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Consultation – Executive Summary

Sustaining a Living Wales

A Green Paper on a new approach to natural resource management in Wales

Overview

This Green Paper sought views on a fresh approach to the management and regulation of the environment in Wales. The consultation will principally inform the proposed 2014/15 Environment Bill and the proposed Planning Bill. The proposals will be of particular interest to regulated businesses and to those who use and manage our land and water, including the farmers and foresters who together manage more than 75% of the land area of Wales.

The consultation took place between 30 January 2012 and 31 May 2012.

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Sustaining a Living Wales consultation

Summary Report

The Welsh Government's *Sustaining a Living Wales* consultation set out the need, and possible options for taking forward a fresh approach to the management and regulation of Wales' environment and natural resources. The consultation ran from 30 January to 31 May 2012. This document provides an overview of the full report which summarises views expressed in responses to the consultation.

For more information on each of the consultation questions, views expressed, and for a list of consultation respondents, please see the detailed report, which can be found at: http://wales.gov.uk/consultations/environmentandcountryside/sustainingwales/?lang=en.

Further information on the Welsh Government's natural resource planning programme, along with related documents, including this summary, can be found at: www.wales.gov.uk/livingwales.

Who responded to the consultation and in what form?

There were 279 responses in total, 131 from private individuals and 148 from organisations. A number of respondents submitted joint responses to this consultation and the parallel *Natural Resources Wales* consultation on the creation of the new single body for Wales (http://wales.gov.uk/consultations/environmentandcountryside/singlebody/?lang=en), and these have been taken into account in preparing this report.

Of the responses from organisations, 58 were from voluntary bodies, 31 from the public sector and 27 from commercial organisations. There were responses from a wide range of sectors, although the sectors most represented in the responses were conservation, access and recreation, which together made up about one fifth of all responses. Local Government and environment were also reasonably well represented, and there were comments from bodies concerned with heritage, education, the natural sciences and planning. Energy, forestry and agriculture were the main industries which submitted responses, together with a very small number of responses from organisations concerned with water resources, minerals, fisheries, transport, defence, health and housing.

Roughly half of the respondents answered the consultation questions in the consultation paper, and the rest provided their comments in a more 'free form' style. This included a number of letters from supporters of the Royal Society for the Protection of Birds and the Wildlife Trusts, which made a series of common key points.

Many of those who did explicitly respond to the consultation questions also provided wider general comments. All responses have been considered in preparing this report, regardless of the format in which the comments were made. The total volume of responses amounts to some 1,200 pages of text.

What did the responses say?

Support for strategic aspirations: There was overwhelming level of agreement with the high level aspirations in the consultation, and commendation of the Welsh Government's apparent willingness to take a fresh and innovative approach to the whole area of environmental regulation and management.

Establishing the case for change: A recurring theme in the responses was the need for any changes to existing regimes to be based on robust evidence, particularly in terms of what it is about existing approaches that is failing or falling short of delivering environmental management needs. It was suggested that the achievements of current systems should be acknowledged, and that no changes are brought about unless there is a clear rationale that change is likely to produce better results and improved outcomes.

Reversing the loss of Wales' biodiversity: Concern was expressed that the consultation paper fails to adequately emphasise that the development of a new approach is a direct response to Wales' failure to meet its biodiversity targets. Many respondents urged the Welsh Government to continue to position the halting and reversing of the loss of biodiversity as a priority at the centre of future proposals for reforming the way we use and manage Wales' natural resources.

Support for the ecosystem approach: There was a substantial degree of support for the central proposals in the paper, namely the move towards an ecosystem approach, the development of natural resource planning at local and national levels and the streamlining and simplification of regulatory regimes. Very few responses expressed disagreement with these objectives, but many respondents qualified their support by suggesting that 'the devil is in the detail'. A significant proportion of responses expressed neither agreement or disagreement with the paper's central proposals, but wanted more information about the practicalities of the new approach and the underlying priorities of the Welsh Government.

Natural resource planning: The consultation paper posed several questions on the concept of local and national natural resource planning. Widespread support was expressed for the principle, but many questions and concerns were raised in relation to the details and practicalities of the approach, including:

- how natural resource planning would relate to other planning processes;
- the dangers of adding complexity and additional 'layers' of bureaucracy unless the process is carefully designed; and
- achieving the right balance of emphasis between national and local interests.

Although some respondents advocated keeping the current planning system and systems for environmental and natural resource planning separate, by far the majority expressed support for integrating natural resource planning with existing planning systems. Opinions varied on which regime should take 'primacy', with most views tending to favour the current planning system as providing the overarching framework, and natural resource plans providing an evidence base. Most of those

who expressed a view felt that natural resource planning would be ineffective unless it had a statutory basis.

Most respondents interpreted the consultation paper and questions as seeking views on the preparation of natural resource plans rather than natural resource planning as an approach.

Success criteria for managing natural resources: One of the consultation questions specifically addressed success criteria for natural resource management. The most common suggestions for success criteria were:

- Biodiversity, in particular halting and reversing biodiversity loss.
- Establishment of sustainable use of natural resources.
- Integration of decision-making and resolution of resource-use conflicts.

The need for detailed proposals: Some respondents suggested that the options in the consultation paper were too vague at this stage, and that they would reserve judgement until the Welsh Government has drawn up more details on how natural resource planning is expected to work. Many of these stakeholders expressed an expectation that there will be further consultation on developing options and approaches to natural resource planning.

Streamlining and simplification of regulations and designations**:** A substantial degree of support was expressed for streamlining and simplification of regulations and designation systems. This was mostly expressed on condition that there should no weakening of standards for protection of the environment. Indeed, many suggested that a review of environmental regulation with a view to streamlining and simplifying it should be seen as an opportunity to strengthen it, to secure better environmental outcomes, in addition to better outcomes for people and businesses. Some respondents expressed reservations about whether it was actually possible to achieve better outcomes for the environment and reduce regulatory burdens, some respondents questioned which of these two objectives is the Welsh Government's foremost priority.

In terms of priorities for simplifying and integrating environmental designations, the retention and strengthening of the role of designations and protected areas was cited by the majority of respondents as key to the way forward. Many respondents expressed concern that the consultation paper creates a false impression that the ecosystem approach implies a move away from retaining and improving networks of protected sites. A number of respondents stated that protected sites are an essential part of the toolkit for the ecosystem approach, rather than the two things being in any way alternatives to each other. The majority of comments on designations reiterated the point made in relation to streamlining of regulation – that standards of environmental protection should not be diminished.

More effective implementation of environmental legislation: Another recurrent theme was the need to focus on improving the way in which legislation is implemented, rather than on reforming legislation itself. While there were some calls for legislative reform, there was a general view that existing legislative regimes could

be made to work better, for the environment, for people and for regulated businesses. Better enforcement and compliance with existing regulations was frequently cited as a priority.

Social and economic opportunities in the natural environment and natural resources: The consultation paper asked questions about whether the proposed approach adequately reflects the opportunities that the natural environment provides to economic development and social well-being. Respondents tended not to reply to these questions with a simple 'yes' or no', but expressed a range of suggestions about what they saw as the main 'missed opportunities' in the paper. The economic value of Wales' environment as a leisure and tourism asset came out as the main issue here, together with a similar number of comments on the aesthetic and cultural importance of the environment to the people of Wales.

The role of nature and landscapes in providing for people's recreational, artistic and spiritual needs was cited by many as effectively beyond valuation in economic terms. Many respondents warned against 'reducing' ecosystems to a series of marketable goods and services, the argument being that some of the most important ecosystem services are the intangible cultural ones where the creation of markets is neither practical nor desirable.

There was also support for more use of markets and systems based on economic incentives, for example, around promoting local food production with a distinctively Welsh brand, and better marketing of Wales as a destination for environment-based leisure and tourism.

There were concerns expressed by many that the uptake of Glastir was disappointingly low, considering its role as a flagship initiative for delivering environmental outcomes using economic incentives. The overwhelming importance of agriculture as a provider of ecosystem services, and a source of pressure on natural systems was widely recognised.

Skills and tools needed for the new approach: The consultation paper asked what skills and tools were needed to make the new approach successful. The main areas highlighted in the responses were:

- **Developing a common understanding of the ecosystem approach**
  Many respondents, including those who were very supportive of the concept, expressed doubts that the necessary skills and tools have yet been developed to enable bodies responsible for management and regulation of natural resources to apply the ecosystem approach to their practical decision-making.
- **Community engagement**
  Some felt that the necessary skills and approaches for community engagement are lacking, particularly in public sector bodies. A number of respondents from the third sector commented that voluntary organisations generally have a good track record with public and community engagement and could make a valuable contribution to developing the skills base.

- **Role of natural sciences**
  The critical role of natural sciences in understanding how ecosystems function and particularly their 'carrying capacity' was highlighted by many as a high priority. There was much criticism of the lack of emphasis given to the earth sciences, and the need for the ecosystem approach to be based on sound understanding of geodiversity and the abiotic environment.
- **Organisational culture and joined-up delivery**
  A number of respondents commented that a key change required was in terms of organisational culture, and in particular the breaking down of boundaries or 'silos' between different organisations and disciplines.

Geographical Information Systems (GIS): On the question of developing GIS as a way of sharing environmental information more widely, most of those who expressed a view were supportive of anything that improves public accessibility of information, and cost-effective means of sharing of data.

Environmental monitoring: There was general support for engaging people more widely in monitoring and the gathering of environmental evidence, especially if it means people take more of an interest and getting more involved in environmental issues, both locally and nationally/internationally. Any concerns about these proposals were mainly around being able to assure the quality of data collected by members of the public and non-specialists. It was also pointed out that adequate resourcing of data collection programmes, and the stability of that resource commitment over time, is essential, with comments that the Welsh Government should not regard promoting more public involvement in environmental information gathering as an alternative to adequate public funding of key environmental monitoring programmes.

Other issues raised

The consultation paper sought views on what other changes to legislation or systems were needed, and to comment on any issues they felt are relevant.

Some of main themes identified were:

- **Striking the right balance between incentive- and compliance-based approaches to deliver natural resource management objectives.**
  Views differed on whether current frameworks relied too much on one or the other.
- **In terms of legislative reform, it was suggested by some that getting the right legislative review process in place,** and particularly ensuring that stakeholders in regulatory processes have a real say in the development of new approaches, is more important as an immediate priority than trying to identify at this stage what legislation should be changed. The phrase 'evolution not revolution' was repeatedly used.
- **Better processes for implementing existing legislation, and developing the expertise, pragmatism, and culture of regulatory bodies, with more emphasis on enforcement and compliance.**

- **A large proportion (28%) of respondents asserted the intrinsic value of the environment and biodiversity.** There was criticism of the consultation paper as presenting a very utilitarian view of nature, as a source of goods and services for human use. Many stated that this is a misguided approach and contrary to the ecosystems approach, as defined under the Convention on Biological Diversity. A question frequently asked in the responses was: what will happen to ecosystem components that don't have any recognised – or quantifiable – benefit to people?
- **Consideration of landscape and the historic and cultural environment:** Numerous respondents referenced the opportunity for a fresh approach offered by landscape-based approach to planning and management of environment and natural resources. It was recognised that Wales is party to the European Landscape Convention and needs to do more to implement it. Likewise the potential synergies and opportunities to integrate approaches to natural environment with the management of the historic environment were noted. It was argued that Wales does not have a 'natural' environment as such, but rather one shaped by our cultural history. There were calls for integration in the development of new legislation for the natural and historic environment.
- **Relationship with the marine environment:** Many responses from individuals and organisations with particular marine environmental interests were critical of the consultation paper as being too terrestrially-focussed, failing to acknowledge either the size of Wales' marine area relative to the land, the importance of marine ecosystem services or the pressures that marine ecosystems are facing. Others were concerned that the development of marine spatial planning and adoption of the ecosystem approach was progressing slowly due to lack of priority and resources, while being held up as a model for terrestrial natural resource planning to follow.
- **Many respondents made reference to the precautionary principle,** calling for it to remain at the heart of policies and regulation affecting the environment. However it was recognised that more evidence-based decision-making was preferable, provided the necessary evidence is there. There were questions about the practical meaning of 'risk based' approaches to regulation.