sup> encourages developers and consultees to identify as early as possible at pre-application stage a comprehensive and accurate schedule of the range of likely consents that might be necessary for an NSIP and to discuss with the normal consenting bodies the question of whether those consents should appropriately be included within or deemed by a DCO application. The delivery framework and any supporting guidance should require the new environmental body to work very closely with project promoters and the Welsh Government at pre-application stage to consider these very questions with a view to aligning consents as far as possible.

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

National Grid generally supports the transfer of existing functions from the present bodies to the new body. To the extent that it is appropriate and necessary, the Welsh Government should exercise its power to stipulate the matters which the proposed new body must have regard to in exercising its functions. This should cover the matters set out in our responses to Questions 1 to 5 above.

We agree with the Welsh Government that the transfer of relevant existing functions should be used as an opportunity to rationalise duplicate functions and to simplify and update existing legislation.

**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?**

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<sup>3</sup> <http://infrastructure.independent.gov.uk/wp-content/uploads/2011/05/Advice-note-11-Working-with-public-bodies.pdf>

National Grid generally supports the principle set out in the consultation document that strategic policy should be developed by the Welsh Government within the relevant UK policy context and that operational delivery, including technical advice on policy implications and provision of evidence and data, should be done by the new body. Whilst we understand that at a practical level this may involve some movement of staff undertaking policy work within the existing bodies to the Welsh Government, it is important that the new body will still have sufficient staff resource to fully fulfil its advisory and decision making roles. Similarly, the new body should continue to play a key role in informing the development of policy, by providing well informed professional technical advice, in order to ensure that all policy is technically sound and based on evidence.

As far as marine licensing in Wales is concerned, National Grid generally supports the proposed transfer of this function from the small team in the Welsh Government to the new body. As outlined in the consultation document, this re-alignment should be used to provide a single point of contact and to align marine licenses with other licenses or consents that are the responsibility of the present bodies. As with all advisory and decision making activities of the new body, this will need to take place within the context of, and with a view to delivering, the UK and Welsh national legal and policy framework, including the UK Marine Policy Statement and Marine Plans.

National Grid also generally supports the proposed consolidation of the licensing functions in respect of European Protected Species within the new body. Again, a key objective in implementing this change should be to simplify and align licensing requirements and processes, including by providing a single point of contact to applicants.

National Grid welcomes the recognition in the consultation document that many of the environmental issues do not respect borders and that cross border working and coordination is critical, including in respect of licensing. The new body should have a clear objective to pro-actively seek and facilitate such cross border liaison.

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

National Grid generally supports the objective of better coordinating research and commissioning activities within Wales and with UK wide research activities. The environmental research programmes and activities of the Welsh Government and the new body should reflect the strategic outcomes identified in section 4.4, including the need to contribute to the transition to a low carbon future.

We agree that a key priority for the new body should be to take the opportunity to gather evidence of environmental issues on the ground in Wales. This aligns with our comment under Question 2 above for the need to ensure that the new body retains the valuable local knowledge about the areas in which specific development projects are located. This will be beneficial when working with stakeholders such as local authorities and developers on specific projects or issues.

**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?**

National Grid agrees that the new body should work within the clear legal and policy framework at UK and Welsh national level and that the body should be fully accountable to Ministers for the delivery of their objectives. As set out above, the new body should have a clear objective to pro-actively seek and facilitate cross border working and liaison with other relevant bodies within the UK, including in relation to development projects that have a cross border dimension.

**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?**

National Grid strongly agrees with the Welsh Government that the new body will need to ensure effective engagement with a full range of stakeholders, including project developers. From our experience to date, particularly with CCW and the EA in Wales, the present bodies generally seek to adopt a positive approach to engagement with stakeholders.

We share the view of the Environment and Sustainability Committee in its recent report that it will be important to ensure that existing relationships between key stakeholders and the new body are not lost, including during the transition period.

National Grid considers that, in order to achieve this, it will be essential to ensure that the new body continues and further improves stakeholder engagement, including through:

- i) Providing a single point of contact to stakeholders;
- ii) Engaging early and in a pro-active manner with project promoters and other stakeholders;
- iii) Giving clear, consistent and integrated advice to developers and other stakeholders in a timely manner based on a common shared view;
- iv) Expressing any requirements on project promoters (e.g. information requirements when undertaking environmental assessments) clearly to avoid confusion, misinterpretation and delay;
- v) Taking a proportionate view in terms of the information and assessment requirements placed on project promoters, recognising that a different type/level of detail of information may be appropriate at different stages of a development project; and
- vi) Working with relevant bodies and stakeholders on a cross border basis, ensuring consistency of data sets and information tools, the requirements imposed on developers and decision making.

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

National Grid agrees with the statement made in section 6.3.3 of the consultation document that “effective regulatory decision making should be independent of the political process and that decisions have a lawful, transparent rationale which balances all relevant interests”. This should be a golden thread running through the way in which the new body is set up and operates.

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

In respect of section 7 “Managing the Change”, National Grid would like to re-iterate the important points made above regarding the transition to the new body. It will be critical to ensure a smooth and seamless transition from the present arrangements to the new body. Any ongoing work, including the provision of advice and regulatory decisions dealt with by the present bodies, must continue to come forward without adverse impacts on quality of service and without delay. This is particularly important to ‘live’ and planned development projects, including those with a cross border dimension, which rely on the advice and decision making by the present and new bodies.

The details of any changes should be clearly communicated well in advance of their implementation so that all involved, including staff working for the new body, local authorities and developers, are well informed and can agree and take any necessary steps to ensure an orderly and seamless transition.

National Grid wishes to be consulted at the earliest opportunity prior to any further phases of change as outlined in the consultation document.

I trust you find these comments useful. Should you have any queries or wish to discuss of the issues raised in our response, please do not hesitate to contact me.

Yours sincerely,

Dr Stefan Preuss

**From:** Wendy Harris [WendyH@NPTCVS.ORG.UK]

**Sent:** 02 May 2012 15:03

**To:** SEB mailbox

**Cc:** 1Gaynor Richards; 1Lorraine Miles

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

**Importance:** High

**Attachments:** Single Environment Body (May 2012).doc

For the attention of Carrie Moss

Dear Ms Moss

Please find attached response from Neath Port Talbot CVS to the above consultation.

Regards

Wendy Harris  
Grants Administrator

on behalf of Lorraine Miles  
Deputy Director

Wendy Harris  
Grants Administrator - Gw einyddw r Grantiau

Neath Port Talbot Council for Voluntary Service  
Cyngor Gwasanaeth Gwirfoddol Castell Nedd Port Talbot

T• Margaret Thorne,  
17-19 Alfred Street/ Stryd Alfred

Neath/ Castell-nedd

SA11 1EF

Tel/Ffôn: 01639 631246

Fax/Ffacs: 01639 643368

For further information and advice please visit our website [www.nptcvs.com](http://www.nptcvs.com)

Am fwy o wybodaeth a chyngor, ewch i'n gwefan [www.nptcvs.com](http://www.nptcvs.com)



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Cyfrinachedd a Ymwrthodiad : Mae'r e-bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Ni chaniateir unrhyw adolygiad, ail-ddangos, na lledaenu'r wybodaeth hon, ac ni ddylai camau gael eu cymryd i weithredu, gan ddibynnu ar y wybodaeth, gan unrhyw un neu gorff nad yw'r wybodaeth wedi ei bwriadu ar eu cyfer. Os yw wedi cyrraedd trwy gamgymeriad, gofynnir i chi gysylltu a'r sawl a'i hanfonodd a dileu'r deunydd o bob cyfrifiadur os gwelwch yn dda. Safbwyntiau neu farn yr awdur yn unig yw'r rhai a fynegir yn y neges hon ac nid ydynt o angenrheidrwydd yn adlewyrchu safbwyntiau neu farn Gwasanaeth Gwirfoddol Cyngor Castell-ned Port Talbot, oni nodir hynny'n benodol. Ystyriwch yr amgylchedd os gwelwch yn dda. Oes gwir angen i chi argraffu'r e-bost hon?



**Neath Port Talbot Council for Voluntary Service**

*Supporting, promoting and developing the local voluntary sector*

**Cyngor Gwasanaeth Gwirfodl Castell-nedd Port Talbot**

*Cefnogi, hyrwyddo a datblygu y sector wirfoddol leol*

## Policy Response

### **Single Environment Body**

### ***A Response from Neath Port Talbot CVS***

**May 2012**

Neath Port Talbot CVS  
Tŷ Margaret Thorne  
17-19 Alfred Street  
Neath  
SA11 1EF

# **A Response to the Consultation on the Single Environment Body**

## **Introduction to Neath Port Talbot CVS**

Neath Port Talbot CVS is the umbrella body set up to support, promote and develop the third sector in Neath Port Talbot. Along with WCVA and other local County Voluntary Councils (CVCs), Neath Port Talbot CVS forms part of the infrastructure for third sector groups across Wales.

Neath Port Talbot CVS welcomes the opportunity to comment on the consultation document. Whilst understanding the rationale for a Single Environment Body and the subsequent benefits, Neath Port Talbot CVS would be concerned that the ability to deal with local issues at a local level is retained and enhanced. The provision for the Board to run local committees and to consult upon and implement proposals is welcomed, however there are existing structures at County Voluntary Council level that could possibly fulfil this function.

Whilst the reduction of approximately 20 members to a new Board of around 12 members may lead to a more efficient decision making process, there may also be a loss of expertise from the three specialist fields.

The devolution of all decisions impacting the environment to Wales is to be welcomed and will lead to the ability to fully implement Welsh Government policy rather than being restricted by UK policies that are not necessarily relevant to Wales.

It would, however, be important to ensure that the research function is retained within the new body to ensure that the evidence base and access to relevant expertise is available.

There will also be a need for a robust communication strategy to ensure communities are aware of policy and able to influence its formation.

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

**Sent:** 02 May 2012 15:05

**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:

Roy Tapping

Organisation (if applicable):

Cofnod - North Wales Environmental Information Service

Email / telephone number:

roy.tapping@cofnod.org.uk / 01248 672603

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 three separate bodies have supported Local Records Centres (LRC) in Wales since their inception. As such we would not want to lose this level of support in the new body. There are issues where each of the separate bodies has a different relationship with the Welsh LRCs and we hope that this could be harmonised within the new body. For example CCW have taken a very open approach to the sharing of biodiversity data and we hope that this can be used as a model for EAW and FCW under the single body. We believe there will be some efficiencies generated from us working with a single body, for example only supplying one set of data rather than three. However as LRCs rely heavily on the complete funding from all its current partners we hope this won't be seen as a way to cut the current levels of funding supporting LRCs. In the 'Living Wales' consultation we proposed a Pan-Government Agreement as a way of supporting LRCs and allowing better access to data to Government Departments and its Agencies. We believe there have been some stumbling blocks over creating this Agreement, due in some part to the charging model used by EAW. We hope under the single body this can be resolved and that a Pan-Government Agreement with LRCs could be taken forward. We believe this model will bring stability to the relationship between LRCs and Government as well as delivering good value for Wales.

We have always found the individual organisations approachable both at the local and headquarters level. CCW in particular are major strategic partners and have helped to develop the network of LRCs in Wales. Although this network is reasonably well established, it still requires support. EAW and FCW have had a much more service delivery orientated relationship with LRCs and although CCW are much more inclined towards this model nowadays we hope that the relationship with the new body isn't just purely about service. The Wales Environmental Information Forum (WEIF) was formulated out of discussions between CCW and LRCs, as part of their quarterly meetings with LRCs (which we found very valuable and have since ceased). Part of the reason for the Forum was to encourage better sharing of biodiversity data from the likes of EAW and FCW, but also right across Government. Although the Forum has in some part helped to move this on, mainly through the development of the 'Wales Data Sharing Charter', the sharing of biodiversity data from EAW and FCW isn't resolved. We hope that the new body, which will amalgamate three stances towards data management, will not only take the CCW approach, but also be open to actively engaging with LRCs. Our fear perhaps is that a bigger organisation will make it more difficult to penetrate or develop a strong working relationship. It is important even from a service delivery point of view that we agree on data that is most useful across the organisation, but also we do not want to lose contact with the end users, who tend to be based in the local offices. Thus a strong HQ and local office led arrangement must take place. There may be opportunities in the development of the single body to look more strategically at how biodiversity data is procured and used, also how members of staff feed their data into the system. LRCs have a great deal of experience of how systems for storing biodiversity systems work; moreover they have also been at the forefront of developing access to biodiversity data in Wales. Therefore we hope that biodiversity data will not only be given its required priority in the

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?:

development of the single body but that LRCs could be integrated into the development of systems, thus helping the new body be more effective in its use of biodiversity data.

The timescales feel very ambitious and therefore we have concerns that the needs to develop powerful, integrated systems for access to biodiversity data from LRCs will be overlooked. We hope therefore that once the body is established (or even beforehand) that a dialogue can take place between Welsh LRCs and representatives of the single body. We hope that by starting this dialogue early we may be able to propose changes to the way systems are developed so that they incur maximum benefit. We welcome the proposed changes to environmental and planning legislation, but again we hope that both pieces of legislation will require the movement towards an 'evidence based' approach and as such look to utilise the massive biodiversity data resource held by LRCs.

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?:

We support the proposals as set out.

It is very difficult to comment on this without knowing details of the delivery framework. However movement towards a customer focused and 'place' based approach is welcomed, as long as it takes full account of the natural environment.

I'm surprised to not see a commitment to open and more widespread access to biodiversity data, especially with the requirements under INSPIRE. Perhaps this requirement is too detailed for inclusion in the tables.

We have no comment on this.

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

We agree with this approach and would offer the services of LRCs to help evidence any commissioned research. Currently there are very few approaches to LRCs when commencing research or also few examples where biodiversity information is fed back to LRCs once the research is complete. We would like to see a more structured approach to this and would be happy to investigate methods for doing this through the single body, WG and/or the Wales Environment Research Hub. We also believe that the creation of a Pan-Government Agreement for access to biodiversity data from the LRCs would allow much more straightforward, open and creative use of the data for research purposes.

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 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?:

We see ourselves (Welsh LRCs) as key stakeholders both currently and in the future, therefore we hope that we will strengthen our relationship under the new body. See our comments on Question 2

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

We hope that biodiversity data held by LRCs will form a major evidence base as part of the regulatory requirements for the new body. A good example of this is where LRC data is currently incorporated in the EAW's National Permitting System. We hope that similar systems can be developed within the single body to enable biodiversity to be consistently considered throughout the regulatory process. We strongly advocate the evidence based approach for decision making and hope that the single body will consider this approach.

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

The formation of a single body has already changed our relationship with CCW, FCW and EAW. There seems little time to discuss things and more uncertainly than ever. People are already putting off decisions until the body is formed. It almost feels like these three organisations are in limbo whilst the transition takes place. We hope that this only lasts during the transition but are also concerned that as the single body is formed it will generate further uncertainly and that we will effectively be dealing with an organisation which is disorganised and constantly in flux (this is the current situation and one which has existed for some time whilst the single body was being proposed). What we want from this process is a more efficient, stronger and more up-to-date organisation than the one we have now. We hope that we don't end up with one that is more distant, less efficient and less coherent.



**From:** Geoff Hobbs [Geoffrey.Hobbs@bridgend.gov.uk]

**Sent:** 02 May 2012 15:10

**To:** SEB mailbox

**Cc:** Ieuan Sherwood; Ellie Fry; Cllr Philip White

**Subject:** Consultation Response for Natural Resources Wales - Bridgend CBC

**Attachments:** Natural Resources Wales response.doc

Please find attached the consultation response on behalf of Bridgend CBC for Natural Resources Wales - Proposed arrangements for establishing and directing a new body for the management of Wales' natural resources.

Regards

Geoff Hobbs

[Geoffrey Hobbs PhD](#) | Ecologist/Ecolegydd

Countryside and Tourism | Communities Directorate | Bridgend County Borough Council | Level 3 | Civic Offices |

Angel Street | Bridgend | CF31 4WB

Twristiaeth a Cefn Gwlad | Y Gyfarwyddiaeth Gymunedau | Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr | Iefel 3 |

Swyddfeydd Dinesig | PEN-Y-BONT AR OGWR | CF31 4WB

Phone: (01656) 643196

Email: [geoffrey.hobbs@bridgend.gov.uk](mailto:geoffrey.hobbs@bridgend.gov.uk)

Website: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Blog: [www.bridgendcountryside.com](http://www.bridgendcountryside.com)

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

Consultation response from Bridgend CBC (01/05/2012).

### **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?**

The Council supports the proposal of a single integrated body and would hope that the single body (SB) would provide a one stop shop in dealing with a variety of issues concerning the environment. We would like to have assurances that each relevant discipline are equally accounted for during the course of the SB's functions and in dealing with external organisations.

Despite the creation of a SB there is still potential for time delay in consultations due to the size and complexity of providing a single response. Particularly as the response will come from multiple disciplines and set within the principles of delivering ecosystem services. Is this perceived as a significant issue and how will it be addressed?

With respect to 2.2.2 managing natural resources in ways that fit the needs of Wales, shouldn't this be occurring presently with the existing three Welsh bodies?

With respect to 2.2.3 value for money, it is agreed that a single body provides an opportunity for reduced duplication from government agencies and a joined up approach and hopefully increased communication between the sectors. Savings produced during this process could be passed on to partner organisations such as Local Authorities for Management of Natural Resources.

The formation of a SB will provide an opportunity for land management to link in with flood management and an opportunity to manage and make decisions based on the provision of an ecosystem approach.

### **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 SB should consider how it will directly influence the land use planning system in progressing the Green Infrastructure (GI) agenda.

How will the ongoing relationships between the Local Authorities and the existing environment bodies be maintained following the formation of the SB, particularly during the transition period?

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

The functions that the existing environment bodies provide must be maintained throughout the phased approach and beyond.

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

On the assumption that Green infrastructure will be a guiding concept on delivering the outcomes of the SB then sustainable development must be a foundation upon which the SB is developed.

The strategic outcomes need to make explicit reference to the economic benefits that sustainable tourism can provide.

No reference is made to the environmental education benefits that can be provided by the countryside and its links to the national curriculum.

Whilst acknowledged in future questions, the SB role in initiating, funding and conducting research into species, populations, ecosystems and ecosystem services should be included in the strategic outcomes.

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

The proposed delivery framework (Annex 5) uses existing indicators to measure a novel approach to natural resource management. Indicators could be taken from and developed in the Living Wales consultation document.

More obvious linkages are needed between the categories in the Delivery Framework i.e. Objectives, Success, and Indicators.

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

Table 1 requires explicit reference to how the SB will contribute to promoting sustainable tourism in realisation that the natural environment of Wales has great opportunities in this respect.

Table 1 should consider how it will contribute to supporting wildlife conservation in the wider countryside and not just in respect to designated sites. For example CCW currently provide advice with respect to European and Nationally protected species and this provision of statutory advice needs to be included in the table.

Table 1 refers to the *Prevention or reduction of the spread of pests and diseases affecting all trees and timber products*. This sentence reads like it is specific to trees and forestry. This should be extended to controlling the spread of invasive non-native species throughout Wales. This is implied with the example used '*Direct control of invasive species, e.g. Didendum vexillum*', but it may be better to use more obvious examples such as Japanese Knotweed and Himalayan Balsam, or a range of invasive non-native species that impact different ecosystems.

Table 2, this should include reference to licensing

Table 3: The overarching concept should be to deliver and promote the concept of sustainable development through the GI approach.

The SB should have regard to wildlife conservation and its enhancement, as this is one of the main areas of work for the SB.

**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? :**

### 5.3.3 Wildlife Licensing focuses

One of the major roles of the Local Planning Authority is to provide detailed observations with respect to the impact of development on local wildlife, protected species and habitats.

Currently with respect to protected species licences there are two bodies involved in issuing licences e.g. for derogation (WG) and conservation (CCW). Can these be rationalised through the new body?

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

The commitment to coordinate research to provide the best scientific evidence to inform and assist in the delivery and management of species, habitats and ecosystems is welcomed.

Whilst the Wales Environment Hub is referred to, as a local authority we have identified the benefits of working with a number of universities and collaboration with these institutions. Currently this is a potential resource that is underutilised particularly as educational bodies wish to have closer links with industry and policy makers.

**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? :**

Welcome the reference to the inclusion of local authorities to the management board as Local Authorities are key partners in delivery of the SB objectives.

**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? :**

Providing a local context is not lost with the coming together of the SB, in the absence of further information, this is welcomed.

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

If these regulatory arrangements are aimed at expediting the licensing process then this is welcome.

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

Currently the three bodies provide grant aid for the delivery of schemes to Local Authorities. Consideration should be given to the investigation of coordination of grant funding procedures, managing contract procedures for work undertaken with the LA, managing contract procedures for work undertaken within the County. Currently the LA receives grant funding from all three bodies and the formation of a

SB provides the opportunity to rationalise these grants through a single point of contact.

Similarly grant aid is provided to other bodies operating in the county and similar coordination of the grant aid provided should be considered.

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

**Sent:** 02 May 2012 15:15

**To:** SEB mailbox

**Subject:** SEB Consultation online form

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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:

Allan MacKenzie

Organisation (if applicable):

Forestry Commission Trade Unions (GB)

Email / telephone number:

unions@forestry.gsi.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 FCTU have always been supportive of the idea of a single body but have remained sceptical as to what benefits it has by the inclusion of Forestry Commission Wales (FCW). We believe that the business case put forward did not justify the inclusion of FCW and union members remain unconvinced that the focus on delivering sustainable forestry objectives will be maintained within this new body. We welcome the greater transparency in decision making that is promised and that decisions affecting the environment will get a fair hearing. The inclusion of FCW does not bring any greater benefit to this as they already provide open and transparent consultation on the work that they do. Forestry is not an environmental body but it does impact upon the environment and as such should not be labelled as being anything other than that. Our members wish to see a strong, robust and flexible forestry sector in Wales. FCW as a separate entity can provide the stimulus needed to ensure sustainability into the future. A great fear that our members have is that by moving FCW further away from Government it could well lead to outsourcing and/or privatisation of forestry service and work. The FCTU would like to suggest that our members should remain as Civil Servants and that they continue to be employed by the Welsh Government, which will secure their hard won rights into the future.

We would like to see further investigation of the timber market and on the assumptions made about continued sustainable supply. This investigation should not just be confined to the Welsh market but to the whole of the UK timber market. If the emphasis of timber production is reduced in capacity, then the effects could extend to the entire market place and timber imports would rise as a result. The home-grown timber market has seen many decades of investment based upon continuity of supply from public forests and the careful management by the Forestry Commission. It would be foolish to jeopardise this investment in reducing the capacity of the public forests to continue to deliver what the market expects. State run forestry departments are something we see across Europe. They provide the basis for creating investment, allowing innovative ideas the space to develop. The provision of large areas for undertaking research provides development opportunities for staff and local communities. This is seen by the public as commitment by various governments that forestry is important in that country. The removal of a dedicated forestry department as Wales intend, is something that should be questioned and the FCTU would like to better understand the reasoning behind this decision. Public opinion in our view has always been in recent years to continue with public forests and have them managed by the Forestry Commission.

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?:

The FCTU are concerned that perhaps not all of the current functions fit neatly into the new body. It would be useful to investigate what these might be and to better understand the impacts on the wider FC at a GB level. We are very concerned about the terminology used in the tables which specifies entering into joint ventures and management by third parties. This leads us to suspect that the new body is already being set up to outsource and partially privatise aspects of delivery. Public opinion elsewhere has suggested that this is not a favoured approach and they along with trade unions would campaign vigorously to oppose any such moves.

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 have concerns that the role of the Forest Research (FR) agency within the FC would be directly affected by any move away from the Welsh Government to a new body at arms length and committed to using FR into the future. We believe that there are benefits of scale that could and should be used to further provide good quality research for forests and woodland across GB. There is wide international recognition that FR delivers high quality and meaningful research. Anything that dilutes this will be to the detriment of that recognition and too much local research could be seen as purely marginal at best.

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:

**From:** Bobbie Davies [Bobbie.Davies@grayling.com]

**Sent:** 02 May 2012 15:17

**To:** SEB mailbox

**Subject:** CITB-ConstructionSkills Response to the Consultation on Natural Resources Wales

**Importance:** High

**Attachments:** CITB-ConstructionSkills Response - Natural Resources Wales.pdf

Dear Carrie,

Please find attached CITB-ConstructionSkills Wales' response to the Welsh Government's consultation on the proposed arrangements for establishing a new single environment body.

Please don't hesitate to contact me if we can provide any further information.

Regards,

Bobbie Davies

(on behalf of ConstructionSkills Wales)

Tel/Ffôn: +44 (0) 29 2046 2571

Fax/Ffacs: +44 (0) 29 2046 2585

Email/E-bost: [bobbie.davies@grayling.com](mailto:bobbie.davies@grayling.com)

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## CITB-ConstructionSkills Wales response to the Welsh Government's Consultation on Natural Resources Wales

### Introduction

CITB-ConstructionSkills Wales welcomes the opportunity to provide evidence to the Welsh Government on Natural Resources Wales.

As both a Sector Skills Council and an Industry Training Board we are predominantly concerned with the provision of good quality training and apprenticeships, company development, sector specific skills training and the spread of best industry and workplace practice within our specific sector.

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?

CITB-ConstructionSkills supports the concept of a single environmental body. This represents a significant step by the Welsh Government in creating a more joined up approach to environmental policy. At a critical time for the construction sector, with a 3% decline in the first quarter of 2012, the simplification that a single environmental body will bring will help to remove any confusion so that it is clear to construction companies which organisation they can go to on environmental matters.

Furthermore, we feel that this positive approach could be adopted across other Welsh Government supported bodies so that there is a more unified system and greater clarity for businesses more widely.

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 welcome the Welsh Government's commitment under section 2.4 to improve and simplify regulation in Wales to convey a clear message that Wales is 'open for business'. It is particularly important that the Welsh Government intends to work with the Environment Agency in England to ensure that there is consistency; in a challenging economic climate it is vital that Welsh construction firms are not unfairly disadvantaged by greater regulation in Wales relative to England.

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

In implementing this phased approach for the creation of a new environmental body, we would stress the importance of clear information and guidance for the construction industry. A large proportion of the Welsh construction industry is made up of small and medium sized firms that do not necessarily have the resources to navigate a complex regulatory system. We would therefore urge the Government to ensure that the creation of the new body alongside existing organisations in phase one does not create any increase or complication of regulations that would result in confusion around regulation or an increased administrative burden for the industry.

As the largest representative body for construction employers in Wales, we would support early engagement with the Welsh Government as and when it consults on future proposals

for further phases and the possibility of transfer of functions to the new body. Given that many construction projects are long term, especially those capital projects in Wales such as infrastructure or health and education estate projects, early sight of proposed functions and regulations and long term planning is essential.

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 support the overall proposed aims of the new body, and particularly welcome point 5: *“Contribute to both mitigating and adapting to the effects of climate change.”*

CITB-ConstructionSkills supports the long-term aspiration of making Wales more sustainable and living within its means in terms of resource and capability. In order to fully address climate change issues, we must have a workforce with the right skills for the low carbon economic future of Wales. Our employers have taken significant steps to reduce emissions and upskill the Welsh construction workforce, and would welcome continued support for these aims by the Welsh Government and the new environment body.

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

CITB-ConstructionSkills welcomes the clarity of purpose that a delivery framework will provide. We would stress, however, that it is important to work with industry in developing the framework, where a partnership approach is required to achieve objectives, to ensure that it is realistic for industry and that the construction sector has the right support in place to achieve these aims.

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?

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?

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?

No comment

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

It is positive that there is a recognition that “*engagement with stakeholders would be essential*” for the new environmental body. We hope that the creation of the new body will give the opportunity for greater engagement with Welsh industry, and we would welcome flexibility in the new body’s approach so that businesses are able to voice their views on regulation and have an open dialogue about what the industry can do to support Wales’ environmental aims.

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

No comment

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

No comment

#### About CITB - Construction Skills Wales

CITB - Construction Skills Wales is the Industry Training Board and Sector Skills Council (SSC) for the construction industry, and has been working to deliver a safe and professional construction workforce in Wales for 40 years. CITB - Construction Skills is the largest representative body of construction employers in Wales, representing around 10,000 companies. Over 4,000 construction firms are actively involved in our networks, including through our Regional Construction Fora in South East, South West and North Wales.

#### CITB - Construction Skills’ role as a Sector Skills Council

CITB - Construction Skills is tasked by the UK Government to ensure the UK’s largest industry has the skilled workforce it requires. It is UK-wide and represents the whole industry from professional consultancies to major contractors and SMEs. In Wales, Construction Skills works with the Welsh Government, training providers, educational institutions and employers to ensure the industry has enough qualified new entrants and the existing workforce is fully skilled and qualified, in addition to improving the performance of the industry and the companies within it.

#### CITB - Construction Skills’ role as an industry training board

CITB - Construction Skills Wales offers a range of services and support to those within, or looking to enter, the construction industry. This involves company development support for construction businesses in addition to a range of training and qualifications for adult and younger learners, including apprenticeships and college courses to on-site assessment and training for those already working within the sector.

#### Regional Construction Fora

In late 2009 and early 2010 Construction Skills Wales established three regional construction fora for Wales. These are based in North Wales, South East Wales and South West Wales and have brought together employers from the built environment sector, colleagues from Construction Skills Wales and Assembly Members from the corresponding areas to ensure that those AMs are kept up to date with the work that the sector is doing in their area as well as some of the concerns that employers may have. The regional fora are vital in supporting

the work of ConstructionSkills Wales on a Wales-wide level, providing valuable feedback from employers on the ground in each part of Wales.

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If the Welsh Government would like further information about the work of CITB - ConstructionSkills Wales, please contact [bobbie.davies@grayling.com](mailto:bobbie.davies@grayling.com)



Wyn Prichard,  
CITB - ConstructionSkills Wales  
Director

**From:** Price Carol [carol.price@Dyfed-Powys.pnn.police.uk]

**Sent:** 02 May 2012 15:10

**To:** SEB mailbox

**Cc:** treffos@hotmail.co.uk; Jones-John Clark DS 674

**Subject:** Consultation - Natural Resources in Wales

**Attachments:** Consultation re Natural Resources in Wales.docx

For the attention of M s. Carrie Moss

Dear Carrie

Please find attached response to the above consultation from Mr. Ian Arundale, Chief Constable, Dyfed-Powys Police on behalf of the Wales Association of Chief Police Officers.

Thank You. Carol.

Carol Price  
Cynorthwydd Personol i'r Prif Gwnstabl  
Personal Assistant to the Chief Constable  
Heddlu Dyfed-Powys Police

( Ffôn/Telephone 01267 226308

2 Ffacs/Facsimile 01267 226310

: E-bost/E-mail [carol.price@dyfed-powys.pnn.police.uk](mailto:carol.price@dyfed-powys.pnn.police.uk)

+ Cyfeiriad/Address Pencadlys yr Heddlu, Blwch Post 99, Llangynnwr, Caerfyrddin, SA31 2PF/ Police Headquarters, PO Box 99, Llangunnor, Carmarthen, SA31 2PF

Heddlu Dyfed-Powys Police: Yn Diogelu ein Cymuned/Safeguarding Our Community

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**Heddlu Dyfed Powys – y lefelau isaf o droseddau a recordiwyd a'r gyfradd ddatrys uchelaf ar draws Cymru a Lloegr gyfan.**



To: Ms. Carrie Moss, Welsh Government.

From: Ian Arundale, Chief Constable, Dyfed-Powys Police

Date: 2<sup>nd</sup> May, 2012

### Consultation Response – Natural Resources of Wales

Thank you for providing the opportunity for the Association of Chief Police Officers in Wales to comment on your consultation on proposed arrangements for a new body to manage the natural resources of Wales. I am the lead on wildlife and crime for ACPO in Wales and as such this response can be taken as the view of all the Welsh Police forces.

For many years the Police service in Wales has had a very close working relationship with all of the bodies being amalgamated to form a single environment body. We do of course have Police officers seconded to each of those organisations. Those arrangements have been held to be successful and a model of best practice both within Wales, and across the United Kingdom. We look forward to having discussions with the single body to establish whether such secondments continue and if so how they might be established.

Whilst the Police service have interest in the process that is being undertaken to establish a single body I will confine my comments to one particular area and that is to question 6 "Are the functions described in tables 1 to 3 a reasonable summary of those required. How could they be improved?"

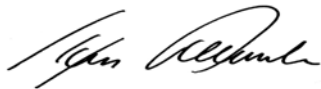
I consider that the functions listed in table 2 do not adequately recognise the remit at present carried by the Environment Agency Wales, the Countryside Council for Wales and the Forestry Commission Wales in relation to both wildlife and environmental crime. The power to bring prosecutions is identified and whilst it might be said that this also includes powers required to enable the effective investigation and prevention of offences this should in my view be more explicit. At present the Countryside Council for Wales has a power to advise the Police on issues relating to wildlife crime. We would welcome the single body being provided with the same power. Given our close working relationship I would not envisage that there would be need to extend such involvement from a power to a duty.

More widely there is I believe good reason to consider whether a single body should be given a duty to investigate certain wildlife and environmental crimes. At present the Countryside Council for Wales have the power to bring criminal prosecutions for any criminal offence. Both the Environment

Agency Wales and the Forestry Commission Wales also have powers to prosecute specified offences, as do local authorities. The Crown Prosecution Service of course are able to prosecute any criminal offence whilst some organisations such as the RSPCA privately prosecute some wildlife crime matters.

The consequences of the position outlined is that at present there is no clarity as to who should bear the responsibility for preventing, investigating and prosecuting wildlife and environmental crime. None of the statutory agencies have a duty to do so and whilst the Police at present accept a significant role for investigating offences involving protected species this may not always be the case given that others are empowered to do so. There is a view that some conservation related criminal offences in particular those closely related to regulatory processes might be more effectively considered by the single body who would also have regard to the civil sanctioning processes available to it. The establishment of a single body for the management of natural resources in Wales provides a real opportunity for the Welsh Government to identify what role or duty this body should have with regard to wildlife and environmental crime.

We would be very happy to discuss these comments in more detail if needed.

A handwritten signature in black ink, appearing to read 'Ian Arundale', written in a cursive style.

Ian Arundale,

Chief Constable.