
From: Sally Hall [sally@newbuilder.co.uk]
Sent: 13 August 2012 15:16
To: SEB mailbox
Subject: New Natural Resource Body Consultation

The priority must be for greater measures to reverse the significant declines of many once common species. We are seeing massive reductions in flora and fauna and without action now diversity for the future will be lost - we do not know how this will affect the natural balance and the consequences for all species.

Regards
Hall family

From: Martin Crumpton [cpu42@hotmail.com]

Sent: 13 August 2012 15:43

To: SEB mailbox

Subject: Questions on the new body

I'm sorry but I find your online form far too restrictive for me to use.

My concerns are that it will place environment control too far under WG control when I consider such matters to be UK-wide responsibilities. My second concern is that the bodies being subsumed will lose some or all of their vital independence from WG, which would be unhealthy in the extreme – for instance, if WG pushes for so-called regeneration and construction projects at the expense of the environment (economic gain over environment protection) or pursues policies such as the West Chester Plan – in whatever guise it currently operates under – it would give free rein to harmful developments which we currently would not countenance.

I am deeply suspicious that this may be an exercise in removing barriers preventing such developments, such as the use of Green land in Llangollen for factory construction or nearby unwelcome housing development proposals for Rhostyllen.

Martin Crumpton
Hafod-y-Maidd Ucha
Berwyn
Llangollen
LL20 8AL

From: afs036 [afs036@bangor.ac.uk]
Sent: 14 August 2012 05:45
To: SEB mailbox
Subject: Consultation

Dear SEB,

I have been involved in consultation during the setting up of the SEB, through my membership of the Welsh Woodland Strategy Advisory Panel. It was then abundantly and depressingly clear that all the important decisions had been taken, and the consultor was not interested in any view that conflicted with the officially preferred one. I assume that this consultation too will really be looking for submissions that support what has already been provisionally decided. My own experience, in what was formerly my own institution, of putting together three bodies, was that the efficiency gains promised never arose - indeed that a greater proportion of staff were transferred into a new management tier which duplicated functions at a different level rather than economising on them horizontally; that top-level management became more remote from the people actually carrying out the functions of the organisation, less understanding of their modus operandi, and more obstructive of their getting on efficiently with their work; that power games led to the imposition of a uniform model on a body with diverse needs. My advice to the minister is that he, or probably she subsequently, looks out for the above phenomena, and remembers that "I told you so".

With best, but not very optimistic wishes,

Colin Price
Formerly Professor of Environmental and Forestry Economics

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Rhif Elusen Gofrestredig / Registered Charity No. 1141565

Gall y neges e-bost hon, ac unrhyw atodiadau a anfonwyd gyda hi, gynnwys deunydd cyfrinachol ac wedi eu bwriadu i'w defnyddio'n unig gan y sawl y cawsant eu cyfeirio ato (atynt). Os ydych wedi derbyn y neges e-bost hon trwy gangymeriad, rhwch wybod i'r anfonwr ar unwaith a dilwch y neges. Os na fwriadwyd anfon y neges atoch chi, rhaid i chi beidio defnyddio, cadw neu ddatgelu unrhyw wybodaeth a gynhwysir ynddi. Mae unrhyw farn neu safbwynt yn eiddo i'r sawl a'i hanfonodd yn unig ac nid yw o anghenraid yn cynrychioli barn Prifysgol Bangor. Nid yw Prifysgol Bangor yn gwarantu bod y neges e-bost hon neu unrhyw atodiadau yn rhydd rhag firysau neu 100% yn ddiogel. Oni bai fod hyn wedi ei ddatgan yn uniongyrchol yn nhestun yr e-bost, nid bwriad y neges e-bost hon yw ffurfio contract rhwymol - mae rhestr o lofnodwyr awdurdodedig ar gael o Swyddfa Cyllid Prifysgol Bangor. www.bangor.ac.uk

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From: b e jones [813jones@talktalk.net]

Sent: 15 August 2012 12:14

To: SEB mailbox

Subject: new natural body for wales

Dear Sir/Madam,

Having received an e-mail regards a consultation regards the forming of a combined body to replace various departments that have served adequately for a number of years protecting our environment, I have to object most strongly to the financial imposition on the tax payer at a time of restraint to other more needy areas of the social structure.

Changes to letter heads of pre typed paper will cost massive amounts, and when the present establishment cannot even stop the installation of the un-slightly power masts to the detriment of my fair country, that only benefit the rich lords of England, my objection grows. The objection is not to the creation of power but the form it has taken, when, like Scotland we have the capacity to produce hydro power that can benefit wales without the need for sea barriers that take away the homes of sea life, Bird and Aquatic. Cardiff Bay being a prime example of the rape of the environment for the benefit of the rich money oriented land lords.

The whole process regards (Consultation) is a total waste of public money, as all the work had already taken place, yet , I like millions of welsh people, (The Tax Payers) were not asked prior to the formation of the new body, if such action was such a waste of finances.

In conclusion, a further tire of management is not a requirement for the efficient running of any department or government.

yours sincerely

B E Jones

From: Kieron Wiltshire [k.wiltsh@gmail.com]

Sent: 15 August 2012 20:49

To: SEB mailbox

Subject: <No Subject>

Every spring the three welsh fire and rescue services fight a huge number of deliberate grass and mountain fire, this costs the tax payers millions of pounds. At this time the fire and rescue services are joining forces with forestry commission wales in a project named 'WildFire', I understand that the welsh goverment is committed to partnership training program to all public service organisations in Wales.

My name is Roy Wiltshire working full time for the enviroment agency Wales, I also work as a retained firefighter for south wales fire and rescue service. The move to a single body will bring new ways of working. A way forward for the single body on incident response is to work closely with the fire service on wildfires, ie grass and forestry fires as training as wildfire firefighters to reduce the harm to wildlife and site of special interest scientific intrest and conservation areas. Taking this forward will also provide a wide range of opportunities for the single body workforce. This has the portential to create significant saving in working partnership.

Benefits

- A wider public service.
- Joint training.
- Protecting forestry assets.
- Protecting communities and neighbourhoods.
- A new approach to future work.
- Highly skilled workforce.
- Value for money in wales.
- Release firefighters for potential life risk emergency.

If this project is successful we will be the first in wales to make a big difference in a single body environment emergency workforce in wales, I am committed to pilot this project if successfull.

Thank you!

Mr Roy Wiltshire
11 Nant-Y-Fedw
CF45 4LS
Ynysboeth, Abercynon

House: 01443 741114
Mobile: 07828174809

From: Communications
Sent: 16 August 2012 10:20
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: </consultations/forms/singlebodyresponse2/>

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:

Your name:

Organisation (if applicable):

Email / telephone number:

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Not at all

If not, how would you change it?: I agree with the objectives, not with the mechanism. The new body brings operations and regulation together in a way that will cause conflict. For forestry this is relatively unimportant but for some of the old EA and CCW functions it will cause tension and lead to charges of poor accountability. Separate regulatory and delivery arrangements inevitably will be required in the future, I suggest that the regulatory functions should either be moved to a WAG division or a much stronger operational & regulatory separation should be built into the new body.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Yes

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?: Mainly

An important function of the Forestry Commission, covered in the 1967 act,

is to support education and research. Evidence to the recent Select Committee on Forest Research showed very starkly (a) that the Research Councils are not willing to support forestry research and (b) there is little capacity outside the Forestry Commission research agency for forestry-specific research - university research tends to be generic e.g plant ecology. Welsh forestry is very high quality, largely because of its access to good research. It is important that the new body maintains a positive mandate to support forestry research and has a budget-line to do so. The cross-border arrangements do support research but for the longer term, given that Scotland is also likely to change its arrangements for forestry, a specific mandate now to support forest research will give flexibility at a time of great institutional change in the forest sector. In respect of education, forestry is a fragmented sector with many small SMEs, landowners and single-proprietor businesses. Access to training is important and none of the players except FE have capacity for in-house training; the sector relies heavily on Forest Research advisory services and adaptation of FC practice. I suggest that the very welcome support for forestry should be specific about education and training. 'Forestry' is the management of forests to meet explicit, usually multifaceted objectives. It is a profession and Wales, despite its small forest area, is highly regarded for the quality of its professional forest management. The Institute of Chartered Foresters is strongly represented and active in Wales and presents a means for maintaining professional contacts and professional development once state forestry is part of a much smaller body. It would be very positive for Welsh forestry if the new body was mandated not only to support forestry but also, explicitly, the profession of forestry.

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?:

Mainly

If not what would you change?:

The new body is taking over the duties of the FC in Wales and should have a specific mandate to support research and education, even if in practice this means simply maintaining the current arrangements. Institutional change in forestry is likely to happen quickly and current arrangements cannot be relied on to persist.

Question 5: Do you agree with the proposals for the statutory consultee role?:

Yes

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the

Yes

opportunity to call
in significant
issues?:

If not what would
you change?:

Question 7: Do
you agree with the
proposals for
permitting?: Mainly

If not what would
you change?: I think that the arrangements leave the new body and its Minister open to
reputational risk and that more attention needs to be paid to demonstrating
that there is a distinct separation between the regulatory and operational
roles.

Question 8: Do
you agree with
these proposals for
charging?: Yes

If not what would
you change?:

Question 9: Do
you agree with the
proposals for
public registers?: Yes

If not what would
you change?:

Question 10: Do
you agree that the
new body should
be a listed body
under the
Regulatory
Investigatory
Powers Act
2000?: Yes

Question 11: Do
you agree that the
new body should
have powers to use
civil sanctions?: Yes

Question 12: Do
you agree with the
proposals for
appeal
arrangements?: Yes

If not what would
you change?:

Question 13: Do
you agree with the
proposals for cross
border
monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Yes

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

Forestry is a small sector and the new body will be a significant - in UK terms - employer of professional foresters. As staff terms and conditions of employment adapt over time there is likely to be divergence from publicly employed foresters elsewhere in the UK, leading to reduced mobility into and out of forestry in Wales. Welsh forestry is excellent and Welsh foresters have contributed very positively to the development of forestry practice across the UK. I hope that the new body will continue to encourage its foresters to become professionally qualified and to remain active in the Institute of Chartered Foresters, the Royal Society and other organisations that support forestry and forest science.

From: Mark Yorke [mailto:markyorkee@tiscali.co.uk]

Sent: 21 August 2012 13:33

To: Living Wales Programme Office - Swyddfa Rhaglen Cymru Fyw

Subject: RE: Ymgynghoriad Corff Adnoddau Naturiol Newydd Wedi Lansio / New Natural Resource Body Consultation Launched

With respect, I cannot see the practical value of further consultation on this subject. Assuming you receive say one hundred responses, all with a variety of suggestions, and no doubt "political positioning" included, will that be of any realistic help to decision making ?

In any case, surely Mr. Griffiths will already have a clear idea as to how the new organisation will operate and function ? If he does not, how can he have justified his proposal in the first place, and including the published business plan ?

Time is now very short as you know, before the new organisation is due for start up. I recommend that a group is set up NOW, to take decisions to answer the many questions to be considered, and which is made up of senior reps. (both technical and administrative) of the 3 existing organisations.

I will be interested to see after 5 years, the comparison between existing running costs in real terms, of the 3 organisations and that of the new organisation.

Mark Yorke

From: David Nattress [david@nattress.plus.com]

Sent: 24 August 2012 20:03

To: SEB mailbox

Subject: Additional consultation

Item 1

Who am I responding to? No signature to the Forward so am I responding to the Minister or Carrie Moss?

Item 2 General comments.

'The Environment' in Wales is dominated by water. It is a land of rivers and lakes. Water is our biggest and best natural resource. It is so sad that we have arrived at this juncture without the active incorporation of Dwr Cymru Welsh Water and the other water companies. If they can't be incorporated why are they not, at the very least, formally involved. They, after all, control vast tracts of land on which the rain falls, they then abstract the water and, when we have polluted it, they discharge it back into the environment. Perhaps there is no position, other than as potential despoilers of the environment, for the commercial companies but Dwr Cymru is a not-for-profit company operating only in Wales and there should have been some way of bringing it into this new body.

The other missing part is the Rural Payments Wales body which supports, with taxpayers money, the principal users of the Welsh environment, the farmers. Together with the single farm payment of European money the farmers are paid bewildering sums of money to preserve the environment and, by and large, they fail to do so. I live in Pembrokeshire and the state of the rivers here is a disgrace.

Once again the consultation is shot through with emphasis on the monetary benefits to be made out of the environment, particularly in respect to forestry. The Minister cannot have the penny and the bun. If his policies (including the forestry element of Glas Tir) result in blanketing the uplands of Wales with conifers he will; lose the fish (through acidification of the rivers), fail to control flooding (through enhanced run-off in heavy rain), saddle the Welsh economy with a publicly financed liability to provide timber for commercial undertakings with value added to the raw material being engendered outside Wales (or is he considering setting up a pulp mill somewhere), provide minimal units of long term rural employment and he had better remember what the wind can do to an upland forest.

Question 1

Where are the words 'improve' and 'develop' in relation to the purposes of the NRBW - they are part of the duties of the Environment Agency under Section 6 (6) of the Environment Act 1995. 'Maintained', 'enhanced' and 'used', all modified by 'sustainably' are not the same thing.

As to the wording of the second order 'conserve' doesn't cut it either. It means to maintain what we have now which (from the point of view of an angler in Pembrokeshire) is a seriously degraded situation from what it was a decade ago let alone what it was in living memory. I recently saw the state of Llyn Tegid/Lake Bala. Is the Minister suggesting that we should conserve what is there now (it is seriously polluted with blue green algae and please don't try and tell me that they are a naturally occurring phenomena)? He can't conserve the lake in its current condition because, every day, it is polluted with more phosphate and nitrate from the surrounding agriculture and it will eventually become a totally toxic mess. Unless there is a duty to improve the condition of the lake then some future Welsh Minister is going to have to explain to the people on Merseyside that they can't drink their tapwater without some degree of prejudice and we, in Wales, may be subject to legal action as a consequence. That is just a 'for instance'. The state of stocks of migratory fish is another and there are many more I am sure. There should be no complacency about what we have at present. The state of the environment appears to be deteriorating, fast, and it urgently needs improvement.

Question 2

I find I largely dis-agree with the proposals (and here we do get the use of the word 'improvement') because they duplicate the duties of the County Councils and National Parks. It appears that this proposed order is primarily aimed at engendering a financial return. I can assure the Minister that the

practices of the National Parks in relation to charging for car parking leave a very bitter taste in this consumers mouth and must, eventually, get Wales a bad name for exploitation.

The Minister should cut out the references to 'open air recreation' and the 'study of the natural environment' and give up on making a profit out of the fact that the Forestry Commission controls so much property. Open air recreation is well catered for by the multitude of properly organised and financed fishing, walking and climbing clubs. Walking in the Welsh countryside should be free as should the enjoyment of the publicly owned forests. You do not engender respect for and understanding of the natural environment if you charge someone £5 or more (£7 the last time I went to Cader Idris) to park on what is public property on a surface provided at public expense. Paragraphs 2. 2 (b) and 2. 3 cover the matter anyway and probably don't need to be restated.

The rest of the consultation is common sense and the application of law and I have no further comment.

David Nattress

From: Communications
Sent: 26 August 2012 20:00
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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: Derek Hector

Organisation (if applicable):

Email / telephone number: derek.hector@ntlworld.com

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?: Where there is public access e.g .the Forest at Forest Fawr north of Tongwynlais the safety of the public is paramount. At the moment this is being ignored at this Forest - there are no signed speed restriction signs (15mph I believe) and management sees no need to erect same saying that drivers are aware of the speed restriction. On questioning users this is blatantly not true. The situation is NOT monitored and I have made the decision not to use the Forest for my safety and the safety of those in my care when there is a likelihood of traffic on the forset track e'g TV companies filming.

Question 3: Do you agree with these proposals for the high level forestry duties?: Mainly

If not, how would you change them?:

Question 4: Do you agree with the general

proposals for cross-border arrangements?: Mainly

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?: Mainly

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

If not what would you change?:

Question 8: Do you agree with these proposals for charging?: Not at all

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?: Mainly

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Mainly

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?: Mainly

If not what would you

change?:

Question 13: Do you agree with the proposals for cross border monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Mainly

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Mainly

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them: As long as fauna growth is encouraged and 'protected' species continue to be protected and that there is no dilution in the powers to protect species and all wild life I'm happy.

From: Communications
Sent: 26 August 2012 20:00
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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: Derek Hector

Organisation (if applicable):

Email / telephone number: derek.hector@ntlworld.com

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?: Where there is public access e.g .the Forest at Forest Fawr north of Tongwynlais the safety of the public is paramount. At the moment this is being ignored at this Forest - there are no signed speed restriction signs (15mph I believe) and management sees no need to erect same saying that drivers are aware of the speed restriction. On questioning users this is blatantly not true. The situation is NOT monitored and I have made the decision not to use the Forest for my safety and the safety of those in my care when there is a likelihood of traffic on the forset track e'g TV companies filming.

Question 3: Do you agree with these proposals for the high level forestry duties?: Mainly

If not, how would you change them?:

Question 4: Do you agree with the general

proposals for cross-border arrangements?: Mainly

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?: Mainly

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

If not what would you change?:

Question 8: Do you agree with these proposals for charging?: Not at all

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?: Mainly

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Mainly

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?: Mainly

If not what would you

change?:

Question 13: Do you agree with the proposals for cross border monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Mainly

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Mainly

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them: As long as fauna growth is encouraged and 'protected' species continue to be protected and that there is no dilution in the powers to protect species and all wild life I'm happy.

From: Communications
Sent: 27 August 2012 17:30
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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

Your name: John Walker

Organisation (if applicable):

Email / telephone number: ty.cerrig@btinternet.com

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?: The the existing duty to 'have regard' for pollution control is not sufficiently robust and should be enhanced.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?: Yes

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Yes

If not what would you change?:

Question 5: Do you agree with the

proposals for the
statutory consultee
role?:

Yes

If not what would you
change?:

Question 6: Do you
agree with the
proposals to provide
internal separation of
decision-making,
improve transparency
and ensure Welsh
Ministers have the
opportunity to call in
significant issues?:

Mainly

If not what would you
change?: Don't understand the need for internal separation of decision making.
This sounds like a layer of complexity that should not be necessary.

Question 7: Do you
agree with the
proposals for
permitting?:

Yes

If not what would you
change?:

Question 8: Do you
agree with these
proposals for
charging?:

Yes

If not what would you
change?:

Question 9: Do you
agree with the
proposals for public
registers?:

Yes

If not what would you
change?:

Question 10: Do you
agree that the new
body should be a listed
body under the
Regulatory
Investigatory Powers
Act 2000?:

Yes

Question 11: Do you
agree that the new
body should have
powers to use civil
sanctions?:

Yes

Question 12: Do you
agree with the
proposals for appeal
arrangements?:

Yes

If not what would you change?:

Question 13: Do you agree with the proposals for cross border monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Yes

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

More needs to be done to prevent fly tipping on moorland. There should be a proposal for compulsory catch and release on all rivers More needs to be done to stop poaching. Enforcement officers need to be dealing with this problem instead of checking rod licences on stocked fisheries. Not enough is done to stop scrambling and quad bikes ruining moorland. There should be more control in these areas. Right of Access does not mean the right the destroy and disturb wildlife and habitat. I am not against recreational canoists using the rivers but there needs to be a closed season when they cannot use the rivers. More attention needs to be paid to fish breeding grounds. Canoists and rafters should be licenced (as are anglers) and should pay a fee to use the river (as do anglers)

From: Communications

Sent: 27 August 2012 22:30

To: SEB mailbox

Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: </consultations/forms/singlebodyresponse2/>

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

Your name: Keith Jones

Organisation (if applicable): Institution of Civil Engineers Wales Cymru

Email / telephone number: keith.jones@ice.org.uk / 029 2063 0561

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Yes

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Yes

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?: Yes

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Mainly

If not what would you change?: There is no arbitration mechanism or final decider if the cross border bodies do not agree, someone should have the final decision or a way of deciding.

Question 5: Do you agree with the proposals for the statutory consultee role?: Yes

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?: Yes

If not what would you change?:

Question 8: Do you agree with these proposals for charging?: Yes
 If not what would you change?:

Question 9: Do you agree with the proposals for public registers?: Yes
 If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Yes

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?: Yes
 If not what would you change?:

Question 13: Do you agree with the proposals for cross border monitoring?: Mainly
 If not what would you change?: A final decision maker should be determined in advance

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes
 If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes
 If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes
 If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Yes
 If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them: If there is not agreement between the new NRBFW and the EA / Natural England on any matter, a decision making structure / format should be determined in advance.

From: Communications

Sent: 10 September 2012 13:05

To: SEB mailbox

Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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

Your name: Keith Rogers

Organisation (if applicable): Blaenau Gwent County Borough Council

Email / telephone number: keith.rogers@blaenau-gwent.gov.uk

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Yes

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Yes

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?:

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Yes

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?: Yes

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

If not what would you change?:

Question 8: Do you agree with these proposals for charging?: Yes

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?: Yes

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Yes

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?:	Yes
If not what would you change?:	
Question 13: Do you agree with the proposals for cross border monitoring?:	Yes
If not what would you change?:	
Question 14: Do you agree with the proposals for statutory planning and reporting?:	Yes
If not what would you change?:	
Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:	Yes
If not what would you change?:	
Question 16: Do you agree with the proposals for UK wide arrangements?:	Yes
If not what would you change?:	
Question 17: Do you agree with the proposals for transitional arrangements?:	Yes
If not what would you change?:	
Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:	

From: Richard Sumner [Richard.Sumner@wrexham.gov.uk]
Sent: 14 September 2012 15:17
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation)
Natural Resources Body for Wales (additional consultation)

As a Landscape Architect working within Wrexham County Borough Council Planning Department and one of a very few landscape professionals providing comments to development control process within Wales, I am concerned that the resourcing and scope for landscape conservation and enhancement within the new Natural Resources Body for Wales is insufficiently represented within the consultation document:

- Landscape has been represented within the headings of Natural Beauty and Amenity. These are the historic duties of CCW, which have since evolved to accommodate and implement the European Landscape Convention. This point is recognised within Living Wales in the form of 'Cultural Landscapes', but not within the duties set out within the consultation document.
- Valued landscapes are not simply designated AONBs, National Parks, visible and accessed landscapes - which is what is suggested by the terms Natural Beauty and Amenity.
- The terms Natural Beauty and Amenity need to be expanded upon, to include Cultural Landscapes (European Landscape Convention) which I suggest could be encapsulated within the phrase - *Landscapes of intrinsic value for their distinctive character, features and perceptual qualities*.
- This recognition of Cultural Landscapes would allow a common approach across the landscape planning and management sectors at both national and local levels and fit with LANDMAP.
- It is imperative that CCW's current resourcing of landscape specialists who articulate the intrinsic value of both Wales' designated and non-designated landscapes is extended to meet the wider scope of the Natural Resources Body for Wales. This is to ensure that the European Landscape Convention approach is represented within the new body; landscape specialists can be active in continuing their monitoring and making of strategic landscape decisions – i.e. continuing Tranquillity mapping work, the strategic review of landscapes worthy of statutory designation for their natural beauty; and are in a position to advise other sectors of the new body (former EA and FC elements) of approaches which support landscape conservation and enhancement whilst undertaking their core duties.

Richard Sumner
 Landscape Officer
 Chartered Landscape Architect

Wrexham County Borough Council
 Community Wellbeing and Development\ Planning Department
 16 Lord Street
 Wrexham LL11 1LG
 Tel: 01978 298759
 Email: richard.sumner@wrexham.gov.uk

Take a look - you can pay, report, request, have your say and find information online at www.wrexham.gov.uk. Save paper - think before you print! This e-mail message and any attachments are intended solely for the individual or organisation to whom it is addressed. For full conditions in relation to content and use of this e-mail message and any attachments, please refer to http://www.wrexham.gov.uk/top_navigation/disclaimers.htm. Mae'r neges e-bost hon ac unrhyw atodiadau wedi eu bwriadu ar gyfer yr unigolyn neu'r sefydliad y'i cyfeirir atynt yn unig. Am yr amodau llawn ynglyn a chynnwys a defnyddio'r neges e-bost hon ac unrhyw atodiadau, cyfeiriwch at http://www.wrecsam.gov.uk/top_navigation/disclaimersw.htm.

From: Communications

Sent: 20 September 2012 09:55

To: SEB mailbox

Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: </consultations/forms/singlebodyresponse2/>

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: Douglas Malpus

Organisation (if applicable): British Canoe Union

Email / telephone number: dougoutcanoe@hotmail.com

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Not at all

If not, how would you change it?: Due to increasing problems with riparian owners and anglers trying to deny access to natural rivers, I believe it is time to clarify the situation and indicate to the fisheries people that canoeing and other non-motorised activities have the right to use our rivers.

Question 3: Do you agree with these proposals for the high level forestry duties?: Mainly

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Mainly

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?: Mainly

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Mainly

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?: Mainly

If not what would you change?:

Question 8: Do you agree with these proposals for charging?: Not at all

If not what would you change?: Our natural resources should be freely available but supported by taxation.

Question 9: Do you agree with the proposals for public registers?:

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Yes

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?: Yes

If not what would you change?:

Question 13: Do you agree with the proposals for cross border monitoring?: Mainly

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Mainly

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Mainly

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them: Access to rivers for non-angling activities must be clarified. The 1472 Act for Wears and Fishgarths affirms that between the statute of Magna Carta and 1472 there was a public right of navigation on all rivers. This is still current legislation.

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Chairman Dr Jean Rosenfeld
Cyfarwyddwr Director Peter Ogden

Ms Carrie Moss,
Living Wales Programme Team,
Department for Environment & Sustainable Development,
Welsh Government,
Government Buildings,
2nd Floor, CP2,
Cathays Park,
Cardiff.
CF10 3NQ

September 20th 2012

Dear Carrie,

Natural Resources Body for Wales

Response by the Campaign for the Protection of Rural Wales (CPRW)

1. General comments

1.1 The Campaign for the Protection of Rural Wales is pleased to comment on the proposed the role and functions of the new Natural Resource Body for Wales and the manner in which it will be configured to enable it to fulfil its new role and responsibilities. The form and scope of this new organisation and manner in which it undertakes its work are all of direct significance to CPRW's and its interests in protecting the intrinsic character of all the landscapes Wales, promoting their responsible use and ensuring that the quality of life and vitality of those rural communities which rely on these assets, is enhanced.

1.2 Whilst CPRW recognises that the scope of the existing consultation is somewhat constrained by prevailing legal procedures, we believe that it is crucial that any reconfiguration of the responsibilities of the three current bodies eventually achieves a number of fundamental outcomes

- **The full range of functions of the existing organisations are transferred** in a manner which affords them all at least the same weight and relevance in the role of the new body, as they had in their predecessors organisations.
- **Sufficient flexibility and opportunity is inbuilt in the expression of the new Body's remit and its core functions**, to enable it to evolve in a creative and ambitious manner as circumstances require or necessitate.
- The role and functions of the new body are legally expressed in a manner which enables it to be **a powerful, creative and influential force for the responsible and sustainable stewardship of Wales's natural resources**,

thereby ensuring it protects and enhances the quality and diversity of all aspects of Wales's landscapes and seascapes.

- **The new body's primary responsibility is to discharge its duties and functions in a manner which safeguards Wales's environmental heritage and furthers the enhancement of the functional values of its natural resources.**

1.3 Without a clear articulation of these responsibilities in the composition or wording of the Final Order, we would be particularly concerned that the legally defined role and functions of the new body will not enable it to be progressive and deliver the opportunities and new approaches which the emerging the Living Wales agenda offers and indeed requires.

1.4 For these ambitions to be realised, we therefore suggest that an Annex to the current Order be issued either before or soon after the establishment of the new body in April 2013, which specifically outlines the additional responsibilities it would be expected to embrace over and above those included in the Final version of this Order.

1.5 These requirements should include from a landscape perspective, a clear expression that the new body will have specific responsibilities for:

- **Promoting increased awareness of the principles of the European Landscape Convention and championing and monitoring its effective implementation in an appropriate Welsh context.**
- **Actively working with partners and stakeholders to improve the quality, diversity and opportunities that Wales's landscapes and seascapes offer in enhancing public benefits and well being.**
- **Producing appropriate planning, management and delivery advice to Welsh Government which ensures that the quality and functional integrity of all landscapes are maintained and the range of environmental goods and services they offer are increased.**
- **Ensuring that a long term vision for Wales's landscape heritage is delivered by the proposed Living Wales approach through the sustainable and responsible stewardship of the nation's natural resources in ways which enhance the distinctiveness of the nation's cultural identity.**
- **Realising the conservation and management of land and sea in an unified and integrated manner.**
- **Designating and showcasing Wales's finest landscapes and seascapes and acting as their co guardians, by securing the necessary resources to enable them to be managed in ways which reflects their international importance.**
- **Overseeing the preparation of the proposed National Resource Management Plan and its local equivalents and ensuring that these frameworks are implemented successfully.**

1.6 We therefore believe that a principle role and key responsibility of the new Natural Resources Body, which should be included in this Order or a subsequent amendment to it should be:

“the development and promotion of responsible landscape and seascape stewardship approaches which enable the sustainable management of these assets to enhance their values and increase the public benefits they provide ”

1.7 The strategic principles upon which the new body should focus to achieve this integrated approach to the management of the landscapes of Wales are illustrated as follows. As can be seen these reflect the fact that the Body’s ambitions for the future management of the landscapes of Wales should be firmly rooted in a framework which recognises the increased added value that responsible human use of our natural resources provides. These benefits manifest themselves not only by enhancing the quality of the environment itself but also in terms of increased public well being and increased economic prosperity.

An Integrated Landscape approach



1.8 We are particularly concerned therefore that many of these important characteristics and dimensions which should guide the management of the landscape and the relationship between them, have to date been significantly underrepresented

in the proposed role, functions and scope of the work of the new Natural Resources body

1.9 This concern is reinforced by the fact that other than the reference to historic landscape and a mention of landscape protection in paragraph 3 of Section 4 on Page 7, there are no other specific references to “landscapes”.

1.10 Equally the lack of clarity of the landscape role of the new body is further highlighted by the absence of any reference to its custodial role in the protection of landscapes of historic and cultural importance, an existing responsibility of CCW.

1.11 We believe both these to be significant weaknesses in the composition of the Order which should be rectified.

1.12 Accordingly we therefore suggest that specific recognition of the overarching role that landscapes play and the integrating framework which they provide for planning and managing Wales natural resources should be clearly expressed in the Order as a key function of the new body in achieving its sustainability objectives.

Marine issues

1.13 Despite two of the three legacy bodies having interests and responsibilities for the planning and management of the marine environment, there appears to be no reference to or consideration of how these existing coastal and marine functions will transfer and thereafter feature in the work of the new body.

Partnership working

1.14 Although the partnership arrangements and delivery mechanisms which the new body adopts will need to be confirmed once it is established, we are surprised that the existing Order does not specifically refer to or express the need for the Body to operate in a manner which engages effectively with external stakeholders and interested parties.

1.15 We trust all these matters will be addressed and rectified when the more ambitious and outward role of the new body is formalised either through amendments to this existing Order or by subsequent revisions of it in the future.

1.16 Notwithstanding these concerns, the remainder of this response focuses on the content and issues posed in the existing consultation document.

2. Detailed comments

Section 2: Legal approach and timetable

2.1 Whilst acknowledging the limitations of this Order, we are concerned that the emerging role and range of functions of the new Body, appear to be very inward looking

and focus largely on the mechanistic processes of environmental regulation. This concern is prompted because the current expression of the role and functions of the new body appears to be largely confined to the amalgamation of those approaches and processes which characterise the existing functions of the three legacy bodies.

2.2 This sense of unease is reinforced by the fact that the proposed remit and scope of the new body (and hence the wording of this second version of the proposed Order) appears to be shaped solely by the interpretation of a limited number of existing themes namely natural beauty, conservation, access, protection of the historic landscapes and forestry.

2.3 Using these as the only templates for the role of the new body not only appears to unnecessarily limit its remit but fails to take the opportunity to guide its work in more ambitious, creative and integrated manner. As a result the current Order appears to point the work of the new body in a backward facing direction, rather than offering it a forward looking enabling role which will allow it to embrace the agenda of the forthcoming Environment Bill and the step change in environmental management which the Living Wales agenda, we anticipate will introduce.

2.4 Given these circumstances, we are therefore surprised and concerned that there is no obvious reference or any stated link between the functions of the new body and its role in the development and delivery of the new Living Wales Agenda. We believe that the Order must include direct reference to the overarching role and responsibilities that the new Body will have for this area of work.

2.5 In summary we hope therefore that the final version of this Order will position the new body as an outward facing, creative organisation responsible for the delivery of the Welsh Government's ambition to safeguard the quality of the natural resources we currently have and promote their future use in sustainable, innovative and responsible ways.

Part 1 Overarching duties

Section 4.1 Purpose and cross cutting duties

2.6 Any final version of the Order or text accompanying it, must we believe refer to the new body fulfilling all existing European obligations and statutory requirements. Specific reference in this context should be made to its role in implementing the Welsh Government's commitment to the European Landscape Convention.

2.7 Likewise because of the wording of the current Order, it is unclear whether **all the existing functions** of the legacy bodies will be transferred across in their entirety and with the same degree of commitment to the new one. We would be extremely concerned if this was not the case and seek confirmation of this fact especially in relation to CCW's landscape duties and responsibilities.

Box 1 Page 8

2.8 Whilst we appreciate that the “purpose” of the new Body was set out in the First version of the Order, we believe that further elaboration of this purpose would be beneficial in this Second version. In particular we suggest that the existing purpose of the body (As set out in Box 1 Article 4) is qualified as follows

(1) The purpose of the Body is to ensure that *the quality and diversity of the environment and natural resources of Wales are adequately protected and thereafter they are-*

a) sustainably maintained

Article 4 Clause (2) (b)

Definition of environment

2.9 Likewise if the new body is to be charged with the “*protection of the historic environment*” then the definition of “environment” as stated in Clause 2 of Article 4 will need to be amended to reflect this fact. We suggest Clause (2b) should read

“environment includes without limitation, living organisms, ecosystems **and historic or cultural assets**

2.10 Defining “environment” in this more comprehensive way would ensure that the new body must ensure that in undertaking its work the important cultural services, intangible qualities and sense of identity that landscapes provide, their “Bro” are accounted for and promoted appropriately.

Page 9 Section 4.4.1

Natural beauty and nature conservation duties.

Para 1 and “The intention:”

2.11 Whilst acknowledging the use of the term “natural beauty”, we do not believe it is particularly helpful or correct in a modern day context, as it does not capture the full range of landscape responsibilities we would expect the new body to address.

2.12 Although natural beauty still has relevance and was a worthy reference point in the past, it is too limiting and somewhat outdated and does not embrace all the important dimensions and characteristics of landscape stewardship that the new body needs to embrace in planning and managing the natural assets of Wales in the future.

2.13 The integrated landscape approach we suggested previously should we believe provide the strategic framework for the new body’s work across all the landscapes and seascapes of Wales.

Question 1

Proposal for the duties of the new body in respect of conservation and natural beauty

2.14 Subject to our previous comments, whilst welcoming the general intention of this Section, we suggest that the following amendments to the wording of Box 2 would enable the new body to achieve its functions more effectively and more consistently with CCW existing responsibilities for conservation and natural beauty.

Section (a) Para 1

2.15 We suggest the following amendments

Line 4 amended to read

... to ***discharge*** any power with respect to the proposals so as to further the conservation and enhancement of...

Line 6 amended to read

... physiographic features ***especially those having particular value or significance***"

2.16 Similarly to enable the new body to discharge its functions in a more inclusive and consistent manner we believe that Clause (i) and (ii) of Section (c) should be incorporated into Section (a).

2.17 In addition, the new body should have a responsibility to ***discharge*** these functions rather than it being expected to "*have regard to*" or "*taking into account of*" the various issues identified in Sections ci, cii and ciii

Forestry duties

2.18 So far the expression of Forestry duties as outlined in Paragraphs 5 and 6 on Page 10, we do not accept or agree that the "*balancing duty*" proposed for the Forestry Commission is sufficient.

2.19 We fail to see how the intent in respect of the "*duty of care towards the environment*" can be different for one part of a single corporate organisation than it is for its other parts, especially if the whole organisation is collectively charged with ensuring that Wales's natural resources are used in an integrated, consistent and sustainable manner. Apart from this creating an internal strategic inconsistency within the body, we also believe it would cause difficulties if an activity was being promoted which "balanced" but gave less weight to the environmental consequences an activity, than had that same scheme been considered in a manner which was required to "further the interests of conservation and natural beauty.

2.20 We likewise cannot see how this proposed differential approach towards forestry would enable any future National Resource Management Plan to coherently guide the comprehensive and integrated use of **all our** natural resources in a consistent manner. For that reason we believe the suggested Alternative 2 is preferable with the removal of the term "... special interest". For consistency we believe that the forestry interests of the new body must therefore be mandated to **"further the proposed natural beauty and nature conservation duty"** when undertaking these activities, thereby ensuring the consistency of approach mentioned above. Notwithstanding that we certainly would not wish to see the current "duty of care" responsibilities of the Forestry Commission weakened or removed.

Section (a) Clause (ii)

2.21 We not agree that the proposed "conservation and enhancement duty" of the new body should be subordinate to the intentions of Clause (ii) in respect of the objective of Ministers achieving Sustainable Development.

2.22 As it stands this statement is illogical and unnecessary. For any proposal to be sustainable it must be consistent with good practice principles for the conservation of natural beauty, flora, fauna etc, themselves a fundamental component of Sustainable Development.

Question 2: Public access and recreation duties

2.23 Whilst supporting the overall tone and intentions of this section we believe the following further amendments to the text are necessary

Page 13 Box 3: Section 1. Line 1

2.24 The word **"protect"** should be inserted before the phrase "*... promote and facilitate public access to*"

Section 2 Clause (a) and (b)

2.25 To ensure that these activities are undertaken in a manner which is consistent with the body's other conservation duties the following wording should preface Section 2 Clause (i) and (ii)

..quiet and responsible enjoyment of the countryside

Question 3: Forestry duties

Page 15: The proposal

2.26 As mentioned previously we disagree with the proposed high level "balancing" duty for forestry as we do not believe this is sufficient. Sustainable management approaches require an integration of interests rather than a balancing of them and a winner takes all scenario prevailing.

2.27 So far the positioning of this duty is concerned; we see no reason why this is necessary if the forestry interests of the new body are subject to the same duty to “further” natural beauty and nature conservation as the other parts of the new body. For that reason we believe this duty is best included in the body’s nature conservation duty and not independent of it.

Question 6: Internal separation

2.28 We agree in principle with the proposals to ensure internal separation of any decisions relevant to the body’s own activities. However we consider it would be beneficial in order to ensure complete transparency in the process, that instead of simply listing any legal permits the body has issued, this register should contain a list of the relevant permits it **intends** to issue.

2.29 A 21 day notification period should then complement this provisional listing, thereby providing an opportunity for interested parties to view the information upon which the proposed decision is based and being able thereafter to submit representations to the Minister regarding their conclusions and hence the legitimacy of the proposed final decision.

Question 17: Transitional Arrangements

2.30 CPRW agrees with this proposal

Table 2 Main duties of the CCW

2.31 It is unclear whether the Order as currently worded includes the transfer of all the functions of the existing legacy bodies.

2.32 It would be helpful if the final wording of the Order confirmed that this is the case especially in respect of CCW’s non-regulatory function for instance its existing Experimental powers, its responsibilities for Protected Landscapes, its Grant aid powers and its responsibilities to work with its range of existing partners in furthering its conservation objectives.

3 Summary

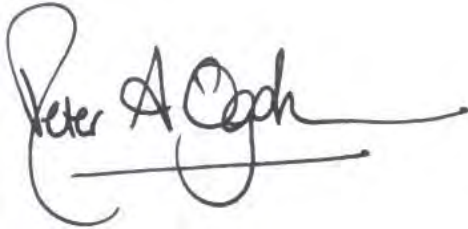
3.1 In conclusion CPRW believes that there are a number of deficiencies and amendments which are necessary to the Order as currently proposed to enable the new Resources body to act in a manner which will enable it to fulfil the roles of its predecessors and at the same time be progressive and outward facing.

3.2 I trust that the above comments prove helpful and confirm that they can be made available to others if so required. In the meantime, I would be grateful for your acknowledgement of the safe receipt of this submission and in due course welcome

sight of the Government's responses to the representations it receives on this important document.

Thanking you in anticipation.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Peter Ogden', with a long horizontal flourish extending to the right.

Peter Ogden
Director

Gogledd Cymru/North Wales:
highplains@angler9.wanadoo.co.uk



www.cpwf.co.uk

De Cymru/South Wales:
secretary@ogmoreanglingassociation.com

25 Ceg y Ffordd
Prestatyn
Denbighshire
LL19 7YD

Mobile: 07527402291

24th September 2012

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

Dear Carrie,

Re: Natural Resources Body for Wales (additional consultation)

May we again thank you for offering us the opportunity to respond to the second consultation document on this matter, on behalf of the Campaign for the Protection of Welsh Fisheries and the many thousands of anglers who have pledged their support to our stated aims and objectives as defined in our mission statement which can be read on the Campaign web site located at www.cpwf.co.uk.

We apologise that this submission is not submitted in a bi lingual format.

Our comments are as follows:

**Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all).
If not, how would you change it?**

Mainly, except that physiographical is defined as "the systematic description of nature in general", which must therefore include both native animal as well as aquatic species. The native animal and aquatic species of Wales are directly responsible for the generation of a substantial revenue stream to the country and as such are deserving of protection and enhancement, particularly when considered in conjunction with the following wording included in the last paragraph of the possible wording of the second order:

*"yr ymgyrch mater unigol ar ran genweirwyr Cymru: lleol ac ymwelwyr."
"The single issue campaign on behalf of the anglers of Wales: local and visiting"*

“to have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.”

The document appears to exclude reference to enforcement in relation to our inland fisheries yet angling in Wales generates a revenue stream in excess of £100 million each year and this amount is growing. The protection of our fisheries is an investment and the investment is well worth the relatively small cost of adequately funding it.

**Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all).
If not, how would you change it?**

Mainly, save that there appears to be an omission of the word “protect” from the first sentence included in Box 3. **Possible wording for the second order**

“The NRBW may take such steps as it considers appropriate to promote and facilitate public access to, and enjoyment of, the countryside and open spaces in Wales.”

The current levels of apparent criminality associated particularly with our inland waterways often involves actions and individuals the very presence of who inculcate fear in the rightful and legal users of those recreational facilities. There are now regular reports of water users being chased off or being frightened off our inland waters

**Question 3. Do you agree with these proposals for the high level forestry duties? (Yes, Mainly, Not at all).
If not, how would you change them?**

No comment.

**Question 4. Do you agree with the general proposals for cross-border arrangements? [Yes, Mainly, No]
If not what would you change?**

The details offered are insufficient to draw meaningful conclusion, however the lack of even the mention of cross border river enforcement activity is of great concern. These combined bodies seem determined to bury the issue. Most concerning. I would certainly like to see reference to cross boarder river protection and enforcement.

**Question 5. Do you agree with the proposals for the statutory consultee role? [Yes, Mainly, No]
If not what would you change?**

Broadly, however there is no mention of consultation with stakeholders and given that there fisheries interface with eh Environment Agency Wales: FERAC is being disbanded I think it critical that some form of consultative body be set up to facilitate meaningful communications and dialogue between the fisheries interests in the new body and the representatives of the recreational angling community both fresh and saltwater.

With regard to enforcement: again there is no reference to enforcement of fisheries as required by Salmon and Fresh Water Fisheries Act. I would like to see a clear statement of intent.

*“yr ymgyrch mater unigol ar ran genweirwyr Cymru: lleol ac ymwelwyr.”
“The single issue campaign on behalf of the anglers of Wales: local and visiting”*

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? [Yes, Mainly, No]

If not what would you change?

No meaningful comment.

Question 7. Do you agree with the proposals for permitting? [Yes, Mainly, No]

If not what would you change?

At last a mention of angling! The current licensing arrangement includes a subsidy to finance fisheries protection. We are convinced that the current levels of fisheries funding are inadequate to provide meaningful protection of our fisheries. For example the

Question 8. Do you agree with these proposals for charging? [Yes, Mainly, No]

If not what would you change?

Broadly, however we feel that there is much time and effort as well as revenue generated by visiting anglers to Wales and we would urge that efforts be made to distinguish visitors from local anglers to investigate if a potential source of additional revenue is possible from, licences purchased across the border but used by anglers mainly fishing in Wales.

Question 9. Do you agree with the proposals for public registers? [Yes, Mainly, No]

If not what would you change?

No comment

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? [Yes, Mainly, No]

Yes.

Question 11. Do you agree that the new body should have powers to use civil sanctions? [Yes, Mainly, No]

Yes, however I think targets should be agreed with stakeholders, especially with regards to fisheries enforcement. Targets need to be realistic, meaningful and measurable but equally important they need to be relevant as well as challenging. Many of the current targets set for the enforcement and fisheries section fail to meet these basic criteria.

Question 12. Do you agree with the proposals for appeal arrangements? [Yes, Mainly, No]

If not what would you change?

No comment.

Question 13. Do you agree with the proposals for cross border monitoring? [Yes, Mainly, No]

If not what would you change?

Mainly, however there is again no reference to cross border co-operation with regard to intelligence sharing and enforcement with regard to fisheries yet much of our border with England is marked by the Rivers Dee and Wye, both of which are heavily poached, particularly in the upper reaches.

*“yr ymgyrch mater unigol ar ran genweirwyr Cymru: lleol ac ymwelwyr.”
“The single issue campaign on behalf of the anglers of Wales: local and visiting”*

Question 14. Do you agree with the proposals for statutory planning and reporting?
[Yes, Mainly, No]
If not what would you change?

Broadly, however I would like to a requirement for consultation with stakeholders.

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH?
[Yes, Mainly, No]
If not what would you change?

No comment.

Question 16. Do you agree with the proposals for UK wide arrangements? [Yes, Mainly, No]
If not what would you change?

Mainly, however there is no mention of UK wide arrangement to share fisheries protection information, details of know poachers, gangs or potential gang activity especially given the cultural differences between Western and Eastern Europeans.

Question 17. Do you agree with the proposals for transitional arrangements? [Yes, Mainly, No]
If not what would you change

No comment.

In conclusion:

With regard to this consultation document in particular, as with its predecessor, we feel all the questions were “closed” in that they limit the scope for broader comment on more specific and, we believe, relevant issues. For example the fisheries section of the current Environment Agency Wales account for approximately 3% of the Agency budget and about 3% of Agency staff, we are extremely concerned that in the new body Fisheries and Fisheries Enforcement will have become such a tiny part of the whole such that it will lack influence and essentially be buried under the might of the giant that the new organisation will become. It is our view that such a fate is unbecoming for such an important function as the protection of Welsh fisheries, especially the Salmon and Sewin that are synonymous with the nation of Wales to those from outside the province.

In conclusion, I think it fair to say, that we, as an organisation, have worked hard to establish a working relationship with the fisheries section of the Environment Agency Wales. We are about to launch a Bailiffs handbook for the River Clwyd system, which has been produced in collaboration with the Agency and the North Wales Police. We are working to enhance the environment on a major tributary of the Clwyd system and hope that these initiatives will be taken up throughout Wales, tailored to each of the river systems. Anglers generally are being encouraged to take a sustainable approach to their sport and the numbers returning caught salmonids to continue their journey up river to spawn is increasing greatly year by year. We believe we have been in the past and will continue to be in the future guardians of our rivers systems and the fish that depend upon them. However we cannot and should not be expected to protect our fisheries from the ravages of illegal activity: we have neither the power nor the resources.

“yr ymgyrch mater unigol ar ran genweirwyr Cymru: lleol ac ymwelwyr.”
“The single issue campaign on behalf of the anglers of Wales: local and visiting”

We hereby appeal to the members of the new Assembly Government not to be the Government that instigated the failure and destruction of our fisheries by neglect and indifference and respectfully request that they give serious consideration to removing fisheries protection from the potential monolith of the three combined bodies and set up a separate body with responsibility for the protection of all our fisheries, be they fresh or salt water and provide that body with adequate funding to carry out their duties.

Yours sincerely

Allan Cuthbert
For the Campaign for the Protection of Welsh Fisheries
Web site: www.cpwf.co.uk

Only when the last tree has died and the last river been poisoned and the last fish been caught will we realise that we cannot eat money (Cree Indian saying)



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24th September 2012

Dear Sirs,

Re: Natural Resources Body for Wales (additional consultation)

We write in response to the Welsh Government's (WG) additional consultation on the Natural Resources Body for Wales (NRBW). The Royal Yachting Association (RYA) welcomes the opportunity to respond to this consultation and does so in collaboration with the Welsh Yachting Association (WYA).

The RYA is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at the 2000, 2004 and 2008 Olympic Games.

The WYA is established to promote the sport of sailing, windsurfing and power boating in Wales and acts as the RYA Council for Wales. The WYA represents 85 affiliated member clubs and 64 registered Training Centres together. It is grant aided by Sports Wales and works closely with the National Watersports Centre in Plas Menai. With an estimated 25,000 club and individual members the WYA represents one of the biggest sports in Wales.

Questions

1. Do you agree with our proposals for the duties of the body in respect of conservation and natural beauty? If not, how would you change it?

In general we are in agreement with the proposals for the duties of the NRBW in respect of conservation and natural beauty. In particular we are pleased to note the requirement for ministers and the NRBW to 'have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas'. We do however

have concerns about the migration of the Environment Agency Wales' (EAW) function to promote the 'amenity of inland and coastal waters' as we see no mention of it in Box 2. This is in our view an essential function of EAW and one that needs to be taken up by the NRBW. We raised this issue in our response to the 'Natural Resources Wales' consultation in February 2012 and have yet to receive a response from WG. We look forward to receiving clarity on this matter.

2. Do you agree with the proposals in respect of public access and recreation duties? If not, how would you change it?

We are extremely pleased to see this vital element of WG's work being so clearly migrated across to the NRBW. Given the recent increase in legislation relating to the marine environment we are surprised to see no reference to coastal access and the importance of the sea for recreational purposes. It is essential that the NRBW has responsibilities to make all types of water (inland and coastal) available for recreation and that it is clear that these responsibilities extend to maintaining and where possible improving access points across the foreshore.

The absence of good coastal access points could severely limit the boating/sailing sectors' ability to contribute to the WG's 'Creating an Active Wales' Strategy. Active Environments are one of its key themes with an associated strategic aim of "developing and maintaining a physical environment that makes it easier and safer for people to choose to be more physically active". Within the listed priorities in the Active Environment section are "Ensuring that the natural and built environment encourages people to be physically active" and "to increasing availability, access and use of high quality local green space, waterways and the countryside". It is our view that by clearly defining the remit of the NRBW on this matter will help to enable achievement of WG's wider aims.

Q3. Do you agree with these proposals for the high level forestry duties?

The RYA and WYA do not have a remit to comment on the proposals relating specifically to forestry duties.

Q4. Do you agree with the general proposals for cross-border arrangements?

Good cross-border relationships are essential for much of the work that the NRBW will undertake and we are pleased to see these general principles laid out. We have no further comments to add at this stage.

Q5. Do you agree with the proposals for the statutory consultee role?

Yes.

Q6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?

Yes although we feel it will be essential that stakeholders are aware of where proposals for plans or programmes to be undertaken by the NRBW are published. Should a stakeholder wish to contribute views to any EIA, HRA or SEA there should be a mechanism by which they can do so. This together with the power of Welsh Ministers to 'call in' applications will provide essential 'checks and balances' on the work the NRBW wishes to carry out.

Q7. Do you agree with the proposals for permitting?

In general, yes. We do however have some concerns about the proposals to enable the NRBW to set 'separate sets of standard rules for Welsh permits'; many organisations operate on a cross-border basis and to introduce a separate set of standard rules for Wales has the potential to cause confusion. We would be grateful if WG could provide more guidance on where they anticipate deviation from the existing standard rules and perhaps give examples of why such a change will be advantageous given that in practice it is anticipated that 'a high degree of alignment between England and Wales' will continue.

Q8. Do you agree with these proposals for charging?

Yes and we look forward to being consulted on new fee proposals as they are developed.

Q9. Do you agree with the proposals for public registers?

Yes.

Q10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000?

Yes.

Q11. Do you agree that the new body should have powers to use civil sanctions?

In principle yes however we look forward to having the opportunity to comment on the relevant policies and guidance as they are drafted by the NRBW.

Q12. Do you agree with the proposals for appeal arrangements?

We have no objections to the proposals for Welsh Ministers to hear appeals in respect of all Welsh matters and we look forward to learning more about the mechanisms to enable this arrangement.

Q13. Do you agree with the proposals for cross-border monitoring?

Yes.

Q14. Do you agree with the proposals for statutory planning and reporting?

Yes. We would like to take this opportunity to highlight the importance of stakeholder engagement in the development of River Basin Management Plans, particularly in cross-

border circumstances. Given the wide range of issues tackled through RBMPs especially in the Severn Estuary it is essential that stakeholders can contribute to developing appropriate actions as necessary.

Q15. Do you agree with the proposals for Civil Contingencies and COMAH?

Yes.

Q16. Do you agree with the proposals for UK wide arrangements?

Yes.

Q17. Do you agree with the proposals for transitional arrangements?

We agree that the second order needs to define a wide range of transitional arrangements including those laid out in section 11 of the consultation document. We note from page 5 of this consultation that the WG intends to 'consider the responses from this (the first) consultation and publish a summary by the end of October 2012' and then 'Lay the second draft order in November 2012'. The RYA and WYA look forward to reviewing the summary of and WG's response to stakeholder comments on the first consultation (issued in February 2012). In the absence of this summary it is difficult to offer substantive comments on the proposals for the transitional arrangements. The list provided in section 11 however appears to be logical and we see no obvious omissions.

I hope the comments provided in this letter are useful. If you wish to discuss any of the issues raised in this letter then please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caroline Price', on a light-colored background.

Caroline Price
RYA Planning and Environmental Advisor

Proposals for a single environment body

A response to consultation from Mick Green BSc, MA, CEnv, FIEEM.

I am an ecologist with over 20 year's experience of working in conservation and ecology in Wales. I have experience of working in Government, NGO and commercial fields and am involved in many on-going research and monitoring projects in Wales.

I am very concerned at the failure to meet the 2010 target to halt the decline of biodiversity and am witnessing at first hand the declines in many of the species I am working on monitoring and see no evidence of any commitment to work towards the new 2020 targets. .

I therefore welcomed proposals to develop a single, strong body to manage the Welsh environment. I did however have considerable concerns over the detail of the proposals laid out in the previous consultation. In my previous response I made it clear that these concerns were reflected in the proposed aim of the new body to "maintain, develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future' and I expressed a view that the new body should have a specific purpose to halt biodiversity losses and enhance Wales' biodiversity into the future.

Whilst I acknowledge the economic importance of our natural resources it must also be recognised the nature has an intrinsic value as well and this must be reflected in the purpose of the body. It must also be remembered that we have international commitments to halt biodiversity losses and the new body must be at the forefront of delivering those commitments. The purpose to "further the conservation, restoration and enhancement of ecosystems" is not sufficiently robust and there must be an explicit commitment to halt and reverse losses contained within the main purpose of the new body.

I was therefore extremely disappointed that the proposed wording for the purpose of the new body remains weak and appears to have no ambition for the body to halt biodiversity loss. It must be remembered that the original reason for the development of the 'Living Wales' strategy was our failure to meet the 2010 target to halt losses.

Having a vague duty to "further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features" has not enabled the existing bodies to stop biodiversity loss, nor get anywhere near achieving the 2010 target.

If we are serious in Wales about the UK (and Wales') commitment to the EU 2020 biodiversity and ecosystem services target and also to the 2050 EU vision (see EU summary target and vision statements set out below) then, along with our global commitments under the Convention on Biological Diversity, these targets must be reflected in the duty of Ministers and of the new body.

I am not qualified to provide legal wording but we feel strongly that the Ministers and the new body must have a specific legal duty to halt biodiversity loss and restore ecosystems in line with our international commitments.

Mick Green CEnv, FIEEM September 2012

The EU Targets:

The European Commission has adopted an ambitious new strategy to halt the loss of biodiversity and ecosystem services in the EU by 2020. There are six main targets, and 20 actions to help Europe reach its goal. Biodiversity loss is an enormous challenge in the EU, with around one in four species currently threatened with extinction and 88% of fish stocks over-exploited or significantly depleted.

The six targets cover:

- Full implementation of EU nature legislation to protect biodiversity
- Better protection for ecosystems, and more use of green infrastructure
- More sustainable agriculture and forestry
- Better management of fish stocks
- Tighter controls on invasive alien species
- A bigger EU contribution to averting global biodiversity loss

The strategy is in line with two commitments made by EU leaders in March 2010. The first is the 2020 headline target: "Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss"; the second is the 2050 vision: "By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided."

It is also in line with global commitments made in Nagoya in October 2010, in the context of the Convention on Biological Diversity, where world leaders adopted a package of measures to address global biodiversity loss over the coming decade.

BARON HILL ESTATE

BARON HILL, BEAUMARIS, ANGLESEY LL58 8YT
TELEPHONE AND FACSIMILE: 01248 810322

Carrie Moss
Living Wales Programme Team
Department for Environment and Sustainable Development
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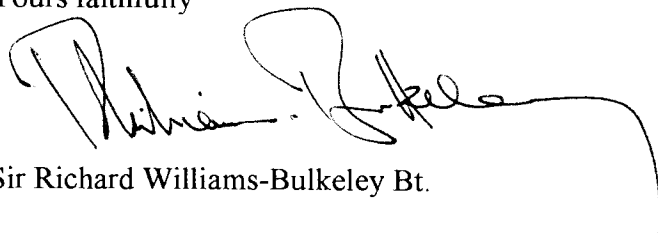
21 September 2012

Dear Madam

Natural Resources Body for Wales (additional consultation 13 August 2012 to 5th October 2012)

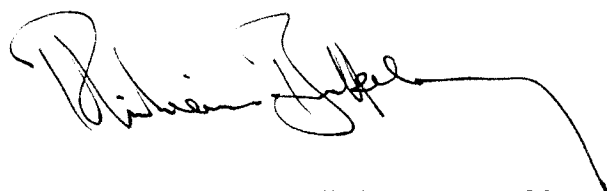
Please find enclosed this estate's response to the above consultation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Richard Williams-Bulkeley', with a long, sweeping horizontal line extending to the right.

Sir Richard Williams-Bulkeley Bt.

I am aware that the new body will be dealing with a multitude of statutes involving different procedures, however I would respectfully suggest the Welsh Government might consider the establishment of independent panels to hear appeals and objections modelled perhaps, as an example, upon the Agricultural Land Tribunal Wales, that is with a lawyer as chairman supported by suitably qualified "lay" persons who are not beholden to government.

A handwritten signature in black ink, appearing to read 'Richard Williams-Bulkeley', followed by a long, sweeping horizontal line that extends to the right.

Sir Richard Williams-Bulkeley Bt. FRICS

25 April 2012

**Re : Natural Resources Body for Wales
(additional consultation)**

Date of issue 13 August 2012

Re Paragraph 6.8 Appeals

The content of this paragraph is noted as well as question 12 in respect of the above paragraph.

Question 12 asks "*Do you agree with the proposals for appeal arrangements ?*" Unfortunately, paragraph 6.8 is somewhat vague. It is accepted that it is appropriate for Welsh Ministers to oversee arrangements for appeal but there is no indication as to what these might be.

It is noted, under paragraph 6.7.3 Civil Sanctions, that it is proposed to employ powers under the Regulation of Investigatory Powers Act 2000. It is not unreasonable to suggest that these powers should be balanced by an effective system of appeal, (*i.e. along the lines of a tribunal*) in matters such as the designation of land as SSSI, SAC, etc. so as to give some protection to farmers and land owners against the risk of the misuse of powers by CCW and the Environment Agency which has occurred in the past.

I would reiterate that the procedure for making representations and objections in respect of the designation of land as SSSI, as provided for by the Wildlife and Countryside Act 1981, has turned out to be anti democratic, and a travesty of justice.

To exemplify the point, a lawyer, who witnessed the so called hearing of objections by the Council of CCW, held in the theatre at Mold, in relation to a proposed designation of land as SSSI, said after the hearing, "*the judiciary should see such an example of an unjust performance - the only appropriate part being that it was held in a theatre*".

I enclose a further copy of a submission made on the 25th April 2012 which sets out the reasoning for the above statement.

It is crucial, in the interests of democracy, that the current system is replaced by a procedure for appeal which is demonstrably democratic, just and fair.



Sir Richard Williams-Bulkeley Bt FRICS
10 September 2012

Natural Resources Wales – Consultation

It is noted under *Section 6 Governance, Accountability and Transparency* that “Welsh Ministers would not be part of the decision making process. They would retain their appellate role and call-in powers and would have powers to direct.”

It is to be hoped with the establishment of a new Welsh Government Sponsored Body covering the roles of the Countryside Council for Wales, Environment Agency Wales and the Forestry Commission that a fair, properly democratic system of appeal can be brought into being so as to be sure officialdom abides by the rules of natural justice.

To date, the procedures adopted by the Countryside Council for Wales under Section 28.2 of the Wildlife and Countryside Act 1981 have, in practice, failed to give confidence to objectors (for example in relation to the designation of Sites of Special Scientific Interest) that they have been dealt with fairly.

A ten minute session for an objector to make a presentation before the above Council, and with no opportunity for cross examination of the officials proposing designation, followed by adjudication by the self same Council, in effect being judge and jury in its own interest, hardly accords with natural justice.

Examples of lapses by the above mentioned organization include the following :

- a. The employment of a marine biologist to carry out a survey of an upland woodland in connection with the intention to designate the wood as a Site of Special Scientific Interest.
- b. The failure to carry out an adequate survey to justify designations of SSSI/SAC until just two days before the relevant adjudication session was held.
- c. The putting forward of incorrect information, as to the presence of species of lichen within a wood, to support the case for designation as SSSI.
- d. Members of the CCW Council whispering amongst themselves whilst an objector was making his presentation – thus demonstrating their unfitness to adjudicate.

With regard to the operations of the Environment Agency –Wales, just recently this organization has been attempting to extract money, by way of Drainage Rates, from farmers / occupiers within the Internal Drainage District of Malltraeth Marsh without complying with the requirements of the relevant Land Drainage Act.

Ms Carrie Moss,
Living Wales Programme Team,
Department for Environment & Sustainable Development,
Welsh Government,
Government Buildings,
2nd Floor, CP2,
Cathays Park,
Cardiff.
CF10 3NQ

September 23rd 2012

Dear Carrie,

Natural Resources Body for Wales

Response by the Wales Landscape Partnership (WLP)

1. General comments

1.1 The Wales Landscape Partnership (WLP)¹ is pleased to comment on the proposed role and functions of the new Natural Resource Body for Wales and the manner in which it will be configured to fulfil them. The scope and form of this new organisation and manner in which it undertakes its work are all of direct significance to the Partnership's professional interests.

1.2 Whilst WLP recognises that the scope of the existing consultation is currently constrained by legal procedures, we believe it crucial that any reconfiguration of the responsibilities of the three existing bodies eventually achieves a number of fundamental outcomes, namely

- **The full range of functions of the existing organisations are transferred** to the new body in a manner which affords them all at least the same

¹ Wales Landscape Partnership is a loose Alliance of organisations and individuals with a deep concern for the future well being and sensitive stewardship of Wales's diverse range of landscapes and seascapes. It exists to promote and provide informed advice about the special relevance and benefits that sensibly managed landscapes and seascapes provide and the opportunities they offer to enhance the quality of life of Welsh people and their associated well being.



weight and relevance in the work of the new body, as they had in their predecessors organisations.

- **Sufficient flexibility and opportunity is inbuilt in the expression of the new Body's remit and its core functions**, to enable it to evolve in a creative and ambitious manner as circumstances require or necessitate.
- The role and functions of the new body are legally expressed to enable it to be a **powerful, creative and influential force for the responsible and sustainable stewardship of Wales's natural resources and all the landscapes of Wales**, thereby ensuring that the quality and diversity of all aspects of Wales's landscapes and seascapes are protected and enhanced.
- **The new body's primary responsibility is to discharge its duties and functions in ways which safeguard Wales's environmental heritage and furthers the enhancement of both the landscape character and the functional values of its natural resources.**

1.3 Without a clear articulation of these responsibilities in the wording of the Final Order, we would be particularly concerned that the legally defined role and functions of the new body will not enable it to be progressive and deliver the opportunities and new approaches which the emerging the Living Wales agenda offers and indeed requires.

1.4 For these ambitions to be realised, we therefore suggest that an Annex to the current Order is issued either before or soon after the establishment of the new body in April 2013, which specifically outlines the additional responsibilities it would be expected to embrace

1.5 These requirements should include a strong emphasis not just on natural beauty and conservation but embrace a clear landscape role (and by inference also seascapes). We believe the new body should have a duty to and have specific responsibilities for:

- **Promoting an increased awareness and relevance of the principles of the European Landscape Convention in all decision making processes**
- **Championing and monitoring the effectiveness of the implementation of the ELC in an appropriate Welsh context.**
- **Actively collaborating with partners and stakeholders to improve the quality, diversity and opportunities that Wales's landscapes and seascapes offer to enhance public benefits and improve their well being.**



- Producing appropriate planning, management and delivery advice to Welsh Government which ensures that the quality and functional integrity of all landscapes are maintained and the range and quality of the environmental goods and services they offer, are improved.
- Ensuring that a long term vision for Wales's landscape heritage is positively delivered by the sustainable and responsible stewardship of the nation's natural resources in ways which enhance the distinctiveness of the nation's cultural identity.
- Realising the conservation and management of land and sea in an unified and integrated manner.
- Designating and showcasing Wales's finest landscapes and seascapes by acting as their co guardians by securing the necessary resources to enable these areas to be sensitively managed in ways which reflect their international importance.
- Overseeing the preparation of the proposed National Resource Management Plan and its local equivalents and ensuring that these new frameworks are implemented and delivered successfully.

1.6 We therefore believe that a fundamental role and key responsibility of the new Natural Resources Body, which must be included in this Order or a subsequent amendment of it, is for this new Body to be responsible for:

"the development of responsible landscape and seascape stewardship approaches which enables the sustainable management of these resources to increase their intrinsic values and increase the public benefits they provide"

1.7 The strategic principles and relationships upon which the new body must focus to achieve this integrated approach are:

- The need to carefully integrate the planning and use of Wales's natural and cultural assets and their associated values in a sensitive and socially acceptable manner.
- An ability to recognise the opportunities that the aesthetic and perceptual benefits that well managed natural resources provide, are directly associated with the aims of enhancing both public well being and increasing economic prosperity.
- The reality of the relationships which exist between landscapes and seascapes and the opportunities these links provide and to overcome the artificial and separation of



administrative and management functions which currently disconnect them.

These relationships are best illustrated by the interconnections shown in the following figure:

Figure 1: An Integrated Landscape approach



1.8 We are particularly concerned that many of these dimensions of the “landscape”, have to date not been properly recognised and appear to be significantly underrepresented in the proposed role, functions and scope of the new Natural Resources body.

1.9 This concern is reinforced by the fact that other than the reference to historic landscape and a mention of landscape protection in paragraph 3 of Section 4 on Page 7, there are no other specific references to “landscapes” in the content of the Order.

1.10 Equally the lack of clarity of the landscape role of the new body is further highlighted by the absence of any reference to its custodial role in respect of the protection of landscapes of historic and cultural importance, an existing responsibility of CCW, as well as the need for it to liaise closely with CADW on matters affecting the integrity of Wales’s historic environment.



1.11 We believe both these to be significant weaknesses should be rectified in the final version of this Order.

1.12 As our submission highlights “landscapes” both physically and metaphorically provide a crucial framework for the integration of planning and management and provide effective opportunities to link the well being of people and places in an engaging way.

1.13 Accordingly we therefore suggest that specific recognition of the overarching role that landscapes play and the integrating framework which they provide for planning and managing Wales’s natural resources should be a definitive function which guides the work of the new body in order for it to achieve its sustainability objectives.

Marine issues

1.13 Despite two of the three legacy bodies having interests and responsibilities for the planning and management of the marine environment, there appears to be no reference to or consideration of the manner in which these existing coastal and marine functions will transfer across to the new body, nor how they will and feature thereafter in its work.

Partnership working

1.14 Although we accept that the partnership arrangements and delivery mechanisms which the new body adopts will need to be confirmed once it is established, we are surprised that the existing Order does not specifically refer to or express the need for the Body to operate in a manner which engages effectively with external stakeholders and all interested parties.

1.15 We trust all these matters will be addressed and rectified when the more ambitious and outward facing role of the new body is formalised either through amendments to this existing Order or by subsequent revisions to it in the future.

1.16 Notwithstanding these concerns, the remainder of this response focuses on the content and issues arising regarding other aspects of the existing consultation document.

2. Detailed comments

Section 2: Legal approach and timetable



2.1 Whilst acknowledging the limitations of this Order, we are concerned that the emerging role and range of functions of the new Body appear to be very inward looking and focus largely on the mechanistic processes of environmental regulation. This concern is prompted because the current expression of the role and functions of the new body appears to be largely confined to the amalgamation of those approaches and processes which characterise the functions of the three legacy bodies.

2.2 This sense of unease is reinforced by the fact that the proposed remit and scope of the new body (and hence the wording of the proposed Second Order) appears to be shaped solely by the interpretation of a limited number of existing themes namely *natural beauty, conservation, access, protection of the historic landscapes and forestry*.

2.3 Using these as the only templates for the role of the new body not only appears to limit its remit unnecessarily but fails to take the opportunity to guide its future work in more ambitious and integrated manner. As a result the current Order appears to point the new body backwards, rather than offering it a forward looking enabling role which allows it to fully embrace the agenda of the forthcoming Environment Bill and the step change in environmental management which the Living Wales agenda, we anticipate will introduce.

2.4 Given these circumstances, we are concerned therefore at the obvious lack of reference to or any stated link between the functions of the new body and its role in the development and delivery of the new Living Wales Agenda. We believe that the Order must include direct reference to the overarching role and responsibilities that the new Body will have for this area of work.

2.5 We therefore believe that the existing Order should be refined so as to position the new body as an outward facing, creative organisation responsible for the management of Wales's natural resources in an ambitious, sustainable and responsible ways.

Part 1 Overarching duties

Section 4.1 Purpose and cross cutting duties

2.6 Any final version of the Order or text accompanying it must we contend refer to the new body fulfilling all existing European obligations and statutory requirements. Specific reference in this context should be made to its role in implementing the Welsh Government's commitment to implement the European Landscape Convention.



2.7 However given the wording of the current Order, it is far from clear whether **all the existing functions** of the legacy bodies will be transferred across in their entirety to the new one. We would be extremely concerned if this was not the case and seek confirmation of this fact especially in relation to CCW's landscape duties and responsibilities.

Box 1 Page 8

2.8 Whilst we appreciate that the "purpose" of the new Body was set out in the First Order, we believe that further refinement of this purpose would be beneficial in this Second Order. In particular we suggest that the existing purpose of the body (as set out in Box 1 Article 4) is qualified as follows

*(1) The purpose of the Body is to ensure that **the quality and diversity of the environment and natural resources of Wales are adequately protected and thereafter they are-***

a) sustainably maintained

Article 4 Clause (2) (b)

Definition of environment

2.9 Likewise if the new body is to be charged with the "*protection of the historic environment*" then the definition of "environment" as stated in Clause 2 of Article 4 will need to be amended to reflect this fact. We suggest Clause (2b) should read

*"environment includes without limitation, living organisms, ecosystems **and historic or cultural assets***

2.10 Defining "environment" in this more complete way would ensure that the new body undertake its work in a manner which recognises and fully accounts for the important cultural services, intangible qualities and sense of identity that all landscapes currently provide.

Page 9 Section 4.4.1

Natural beauty and nature conservation duties.

Para 1 and "The intention:"

2.11 Whilst acknowledging the use of the term "natural beauty", we do not believe it is particularly helpful or correct in a modern day context, as it does not reflect nor capture the wider role that landscapes play beyond simply their aesthetic appeal.



2.12 Although the concept of “natural beauty” still has relevance and has been always been a worthy reference point, it is now too limiting and somewhat outdated because it does not embrace (as indicated in the European Landscape Convention) all the important dimensions and characteristics that effective landscape stewardship now requires and that the new body must embrace in planning and managing all the natural assets of Wales in the future. We therefore believe that a focus on the concept of “landscape character and values” would be more appropriate and better describe the responsibilities and functions we expect the new body to have and fulfil. The integrated landscape approach we suggested previously provides a appropriate strategic framework for the new body’s work in this respect.

Question 1

Proposal for the duties in respect of conservation and natural beauty

2.13 Subject to our previous comments, whilst welcoming the general intention of this Section, we suggest that the following amendments to the wording of Box 2 would enable the new body to achieve its functions more effectively and more consistent with CCW’s existing responsibilities for conservation and natural beauty.

Section (a) Para 1

2.14 We suggest the following amendments

Line 4 amended to read

.... to *discharge* any power with respect to the proposals so as to further the conservation and enhancement of...

Line 6 amended to read

... physiographic features *especially those having particular value or significance*”

2.16 Similarly to enable the new body to discharge its functions in a more inclusive and consistent manner we believe that Clause (i) and (ii) of Section (c) should be incorporated into Section (a).

2.17 In addition, the new body should have a responsibility to **discharge** these functions rather than it being expected to “have regard to” or “taking into account” the various issues identified in Sections ci, cii and ciii



Forestry duties

2.18 So far the expression of Forestry duties as outlined in Paragraphs 5 and 6 on Page 10, we do not agree that the “*balancing duty*” proposed for the Forestry role of the new body is sufficiently adequate to achieve the overall environmental role and conservation remit of the organisation.

2.19 Whilst we accept that this part of the new body should continue to be able to undertake its commercial forestry activities as effectively as possible, we believe any forestry activities and hence this relevant function of the new body, must be fulfilled to the highest possible environmental standards and in a manner which is consistent with the aims of the organisation as a whole.

2.20 That being the case, we fail to see how the scope or emphasis of a “*duty of care towards the environment*” can be different for one part of an corporate organisation than it is for other parts, especially when the whole organisation is charged with ensuring that Wales’s natural resources are used in an integrated, consistent and sustainable manner. Effectively any decision to introduce a differential responsibility or duty of care, might mean for instance that having balanced the merits of replanting an area of forestry on a site which, clearly is incongruous in the landscape or unsympathetic to nature conservation interests, the benefits of such a proposal are “balanced” and thereafter sanctioned from an economic point of view despite its environmental acceptability being contrary to the advice of others within the Body.

2.21 We likewise cannot see how this proposed differential approach with respect of forestry activities would enable any future National Resource Management Plan to guide the comprehensive and integrated use of **all our** natural resources in a consistent manner. For that reason whilst we believe that the “balancing” duty should not be removed we believe it should be enhanced and replaced with one which is totally consistent across the Body i.e. that forestry interests should be mandated to “**further the proposed natural beauty and nature conservation duty**” in the manner in which they undertake their activities.

Section (a) Clause (ii)

2.21 We strongly disagree that the proposed “conservation and enhancement duty” of the new body should be subordinate to the intentions of Clause (ii) in respect of the objective of Ministers achieving Sustainable Development.

2.22 As it stands this statement is illogical and unnecessary. For any proposal to be sustainable it must be consistent with good practice principles for the



conservation of natural beauty, flora, fauna etc, themselves a fundamental component of Sustainable Development.

Question 2: Public access and recreation duties

2.23 Whilst supporting the overall tone and intentions of this section we believe the following further amendments are necessary

Page 13 Box 3: Section 1. Line 1

2.24 The word “**protect**” should be inserted before the phrase “ ... *promote and facilitate public access to*”

Section 2 Clause (a) and (b)

2.25 To ensure that these activities are undertaken in a manner which is consistent with the new body’s other conservation duties; the following wording should preface Section 2 Clause (i) and (ii)

..quiet and responsible enjoyment of the countryside

Question 3: Forestry duties

Page 15: The proposal

2.26 As mentioned previously we do not believe that the proposed high level “balancing” duty for forestry is sufficient given the new Body’s overall environmental role.

2.27 So far as the positioning of this duty is concerned; we see no reason why this is necessary if the forestry interests for the new body are subject to the same duty to “further” natural beauty and nature conservation interests as the other parts of the new body. For that reason we believe this duty is best included in the Body’s nature conservation duty and not independent of it.

Question 6: Internal separation

2.28 We agree in principle with the proposals to ensure internal separation of any decisions relevant to the body’s own activities. However we consider it would be beneficial in order to ensure complete transparency in decision making processes, that instead of simply listing any legal permits the body has issued, this register should contain a list of the relevant permits it **intends** to issue.

2.29 A 21 day notification period should then follow this provisional listing, thereby providing an opportunity for interested parties to view the information upon which the proposed decision is based and thereafter submit representations to



the Minister regarding the legitimacy of the proposed final decision, should they believe that the conclusion is flawed

Question 17: Transitional Arrangements

2.30 WLP agrees with this proposal

Table 2 Main duties of the CCW

2.31 It is unclear whether the Order as currently worded will include the transfer of all the functions of the existing legacy bodies and that once this has occurred that they will have equivalent status and weight in the activities of the new body.

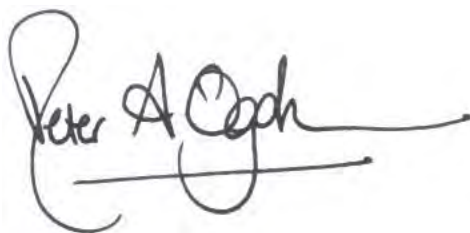
2.32 The final wording of the Order needs to confirm this is the case especially in respect of CCW's non – regulatory functions for instance, its existing Experimental powers, its full range of responsibilities in respect of Protected Landscapes, its Grant aid powers and its responsibilities to work with its range of existing partners in furthering its conservation objectives.

3 Summary

3.1 In conclusion the Wales Landscape Partnership believes that a number of amendments are necessary to the Order as currently proposed, if the new Resources body is to act in a manner which allows it to successfully fulfil the roles of its predecessors and at the same time be a progressive and outward facing organisation

3.2 WLP trusts that the above comments prove helpful and confirms that they can be made available to others if so required.

Yours Sincerely,



On behalf of the Wales Landscape Partnership



From: Communications
Sent: 25 September 2012 16:30
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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: Chris Chubb

Organisation (if applicable):

Email / telephone number: chris@chubbs.co.uk

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Yes

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Yes

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?: Yes

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Mainly

If not what would you change?: "We also intend to place the new body and the EA under a duty to co-operate with each other and co-ordinate activity on cross-border matters". Presumably "we" means Defra placing duties on the EA, and WAG on the new body. What assessment has been made of the extra administrative burden on EA and the new body that will result from coordination of cross border matters that are currently dealt with in house?

Question 5: Do you agree with the proposals for the statutory consultee role?:

Yes

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?:

Mainly

If not what would you change?:

I would suggest that publishing a list of the new body's permits is insufficient. There should also be an obligation for the body to regularly publish information on its performance in complying with its own permits, (including the operating costs of ensuring compliance) in order to demonstrate its own good practice.

Question 7: Do you agree with the proposals for permitting?:

Mainly

If not what would you change?:

Given the large amount of effort that the EA currently puts into formulation of, and consultation for standard rules permits for low risk activities, surely it would be more cost effective for the new body to participate in the standard rules setting process so that one rule could apply in England and Wales. If the new body, at the end of the rule setting process wishes to have a Wales-specific rule diverging from the England rule then it should justify the reasons.

Question 8: Do you agree with these proposals for charging?:

Yes

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?:

Mainly

If not what would you change?:

It would be helpful if you clarified the new body's role in publishing or providing information in relation to compliance with EU Directives in Wales, and its role in providing information to Defra for the UK return.

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?:

Yes

Question 11: Do you agree that the new body should have powers to use civil sanctions?:

Yes

Question 12: Do you agree with the proposals for appeal arrangements?:

Not at all

If not what would you change?: Determination of most permitting Appeals should be taken out of direct Ministerial involvement and delegated to a Welsh Planning Inspectorate capable of providing authoritative and professional judgment to each case. Only in extremis should Ministers need to make the final decision.

Question 13: Do you agree with the proposals for cross border monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Mainly

If not what would you change?: No mention has been made of the new body's role in water industry planning. or is this subsumed into River Basin Planning?

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Yes

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them: It would be helpful for WAG to provide an indication of the intended size and nature of the WAG policy department(s) that will interface with the new body, both during transition and after its establishment. How will the intended efficiencies be monitored? How will the public monies saved be re-distributed?



Carrie Moss
Tîm Rhaglen 'Cymru Fyw'
Adran yr Amgylchedd a Datblygu Cynaliadwy
Llywodraeth Cymru
Parc Cathays
Caerdydd
CF10 3NQ

26/09/2012

Annwyl Carrie Moss,

Ymgynghoriad ychwanegol ynghylch y trefniadau arfaethedig ar gyfer sefydlu a chyfarwyddo corff newydd i reoli adnoddau naturiol Cymru

Mae Comisiynydd y Gymraeg yn croesawu'r cyfle i roi sylw ar yr ail ymgynghoriad yma yn dilyn yr ymgynghoriad cyntaf ynghylch trefniadau arfaethedig ar gyfer sefydlu a chyfarwyddo corff newydd i reoli adnoddau naturiol Cymru.

Prif nod y Comisiynydd yw hybu a hwyluso defnyddio'r Gymraeg. Gwneir hyn drwy ddwyn sylw at y ffaith fod statws swyddogol i'r Gymraeg yng Nghymru a thrwy osod safonau ar sefydliadau. Bydd hyn, yn ei dro, yn arwain at sefydlu hawliau i siaradwyr Cymraeg.

Mae dwy egwyddor yn sail i waith y Comisiynydd:

- Ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg yng Nghymru
- Dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os ydynt yn dymuno gwneud hynny.

Dros amser fe fydd pwerau newydd i osod a gorfodi safonau ar sefydliadau yn dod i rym trwy is-ddeddfwriaeth. Hyd nes y bydd hynny'n digwydd bydd y Comisiynydd yn parhau i arolygu cynlluniau iaith statudol trwy bwerau y mae wedi eu hetifeddu o dan Ddeddf yr Iaith Gymraeg 1993.

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

0845 6033 221
post@comisiynyddygymraeg.org
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

comisiynyddygymraeg.org

Welsh Language Commissioner
Market Chambers
5-7 St Mary Street
Cardiff CF10 1AT

0845 6033 221
post@welshlanguagecommissioner.org
Correspondence welcomed in Welsh and English

welshlanguagecommissioner.org



Crëwyd swydd y Comisiynydd gan Fesur y Gymraeg (Cymru) 2011. Caiff y Comisiynydd ymchwilio i fethiant i weithredu cynllun iaith; ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg yng Nghymru ac, yn y dyfodol, i gwynion ynghylch methiant sefydliadau i gydymffurfio â safonau.

Un o flaenoriaethau'r Comisiynydd yw craffu ar ddatblygiadau polisi o ran y Gymraeg. Felly, prif rôl y Comisiynydd yw darparu sylwadau yn unol â'r cylch gorchwyl hwn gan weithredu fel eiriolwr annibynnol ar ran siaradwyr Cymraeg yng Nghymru y gallai'r ymgynghoriad hwn effeithio arnynt. Mae'r ymagwedd hon yn cael ei harddel er mwyn osgoi unrhyw gyfaddawd posibl ar swyddogaethau'r Comisiynydd ym maes rheoleiddio, a phe byddai'r Comisiynydd yn dymuno adolygu'n ffurfiol berfformiad cyrff unigol neu Lywodraeth Cymru yn unol â darpariaethau'r Mesur.

Dyma ein sylwadau penodol ar yr ymgynghoriad sydd dan sylw:

- Mae sefydlu corff newydd yn gyfle i sicrhau y caiff arferion gorau presennol o safbwynt darpariaeth ddwyieithog y tri corff a gyfunir ei gynnal a'i ddatblygu o'r cychwyn. Byddwn yn disgwyl i Lywodraeth Cymru roi sylw priodol i'r Gymraeg yn ystod y broses o sefydlu'r corff adnoddau naturiol newydd, ac wrth ystyried nod a dyletswyddau'r corff. Bydd angen i Lywodraeth Cymru a'r corff newydd ystyried ymrwymadau'r Cynllun Iaith, sydd yn cael ei ddatblygu gan Grŵp Datblygu Cynllun Iaith Newydd ar hyn o bryd. Dylai'r corff newydd ymrwymo i'r Cynllun Iaith ym mhob rhan o'i swyddogaethau megis ei waith rheoleiddio a gorfodi.
- Diben sylfaenol y corff newydd fydd dehongli ei ddyletswyddau a defnyddio ei bwerau er budd pobl, amgylchedd ac economi Cymru. Nodir yng ngeiriad posibl yr ail orchymyn bydd Gweinidogion a'r corff newydd dan ddyletswydd:
 - (c)(iii) *'i roi sylw i unrhyw effaith y byddai'r cynigion yn ei chael ar les economaidd a chymdeithasol cymunedau lleol mewn ardaloedd gwledig.'* (tud 11)

A oes gan Lywodraeth Cymru ddiffiniad o *les cymdeithasol* yn y cyd-destun hwn, ac a yw'n cynnwys yr iaith Gymraeg yn y diffiniad yma? Ni ellir rhoi ystyriaeth lawn i effaith y cynigion ar les gymdeithasol cymunedau lleol heb roi ystyriaeth i'r effaith ar yr iaith Gymraeg yn y cymunedau hyn. Os nad yw'r Gymraeg wedi ei chynnwys yn y diffiniad, rydym o'r farn y dylid ei gynnwys fel rhan o'r gorchymyn.

- Rydym yn nodi yn yr ymgynghoriad ychwanegol hwn y bydd angen ar adegau i'r corff sengl newydd weithio er lles pobl Lloegr, ac i'r gwrthwyneb. Bwriedir gosod dyletswyddau ar Asiantaeth yr Amgylchedd a'r corff newydd i ystyried effeithiau trawsffiniol wrth wneud penderfyniadau gweithredol a rheoleiddio. Bwriedir



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

hefyd osod dyletswydd ar y corff newydd ac Asiantaeth yr Amgylchedd i gydweithredu a chydgysylltu gweithgarwch ar faterion trawsffiniol. Rydym o'r farn dylai'r Llywodraeth ystyried swyddogaethau'r ddau gorff mewn perthynas â Deddfwriaeth Iaith Gymraeg. Byddai'n hawdd esgeuluso'r Gymraeg mewn materion trawsffiniol os nad yw swyddogaethau'r cyrff mewn perthynas â'r Gymraeg yn glir a diamwys o'r cychwyn.

Unwaith eto diolch i chi am y cyfle i ddarparu sylwadau ar eich ymgynghoriad. Gofynnwn i chi roi ystyriaeth lawn i'r sylwadau a nodir uchod.

Yn gywir,

Meri Huws

Comisiynydd y Gymraeg

In Natural Resources Consultation Document: 13 August to 5 October 2012

The following comments address Section 5: Cross-Border Issues – General Policy, and,

Section 7: Monitoring and Sampling of Cross-border Sites and Impacts

Section 8.2. Water Company Drought Plans and Water Resource Management Plans

Section 10: Trading Schemes and Producer Responsibility

I agree “mainly”: with the proposals in these sections, but have reservations about the process involved to establish formal working arrangements with parallel organizations of other governments, particularly in a transboundary and multi-agency setting.

Experience in intergovernmental relations in the management of the environment and natural resources in the Great Lakes Basin suggests that departments should first develop a management framework for cross-border issues, and then decide what the formal arrangements should be. A framework would include the key elements that need to be managed jointly by the parties, including goals, objectives, statutory and program obligations, how progress is to be assessed and measured, how conflicts are resolved, and the legislative accountabilities of the parties. The framework would be developed jointly with the other party (parties).

Only when that process is substantially complete should the parties determine which instrument to use. There are differences between agreements and memoranda of understanding as regards weight of authority, application and effectiveness.

Section 5 suggests that this is the intended approach, but is unclear. For example, with respect to transboundary arrangements for rivers (or water resource management) along the Wales-England border, consideration might be given to the development of a management framework in two parts:

- a) Overall goals, objectives, responsibilities and duties of the governments/departments involved for all transboundary rivers including; a process for the establishment of joint objectives and operations, contingency plans, emergency procedures and conflict resolution and accountability and reporting.
- b) Specific areas of interest such as arrangements for individual rivers or watersheds, contingency plans and emergency procedures, monitoring and sampling, Water Company Drought Plans and Water Resource Management Plans.

In a broader sense, such models may be called co-management and partnership arrangements, or even joined-up government. Caution should be exercised against the temptation to adopt such terms readily until inter-party discussions regarding roles and responsibilities are well under way, the legalities have been worked out, and the process documented, evaluated and understood. It is important, however, to learn about the past and current experience of other jurisdictions as case studies in the management of cross-border issues.

The elements included in Section 10, Trading Schemes and Producer Responsibility, suggest a different approach as regards inter-governmental arrangements. In such cases, the Natural Resources Body for Wales would act as an agent of another party to deliver specific services the basic responsibility for which may reside at the national/international level.

Such being the case, consideration might be given to a blanket or generic agreement that lists elements such as: the responsibilities and duties of the parties, provisions for accountability and reporting, resources implications, and the means for inter-jurisdictional cooperation and coordination.

There are resource implications. The development of trans-boundary arrangements and other inter-governmental arrangements are time consuming and complex, particularly in the initial stages of development. This may require a small team of specialized staff with ready access to the agency's senior management team, who are familiar with the policy, operational, scientific, technical, and legal implications of the subjects under consideration, and who possess sophisticated liaison and negotiation skills to work constructively with other parties in a dynamic setting.

From: Communications
Sent: 26 September 2012 16:25
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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

Your name: Roger White
 Organisation (if applicable): Brecon Beacons Park Society
 Email / telephone number: rogerwhiteuk@hotmail.com / 01873 811539

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?: (1) In the responses to the initial consultation on the proposed arrangements for the new body, attention was drawn to the need for a specific duty in respect of landscape management. This requirement does not appear to have been carried through to the additional consultation. The existing powers of the Countryside Council for Wales regarding the protection of landscapes which are deemed to be of national importance should be restated and strengthened. (2) Use of the word "limited" in relation to pollution control functions in the last paragraph on page 9 is unfortunate in its negative impact. More positive wording should be used in any future documents to describe the need for pollution control.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?: (1) Footpaths are essential both for public access and for recreation. They should be given a high profile. The present proposal for sub-paragraph 3(3)(d) of the second order begins its list with picnic places and ends it with footpaths as an apparent afterthought. This sub-paragraph needs to be divided into two sub-paragraphs, one for "footpaths and routes of nature study" and the other for "picnic places, places for enjoying views and parking places". (2) Clear provision should be made to ensure that public access is maintained when Forestry Commission land is sold.

Question 3: Do you agree with these proposals for the high level forestry duties?:

Mainly

If not, how would you change them?:

(1) Duties for environmental conservation and enhancement should be strengthened, and provision of public access needs to be covered. (2) Existing research stations for forestry, and particularly diseases of trees, are in England, but not in Wales. Access to research facilities and top-level research expertise is essential for maintenance of healthy forestry and must be addressed in the proposals for transfer of forestry duties.

Question 4: Do you agree with the general proposals for cross-border arrangements?:

Yes

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?:

Yes

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?:

Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

Yes

If not what would you change?:

Question 8: Do you agree with these proposals for charging?:

Yes

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?:

Yes

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?: Yes

Question 11: Do you agree that the new body should have powers to use civil sanctions?: Yes

Question 12: Do you agree with the proposals for appeal arrangements?: Mainly

If not what would you change?: There may need to be a route for appeals to the Secretary of State regarding UK obligations.

Question 13: Do you agree with the proposals for cross border monitoring?: Yes

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?: Yes

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?: Yes

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?: Yes

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?: Yes

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

From: Communications
Sent: 27 September 2012 16:10
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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

Your name: Louise Austin
 Organisation (if applicable): Dyfed Archaeological Trust
 Email / telephone number: l.austin@dyfedarchaeology.org.uk

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?:

If not, how would you change it?:

The proposed duties of the body don't recognise what has been CCWs role in relation to Historic Landscapes. The integrated management of the Wales' environment including both the natural and historic aspects is epitomised in the management needs of historic landscapes and in particular in the Registered Landscapes of Outstanding and Special Historic Interest in Wales and must be recognised in the duties of the new body.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?:

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?:

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?:

If not what would you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?:

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?:

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

If not what would you change?:

Question 8: Do you agree with these proposals for charging?:

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?:

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?:

Question 11: Do you agree that the new body should have powers to use civil sanctions?:

Question 12: Do you agree with the proposals for appeal arrangements?:

If not what would you change?:

Question 13: Do you agree with the proposals for cross border monitoring?:

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?:

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?:

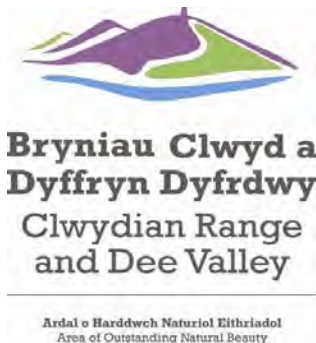
If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?:

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

For sometime CCW has had Historic Environment expertise specifically to assist with their remit regarding Historic Landscapes. Although neither FCW and EAW have specific Historic Environment staff they are currently able to draw on relevant expertise from elsewhere within their organisations across the UK. It is therefore vitally important that the new Welsh body is still able to have access to such relevant expertise in order for it to pay due regard to the historic environment. It is therefore considered that the new body should have in-house Historic Environment expertise as well as ensuring that relevant information and advice is drawn from both statutory and non-statutory bodies within Wales.



Eich cyf/Your ref:

Ein cyf/Our ref

Dyddiad/Date **28 September 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 BODY FOR WALES (ADDITIONAL CONSULTATION)

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

The following observations were agreed by the JAC at a meeting held on 28 September 2012.

"The JAC welcomes the opportunity to provide further comment on the detailed arrangements for setting up the new body, and would offer observations on the following question posed in the consultation document:

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? - The JAC welcomes recognition of the promotion of conservation and natural beauty as a cross-cutting theme which should apply across all functions of the new body. However, the specific exclusion of forestry from this duty (as set out in the possible wording for the second order) substantially weakens the response to this important issue and militates against a coordinated and consistent approach to the natural environment which the new body is designed to achieve. In addition, the downplaying of conserving and enhancing natural beauty in respect of pollution control to merely "having regard to" such matters is equally inconsistent. It is the JAC's view that the duty to conserve and enhance natural beauty in respect of National Parks and AONB's in particular should be applied equally across all functions of the new body in the second order. Such an approach would be more consistent with the UK's obligations in respect of the European Landscape Convention.

Whilst welcoming the references to natural beauty in the draft order, the JAC considers that additional text is required to specifically highlight the importance of conservation

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Clwydian Range & Dee Valley AONB Joint Advisory Committee
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www.clwydianrangeaonb.org.uk

and enhancement of Wales' protected landscapes - National Parks and AONB's. The difference in scope between the natural beauty/landscape and nature conservation remits of the new body should also be clarified. CCW's 'A Statement on Natural Beauty' (March 2006) highlights the wide scope of this particular function.

In addition to this response in respect of the duties of the new body, the JAC would once again draw attention to its comments on the earlier consultation on the single body. In particular, that 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. 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 should not be underestimated as an important means by 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
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Natural Resource Body for Wales (Additional Consultation) Response from the Regional Tourism Partnerships of Wales

Purpose of Report

The purpose of this report is to outline the response of the 4 Regional Tourism Partnerships (RTPs) in Wales to the additional consultation issued by Welsh Government on the formation of the Natural Resources Body for Wales.

Background

During 2011 Welsh Government consulted on its proposal to merge the functions of Countryside Council for Wales (CCW), Forestry Commission Wales (FCW) and Environment Agency Wales (EAW) in a new Single Environment Body. We responded to that consultation seeking to ensure that the interests of tourism were recognised, protected and enhanced in any new arrangements. Subsequently the Environment Minister confirmed WG's intention of pressing ahead with its proposal and the order establishing the new body came into force on 19th July 2012.

Welsh Government has now opened a further consultation on the arrangements for establishing the new body's functions and transferring powers from the 3 existing organisations. Further information can be found at:
<http://wales.gov.uk/consultations/environmentandcountryside/singlebodyadditonal/?skip=1&lang=en>

All 4 RTPs support the development of sustainable tourism based on the environment of Wales and the management of its natural assets. We are aware that the majority of Wales' visitors state the environment and outdoor activities as a major motivation and component of the visit.

We offer the following comments relating specifically to **tourism** issues.

Comments

P11

We note that the proposed order states:

"Ministers and the new body would be under a duty, in formulating or considering any proposal relating to any functions of the body -

- To have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historical interest;*

- *To take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects; and*
- *To have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas"*

We are not sure whether there is a distinction in degrees of obligation between 'have regard to' and 'take into account' (although the latter seems firmer) but all three points should have equal strength.

Arguably there should be a specific reference to Health in the third point

In respect of the first bullet point we are also aware that the Welsh Government is currently framing a Heritage Bill so it is clearly important that the duties laid on public bodies are consistent between the 2 areas of legislation.

We are not sure why there is reference to 'rural and urban' in the second point and only 'rural' in the third. Both should be included.

P13/14

While we would not disagree with the responsibilities and opportunities identified for the new body in respect of recreation we believe the wording of the order should be made more explicit to embrace both land and water-based activities and the list of possible facilities operated by the new body should be expanded to include *inter alia* fishing, sail and paddle sports, mountain biking trails and riding facilities

P18

In considering cross-border issues, it should be noted that the Environment Agency is currently the Navigation Authority for the River Wye. Is such a responsibility envisaged as a possibility for the new body, is it to be left to EA in England, or would Welsh Government seek to transfer such responsibilities to the newly formed Canals and Rivers Trust?

Recommendations

We recommend that the above comments are considered by Welsh Government.

Dewi Davies	Tourism Partnership North Wales
Gary Davies	South West Wales Tourism Partnership
Dee Reynolds	Tourism Partnership Mid Wales
Peter Cole	Capital Region Tourism

From: DIO StratPol-Group (MULTIUSER) [DIOStratPol-Group@defence.gsi.gov.uk]
Sent: 01 October 2012 09:51
To: SEB mailbox
Cc: DIO StratPol-Group (MULTIUSER)
Subject: 20121001-MOD response to the Natural Resources Body Consultation

Good Morning,

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

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

We are content with the proposals relating to the overarching duties of the new body and the additional information on legal and working arrangements of the body. The MOD looks forward to working collaboratively with the new Natural Resources Body for Wales.

Sent on behalf of Jane Hallett, MRICS - AH Land and Property Policy.

Mel

Melanie Billings

DIO StratPol-Policy1c1

Land & Property Policy

DIO Secretariat

Defence

Infrastructure

Organisation

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

MOD telephone: 94421 2214 | **Telephone:** 0121 311 2214 | **Fax:** 0121 311 3809 | **Email:** DIOStratPol-Policy1c1@mod.uk or Melanie.Billings316@mod.uk | **Website:** www.mod.uk/DIO

Please address all Ministerial Business to:

DIO StratPol-Group (Multiuser)

From: Communications
Sent: 01 October 2012 11:50
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: </consultations/forms/singlebodyresponse2/>

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

Your name: Ted Sangster
Organisation (if applicable): Pembrokeshire Business Panel
Email / telephone number: Anthony.sangster@virgin.net

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?:

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?:

If not, how would you change it?:

Question 3: Do you agree with these proposals for the high level forestry duties?:

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?:

If not what would you change?:

Question 5: Do you agree with the

proposals for the
statutory consultee
role?:

If not what would you
change?:

Question 6: Do you
agree with the
proposals to provide
internal separation of
decision-making,
improve transparency
and ensure Welsh
Ministers have the
opportunity to call in
significant issues?:

If not what would you
change?:

Question 7: Do you
agree with the
proposals for
permitting?:

If not what would you
change?:

Question 8: Do you
agree with these
proposals for
charging?:

If not what would you
change?:

Question 9: Do you
agree with the
proposals for public
registers?:

If not what would you
change?:

Question 10: Do you
agree that the new body
should be a listed body
under the Regulatory
Investigatory Powers
Act 2000?:

Question 11: Do you
agree that the new body
should have powers to
use civil sanctions?:

Question 12: Do you
agree with the
proposals for appeal
arrangements?:

Mainly

Since the Welsh Government is currently exploring the best way of
enabling the Welsh Ministers to hear appeals in respect of all Welsh

If not what would you change?:

matters, the Panel reserves the right to comment when this is clarified. Of particular interest and comment at this time will be the way in which the existing industry partners have been involved in the identification of such systems and the clarity of the independence of the suggested appeals process from both government sponsorship of the initiating agency and from wider political influence.

Question 13: Do you agree with the proposals for cross border monitoring?:

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?:

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:

Mainly

If not what would you change?:

In the case of the EA's and the Secretary of State's responsibilities under the Civil Contingencies Act 2004 and the COMAH Regulations 1999, it would be vital that, in the event of their transfer to the new body and to Welsh Ministers, there would be no reduction of expertise, resources and speed of response. It is also important that in the interests of public safety, business growth and development, such requirements, regulations and enforcement are undertaken in accord with such provision across the rest of the UK, especially England, so as to afford an equal playing field in this important and highly regulated sector that plays a critical role in the Welsh, indeed the UK's economy.

Question 16: Do you agree with the proposals for UK wide arrangements?:

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?:

If not what would you change?:

Question 18: If you have any related issues which we have not

specifically addressed,
please use this space to
report them:

From: Communications
Sent: 01 October 2012 12:35
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: </consultations/forms/singlebodyresponse2/>

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: Gayle Wootton
 Organisation (if applicable): RTPI
 Email / telephone number: gayle.wootton@rtpi.org.uk

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? Yes

If not, how would you change it?: The RTPI agrees with this proposal as it appears as a sensible amalgamation and rationalisation of the existing situation.

Question 2: Do you agree with the proposals in respect of public access and recreation duties? Yes

If not, how would you change it?: The RTPI agrees with this proposal as it appears as a sensible amalgamation and rationalisation of the existing situation.

Question 3: Do you agree with these proposals for the high level forestry duties? Yes

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements? Yes

If not what would

you change?:

Question 5: Do you agree with the proposals for the statutory consultee role?:

Mainly

If not what would you change?:

We would like to add support to the proposal to publish decision documents where the new body is advising and regulating others as this will aid in the achievement of transparent public services and is likely to have direct consequences a greater understanding of the planning permission process ('development management').

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?:

Yes

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

Mainly

If not what would you change?:

While we agree with the principle that condition sets for standard permits under EPR should be Wales specific, there is a presumption that the collection and analysis of the evidence based will be adequately resourced in order to ensure the right decisions are made. Careful consideration is likely to be necessary at cross border sites particularly on water and air management issues, and unnecessary delays to the planning system caused by additional complex internal procedures should be avoided wherever possible.

Question 8: Do you agree with these proposals for charging?:

If not what would you change?:

No comment

Question 9: Do you agree with the proposals for public registers?:

If not what would you change?:

No comment

Question 10: Do you agree that the new body should be a listed body under the

Regulatory
Investigatory Powers
Act 2000?:

Question 11: Do you agree that the new body should have powers to use civil sanctions?:

Question 12: Do you agree with the proposals for appeal arrangements?:

If not what would you change?: No comment

Question 13: Do you agree with the proposals for cross border monitoring?: Mainly

If not what would you change?: The proposed approach, while non-specific in nature seems laudable, it is imperative that the internal processes that are put in place are efficient and effective and that where monitoring may relate in action by a third party, for example as part of a planning condition, procedures do not get in the way of achieving environmental outcomes.

Question 14: Do you agree with the proposals for statutory planning and reporting?: Mainly

If not what would you change?: We seek clarification on the statement 'we also propose to give the new body a general obligation to exercise certain relevant functions so to ensure compliance with the requirements of the Water Framework Directive' particularly where these currently unexercised functions may relate to activities of local planning authorities. In addition, where responsibilities are being transferred to the new body, it will be vital to ensure that cross-border consultations are continued so that LPAs on either side of the border have the full support and evidence base required when considering the environmental impacts of their statutory land use plans.

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:

If not what would you change?: No comment

Question 16: Do you agree with the proposals for UK wide arrangements?:

If not what would

you change?: No comment

Question 17: Do you agree with the proposals for transitional arrangements?:

Yes

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

This consultation focusses largely on internal processes or consultative processes with counterparts in England. It is not detailed on how the new body will interface with the planning system, interfaces that currently use large amounts of staff resources responding to planning 'casework' and planning policy or LDP development. In our view it is vital that this new body engages fully and in a timely manner with the planning system to help Wales achieve sustainable economic development and we would value the opportunity to learn more, and be a part of discussions developing, plans to ensure that this occurs. Before the structures are set and resource allocations are made, we would welcome the opportunity for further consultation on the detailed procedures planned, and suggest that LPAs should be consulted in addition. The proposed changes to the public sector environmental expertise in Wales is timely given the work taking place to review the planning system and we suggest that without this level of discussion, significant opportunities might be lost.

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

Submitted by email to: SEB@wales.gsi.gov.uk

Date: 1st October 2012

Dear Ms Moss,

**BASC Wales response to the Welsh Government's consultation entitled:
"Natural Resources Body for Wales (additional consultation)"**

The British Association for Shooting and Conservation (BASC) is the largest representative body for sporting shooting with 7,000 members in Wales and 130,000 members throughout the UK. BASC aims to promote and protect sporting shooting and the wellbeing of the countryside. BASC actively promotes good firearms licensing practice, training, education, scientific research and practical habitat conservation. BASC believes that all who shoot should conduct themselves according to the highest standards of safety, sportsmanship and courtesy with full respect for their quarry and a practical interest in wildlife conservation.

BASC's expertise in shooting matters is widely recognised and is routinely consulted in Wales by the Welsh Government, Environment Agency Wales, Countryside Council for Wales and the Forestry Commission Wales.

People that shoot in Wales are key stakeholders in land management and conservation. To understand the importance of shooting to the environment and economy of Wales BASC draws your attention to the independent study entitled *The Economic and Environmental Impact of Sporting Shooting*.

The study found that in Wales sporting shooting influences the management of more than 500,000 hectares of land and £9.6 million is spent improving habitat and managing wildlife. Sporting shooting is worth £73 million annually to the Welsh economy and provides the equivalent of 2,600 full-time jobs. For further information see: www.shootingfacts.co.uk.

BASC recognises the political will behind the decision to create a single new Body. However, the Welsh Government should not view this as a simple administrative process where the current and shared functions of the existing agencies can be simply transferred to a new Body. The three agencies involved have three key functions:

- To advise government on the creation of policy
- They are regulators
- They provide grants

The approach taken by each agency to address these functions is different. In addition, as the consultation highlights, there are overlapping duties regarding natural beauty and nature conservation which the three agencies have also approached in different ways.

The way in which each agency approaches issues, and discusses and resolves matters varies considerably. In addition, each agency has evolved its approach and developed areas of expertise in distinctive ways. It is vital that the Welsh Government draws on the experience and perspectives of stakeholders so that this diversity of approach is properly accounted for in setting up the new Body.

BASC responded to the previous consultation on 2nd May 2012. In that response BASC requested involvement in the decision making process where relevant to sporting shooting interests. Secondly, BASC requested involvement in the setting up of the proposed new outdoor recreation body to ensure that opportunities to promote shooting were not overlooked. Thirdly, BASC requested recognition by the new Body of the contribution of sporting shooting to the Welsh economy and the environment.

To date, there has been no discussion with BASC on the content of its response, nor on the requests contained therein, yet the previous consultation discussed stakeholder engagement at length.

In its response to the current consultation BASC has submitted comments on Section 4.1 and Section 4.1.2 as follows.

4.1 The purpose and cross-cutting duties

This section contains reference to the purpose of the new Body as set out in the first order. Article 4 states:

1. The purpose of the Body is to ensure that the environment and natural resources of Wales are-
 - a. Sustainably maintained
 - b. Sustainably enhanced
 - c. Sustainably used
- 2 In this article-
 - a. “sustainability” means-
 - i. With a view to benefitting
 - ii. In a manner designed to benefit the people, environment and economy of Wales in the present and in the future

BASC is pleased that Article 4 recognises the fact that the environment and natural resources of Wales can be sustainably used, but notes that no reference is made to the contribution made by sporting shooting.

4.1.2 Public access and recreation activities

In its response to the previous consultation BASC highlighted the lack of sporting shooting in public forests in Wales when compared to the situation in England and Scotland. In Wales there is a high demand for access to woodland for shooting.

BASC therefore welcomes the proposal to ‘actively promote access and recreation through its operational activities.....charging for them where appropriate’.

BASC proposes an amendment to the wording of the second order at clause 3 (2) (a) (ii) whereby ‘recreation and sport’ should be amended to ‘recreation and sport, including sporting shooting’.

Sporting shooting makes a considerable contribution to the environment and economy in Wales. The proposals outlined in this consultation have not recognised this.

In conclusion:

BASC has worked closely with Environment Agency Wales, Countryside Council for Wales and Forestry Commission Wales to help protect and promote sporting shooting and the preservation and conservation of biodiversity. BASC will seek to build a constructive working relationship with the new Body and requests a meeting with the Living Wales Programme Team to discuss the content of its consultation responses in more detail.

Yours sincerely.

MEURIG REES
Director, BASC Wales.

Natural Resources Body for Wales (additional consultation)

The Institute of Chartered Foresters (ICF) is the Royal Chartered body for forestry and arboricultural professionals in the UK. Our members practice in every branch of forestry and arboriculture relating to forests, woodlands and trees. We provide services to members including support and promotion of the work of foresters and arboriculturists; information and guidance to the public and industry; and training and educational advice to students and professionals looking to build upon their experience. We also regulate the standards of entry to the profession and offer examinations for professional qualifications. We are regulated by our Royal Charter and maintain a Code of Ethics and Rules of Professional Conduct for all members.

The Institute welcomes the opportunity to respond to the Welsh Government's consultation Paper "Natural Resources Body for Wales (additional consultation)". Our members are involved in land management, and particularly woodland management at a practical, policy and academic level across Wales in both the Private and State sector. The forestry profession is committed to sustainable land management and supports the aims set out in the Environment Strategy for Wales, in Woodlands for Wales.

The Institute's response does not attempt to answer all the questions posed in the consultation document. Our view is many of these have been widely researched and debated in academic circles and in public policy forums. Others are so specific that a highly technical response would be required which lies beyond the scope of a general public consultation such as this. The Institute would be happy to discuss such specific questions with the Welsh Government in a more appropriate forum. In our response we have focussed on the high level principles raised by this consultation, and on some major concerns that our members have about the specific proposals in it.

The new body will be one of the largest employers of professional foresters in the UK and ICF hopes to maintain its close relationships with the public forestry sector in Wales.

Part 1: The Purpose and duties of the new body

- i). Members of ICF believe the Welsh Government must ensure that the new body has a duty to balance the three pillars of sustainable development; namely, economic, social and environmental benefits. The ICF has concerns that economic development and timber production will not feature as strongly as the other pillars in an organisation dominated by regulatory and conservation interests. None of the three should be given primacy nor should the wording of any duty be capable of interpretation to allow one issue to be given greater standing over others. Adherence to legislation within current Forestry Acts must be a primary duty of the new organisation and there should be a recognition of the need to support and maintain a thriving timber producing sector throughout both the public and private sectors.
- ii). With the loss of a dedicated forestry department in Wales the new body should have a duty to ensure that the forestry sector and industry will not lose its voice and access to policymakers and to Government. Close liaison and cooperation with Forestry

departments, forestry interests and wood-using industries throughout the rest of the UK will be essential to prevent fragmentation of views and dilution of the forestry sectors voice at government level.

- iii). The new body should have an explicit mandate to support forestry research and education as the „current arrangements“ are hostage to institutional change across the UK. The ICF has concerns that research coordinated through the Wales Government and the Wales Environmental Research Hub may not be the right body to coordinate forest research programmes or that it is resourced to do so. There is concern that such research may not be relevant research to the forest industry and that the current close working arrangements with Forestry Commission GB Research Branch will cease, perhaps not immediately but over time as staff change and move on.
- iv). ICF would propose that the current arrangements whereby plant health issues are the responsibility of the Welsh Government whilst Tree Health is currently handled by FC should be amalgamated and become the responsibility of the new single body.
- v). The single body will manage a forest area equivalent to almost 7% of the land area of Wales. In parts of populous South-East Wales it occupies over 30% of the land area. It is very important to the economy in Wales and has a fundamental role not only in delivering renewable products and energy but also a wide range of ecosystem services to benefit the people of Wales. It is a highly important contributor to forestry and wood processing in the UK and it must be incumbent on the new body to maintain and enhance these important benefits both to Wales and to the wider UK economy. There are concerns that a strong environmental body within the new organisation will see upland forests as targets for deforestation without any need to replace forests elsewhere (ie what will happen to the old FC objectives of protect and expand?)
- vi). ICF believes that the Welsh Government should continue to be a leader in sustainable forest management in the UK and Europe and the Institute will do all it can to help the Welsh Government maintain a modern, innovative and competitive forestry sector in Wales.
- vii). The new body should have an explicit mandate to support the forest industry in Wales. The location of the public forests, and indeed of privately owned forests in Wales, means that they are highly important for providing secure, high-quality permanent jobs that are vital to the rural economy. These jobs are the life-blood that makes possible viable schools, shops and services in rural communities.

Part 2:- Legal and Working arrangements of the new body

- i). The support for forestry in the founding legislation, that will mirror the intentions of the 1967 act, should recognise that forestry is a profession and should therefore be couched in terms of support for forestry and the forestry profession.
- ii). It would appear that current proposals will leave the new body with little or no control over the main grant scheme “GLASTIR”. There are concerns amongst members that the new body will be restricted to a regulatory function together with some direct delivery without incentives to support the private sector, woodland creation or management policy. ICF believes that ultimately the agri-environment scheme should come under the remit of the new body to ensure maximum benefit from the proposed new arrangements.

- iii). The Institute recognises the Welsh Government's commitment to cooperation with other UK bodies over the control of tree pests and diseases but members show concern at the perceived lack of commitment to continued research and development within the forest industry. Historically, much of the impetus and resource for this has come from the Forestry Commission at a UK level and ICF believes that continued investment in this area is essential if Wales is to retain a world class forest industry capable of delivering the balanced, sustainable development sought by the Welsh Government. There is concern that the new arrangements should be properly resourced (both financially and with suitable levels of expertise) to provide effective measures against future threats and for Wales to play its full part in helping to combat threats relevant to all UK countries in the future.
- iv). Members of ICF perceive the merger of the three bodies into a single institution as a significant opportunity to rationalise and simplify the regulatory framework governing the forest industry. ICF would welcome feedback on proposals for this and would welcome the opportunity to comment and provide constructive proposals for implementation.
- v). Members of ICF believe that when transferring functions to the new single body, it will be important to ensure that;
 - a) Existing contractual commitments, e.g. long term timber contracts, are honoured.
 - b) Forecast timber production, i.e. the moral commitment to continue to supply beyond the current contract period, is maintained.
 - c) Existing access rights are honoured and that people can continue to have confidence in exercising these rights by appropriate branding and publicity.
- vi). There is some concern about the need for an annual "remit letter" approach as proposed in the original consultation document (*Natural Resources Wales*). If the single body is set up with a defined remit and set of performance indicators, there is doubt about the need to restate the remit annually or to attach strings to the annual budget as would happen with a remit letter approach. ICF would propose a strong governance framework and clear set of duties at the start with a review after say 5 years.
- vii). The ICF would recommend that licensing of plant health is better coordinated with for example EPS licensing so that the granting of a felling order would be enough in itself to make the felling legal under the Habitats Legislation - there should not be a requirement for any further licensing.
- viii). Members of ICF strongly support the principle of effective engagement with a full range of stakeholders and would welcome the retention of arrangements similar to the current multi-stakeholder Advisory Panel which has advised on the development and implementation of Woodlands for Wales over the past eight years.
- ix). The new body should remain a significant – in UK terms – employer of professional foresters to maintain a high standard of silviculture, both within the publicly owned woodlands and the private sector. ICF hope it will encourage its staff to become professionally qualified and active in the Institute and other organisations that support forestry and forest science. ICF trust that the new body will continue the recently won policy of FC ensuring that posts requiring a professional forester should have a requirement that the candidate is or will commit to working to become a Chartered Forester within a set time period (i.e. 3 to 5 years).
- x). Wales has a modern and innovative wood processing industry that stands comparison with its competitors in Europe. This has come about because of a long-lasting and highly effective partnership between the public and private sector. ICF believe this relationship should be maintained and would welcome the opportunity to contribute ideas and support.

- xi). ICF strongly support the principal of the new body working together with the private sector to develop, pilot and implement a system of earned recognition for the Forestry Sector which provides a clear framework for a reduced burden of regulation and inspection for woodland managers/owners based upon long-term forest management plans, an assessment of risk and perhaps a recognised certification system such as the United Kingdom Woodland Assurance Standard (UKWAS). An ethos built on an acceptance that those who act responsibly should be given a lighter touch when it comes to regulation and inspection is to be welcomed. ICF believe this makes sense, especially when resources are constrained and business and government organisations alike have to use their resources to best effect.

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

Karen Jones
E: karen.jones@rwe.com
T: 01793 474270

2nd October 2012

Dear Ms Moss

"Natural Resources Body for Wales (additional consultation) closing on 5th October 2012.

This is a response to the above consultation on behalf of RWE's UK businesses. This includes RWE npower, a vertical integrated generation and supply company and RWE npower renewables, Wales's leading renewable energy developer and operator.

Q1: Do you agree with our proposal for the duties of the body in respect of conservation and natural environment?

Mainly agree.

It is our view that, subject to the relevant legal requirements, the proposed Single Body must focus on the delivery of ecosystem services to people and business in Wales, rather than on conservation as an end itself. This implies a role that extends beyond that of purely reactive regulation and which includes facilitating and guiding the activities of others.

With this in mind, we propose that the aim of the Single Body is rephrased to put the emphasis clearly on the delivery of benefits from Wales' natural resources i.e.:

'To deliver benefit to the people and economy of Wales both now and in the long term through the maintenance, improvement, development and efficient sustainable use of Wales' natural resources'

Q3: Do you agree with these proposals for the high level forestry duties? If not, how would you change them?

Mainly agree.

It is RWE's view that FCW's Wind Energy Programme (WEP) should be kept outside the Single Body and be managed by the Welsh Government (who are in effect landowner and beneficiary of revenue should wind farms be built on the Welsh forest estate). This would eliminate, or at least move to an 'arm's length position' the potential for conflicts of interest between the roles of landowner and environmental regulator. Should the WEP be separated from the regulatory functions of the three predecessor bodies, we would expect to see as a consequence a more 'directive' approach to the Single Body to facilitate wind farm development on the forest estate on the part of the Welsh Government and a commensurate reduction in bureaucracy.

Registered office:
RWE Npower plc
Windmill Hill Business Park
Whitehill Way
Swindon
Wiltshire SN5 6PB

Registered in England
and Wales no. 3892782

*Q4: Do you agree with the general proposals for cross-border arrangements?
If not what would you change?*

Mainly agree.

From the perspective of the Generation part of RWE's business, then it is essential that a consistent regulatory approach is taken in Wales as to the rest of the UK. As an example, applications for Environmental Permits are currently handled by a central EA team who are able to call on specialist skills as required from across the country. Whilst a Welsh team could clearly be set up to manage applications for installations in Wales, it is essential that the determination of them is carried out in a consistent manner and that the expert skills currently available to the EA remain available to the new body. Similarly, regulation of power stations by the EA is currently being co-ordinated by a Sector Group of Site Inspectors who are able to work together across England and Wales to ensure a consistency of approach and also to foster best practice. This Group also works with the sector over the implementation of new legislation, such as the Industrial Emissions Directive. In our opinion, it is essential that these activities continue to be co-ordinated consistently after establishment of the new body and that should a separate approach be needed in Wales in the future, the body, the EA and industry understand where responsibility lies.

Q5 Do you agree with the proposals for the statutory consultee role?

Mainly agree.

Appropriate reasonable timescales for the consideration and analysis of projects, consultation responses and determination of consent and permit applications by the Single Body must be clearly prescribed and adhered to. In the case of major applications this applies as much to each of the main stages of the determination process as to the final decision. Current experience is that where there are statutory timescales laid down, they are frequently not adhered to.

A key part of the focus of the Single Body on delivery which we advocate, must be to deliver the Single Body's input to consent processes to the prescribed timescales. Where additional time is genuinely needed, this should be agreed with the developer and other interested parties at the outset and adhered to thereafter.

Yours sincerely

Karen Jones
Stakeholder and Policy Manager
RWE npower renewables

From: Kathy Elias [KElias@carmarthenshire.gov.uk]
Sent: 02 October 2012 11:25
To: SEB mailbox
Subject: Welsh Government Consultation - Proposed Natural Resources Body for Wales
SENT ON BEHALF OF RICHARD WORKMAN, DIRECTOR OF TECHNICAL SERVICES

I refer to the ongoing consultation on the above and the issue was drawn to the attention of Carmarthenshire County Council's Environment and Public Protection Scrutiny Committee at their meeting on 19th September 2012.

Members resolved at that meeting that:-

"The Committee's concerns regarding the accountability of the new 'Single Environment Body' be included in the Authority's response to the Welsh Government Consultation".

In essence the Members' concerns revolved around the need for clear accountable scrutiny arrangements to be put in place for the new Body to both enable appropriate scrutiny and to ensure such scrutiny assists the new Body as it moves forward.

Regards

Richard Workman

Director of Technical Services

Tel: 01267 224647

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

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Welsh Ornithological Society
Cymdeithas Adaryddol Cymru
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2 October 2012
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Carrie Moss
'A Living Wales' Programme Team
Department for Environment and Sustainable Development
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Carrie

SEB Additional consultation – response from Welsh Ornithological Society.

The Welsh Ornithological Society (WOS) is a membership organisation that promotes the conservation of birds and their habitats across Wales. The Society encourages the study of wild birds and a high standard of bird recording in Wales through its publications, annual conference and grant scheme.

The Society is concerned about the declines in the populations of many of Wales' birds and of the failure to meet the 2010 target to halt the decline of biodiversity.

The Society therefore welcomed proposals to develop a single, strong body to manage the Welsh environment. We believe there is merit in the overall proposal and believe that a properly integrated body will be able to help the Welsh Government move toward a sustainable future.

The Society did however have considerable concerns over the detail of the proposals laid out in the previous consultation. In our previous response we made it clear that these concerns were reflected in the proposed aim of the new body to "maintain, develop and develop Wales' natural resources, to deliver benefit to the people and economy of Wales now and into the future'.

We further stated that that the new body should have a specific purpose to halt biodiversity losses and enhance Wales' biodiversity into the future. Whilst we acknowledge the economic importance of our natural resources it must also be recognised the nature has an intrinsic value as well and this must be reflected in the purpose of the body. It must also be remembered that we have international commitments to halt biodiversity losses and the new body must be at the forefront of delivering those commitments. The purpose to "further the conservation, restoration and enhancement of ecosystems" is not sufficiently robust and there must be an explicit commitment to halt and reverse losses contained within the main purpose of the new body.

WOS is therefore disappointed that the proposed wording for the purpose of the new body remains weak and appears to have no ambition for the body to halt biodiversity loss. It must be remembered that the original reason for the development of the 'Living Wales' strategy was our failure to meet the 2010 target to halt losses.

President: Iolo Williams

Having a vague duty to “further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features” has not enabled the existing bodies to stop biodiversity loss, nor get anywhere near achieving the 2010 target.

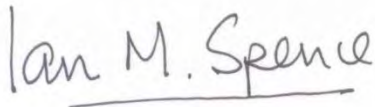
If we are serious in Wales about the UK (and Wales’) commitment to the EU 2020 biodiversity and ecosystem services target and also to the 2050 EU vision (see EU summary target and vision statements set out below) then, along with our global commitments under the Convention on Biological Diversity, these targets must be reflected in the duty of Ministers and of the new body

We are not qualified to provide legal wording but we feel strongly that the Ministers and the new body must have a specific legal duty to halt biodiversity loss and restore ecosystems in line with our international commitments.

We trust that this response will be helpful and please come back to us if you wish any clarification.

Yours sincerely

Ian M Spence

A handwritten signature in blue ink that reads "Ian M. Spence". The signature is written in a cursive style with a horizontal line underneath the name.

The EU Strategy is:

The European Commission has adopted an ambitious new strategy to halt the loss of biodiversity and ecosystem services in the EU by 2020. There are six main targets, and 20 actions to help Europe reach its goal. Biodiversity loss is an enormous challenge in the EU, with around one in four species currently threatened with extinction and 88% of fish stocks over-exploited or significantly depleted.

The six targets cover:

- Full implementation of EU nature legislation to protect biodiversity
- Better protection for ecosystems, and more use of green infrastructure
- More sustainable agriculture and forestry
- Better management of fish stocks
- Tighter controls on invasive alien species
- A bigger EU contribution to averting global biodiversity loss

The strategy is in line with two commitments made by EU leaders in March 2010. The first is the 2020 headline target: "Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss"; the second is the 2050 vision: "By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided." It is also in line with global commitments made in Nagoya in October 2010, in the context of the Convention on Biological Diversity, where world leaders adopted a package of measures to address global biodiversity loss over the coming decade.

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

2 October 2012

Dear Ms Moss

Natural Resources Body for Wales (additional consultation)

Introduction

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation's green treasures. CNP's work in Wales is informed by a Welsh Advisory Committee, CNP Cymru, which includes representatives from each of the National Park Societies and other bodies such as CPRW and the National Association of AONBs. The National Park Authorities in Wales and National Parks Wales have observer status.
2. National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. For over 75 years the Campaign for National Parks has been working to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all.
3. In Wales, National Parks comprise about 20% of the country's land mass and contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for active travel and recreation. They also play a vital role in sustainable development through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses.
4. National Parks are the finest landscapes which have been granted the highest level of protection. The statutory purposes of National Parks are:

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

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

Our comments

5. CNP is pleased to have this further opportunity to help shape the duties and responsibilities of the Natural Resources Body for Wales. As set out in our response to the initial consultation on the arrangements for this new body which closed in May 2012, we support the principle of establishing a single environmental organisation and its proposed role in guiding and overseeing the management of the Welsh environment, provided that this takes proper account of all the important aspects of natural resources, including the use of land and sea for recreation and the natural beauty and cultural heritage which National Parks and Areas of Outstanding Natural Beauty exist to protect.
6. We recognise that the Welsh Government has had a great deal of work to do in a short space of time to prepare for the new body but we are concerned that certain aspects of the existing bodies' responsibilities are in danger of being overlooked. We are particularly concerned that issues relating to landscape management and protection have been significantly under-represented in the proposed role, functions and scope of the work of the new body. Similarly, there is no mention of seascapes.
7. The Welsh Landscape Partnership (WLP) has submitted a detailed response focused on ensuring that the new body's duties and functions are designed in such a way as to protect the intrinsic character of all Wales's landscapes and promotes their responsible use. We fully support both this response and the response submitted by Wales Environment Link (WEL). We support the changes that both WLP and WEL are proposing but would also like to raise a number of other issues of specific concern.
8. We believe that the new body should:
 - Play a strong role in promoting the duty for relevant public authorities to have regard to the statutory purposes of National Parks.
 - Protect, promote and champion landscapes and seascapes deemed to be of national importance and promote opportunities for their enjoyment.
 - Play a key role in encouraging under-represented and disadvantaged groups of people to gain greater access to, and understanding of, the natural environment.
 - Work in partnership with the third sector to achieve its aims.
 - Place more emphasis on footpaths as part of its recreation and public access duties.

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

Duty to have regard to National Park statutory purposes

10. Section 11A of the 1949 National Parks and Access to the Countryside Act places a duty on relevant authorities to have regard to National Park statutory purposes while carrying out their activities but there is often a low awareness of this duty amongst the relevant authorities. We would like to see the new body play a strong leadership role in ensuring that the duty is more widely applied and understood. In addition, it is essential that the new body takes full account of the statutory purposes of National Parks in its own decision-making. The wording of clause (c) in box 2 needs to be amended to reflect this.

Landscapes and seascapes

11. As set out above, we are concerned that responsibilities relating to the landscape have been overlooked in the proposed duties and responsibilities of the new body. We would like to see the new body play a strong role in promoting, protecting and championing Wales's protected landscapes and seascapes but we are concerned that this will not happen under the current proposals. There is very little mention of landscapes in the consultation document and no mention of seascapes.
12. We are particularly concerned that there is no direct reference to the new body assuming the existing powers of the Countryside Council for Wales (CCW) to designate and undertake actions to protect landscapes deemed to be of national importance. This role should be explicitly stated as a proposed function of the new body.
13. We would also urge you to make the changes set out in the response from WLP to ensure the new body has the duties and responsibilities needed to continue to protect and promote Wales's landscapes.

Encouraging access and understanding

14. We welcome the proposal to give the new body public access and recreation duties but would like to see a specific reference to increasing access by groups currently under-represented among visitors to the countryside. The Campaign for National Parks manages the Mosaic engagement programme which has successfully recruited and trained hundreds of volunteer community champions to introduce thousands of people from urban areas to the physical and mental health benefits of National Parks over the last 10 years. We have targeted people from disadvantaged communities which are under-represented in National Parks and are now working with the three NPAs in Wales on a new three year project which focuses on ethnic minority communities in Newport, Cardiff, Swansea, Bangor and Wrexham.
15. We are keen to ensure that there is an opportunity for other similar initiatives in Wales in future. The new body should provide enabling mechanisms and support for projects such as this to ensure that disadvantaged groups of

people can gain greater access and understanding of the natural environment and the benefits this can bring.

Working with the third sector

16. The Countryside Council for Wales is currently a major source of funding for the third sector which plays a vital role in delivering environmental and sustainability objectives in Wales. We are concerned that the creation of the new body and the need to find efficiency savings could have a negative impact on the funding and support available for the third sector. We would like a reassurance that the new body will give sufficient priority to the viability of relevant third sector bodies and that there will be no overall reduction in the scale of funding available to it.

Public access and recreation duties

17. Footpaths are essential both for public access and for recreation and should be given a high profile in the duties of the new body. The present proposal for sub-paragraph 3(3)(d) of the second order begins its list with picnic places and ends it with footpaths as an apparent afterthought. This sub-paragraph needs to be divided into two sub-paragraphs, one for "footpaths and routes of nature study" and the other for "picnic places, places for enjoying views and parking places".
18. We trust that these comments will be helpful in developing the proposals for a Natural Resources Body for Wales. We would be pleased to continue working with the Welsh Government and other partners to ensure the successful establishment of a single body which can effectively maintain and enhance all of Wales's natural resources.

Yours sincerely



Ruth Bradshaw
Research and Policy Manager

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



Carrie Moss
Living Wales Programme Team
Department for Environment and Sustainable
Development
Welsh Government
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SEB@wales.gsi.gov.uk

02 October 2012

Dear Ms Moss,

Natural Resources Body for Wales (additional consultation)

Thank you for the opportunity further to comment on the proposed arrangements for establishing and directing a new body for the management of Wales' natural resources. IfA responds further to its earlier submission dated 01 May 2012.

The Institute for Archaeologists

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

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

Natural Resources Body for Wales

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

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?

Mainly.

If not, how would you change it?

IfA welcomes the provision in paragraph (c) of the possible wording for the second order (in Box 2) imposing a duty *'...in formulating or considering any proposal relating to any functions of the body – (i) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest...'*

However, the Institute remains concerned that a more holistic approach should be taken to 'the environment' which encompasses both the natural and the historic environment. For instance, the definition of 'environment' in article 4(2)(b) of the Natural Resources Body for Wales (Establishment) Order 2012 should have expressly included the historic environment. We appreciate (and fully support) Cadw's role and responsibilities in respect of the historic environment in Wales, but, if Welsh Government is in any meaningful way to achieve *'a more integrated approach to the management of the environment'* (as suggested at page 5 of the consultation document), then this must fully embrace the historic environment.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?

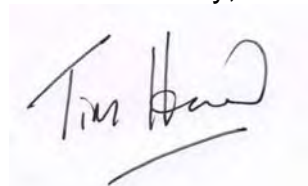
Mainly.

If not, how would you change it?

The wording (in Box 3) should making clear that in exercising its functions with regard to public access and recreation the body is under a duty, inter alia, *'to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest.'*

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

Yours sincerely,

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

Tim Howard LLB, Dip Prof Arch
Policy Advisor



**RESPONSE BY COED CADW (THE WOODLAND TRUST) TO THE
CONSULTATION ON THE WELSH GOVERNMENT'S NATURAL
RESOURCE BODY FOR WALES (ADDITIONAL CONSULTATION)**

October 2012

***Natural Resource Body for Wales
(additional consultation)***

Introduction

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

Coed Cadw is an active member of Wales Environment Link (WEL) and also intends to sign up to the WEL joint response to this consultation, although there is a significant difference in our view on the transfer of the forestry balancing duty as indicated in our response below to question 3. Our response, however, goes into a little more detail about how the Assembly could make native woodland its hidden ally in managing and developing Wales' new approach on sustainable land and marine management.



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

**Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all).
If not, how would you change it?**

Coed Cadw would *mainly* agree with the proposal for the duties of the body in respect of conservation and natural beauty, but subject to the following comments:-

1. We believe that the body must be proactive in enhancing and adapting the landscape of Wales to meet such drivers of change including climate change, nitrogen deposition, resource depletion and land use intensification. Whilst this thinking is enshrined in Living Wales we ask whether the duty as defined will drive a sufficiently proactive approach by the body in leading and managing landscape change? We suggest the inclusion of the word "adaptation" into the phrase "...further the **adaptation**, conservation and enhancement..." wherever it occurs.
2. We believe that the new body must vigorously set out its expectations of agricultural land management and hold industry and government to account in meeting demanding environmental standards. The new body's conservation duty cannot be met without comprehensive engagement with farming. We believe there needs to be strong linkage between the work of the new body and the delivery of Glastir and we have previously proposed that the new body has objective or duty to set the standard for



environmentally sustainable farming. Alternatively we seek assurance that the wording of the conservation duty as proposed is sufficiently open to allow the new body to fulfil such a role.

3. We seek clarification as to whether the duty as currently proposed in Box one is sufficient to ensure the delivery of the Welsh Government's policy to create 100,000 ha of new woodland. The outcomes sought by this policy relate substantially to non forestry purposes including climate change adaptation and Water Framework Directive requirements and delivery depends on non forestry actions on farmland. We ask whether the new body can fully deliver this policy if it is framed solely as a forestry duty as proposed under 4.1.3.
4. We generally support comments made by Wales Environment Link at the consultation meeting held with David Clarke on 14th September about concerns that the detailed wording in Box 2 a) and b) might unduly reduce or constrain the conservation duty of the new body, however:-
5. We think that the reminder (Box 2 a) of a obligation to work within an "...objective of achieving sustainable development" is important and should be specifically included to ensure that the sustainability test is applied in the furtherance of the body's conservation duty.
6. We note that currently CCW has grant making powers but EA does not. We ask for confirmation that grants making powers will be fully available to the new body for the purpose of meeting all parts of its conservation duty including for example in work to meet Water Framework Directive requirements.
7. We will judge the effectiveness of the new body in meeting its proposed duties by its commitment and successes in delivering the woodland



expansion objective and in achieving the conservation of ancient trees, ancient woodlands and plantations on ancient woodland sites.

8. We seek confirmation that the proposed duties will be interpreted to specifically include these outcomes and that the body accepts a specific role and remit to promote the conservation of ancient, veteran and heritage trees by providing advice and support for their owners, including grant aid where necessary. Coed Cadw is currently running a petition calling on the Welsh Assembly and the Welsh Government to ensure that this duty falls within the remit of the new body, and this has so far attracted the support of over 4,600 people. The Woodlands for Wales Strategy includes a commitment to “promote the value of ancient woodlands *and veteran trees* [our italics], and support owners in managing them appropriately, so that they are safeguarded for the future.” Coed Cadw believes this commitment to promote the conservation of ancient trees is vital, but in reality has yet to be delivered. For the avoidance of doubt, we suggest that this commitment be incorporated as a power, or a duty, of the new single body. Coed Cadw believes that the ancient, veteran and heritage trees of Wales are a vital and irreplaceable part of our environment and heritage.
9. There is a need to recognise the opportunities for soft engineering solutions to issues, for instance of water management, which also provide nature conservation and landscape benefits. We would cite the example of Pontbren farmers, where an increase in tree cover and the creation of ponds has improved water quality in the catchment and reduced the risk of local flooding, while also increasing the sustainability of the farming businesses, improved biodiversity and restored landscape features.
10. We wish to seek assurance that these duties will cover the promotion of trees and woodland in urban areas. Particularly in the light of climate change, there are compelling reasons for planting more trees in urban areas in Wales. Urban trees can help to reduce the urban heat island effect in summer by cooling the air by transpiration, they reduce air pollution, provide shelter from



the harmful effects of the sun, help reduce surface water run-off (flooding) by interception and storage, provide valuable habitats for wildlife and of course they are very efficient at storing carbon, thus minimising the loss of greenhouse gases to the atmosphere, and also they create a more attractive environment for us humans. It has been estimated that doubling the tree cover in the West Midlands of England would reduce mortality as a result of poor air quality from particulates by 140 people per year^[1]. Another study in Manchester indicate that a 10% decrease in green cover in high density residential areas and town centres could lead to 7°C increase in surface temperatures². If the NRBW is to improve the Welsh environment, then arguably it should start in our towns and cities, where most Welsh people live, especially as recent statistics reveal that 65% of the Welsh population live in urban areas. There is evidence that Local Authorities in Wales have a strong interest in maintaining and increasing urban tree canopy cover, by planting new trees. The Strategy for Council Trees 2008-2013 produced by Wrexham County Borough Council is just one example of this. A lack of funding is a huge barrier to achieving new urban tree planting, however, some limited support for this from the NRBW could allow the Body achieve its and the Welsh Government's objectives very effectively. The Woodlands for Wales Strategy included some excellent aspirations with regard to urban trees (section 2.6 of it to be precise), but the Forestry Commission Wales was never really able to fulfil this promise. Will the NRBW have the same problems, or will it be empowered act proactively on this issue?

Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all). If not, how would you change it?

^[1] Stewart, H., Owen S., Donovan R., MacKenzie R., and Hewitt N. (2002). *Trees and Sustainable Urban Air Quality*. Centre for Ecology and Hydrology, Lancaster University.

² S.E Gill, J.F Handley, A.R.Ennos and S.Pauleit. *Adapting Cities for Climate Change: The Role Of The Green Infrastructure*.



Coed Cadw would *mainly* agree with these proposals, subject to the following comments.

1. The new Body should make sure the considerable recreational value of the thousands of accessible woodlands throughout Wales receives comparable high profile promotion in an integrated and complementary way to Wales other major recreational assets – the coastal footpath and open access land.

We would like Box 3 point 1 to include specific reference to woodland. Woodland is not open space, and neither is it necessarily countryside.

*“The NRBW may take such steps as it considers appropriate to promote and facilitate public access to, and enjoyment of, the countryside, **woodland** and open spaces in Wales.”*

This is an important and economically valuable objective. Woodland access opportunities need to be fully realised as part of an integrated strategy which is not happening at the moment. In particular, the value of woodland access at a local and community level is not being supported. The targeting of Glastir woodland management grants favours woods which provide for tourist recreational use and there is a danger that woods that principally provide local community access will not be supported.

2. We note that the duty refers to promotion and facilitation but not the assessment of needs or provision. We suggest this purpose is added to ensure appropriate focus and prioritisation and a properly strategic approach including, for example, in integrating access provision the Government’s substantial forest estate with that land in other ownership.



Question 3. Do you agree with these proposals for the high level forestry duties? (Yes, Mainly, Not at all). If not, how would you change them?

Coed Cadw would **mainly** agree with these proposals, subject to the following points.

1. We would like to see the precise wording proposed and the proposed text for modifications to the Forestry Act referred to on page 15 of the consultation document.
2. We support the inclusion of the FC balancing duty in the 2nd order and the transfer of this existing duty to the new body. We support the principle that the forestry duty should acknowledge an important role in economic timber production but in a financially, socially and environmentally sustainable way. The total economic value of forestry in Wales arises from both the production of timber (market benefits) and the public goods (non-market benefits), including recreation and tourism, biodiversity and ecosystem services.
3. We also strongly support the inclusion of the statement on page 15 to specifically include '*a duty to promote woodland cover in Wales*'. We don't agree with concerns expressed by others in Wales Environment Link on this point. We gave our reasoning for this in our response to the first consultation and this is reproduced in Appendix A.
4. As noted in our response to question 1 above we seek reassurance that this new duty is not confined to afforestation for traditional forestry purposes or using traditional forestry techniques. For example, some valuable approaches to tree planting on farms are not currently considered to be woodland, creating unnecessary bureaucratic barriers to the provision of support and risking these activities not being counted towards the Government's woodland creation target. Specifically what are currently regarded as 'trees outside woods' i.e. shelter belts, hedgerow trees and small groups of trees,



are key elements of developing resilience and climate adaptation, particularly in urban areas and the farmed landscape.

5. We look forward to receiving more detail on how the new body will interpret its duties in the delivery of the management of the Welsh Government's forest estate. In particular we:-

- a. We support the continuation of a core of FCW staff in leading roles in implementing the strategy but anticipate that closer engagement with water management and biodiversity specialists and more generalist land managers will help ensure more joined up policy delivery.
- b. Retention of the WG forest estate under independent forest certification under UKWAS is vital, with corrective actions comprehensively addressed, including those relating to PAWS restoration. This management approach provides an excellent case study for the achievement of integrated land management ideals enshrined in Living Wales. Areas which need attention to ensure the management of the estate is sustainable and meets certification requirements include:
 - Addressing the decline in condition of PAWS sites in Government ownership. This requirement applies to about 10% (need to check figure) of the total estate and is consistent with managing these sites under productive continuous cover forestry as the Woodland Trust is demonstrating at Wentwood Forest.
 - Addressing the detrimental impact of current clear felling practice on achievement of Water Framework Directive outcomes. Refer to the map evidence attached which identifies catchments in Wales judged to be failing to meet WFD standards due to forestry operations (i.e. clearfelling).



- Providing exemplary demonstration of the application of WG Woodland Strategy in moving towards mixed species continuous cover forestry
- c. Protect the forest resource from destruction by pests, diseases and climate change. A major strategy to do this is the move to more diverse continuous cover forestry, which should be continued despite objections from the major commercial timber users.
- d. We also support the recommendation from the National Assembly's Environment and Sustainability Committee in its report of May this year that "The commercial acumen that exists within the Forestry Commission Wales is not lost and is mainstreamed into the work of a new body. This commercial expertise should be built upon to improve the commercial focus in all other appropriate areas of the new body's business."

Question 4. Do you agree with the general proposals for cross-border arrangements? [Yes, Mainly, No] If not what would you change?

This is difficult to comment on if we don't know which of the services provided by FC as they are now will be a long term arrangement or for the transitional period.

We think that UK Forest Research bodes huge benefits for the Welsh Government and should therefore take advantage of this UK-wide research. It is sensible therefore to suggest that the new Single Body takes part and is an active part of the Forest Research Programme. Coed Cadw needs reassuring that SEB will not disconnect from GB arrangements.



Question 5. Do you agree with the proposals for the statutory consultee role?

[Yes, Mainly, No] If not what would you change?

In the *main*, yes.

It is imperative however for the new Body to talk about their proposals before they become decisions. It's about making sure there is adequate consultation with the appropriate stakeholders.

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? [Yes, Mainly, No]

If not what would you change?

Yes we *agree* with these proposals.

In relation to the public forest estate we believe that an internal separation between regulation and operations is essential. There needs to be more transparency and better communication of forest level decision making than is currently the case, including showing that forest level decisions are consistent with the Welsh Government's own policy commitments.

Question 7. Do you agree with the proposals for permitting? [Yes, Mainly, No] If not what would you change?

No comment

Question 8. Do you agree with these proposals for charging? [Yes, Mainly, No] If not what would you change?



No comment

Question 9. Do you agree with the proposals for public registers? [Yes, Mainly, No] If not what would you change?

Coed cadw ***agrees*** with the proposals in the main

We support the proposal under section 6.2 to require the body to publish a list, on its website, of all legal permits, of any type, it has issued in respect of its own operations. We would like to see further information published in readily accessible registers on how it manages the public forestry estate, for example by making forest design plans available on the internet to give appropriate stakeholders the opportunity to engage and consult.

More fundamentally the new body must have a duty to communicate willingly and effectively with stakeholders and the public. Public registers are just one mechanism but do not provide an adequate communications strategy.

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? [Yes, Mainly, No]

No comment

Question 11. Do you agree that the new body should have powers to use civil sanctions? [Yes, Mainly, No]

No comment

Question 12. Do you agree with the proposals for appeal arrangements? [Yes, Mainly, No]



If not what would you change?

Yes, we agree.

Question 13. Do you agree with the proposals for cross border monitoring?

[Yes, Mainly, No]

If not what would you change?

No comment

Question 14. Do you agree with the proposals for statutory planning and reporting? [Yes, Mainly, No]

If not what would you change?

No comment

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH? [Yes, Mainly, No]

If not what would you change?

No comment

Question 16. Do you agree with the proposals for UK wide arrangements?

[Yes, Mainly, No]

If not what would you change?

No comment

Question 17. Do you agree with the proposals for transitional arrangements?

[Yes, Mainly, No]

If not what would you change?



No comment

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

www.coedcadw.org.uk

www.woodlandtrust.org.uk/saveourtrees

For further information please contact:

Angharad Evans email: angharadevans@woodlandtrust.org.uk

Rory Francis email: roryfrancis@woodlandtrust.org.uk



Appendix A

The new Body should ensure that the management of the Welsh Government forestry estate is fully in line with the WG woodland strategy and more recent WG policy priorities such as the woodland expansion target. We look forward to seeing a vision statement for the Welsh Government forestry estate that embodies this. The new Body should provide clear vision and direction for the nature and location of the new woodland created to meet the WG 100,000 ha target and should not confine its role to managing a regulatory process.

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

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



COED CADW
WOODLAND
TRUST

championing of the role of trees and woodland to deliver Welsh Government
Policy objectives across many different policy areas.

Map – Catchments in Wales judged to be failing to meet WFD standards due to forestry operations (i.e. clearfelling)



Pontllanfraith House,
Pontllanfraith,
Blackwood,
NP12 2YW

Tŷ Pontllan-fraith,
Pontllan-fraith,
Coed Duon,
NP12 2YW



Chief Executive / Prif Weithredwr

Anthony O'Sullivan BSc(Eng), MSc, CEng, FICE, FIHT

www.caerphilly.gov.uk

www.caerffili.gov.uk

Your Ref: Natural Resource Body for Wales (Additional Consultation)

Our Ref: FP30/29 - Response on behalf of Caerphilly County Borough Council

Date: 2nd October 2012

Contact: Victoria Lewis

Tel: 01495 235096

Email: lewisv2@caerphilly.gov.uk

Dear Sir/ Madame

Ref: Natural Resource Body for Wales additional Consultation Response

Herewith, please find Caerphilly CBC's response to the above Welsh Government consultation.

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all).

Yes. There are no significant changes to the duties of the Environment Agency Wales, Forestry Commission Wales and Countryside Council for Wales and the proposed wording of the second order reflects that of the Environment Act 1995.

The reference regarding the 'special interest' of duties concerning CCW is incorrect within the proposal test. The relevant section should be Section 8(1) and not 7(1) of the 1995 Environment Act.

If not, how would you change it?

Question 2. Do you agree with the proposals in respect of public access and recreation duties (Yes, Mainly, Not at all).

Yes. There are no significant changes or departures from the existing requirements of the duties of the Environment Agency Wales, Forestry Commission Wales and Countryside Council for Wales. It is considered that the functions of the three separate bodies will continue once amalgamated.

If not, how would you change it?

Question 3. Do you agree with these proposals for the high level forestry duties (Yes, Mainly, Not at all).

Yes. It is agreed that the functions previously exercised by FCW should be transferred en bloc to the

A greener place Man gwyrdach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat

new NRB; namely as the provider of woodland policy and protection; and as an agent to the Welsh Ministers managing their woodland estate. Now is an ideal opportunity to promote a Coed Cymru like role where there would be an emphasis on promoting the management of non-productive woodlands, protecting over-grazed woodlands to allow regeneration, promoting fuel wood production and increasing the range of woodland products etc.

Given the increasing threat from exotic pests and diseases there needs to be a very close link with the rest of the UK forest authority so that emergency measures can be applied without undue delay and are properly funded.

If not, how would you change them?

Question 4: Do you agree with the general proposals for cross-border arrangements? (Yes, Mainly, No)

Yes. The proposal for an integrated approach for cross-border arrangements and working is supported. It is considered that if the details of the cross border arrangements are satisfactory, of which no comment can be made as yet due to the lack of details available, then there could be significant benefits to a more integrated approach to consultation and working.

If not what would you change?

Question 5. Do you agree with the proposals for the statutory consultee role? (Yes, Mainly, No)

Yes. We do not consider that the functions of the Natural Resource Body for Wales varies significantly from that of the existing separate bodies.

With regards to the proposal for the publication of decision documents, we are supportive of the general principle and the view that detailing only the major or more significant decisions would be appropriate. However, access to all decisions would be beneficial and perhaps a Local Planning Authority (LPA) planning application approach could be adopted where access via the website to decisions was available. This would promote a transparent service.

If not what would you change?

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? (Yes, Mainly, No)

Yes. The proposals seek to provide a clear separation between the various functions of the NRB and to enable clarity on decisions and decision-making. We support the improvements to transparency as we consider this to be in the public interest, and we are supportive of the principle of publishing a list of all its legal permits issues in respect of its own operations in addition to the other statutory public register requirements.

If no, what would you change?

Question 7. Do you agree with the proposals for permitting? (Yes, Mainly, No)

Yes. There appears to be very little change to the proposed approach to permitting and as such we raise no objections.

We support the proposed role that the NRM will become the rule making authority in Wales. This is considered to encourage a more cohesive and joined up approach to environmental working and regulation.

If no, what would you change?

Question 8. Do you agree with these proposals for charging? (Yes, Mainly, No)

Yes at present. Without additional information regarding the proposed permit charging after the lifetime of the current charging system it is difficult to make any further comment at this stage.

A full consultation should be undertaken for any proposed changes to the charging system in the future in the interest of transparency and inclusion.

If no, what would you change

Question 9. Do you agree with the proposals for public registers? (Yes, Mainly, No)

Mainly. Whilst the proposed approach is principally dictated to by the current requirements placed upon the bodies, we have some concerns that not adopting a unified approach to public registers could cause some confusion and minimise transparencies. If the proposed approach is adopted a clear mandate of how and what will be registered should be provided for information purposes.

If no, what would you change.

Question 10. Do you agree that the new body should be a listed body under the Regulations of Investigatory Powers Act 2000? (Yes, Mainly, No)

Yes. No proposed changes to the current approach and as such we raise no objections.

Question 11. Do you agree that the new body should have powers to use civil sanctions? (Yes, Mainly, No)

Yes. We consider the powers of civil sanctions an important component of the new NRB and are supportive of the proposed approach.

Question 12. Do you agree with the proposals for appeal arrangements? (Yes, Mainly, No)

Yes. It is not considered that there are any significant amendments to the proposed NRB appeal arrangements. We are supportive in principle of the proposals to enable Welsh Ministers to hear appeals in respect of all Welsh matters. Additional information on how this approach would be undertaken in cross-boundary issues would be welcomed.

If no, what would you change.

Question 13. Do you agree with the proposals for cross order monitoring? (Yes, Mainly, No)

Yes. The proposed approach appears to be pragmatic and viable in terms of achieving the necessary results and not duplicating work.

If not, what would you change

Question 14. Do you agree with the proposals for statutory planning and reporting? (Yes, Mainly, No)

Mainly. We support the principle of joint working and where there are cross-body issues (i.e. EAW and FCW) then the production of a single plan that is signed off by both bodies is seen as a logical solution.

However, we have some concerns over the cross border work. Whilst we acknowledge that the proposed approach is the most pragmatic, there are concerns that this lack of joined up working could result in discrepancies and inconsistencies. We would prefer to see some form of pre-arrange guidance in place that would set out how these cross-boundary management plans, for example would be achieved.

We support the requirement of the NRB to provide data for statutory UK reporting. This amongst other benefits enables other sectors such as LPA's to fulfil their reporting duties with more efficiency and accuracy.

If not, what would you change.

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH (Yes, Mainly, No)

Yes. The existing responsibility for the Control of Major Accidents and Hazards (COMAH) lies with the EAW so it is only logical that this function be transferred to the new single body. There are no objections to the transfer of responsibilities currently undertaken by the Secretary of State to Welsh Ministers. This would be in line with the other functions that would be transferred to the Welsh Ministers.

If not, what would you change.

Question 16. Do you agree with the proposals for UK wide arrangements? (Yes, Mainly, No)

Yes. There are no proposed changes to the current approach for UK wide arrangements for trading schemes and producer responsibility. As such, there are no objections.

If not, what would you change.

Question 17. Do you agree with the proposals for transitional arrangements? (Yes, Mainly, No)

Yes. The list of areas covered by the transitional arrangements appears to cover, in principle the roles and functions of the EAW, FCW and CCW. There appear to be no proposed changes to these roles and functions under the new single body and as such there are no objections in principle.

There are some practical concerns over how the new body intends to respond to planning applications and local development plan issues. There is currently overlap between EA and CCW responsibilities and sometimes nature conservation comments are tagged on to EA responses which in the main are concerned with flooding issues: It is important that LPAs are made aware in terms of:

- Who should be consulted - the new body, or sections of the new body depending on the nature of the application?
- Will the body present an overall view on an application or the LDP or will the LPA receive a number of separate views addressing different points?

At present either option has merit, however it would be helpful to have a defined system of consultation in place before the new body starts to operate for clarity.

Clarity is also sought regarding the weight that would be attached to comments received back from the new single NRBW, specifically from a planning perspective. Currently, the EAW, CCW and FCW are statutory consultees and any comments received back from these bodies on a planning application or local development plan issue, is given considerable weight, but mostly considered on an advisory basis. Many decisions at a local level are based upon these comments received. It would be useful to clarify if this combined body will carry equal weight to the existing individual bodies or if through the amalgamation of these three bodies, the NRBW would become a 'super power' with little opportunities for LPA's to use the advice given as advisory rather than mandatory.

We also understand that the new body may be charged with improving the countryside's contribution to the Welsh economy - will they consider each application on that basis, and state their views accordingly?

If not, what would you change.

If you have any further queries or would like further clarification on any of the above points please do not hesitate to contact me.

Yours Sincerely

Victoria Lewis

On behalf of the Strategic Planning and Urban Renewal Manager

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

3rd October 2012

Dear Carrie

The Countryside Alliance welcomes the opportunity to respond to the Welsh Assembly Government's additional consultation on the Natural Resources Body for Wales.

We would welcome further involvement and dialogue throughout the process up to and beyond the establishment of the new body in April 2013.

Yours Sincerely,

Rachel

Rachel Evans
Director for Wales
Gosen
Llangadog
Carmarthenshire
SA199LS

Natural Resources Body for Wales

Number: WG – 16076

Question1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all)

Yes

Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all).

Yes/Mainly – The Countryside Alliance Wales would reiterate the importance of respecting existing riparian and sporting rights. In particular we would note that sporting rights on land can be owned separate from the land and represent a distinct property right. These are valuable assets whether leased or owned outright.

Question 3. Do you agree with these proposals for the high level of forestry duties? (Yes, Mainly, Not at all)

Yes – However, the proposal still leaves unresolved the question as to the ‘balancing duty’ of the Forestry Commission and whether to transfer it or include it within the new body’s nature conservation duties. If the latter then we assume the ‘balancing duty’ would apply to all aspects of the new body and not simply in respect of those functions currently done by the Forestry Commission? If it is simply transferred would the ‘balancing duty’ only apply to those functions of the new body currently done by the Forestry Commission? We would ask for some clarification here.

Question 4. Do you agree with the general proposals for cross-border arrangements? (Yes, Mainly, No)

Yes

Question 5. Do you agree with the proposals for the statutory consultee role? (Yes, Mainly No,)

Yes

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?

Yes.

Question 7. Do you agree with the proposals for permitting? (Yes, Mainly, No)

Yes

**Question 8. Do you agree with the proposals for charging? (Yes, Mainly, No)
If not, what would you change?**

Yes

Question 9. Do you agree with the proposals for public registers? (Yes, Mainly, No) If not, what would you change?

Yes

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? (Yes, Mainly, No)

Yes

Question 11. Do you agree that the new body should have powers to use civil sanctions (Yes, Mainly, No)

Yes

Question 12. Do you agree with the proposals for appeal arrangements? (Yes, Mainly, No)

We agree with the proposals in general but we would like to see the existing arrangements maintained with regard to appeals to the Secretary of State.

Question 13. Do you agree with the proposals for cross-border monitoring? (Yes, Mainly, No)

Yes

Question 14. Do you agree with the proposals for statutory planning and reporting? (Yes, Mainly, No)

Yes

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH? (Yes, Mainly, No)

Yes

**Question 16. Do you agree with the proposals for UK wide arrangements?
(Yes, Mainly, No)**

Yes

**Question 17. Do you agree with the proposals for transitional
arrangements? (Yes, Mainly, No)**

Yes

RTPI Cymru
PO Box 2465
Cardiff / Caerdydd
CF23 0DS

Tel / Ffôn: 029 2047 3923
email/e-bost: walespolicy@rtpi.org.uk
www.rtpi.org.uk

Registered Charity Numbers
England 262865
Scotland SC 037841

4 October 2012

e-mail response sent to: SEB@wales.gsi.gov.uk

Dear Sir/Madam,

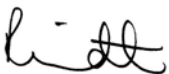
RESPONSE TO: Natural Resources Body for Wales (additional consultation)

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development. RTPI Cymru represents the RTPI in Wales, with 1,100 members.

This response has been formed drawing on the expertise of the RTPI Cymru Policy & Research Forum which includes a cross section of planning practitioners from the private and public sectors and academics from different parts of Wales.

If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or email Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



Dr Roisin Willmott MRTPI
RTPI Cymru
National Director



Natural Resources Body for Wales (additional consultation)

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

☐

Your details: to be completed

Your name: Dr Roisin Willmott

Organisation: Royal Town Planning Institute (RTPI Cymru)

Email: walespolicy@rtpi.org.uk

tel: 029 2047 3923

Consultation questions

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?

☒

Yes

☐

Mainly

☐

Not at all

If not, how would you change it?:

RTPI Cymru agrees with this proposal as it appears as a sensible amalgamation and rationalisation of the existing situation.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?

☒

Yes

☐

Mainly

☐

Not at all

If not, how would you change it?:

RTPI Cymru agrees with this proposal as it appears as a sensible amalgamation and rationalisation of the existing situation.

Question 3: Do you agree with these proposals for the high level forestry duties?

☒

Yes

☐

Mainly

☐

Not at all

If not, how would you change them?:

No comment to make

Question 4: Do you agree with the general proposals for cross-border arrangements?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:
No comment to make.

Question 5: Do you agree with the proposals for the statutory consultee role?

- ☒ Yes
☐ Mainly.
☐ Not at all

If not what would you change?:

We would like to add support to the proposal to publish decision documents where the new body is advising and regulating others, as this will aid in the achievement of transparent public services and is likely to have direct consequences and a greater understanding of the planning permission process ('development management').

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:
No further comment.

Question 7: Do you agree with the proposals for permitting?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:

While we agree with the principle that condition sets for standard permits under EPR should be Wales specific, there is a presumption that the collection and analysis of the evidence based will be adequately resourced in order to ensure the right decisions are made. Careful consideration is likely to be necessary at cross border sites, particularly on water and air management issues, and unnecessary delays to the planning system caused by additional complex internal procedures should be avoided wherever possible.

Question 8: Do you agree with these proposals for charging?

- ☐ Yes
- ☐ Mainly
- ☐ Not at all

If not what would you change? :
No comment to make.

Question 9: Do you agree with the proposals for public registers?

- ☐ Yes
- ☐ Mainly
- ☐ Not at all

If not what would you change? :
No comment to make.

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?

- ☐ Yes / no comment
- ☐ Mainly
- ☐ Not at all

Question 11: Do you agree that the new body should have powers to use civil sanctions?

- ☐ Yes
- ☐ Mainly
- ☐ Not at all

Question 12: Do you agree with the proposals for appeal arrangements?

- ☐ Yes
- ☐ Mainly
- ☐ Not at all

If not what would you change?:
No comment to make.

Question 13: Do you agree with the proposals for cross border monitoring?

- ☐ Yes
- ☐ Mainly
- ☐ Not at all

If not what would you change?:
The proposed approach, while non-specific in nature seems laudable, it is imperative that the internal processes that are put in place are efficient and effective and that where monitoring may

relate in action by a third party, for example as part of a planning condition, procedures do not get in the way of achieving environmental outcomes.

Question 14: Do you agree with the proposals for statutory planning and reporting?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:

We seek clarification on the statement 'we also propose to give the new body a general obligation to exercise certain relevant functions so to ensure compliance with the requirements of the Water Framework Directive' particularly where these currently unexercised functions may relate to activities of local planning authorities.

In addition, where responsibilities are being transferred to the new body, it will be vital to ensure that cross-border consultations are continued so that LPAs on either side of the border have the full support and evidence base required when considering the environmental impacts of their statutory land use plans.

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:

No comment to make

Question 16: Do you agree with the proposals for UK wide arrangements?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:

No comment to make

Question 17: Do you agree with the proposals for transitional arrangements?

- ☒ Yes
☐ Mainly
☐ Not at all

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

This consultation focusses largely on internal processes or consultative processes with counterparts in England. It is not detailed on how the new body will interface with the planning system, interfaces that currently use large amounts of staff resources responding to planning 'casework' and planning policy or LDP development. In our view it is vital that this new body engages fully and in a timely manner with the planning system to help Wales achieve sustainable economic development and we would value the opportunity to learn more, and be a part of discussions developing, plans to ensure that this occurs. Before the structures are set and resource allocations are made, we would welcome the opportunity for further consultation on the detailed procedures planned, and suggest that LPAs should be consulted in addition. The proposed changes to the public sector environmental expertise in Wales is timely given the work taking place to review the planning system and we suggest that without this level of discussion, significant opportunities might be lost.

4 October 2012



The Law Society

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

Dear Ms Moss

Re: Natural Resources Body for Wales

The Law Society is the representative body of over 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society's Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all). If not, how would you change it?

Yes. We welcome the importing of the wording of section 7(1)(a) of the Environment Act 1995 into the definition of the duty of the new body in the second order with the omission of the wording "of special interest" and of section 130(2) of the Environmental Protection Act 1990 in relation to economic and social well being of local communities in rural areas.

Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all). If not, how would you change it?

Mainly. We support the adaptation of the wording of section 130(2) Environmental Protection Act 1990 in relation to the new body's duties in respect of public access and recreation duties in the second order and their extension to forest land. We question the need to specify in the order the type of recreational facilities to be provided – camping sites, picnic places etc.

Question 3. Do you agree with these proposals for the high level forestry duties? (Yes, Mainly, Not at all). If not, how would you change them?

Yes. We agree with the proposal to transfer to the general duty in the Forestry Act 1967 to promote the interests of forestry to the new body and the duties under the Plant Health Act 1967. We support the Welsh Government's preference that the new body should continue to be subject to the Forestry Commission's "balancing duty" as between the development of afforestation, the management of forests and the production of timber and the conservation of natural beauty, flora, fauna and geological features.

Question 4. Do you agree with the general proposals for cross-border arrangements? [Yes, Mainly, No] If not what would you change?

Yes. It is essential that appropriate arrangements are in place to ensure the continuation of cross border working. The combination of imposing a duty on the new body and the Environment Agency, Memoranda of Understanding, agreements under the Public Bodies Act to provide/share services and a power for the Secretary of State/Welsh Ministers to issue directions to each body in respect of cross border issues seems sensible and appropriate.

Question 5. Do you agree with the proposals for the statutory consultee role? [Yes, Mainly, No] If not what would you change?

Yes. The statutory consultee role should be a priority for the new body. Where the body itself is in effect dealing with its own applications, permits, inspections and sanctions, there must be transparency of decisions by making information available to the public. We agree that the Welsh Ministers should require the new body to produce a scheme setting out the circumstances and arrangements for the publication of decision documents.

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? [Yes, Mainly, No] If not what would you change?

Yes. If the public is to have trust in the new body, there must be complete separation within the organisation between operational and regulatory/advice functions in relation to strategic environmental assessments, environmental impact assessments and Habitats Regulations Assessments. There must also be provisions to ensure publication of all legal permits which the body has issued in respect of its own operations and a power for Welsh Ministers to call in and determine any significant cases.

Question 7. Do you agree with the proposals for permitting? [Yes, Mainly, No] If not what would you change?

We agree that the new body should become the rule making body for standard conditions applying to permits in Wales. We agree that operators of mobile plant should have to apply for permits to only one body, that applicants should apply to the body where their principal place of business is sited and that permits granted in Wales should also cover England and visa versa.

Question 8. Do you agree with these proposals for charging? [Yes, Mainly, No] If not what would you change?

Yes. We agree that there should be transitional arrangements for the new body to continue to charge on the basis of existing Environment Agency charging schemes pending the introduction of new charging provisions under the Environment Bill in 2013.

Question 9. Do you agree with the proposals for public registers? [Yes, Mainly, No] If not what would you change?

No. The public registers need to be searched in property transactions. It would be invidious in future to have to search the Environment Agency register and any separate register set up to cover Wales alone to establish whether a property is covered by any environmental permit or licence. In our view there should continue to be one single public register covering both Wales and England.

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? [Yes, Mainly, No]

Yes. The power to undertake surveillance activities in respect of environmental crime must be carried over from the Environment Agency to the new body.

Question 11. Do you agree that the new body should have powers to use civil sanctions? [Yes, Mainly, No]

Yes. Civil sanctions are an essential weapon in the armoury of the Environment Agency and increasing use is being made of them.. The new body must have the power to use civil sanctions in Wales in the future.

Question 12. Do you agree with the proposals for appeal arrangements? [Yes, Mainly, No] If not what would you change?

Yes. Welsh Ministers should continue to hear appeals in respect of all Welsh matters.

Question 13. Do you agree with the proposals for cross border monitoring? [Yes, Mainly, No] If not what would you change?

Mainly. Monitoring and sampling should be the responsibility of the new body for sites in Wales and the Environment Agency/Natural England in England. However, it seems a rather cumbersome arrangement for the new body to have to request the Environment Agency/Natural England to undertake monitoring or sampling of the impact of an activity which crosses the border and subsequently to meet the cost of that monitoring or sampling. It would be more straightforward for the staff of the two organisations to cross the border and to undertake the monitoring or sampling for themselves.

The new body should assume duties to report to Welsh Ministers or the Welsh Government. Where a function continues to be undertaken by the Environment Agency, it should continue to be responsible for reporting in respect of any site/activity which is in Wales or which crosses the border.

We agree that the new body should become a statutory consultee for water undertakers in respect of water resource management plans and drought plans which cover Wales or which straddle the border. We agree that Welsh Ministers should consult the new body and the Environment Agency before issuing a direction to a water undertaker whether the direction relates to an area wholly or mainly in Wales or which is mainly in England but has an impact on water resources in Wales..

Question 14. Do you agree with the proposals for statutory planning and reporting? [Yes, Mainly, No] If not what would you change?

Mainly. The new body and the Environment Agency/Forestry Commission should be responsible for developing, implementing and monitoring plans in Wales and England respectively. We recommend that where a plan crosses the border one or other organisation should by agreement assume responsibility. It would seem superfluous for both organisations to prepare and coordinate their separate plans.

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH? [Yes, Mainly, No] If not what would you change?

Yes. We agree that the new body should be added to the list of category 1 responders under the Civil Contingencies Act 2004 and should have transferred to it responsibilities for the control of major accident hazards in Wales.

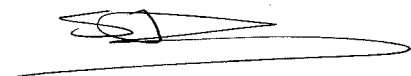
Question 16. Do you agree with the proposals for UK wide arrangements? [Yes, Mainly, No] If not what would you change?

Yes. We agree that it would be sensible for statutory functions in respect of trading schemes and producer responsibility to remain on a UK wide basis undertaken by the Environment Agency.

Question 17. Do you agree with the proposals for transitional arrangements? [Yes, Mainly, No] If not what would you change?

Yes. We agree that the second order in respect of the new body should include transitional arrangements to deal with existing permits, agreements and contracts and the transfer of functions to Welsh Ministers.

Yours faithfully

A handwritten signature in black ink, appearing to be 'S. Durno', with a long horizontal flourish extending to the right.

Steven Durno, Policy Officer



From: D WARD [d.ward752@btinternet.com]

Sent: 04 October 2012 13:49

To: SEB mailbox

Subject: Natural Resources Body for Wales consultation

We have only one point we want to make in relation to this consultation, which is why we're not completing your structured response form.

We have no problem with the fundamental proposal for a new natural resources body but we cannot see how Forestry Commission Wales can play a role in this when their activities are at odds with the 'overarching duty' of nature conservation. We recognise that the Forestry Commissioners, under the 1967 Forestry Act, have to strike a 'reasonable balance' between nature conservation and the commercial responsibilities of running forests, however we cannot believe that Parliament, when the Act was passed, ever imagined the development of wind farms that we are now seeing in Mid-Wales. Forestry Commission Wales would be joint developer of two massive wind farms at Dyfnant Forest and Rhyd Ddu, if their planning applications are consented. This would lead to the devastation of huge areas of beautiful, unspoilt Welsh countryside - the replacement of trees and peat bogs, the natural habitats of threatened flora and fauna with concrete and steel, huge turbines, access roads, sub-stations and hard standings (that will never be removed) for cranes.

While it will no doubt be argued that Forestry Commission Wales will declare an interest, and withdraw itself, from any discussions where they have an obvious commercial interest, their general attitude towards nature conservation betrayed by their planned wind farm developments should disqualify them from taking any part in the new body.

David & Frances Ward
Peniarth Uchaf
Meifod
Powys
SY22 6 DS

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

4th October 2012

Dear Ms Moss,

Natural Resources Body for Wales (additional consultation)

Welsh Conservatives welcome the opportunity to contribute to this additional consultation into the overarching duties and the legal and working arrangements of the future Natural Resources Body (NRB). Given the absence of an opportunity for Members of the National Assembly to amend the *Natural Resources Body for Wales (Establishment) Order 2012*, this consultation, and the legislative and consultative timetable it details are welcome steps to address the democratic deficit demonstrated by Welsh Ministers in introducing the first order.

However, while we welcome the opportunity to contribute, we do have concerns about the length of this particular consultation period. Government Ministers have been explicitly clear that they consider the delivery of the second legislative order as the most important piece of legislation in the creation of a new Natural Resources Body for Wales, as it determines the body's duties, transfers the majority of the substantive powers of the merging organisations, and processes the function of amending any aspect set out in the first order, we believe that this consultation should not have been an addendum to the Natural Resources Wales consultation published in February, but rather it should have been a completely separate process and in consequence, should have been subject to the full statutory 12 week period.

In terms of the over-arching purpose and cross-cutting duties of the NRB, as proposed in the consultation document, we are seriously concerned that they fail to place the necessary priority on sustainable economic growth. Furthermore, there are significant risks that the NRB will from the outset view its purpose primarily in terms of environmental regulation and enforcement, and this will inevitably inhibit economic growth rather than supporting it.

Part 1. Overarching Duties

In order for Wales to receive the maximum benefit from the management of its natural resources through the NRB, its duties and the exercise of its powers should be implemented along the following priorities:

1. Economic;
2. Environmental; and
3. Social

The support of the sustainable economy must be the NRB's foremost priority and should drive all cross-cutting policymaking in order for Wales to obtain the maximum benefit from the management of its natural resources.

The priority on support and developing the sustainable economy is also important in terms of measuring the deliverable outcomes that the new body should strive to achieve. The NRB will of course be aiming to secure a healthy, resilient and productive economy based on a thriving ecosystem. However, given the complexity of ecosystems, the gaps in scientific understanding of the links between ecosystems and the services they provide, as well as the uncertainties around environmental change and other drivers, we believe it will, understandably, take a considerable amount of time to identify and collate the necessary local and national indicators and datasets required to measure and ultimately understand, the long-term health and resilience of our ecosystem.

While this will be an initial key performance indicator of the body's work, it will also become part of an integrated package of measures that will shape resource management but also help to identify and target public and private funds towards actions which achieve greatest multiple benefits across the three priority areas.

It would therefore be necessary to redraft the purpose of the NRB, and associated guidance as detailed in the first order, as follows (amendments highlighted in red):

The Natural Resources Body for Wales (Establishment) Order 2012

Article 4 – Purpose of the Body

(1) *The purpose of the Body is to ensure that the **natural resources and environment** of Wales are—*

- (a) **sustainably used;***
- (b) **sustainably enhanced; and***
- (c) **sustainably maintained***

(2) *In this article—*

(a) “sustainably” means—

- (i) with a view to benefitting; and*
- (ii) in a manner designed to benefit,*
*the **economy, environment and people** of Wales in the present and in the future;*

(b) “environment” includes, without limitation, living organisms and ecosystems.

(3) Wherever the Body exercises any function in relation to, or that affects, the Welsh zone (as defined in section 158(1) of the Government of Wales Act 2006(1), both the

references to “Wales” in paragraph (1) are to be interpreted as including references to the Welsh zone.

Article 5 - Guidance with respect to the Body’s purpose

- (1) The Welsh Ministers may give guidance to the Body with respect to the manner in which it should exercise its functions so as to give effect to its purpose.*
- (2) In preparing any guidance under paragraph (1), the Welsh Ministers must have regard to the Body’s responsibilities and resources.*
- (3) Any guidance given by Welsh Ministers under paragraph (1), should have the following overarching objectives, in order of priority:
(a) Economic;
(b) Environmental; and
(b) Social;
and have due regard to minimising the regulatory burden*
- (4) In discharging its functions, the Body must have regard to guidance given under this article.*
- (5) Before giving guidance to the Body under this article, the Welsh Ministers must consult the Body and such other bodies or persons as the Welsh Ministers consider appropriate.*
- (6) The Welsh Ministers must publish any guidance given under this article as soon as is reasonably practicable after giving the guidance.*
- (7) The power to give guidance under this article includes power to vary or revoke it.*

Question 1. Natural beauty and nature conservation duties

In order for the draft wording of the second order to reflect the priorities outlined above, it should be re-worded as follows:

*(a) Ministers and the new body would be under a duty, in formulating or considering any proposals relating to any functions of the body other than its pollution control functions or its functions under the Forestry Acts 1967 to 1979, to exercise any power with respect to the proposals so as to further the conservation and enhancement of **the** natural beauty **of the landscape** and the conservation of flora, fauna and geological or physiographical features.*

This duty would apply so far as it was consistent—

- (i) with the purposes of any enactment relating to the functions of the body,*
- (ii) in the case of Ministers, with the objective of achieving sustainable **economic** development,*

(iii) in the case of the body, with any guidance under article 5 of the Natural Resources Body for Wales (Establishment) Order 2012 (guidance with respect to the body's purpose),

(iv) in the case of Ministers, with their duties under section 2 of the Water Industry Act 1991.

(b) Ministers and the new body would be under a duty, in formulating or considering any proposals relating to pollution control functions of the body, to have regard to the desirability of conserving and enhancing natural beauty and of conserving flora, fauna and geological or physiographical features.

(c) Ministers and the new body would be under a duty, in formulating or considering any proposal relating to any functions of the body—

(i) to have regard to any effect which the proposals would have on the economic and social well-being of local businesses and communities; and

(ii) to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects; and

(iii) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest;

Question 2. Public access and recreation duties

With the first order amended as above, we believe that the draft wording of the public access and recreation duties would be interpreted in an appropriate way to stimulate economic growth.

Question 3. Forestry

Commercial forestry represents one of Wales' most successful industries, employing 18,500 people and contributing over £840million to the Welsh economy. Furthermore, approximately half of the previous Forestry Commission Wales' budget was derived from the commercial harvesting and sale of timber. The ability of Wales to develop a thriving sustainable economy will, in no small part, be dependent on maintaining and enhancing its support for commercial forestry.

As the consultation document itself alludes, a considerable number of businesses and individuals from the Welsh commercial forestry sector had deep reservations about the inclusion of Forestry Commission Wales in the NRB, due to the likelihood of its commercial operations (essential to the supply of timber) being subordinated to the objectives of environmental regulation and habitat management which were formerly the responsibilities of Environment Agency Wales and the Countryside Council for Wales. Despite acknowledging these concerns, this second consultation document still fails to address them adequately, or provide the necessary assurances that the importance of commercial forestry will not be reduced under the new NRB.

In terms of the proposals for high level forestry, we would note from the outset that the suggested amendments to the first order, as discussed above, would considerably improve the general interpretation of forestry duties in favour of sustainable economic growth.

With respect to the future role of the ‘balancing duty’ of section 1(3A) of the *Forestry Act 1967*, we note that this has been a very effective means through which Forestry Commission Wales has managed its resources. Indeed, given its successful role in managing the competing demands on natural resources within the FCW estate, we would go further than the suggested changes and recommend that a similar balancing duty ought to apply to the NRB as a whole. In such a way, the NRB would be required, when discharging any of its functions, to endeavour to achieve a reasonable balance between economic, social and environmental objectives.

Question 4. *Cross-border issues: general principles*

Undoubtedly, it would be beneficial for Wales to maintain the close working relationship with England, especially in matters of mutual interest such as flood defences. However, no information has been provided on the expected net gain or loss for Wales in terms of expenditure, for example, on capital works in Wales to benefit England and *vice versa*?

There also needs to be a thorough explanation of exactly which professional and technical services will be subject to long-term agreements, which are to be transferred (in particular the cost implications for Wales of forestry research services), and what the overall cost implications will be for Welsh taxpayers, and to what extent these would be offset by any services provided from the NRB to the Environment Agency and Forestry Commission?

These matters are particularly relevant given the inevitable complications with large scale IT projects, and the historically poor record of the public sector in delivering such projects. Consequently there are entirely reasonable concerns about expenditure going over-budget, and resources being taken from the front-line services that a NRB would deliver.

In addition, there is insufficient guidance as to the arrangements concerning significant cross-border infrastructure projects involving Welsh natural resources, such as large-scale water transfer from Wales to England. Further information is needed on what role the NRB would play and what degree of democratic oversight would be in place.

While we are broadly supportive of the general principles, the Welsh Government will need to provide further information to explain the full range of cost implications and practical working arrangements.

Question 5. *Statutory consultee role*

Greater clarity is needed on how the NRB would ‘consult itself’ and how this represents good governance and democratic accountability. Tensions between the three prioritised objectives will be inevitable and necessary trade-offs will need to be made due to conflicting

demands. On a practical basis, a drive to find synergies and areas of shared interest would be necessary to reach mutually beneficial decisions. However, it is vitally important that open and transparent decision making procedures are in place to allow stakeholders and members of the public to scrutinise the process and hold the new body to account for making those decisions.

However, as drafted, we do not consider the Welsh Government's proposals will provide the necessary transparency and accountability to gain public confidence due to structural deficiencies in the way powers and responsibilities will be concentrated within the NRB. Such responsibilities could only be effectively and transparently met through an independent body.

Question 6. *Internal regulation*

As with the reply to question 5 above, the responsibility of a NRB for its own regulation represents a fundamental structural flaw, which represents a significant risk both to its own and the Welsh Government's credibility.

It is extremely difficult to envisage how the NRB, internally regulating its own activities, internally consulting on its statutory duties, and internally determining the outcome of planning applications in which it is itself the financial beneficiary. These functions will only succeed in retaining the trust of the public if they are determined by an independent body. As outlined by the Welsh Government, there can be little confidence that the NRB would ever be able to shake the public perception of collusion over decision-making. Internal regulation could only be achieved in an open and transparent way through an independent body.

Question 7. and 8. *Permitting and Permit charging*

We would support the status quo in terms of those permitting functions currently undertaken by the Environment Agency and Forestry Commission Wales. In particular, it would be in the interests of sustainable economic development that the NRB continue Forestry Commission Wales' policy of not charging for permits, in contrast to the current standard practice of the Environment Agency.

In terms of the proposals for rod licenses and the division of income between the NRB and the Environment Agency, further information would be required in order to determine whether these arrangements will be fit for purpose, or whether there would be negative (or indeed positive) impacts on resources for monitoring and enforcement.

Question 9. *Public Registers*

While we are, of course, supportive of the maintenance of the public registers, and public transparency they provide, additional information would be required with respect to cost and administrative burden of the options proposed. No evidence has been presented in the

consultation document to demonstrate the relative merits of Wales-only or the continuation of joint-registers, either in terms of efficacy or value for money to Welsh taxpayers.

Question 10. *Inspection, investigation, enforcement & prosecution*

Given the substantial public concerns over the infringement of civil liberties as a consequence of the Regulation of Investigatory Powers Act 2000, considerable care should be taken to ensure that the use of these powers, including covert surveillance, is not extended beyond its current remit within Environment Agency Wales.

In the interest of protecting the civil liberties of Welsh citizens, we consider it necessary to establish clear lines of accountability and checks and balances in the use of these investigatory powers. We consider that it would be appropriate for the NRB to seek the approval of an independent authority (such as a Police Inspector or the Secretary of State where appropriate) when utilising these powers.

Question 11. *Civil sanctions*

While it would be reasonable for the NRB to maintain the powers relating to civil sanctions currently conferred on Environment Agency Wales, there should be no extension of these powers across the NRB without public scrutiny by Assembly Members and due consultation.

Additional information would be required to determine whether the NRB will have sufficient resources to pursue enforcement through the courts, or whether it will prioritise financial resources elsewhere within its functions.

Question 12. *Appeals*

The Welsh Government would need to provide further information on exactly which legislation it wishes to amend in order to remove the Secretary of State as the recipient of an appeal. In the absence of such information and a justification from the Welsh Government, beyond the desire to centralise decision-making, then it would be preferable to maintain the status quo.

Question 13. *Cross border monitoring*

We are supportive of collaborative working arrangements, and an equitable division of costs, between the NRB and the Environment Agency and/or Natural England across the border. However, insufficient information has been provided by the Welsh Government to justify why substantial disagreement is considered a 'rare or non-existent event'. Without the assessment and evidence to substantiate this statement, it is not possible to determine whether the arrangements will be sufficiently robust.

Question 14. *Statutory Planning and Reporting*

The proposals for cross-border cooperation in the production of statutory plans appear reasonable. Further information should be made available to confirm working arrangements for Statutory UK reporting, detailing to which Government department and/or Minister the NRB would respond in each instance.

Question 15. *Incident Management*

Given the importance of the preparedness for, and the response to, civil emergencies, we are concerned that the Welsh Government has not provided sufficient information to justify its proposals for civil contingencies and the *Control of Major Accident Hazards Regulations 1999*.

In particular, it is unclear whether the correspondingly greater financial liabilities of dealing with such incidents will be adequately taken into account, either within the NRB's own budget, or the Welsh Government's financial reserve. Given the importance of access to UK-wide expertise and services when dealing with major incidents, it is a matter of concern that the Welsh Government's proposals could impede the response to such incidents, to the detriment of public safety and the environment. In the absence of evidence from the Welsh Government, there appears to be no justification for removing the current role of the Secretary of State. Indeed, maintaining this role may be of considerable value to Wales in terms of the coordination of a UK response to major incidents within Wales.

Question 16. *Trading Schemes and producer responsibility*

We are supportive of the proposals with respect to the administrative aspects of such schemes and reporting on a UK basis. Further information should be provided by the Welsh Government on the practical and cost implications for Forestry Commission Wales.

Question 17. *Transitional Arrangements*

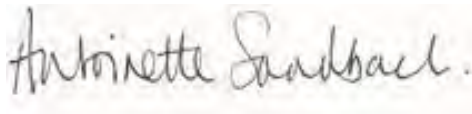
Further information should be provided by the Welsh Government in order to provide greater transparency over how operations will be managed, and cost controlled, during the transition, and where accountability lies for decision-making before the single is finally established, in particular with regard to staff pensions, the extent of 'salary protection' arrangements and general ICT costs.

Concluding remarks

While Welsh Conservatives welcome the opportunity to contribute to this consultation, in many respects the Welsh Government has not provided sufficient information to do so to the level of detail that such a significant subject matter deserves. We would hope that the Welsh Government will be willing to provide further information to allow for adequate scrutiny. We would again draw attention to the structural flaws in the NRB in relation to its

self-regulation and self-consultation, and we sincerely hope that the Welsh Government will recognise the need for independent oversight of all functions where there is an internal conflict of interest. Finally, we again emphasise that sustainable economic development must be given the priority it deserves if the NRB is to deliver a real, measurable, benefit to the people of Wales.

Yours sincerely,

A handwritten signature in black ink that reads "Antoinette Sandbach." The signature is written in a cursive style with a period at the end.

Antoinette Sandbach AM

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style.

Russell George AM

From: Communications
Sent: 04 October 2012 12:45
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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: Mrs J Hughes

Organisation (if applicable):

Email / telephone number: sregor54@hotmail.com

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?:

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?: Please consider equestrians and the disabled with regard to access and recreation

Question 3: Do you agree with these proposals for the high level forestry duties?: Mainly

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?: Mainly

If not what would you change?:

Question 5: Do you agree with the proposals Mainly

for the statutory
consultee role?:

If not what would you
change?:

Question 6: Do you
agree with the proposals
to provide internal
separation of decision-
making, improve
transparency and ensure
Welsh Ministers have
the opportunity to call in
significant issues?:

Mainly

If not what would you
change?:

Question 7: Do you
agree with the proposals
for permitting?:

Mainly

If not what would you
change?:

Question 8: Do you
agree with these
proposals for charging?:

Mainly

If not what would you
change?:

Question 9: Do you
agree with the proposals
for public registers?:

Mainly

If not what would you
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Question 10: Do you
agree that the new body
should be a listed body
under the Regulatory
Investigatory Powers
Act 2000?:

Yes

Question 11: Do you
agree that the new body
should have powers to
use civil sanctions?:

Yes

Question 12: Do you
agree with the proposals
for appeal
arrangements?:

Yes

If not what would you
change?:

Question 13: Do you
agree with the proposals
for cross border
monitoring?:

Mainly

If not what would you

change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?:

Mainly

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:

Mainly

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?:

Mainly

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?:

Mainly

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

It is vital that equestrians and the disabled are considered and not just walkers and cyclists. National Equine database figures May 2012 134,748 equines listed WITH PASSPORTS there are many which are not horses are worth over £400 million to the Welsh economy which does not include tourism. There are health benefits to riding further statistics can be provided and 90% of riders are female (Research undertaken by University Brighton and Plumpton college. 25% of riders aged 16 years and under 48% aged under 24 years. National Equestrian Survey 2011 (BETA)

New Natural Resource Body – Consultation Summer 2012

Comments by David MG Eagar, Oikos

Thank you for this opportunity.

In principle I welcome the new body, which should provide a vehicle for government to promote sound ecological principles in the conservation and management of Wales for the long-term.

I retired in 2004 from being the senior landscape policy officer for the Countryside Council for Wales (CCW). My interest in this consultation stems from a career in countryside planning and management that was founded on: an upbringing mainly on the Isle of Anglesey (with a year in central Powys); a geography degree that included “an analytical description of the vegetation and agricultural land use of Ynys Gybi”, and an interest in the application of cybernetics/information theory to area land dynamics/interactions and analysis; an ecology research masters from UCNW, Bangor that included a sizeable field experiment into gorse management practice; a 1972 diploma in town planning that included a dissertation with a specific ecological perspective on diversity and flexibility in planning development policies; a career-long development of countryside landscape assessment methodology, which led to the testing and subsequent management of LANDMAP [title derived from the phrase landscape assessment and decision-making process], CCW’s holistic, GIS-based, landscape information system.

It should be apparent from my interests that the approach that the Wales Government is adopting towards resource management and decision-making is squarely within my own research and professional view of how the earth should be managed.

The matters that my comments address inevitably reach from underlying principles through to legislative and operational proposals, as well as commenting on likely reactions to the new arrangements and thinking, and their uptake by society. Because of the inter-relatedness of many points, underlining, rather than discrete sections, is used to assist with signposting within these comments.

It is understood in ecosystem thinking that the inter-relationships between elements are, so far as human comprehension is concerned, virtually infinite, given the complexity of the environment, of living species, and of the physical properties and potential of the physical components of environment. Ecological system thinking needs to become embedded in society as the ‘usual’ way of conducting business, and of living. A critical raft of demonstrations of the ‘new living’ will be needed if the idea is to be understood and adopted with any enthusiasm.

Monitoring which accurately reflects the state of the many different qualities within the natural resource environment is vital. Anticipation of the consequences (more often called ‘effects’ or ‘impacts’) of management and development decisions for resources is also vital, as is sufficient, robust and publicised review of consequences.

An important principle is that the wise management of natural resources is *in the interests* of the human population, rather than being solely *for* the human population. This ethical point needs to be enshrined in the single body and any related legislation.

With mounting challenges to life, such as climate change and resource shortages (due largely to increasing demands, and to unwise use), have made the case for the current emphasis on “living Wales” and “living landscapes” [see, for example *Europe’s Living Landscapes* published in 2007 by KNNV, including my chapter 12 ‘Can fine landscape qualities be sustained under relentless pressure for change? The example of Holy Island (Ynys Gybi), Wales (UK)’. Copies held by Isle of Anglesey County Council Library and Archives.]

It would be welcome to read in a preamble statement (whether enshrined in legislation or otherwise) that the new Wales natural resource body has a remit to alert government and the public to deficiencies and losses as well as conservation successes, and that, preferably explicitly, the body shall draw attention, in timely and effective ways, to aspects of the environment that are ‘dying’ as well as ‘living’.

Related points are the seemingly difficult issues of the semantics associated with ‘development’ and the use of resources by society, including making livings. There is likely to be a major expectation of the new natural resources body to provide guidance to government and the public on the limits of what is reasonable resource exploitation. Other interests may play down such expectations. Some people, both from within and outside Wales, will exert pressures for resource exploitation and use that will place strains on the capacity of the new resource body to support and justify its recommendations. In view of that probability, it would be wise to build into the legislation an operational caveat that in making its recommendations, and taking its direct actions, the single resource body should err on the side of caution in respect of conserving the country’s resources. The reasoning for this should include explicit acknowledgement of the widely understood ‘uncertainty principle’, which in the broad consideration of resources should allow for the possibility (and associated serious consequences for specific resources) of rapid unforeseen declines in the quality and quantity of a resource.

That the ‘long-term’ should have primacy should be an underpinning principle for the new body.

The new resource body needs to be adequately equipped with expertise in order to monitor the effect *on society* of its recommendations and actions. It should be able to understand the requirements, demands and pressures for resource use, and be able to explain, wherever possible in good time, the constraints on specific resource exploitation that are considered to be in the interests of the resource, of other species, and of human life.

There is a risk that the new body may, from time to time, and perhaps increasingly, find itself isolated in its benign defence of resources. This should be anticipated from the outset, and a ‘climate of support’ put in place, ideally enshrined in legislative intention,

that embeds the body in the fabric of civilised society, with the respect equivalent to that afforded to the judiciary, the armed forces, or, for example, the Royal Society. As a corollary to that, the resource body needs to be allowed a significant degree of freedom from political influence. This will require an explicit and enduring understanding between the government of Wales and natural resource body that it will exercise its difficult duties in a culture of respect and independence. This will not preclude periodic evaluations. The new body should be regarded as an independent environmental advisory service.

The resource body will need to establish and maintain a framework of scientific and policy information that users of the information, and the interested public, which should include education in Wales, can understand. Inter-relationships between resources, the consequences of their use, and other impacts upon them, need to be illustrated with as much clarity as is reasonably possible. It should, if possible, be an enshrining principle of the operation of the resource body that its consumers should expect innovative and experimental methods of presenting information, which best fit the scientific, technical and social opportunities and demands of the time. Ideally, the body should be viewed as a service agent enabling the society of Wales to function with sufficient regard to the value and consequences of utilising natural resources. In acting as a guardian of natural resources, the body should function as a membrane between resources and their use.

The recommended ‘information clarity’ should, operationally, allow for decision channels and gates, so that affected resource consumers (by whatever name) can identify their position and the ‘consideration steps’ (that is, what should be considered and when) that are deemed by the body to apply in the case of their desired resource use.

The body should have the capacity to assess proposals, which may well be enterprising, for circumventing and avoiding reasonable constraints that need (in longer-term interests) to be placed on specific resource uses. [There is an illustrative parallel here with tax avoidance and evasion that reduce capital inputs to government]. Linked with attempts to exploit resources, either unknowingly or otherwise, which have the effect of unduly diminishing the resource itself or have other undesirable effects, there needs to be put in place arrangements for policing ‘offences’, including ‘eco-crimes’).

Whether these twin roles of resource adviser and of enforcer should sit within the one public body should be subject to careful scrutiny; there may well be a case for separating them, at very least to a sufficient degree that the decisions of one do not hamper or compromise the other. Leaving this issue unresolved at the outset, whilst apparently enabling work to get underway quickly, may result in administrative stress, legal challenge and expense, and delay implementation of a solution.

The body should have the means to enable and encourage exemplary examples in resource management, and to foster training. It should be empowered to advise on, and reward achievement in, resource management practice.

Specifically, the substantial investment by government of professional expertise in the development of the national LANDMAP information system would wisely be acknowledged in the body's engagement with "local resource management planning".

The legislative powers that the body will inherit to single out, designate and review specific natural resources should be framed in ways that enable it to consider distinctions between intrinsic natural resources, and 'applied' resources where the value is more in their use by humanity. [A broad distinction here is between a nature conservation designation and an area of scenic landscape]. These functions should be clearly set within the Wales government 'ecosystem' model.

The body's advisory functions should include leading on guidance on natural resource management planning, which should be given primacy over development planning, which in turn should be re-named development (planning and) management. This would - importantly for the ecosystem approach - emphasise the effects of built development on resources; and with reducing the driven primacy that 'development' seems to have as a principal aim of society. As humanity is a part of nature, so development to needs to be a part of resource management.

The emphasis on 'integration' that is brought by the inclusive ecosystem approach to managing resources and the environment is unlikely to be achieved, even within the single body, without a degree of alienation being exhibited by some specialists who are not by inclination system integrators. The probable reality of this phenomenon needs to be managed with consideration for the integrity and contribution of individual staff who should be encouraged to subscribe in principle to the new ethos whilst being enabled to contribute according to their acknowledged strengths.

Finally, if the new arrangements for natural resource management and the associated Wales government ecosystem thinking are demonstrably successful in benefiting the environment and conditions for life in Wales, they could usefully be exported.

David M G Eagar, Oikos

Note: I am willing to discuss and expand on these comments, and to make further contributions towards establishing the new body. My experience includes having worked for both the Countryside Commission and the Countryside Council for Wales when they were established.

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

4th October 2012

Dear Moss,

Natural Resources Body for Wales - second consultation

We are one of four Welsh Archaeological Trusts working closely with other national, regional and local bodies, to help protect, record and interpret all aspects of the historic environment, and make the results available to the public. Our object is to advance the education of the public in archaeology and our primary focus is within South Wales.

We maintain the regional Historic Environment Record, and are retained by Unitary Authorities and other organizations to provide strategic advice, and also case management support where development proposals, agri-environmental, forestry and woodland schemes impact on the historic environment. We also carry out a wide variety of archaeological projects for public and private sector bodies, including environmental impact assessment, field survey, excavation and heritage interpretation.

The Trust has current advisory, consultative and commercial delivery relations with the Environment Agency, Countryside Council for Wales and Forestry Commission (Wales), but the nature and extent of these works varies from body to body. The advisory work is externally funded through grant-aid from Cadw as is consultative work not connected with specific projects. Commercial delivery is in the main in the form of assessments and related project work to support Glastir (and its predecessors). Historic Environment data arising from these works is maintained by the Trust through the regional Historic Environment Record, which for protection is owned by the GGAT HER Charitable Trust. The Trust also provides advice on historic environment aspects of maritime matters.

We are responding by letter to this stage of the consultation rather than using your on-line form, as our concern is for what has been omitted from the proposed terms of reference and is therefore not addressed in your questions. Whilst we are pleased to see that the duty to have regard to the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural, engineering or historical interest has been carried over from the remit of the Environment Agency to the whole of the new body, we still have considerable concerns about the way in which the new body will address this duty.

However, in order to deliver a properly integrated service for the environment of Wales, it is absolutely necessary that professionals in the natural environment and the historic environment fields work together to deliver it, each with due concern for the interests of the other. We therefore note with dismay that there is no recognition of this in the consultation document. In particular, we would draw attention to the fact that:

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ARCHAEOLOGICAL
TRUST LTD



Registered Organisation

Glamorgan-Gwent
Archaeological Trust
Limited

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Fax: (01792) 474469

www.ggat.org.uk
email: contracts@ggat.org.uk

Registered Office: As above
Registered in Wales No. 1276976

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without Share Capital

Registered Charity No. 505609

- The draft still contains no reference to the proposed Heritage Bill alongside the Sustainable Development and Planning Bills (p5);
- Whilst, in the Foreword and Summary, the role of the new body is said to encompass protecting the historic landscape, there is no reference in the rest of the document as to how this will sit in respect of Cadw's duties in protecting the historic environment.

Yours sincerely,



Dr E M Evans
Heritage and Outreach Manager

From: Ian Dutch [Ian.Dutch@ceredigion.gov.uk]
Sent: 04 October 2012 11:31
To: SEB mailbox
Cc: Denfer Morgan; Rhodri Llwyd
Subject: Natural Resources Wales (additional consultation)

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

Thank you for the opportunity for making additional comments on the Natural Resources Body for Wales. The consultation document has been considered by the County Council and the following comments are made:

- General agreement with the provisions contained by the consultation paper. However, Members expressed concern that some of the contributions currently made by the existing bodies through their various structures was at risk.
- References to access and recreation might be strengthened if the terms 'land and water' were used rather than 'open spaces and countryside'.
- Question 5 – need for clarity as how informal / internal consultation will take place, the definition of 'contentious' and how conflicting priorities within the new Body would be resolved.
- Question 13 – Cross Border monitoring. Not agreed: monitoring should be undertaken by the consenting body.
- That, given the existing presence of expertise in Aberystwyth (WG, CCW and FC) that the new body should be based there.

Ian

Arfordir a Chefn Gwlad / Coast and Countryside

☎ 01545 572148 / 07779 318606

Ian.Dutch@ceredigion.gov.uk

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Ymwadiad:

Er y cymerir pob gofal posib i sicrhau cywirdeb unrhyw wybodaeth a chynghor a roddir yn yr ohebiaeth hon, ni dderbynnir atebolrwydd am unrhyw golledion a all godi o unrhyw gamgymeriadau sy'n gynwysedig ac fe'ch atgoffir o'r angen i chi ofyn am gyngor proffesiynol eich hun.

Bwriedir y neges ebost hon, ac unrhyw atodiadau iddi, at sylw'r person(au) y'i danfonwyd atynt yn unig. Os nad chi yw'r derbynnydd y cyfeiriwyd y neges hon ato ef neu hi, neu'r person sydd

gyfrifol am drosglwyddo'r neges hon iddo ef neu hi, mi ddylech hysbysu'r anfonwr ar eich union. Oni bai mai chi yw'r person neu gynrychiolydd y person y cyfeiriwyd y neges hon at ef neu hi nid ydych wedi eich awdurdodi i, ac ni ddylech chi, ddarllen, copio, dosbarthu, defnyddio na chadw'r neges hon nac unrhyw gyfran ohoni.

O dan y Ddeddf Amddiffyn Data 1998 a Deddf Rhyddid Gwybodaeth 2000 gellir datgelu cynnwys y neges ebost hon.

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4 October 2012

Dear Carrie Moss

Natural Resources Body for Wales

We would like to thank you for the opportunity to provide further comments on your plans for the new body for the management of Wales' natural resources in relation to its overarching duties, proposed legal and working arrangements, as well as specific aspects of their implementation.

The Consumer Council for Water's (CCWater's) response to the earlier consultation on the new body remains relevant and is summarised in Appendix 1 of this letter.

CCWater supports the Welsh Government's aim to rationalise the activities of the three pre-existing bodies, and to ensure that the new body has clear duties in relation to the people, environment and economy of Wales.

While we are not in a position to comment on all aspects of the consultation, we are pleased to see and support the following proposals, which we believe are in the interest of the water consumers we represent:

- Ensuring that the new body in Wales and Environment Agency in England (EA) take account of cross-border impacts in making both operational and regulatory decisions, and co-operate and co-ordinate activity on cross-border matters through the introduction of specific duties¹
- Ensuring there is cross-border consistency and cooperation on River Basin Management plans, Water Framework Directive obligations and water resource management planning by placing another specific duty on the new single body and the EA ²
- Ensuring transparency on how the new body delivers the duties of the three different organisations it incorporates in a balanced manner³ by placing a requirement for the development and publication of a scheme, which identifies circumstances that require formal publication of decision documents⁴.

We would also ask that:

¹ Section 5, p.18 of current consultation document;

² Section 8, p.28-29 of current consultation document;

³ Particularly where there are consultation requirements between the previous bodies arising from European law and obligations, or where decisions are likely to be contentious;

⁴ Section 6.2, p.20 of current consultation document;



- The new body in Wales and the EA are explicitly required to consult with each other for the purposes of the Ofwat water prices review and the drafting of the national environment programme, water industry regulations, all environmental permitting, and surface water and flood risk management⁵
- There are no changed environmental standards or faster pacing of environmental improvements in Wales that could add cost to water bills without first testing water customer acceptability and willingness to pay. This is particularly relevant for the envisaged future change in environmental standard permitting rules and revised standard permit conditions (making the new body the new rule making authority⁶ in Wales).

We would like clarification on:

- Which services will continue to be delivered by the EA⁷, and whether these include any services that relate specifically to water and wastewater customers, and of these, which ones are going to be jointly provided for a transitional period or on a permanent basis (e.g. water industry regulation, flood risk management, price review work, etc.)
- Whether an external reference stakeholder group is still going to be set up during the transition to the new body, and how CCWater will be involved in it.

We hope you find our response is helpful. If you have any questions or would like to get in touch with CCWater please contact Lia Moutselou on 02920 239 852, lia.moutselou@ccwater.org.uk in the first instance.

Yours sincerely

Diane McCrea
CCWater Wales Committee Chair
Diane.McCrea@ccwater.org.uk
02920 239852

Deryck Hall
CCWater Head of Policy and Research
Deryck.Hall@ccwater.org.uk
0121 3451030

⁵ Section 5, p.18 of current consultation document;

⁶ Section 6.4.1, page 22 of current consultation document;

⁷ Section 5, page 15, current consultation document;



Appendix 1- Summary of key points from previous CCWater representation on Single Body consultation for Wales

The Consumer Council for Water (CCWater)

Supports the shift to an integrated approach to the management of resources provided there is no disbenefit to water consumers

Supports institutional integration that simplifies liaison arrangements (with the single body) to reduce regulatory burden and; help identify good value for money actions that deliver multiple benefits for water consumers, the environment and the water industry- not the opposite

Seeks assurance that the single body will be able to strike a balance between the views of the three bodies it will integrate

Asks that cross border working arrangements remain strong and effective during and after the transition to the single body

Does not support faster pacing of environmental improvements and any change to existing environmental standards where this would add cost to water customers' bills and where their views have not been sought

Seeks assurance that the transition to the single body will not disrupt continuity and consistency of input in the next water price setting process, including its consistent representation at relevant national and local price review and engagement forums

Asks that the phased transition to the single body considers the final Welsh Government's Water Strategy for Wales, and the key stages in the development of the water companies' Water Resources Management Plans (WRMP) and their business plans, with which the set up of the single body will coincide

Seeks clarity and cross border consistency on priorities for environmental requirements during the next water price setting process to help deliver greater benefits and value for money for customers

Would like the single body to consider that value for money for any work and projects paid for by water customers for environmental improvements should also be established before these are approved

Thinks that the single body should have:



- Adequate mandate and capacity to deliver functions relating to the management of water resources, particularly the delivery of cost effective environmental improvements that accurately tackle pollution causes;
- Adequate mandate and capacity for effective cross boundary catchment management solutions and guidance on climate change adaptation and mitigation;
- A clear commitment to encourage innovative and sustainable solutions to environmental issues in the water industry;
- A clear commitment to promote efficient use of water across sectors;
- Assurance that expertise and knowledge on water industry and water consumer specific issues will be retained in the single body nationally and locally, and that we will have access to its expertise.

Ymddiriedolaeth Cadwraeth Ystlumod (Cymru)
Bat Conservation Trust (Wales)



c/o Swansea Environment Centre, Pier Street, Swansea, SA1 1RY

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

4 October 2012

Natural Resources Body for Wales (additional consultation)

Thank you for the opportunity to comment on the above consultation. Our response can be made available to the public and a summary of our comments is provided at the end of this response.

The Bat Conservation Trust (BCT) is the only organisation in the UK concerned solely with the conservation of bats. We have a membership approaching 5,000 and our work is supported by government agencies, professional and volunteer bat workers, and we work closely with nearly 100 bat groups throughout the UK.

BCT has three observations to make.

1. Over-arching Duty – 4.1.1

- (a) On page 9, The Welsh Government explicitly states that its intention in bringing together the conservation and natural beauty duties is to protect, and if possible strengthen the work undertaken by the new body to promote and protect conservation features.....

BCT very much welcomes this aspiration however we note that the proposition is to adopt the Environment Agency's duty under s7.1(a) of the Environment Act 1995 as opposed to adopting the duties as applied to CCW under the Environment Protection Act 1990.

It is to be noted that whilst the Environment Agency's duty is to further the conservation this is only done when formulating or considering proposals relating to its functions whereas

CCW's duties are explicitly to exercise its countryside functions for the purpose of conserving and enhancing.....

It would therefore appear that CCW's duties are much stronger in respect of conservation and that applying the Environment Agency's duties to the new body would be a weakening of the current position and we therefore do not agree with the wording as set out in Box 2.

- (b) We also note that the Welsh Government is proposing that the new body should be exercising its powers to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features other than in its pollution control functions or its functions under the Forestry Acts 1967-1979.

BCT's position is that the new body should have a single, common, and strong duty to protect, conserve, enhance and positively manage Wales' environment and so ensure its benefits for the people of Wales, now and in the future. Through this, the new body will ensure the delivery of the environmental pillar of Sustainable Development whilst recognising the need for economic and social progress.

If Sustainable Development is to be the central organising principle as is being proposed through the consultation for the forthcoming Sustainable Development Bill – that is delivering economic and social benefits without damaging the environment (and living within environmental limits) then this needs to be reflected within the new body's remit – it would be peculiar to have different tiers of duties in the same body each of which has a slightly different emphasis.

2. Balancing Duty – 4.1.1

The 'balancing duty' was introduced in the Forestry Act 1967, about 45 years ago. Since then the Natural Environment and Rural Communities Act 2006, (section 40) introduced the duty for all public bodies to have due regard for the conservation of biological diversity. BCT would argue that the balancing duty is now out of date and it does not sit comfortably with the NERC duty.

We fully understand that Forestry has an economic obligation and its role in delivering the Welsh Government's aspiration for woodland cover and especially in relation to climate control and climate change mitigation. Forestry has indeed delivered many benefits and it continues to do so, but in some areas this has come at the expense of biodiversity in the duty for timber production eg plantations on peat deposits. Whilst Forestry has adopted many changes, the use of the term 'balancing' implies a trade off and that there is an inequality and competition between all dimensions of sustainable development, whereby the conflicting demands of the three dimensions are weighed up and traded off against each other in a "winner takes all" scenario. Sustainable development should be about actively seeking imaginative solutions to avoid possible conflicts at both "strategic" and "downstream" stages, rather than adopting a "jobs versus the environment" approach.

BCT's position would prefer for the forestry duties to be subject to having 'regard for the conservation and enhancement of natural beauty and the conservation of flora, fauna and

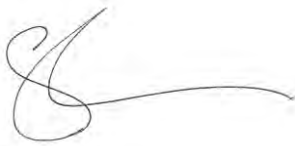
geological or physiographical features' and we therefore do not agree with the wording in Box 2. Notwithstanding our comments that there should be a single common duty for the new body as a whole in respect of nature conservation (1b above), we would suggest that at the very least, the same duty that is being proposed for pollution control ie 'have regard to the desirability of conserving.....' could be a useful compromise.

3. Regulation and enforcement – inspections, investigations, enforcement and prosecution.

BCT supports the Welsh Government's proposals for the NRBW regarding regulation and enforcement including the use of civil sanctions. We understand that whilst these powers will be extended to the whole body they will remain within the existing functions of the Environment Agency for an initial period. We would strongly support, and will be looking for, the extension of these powers to all other functions of the new body across all of its duties especially those relating to species protection and wildlife crime.

Please do not hesitate to contact me if you have any queries on these comments.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Steve Lucas', with a long horizontal flourish extending to the right.

Steve Lucas

Swyddog Cymru / Wales Officer

Ymddiriedolaeth Cadwraeth Ystlumod (Cymru) / Bat Conservation Trust (Wales)

Bat Conservation Trust - Summary of comments:

1. Bat Conservation Trust welcomes the Welsh Government's intention in bringing together the conservation and natural beauty duties is to protect, and if possible strengthen the work undertaken by the new body to promote and protect conservation feature
2. Bat Conservation Trust believes that the new body should have a single, common, and strong duty to protect, conserve, enhance and positively manage Wales' environment and so ensure its benefits for the people of Wales, now and in the future.
3. Bat Conservation Trust is concerned at the adoption of Environment Agency's duty under s7.1(a) of the Environment Act 1995 as opposed to adopting the duties as applied to CCW under the Environment Protection Act 1990. This appears to be a weakening of conservation duties of the new body.
4. Bat Conservation Trust does not support the balancing duty, as might apply to forestry, as this does not sit with either the principle of sustainable development or section 40 of the Natural Environment and Rural Communities Act 2006.
5. Bat Conservation Trust would wish to see powers in respect of regulation and enforcement including the use of civil sanctions be extended to all other functions of the new body across all its duties including those relating to species protection and wildlife crime.

Natural Resources Body for Wales (additional consultation)

Your name: Jane James, (Manager Policy, Government and Public Affairs)

Organisation (if applicable): Valero Energy, Pembroke Refinery.

Email/Telephone number: N/A

Consultation Questions:

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?

N/A.

Question 2: Do you agree with the proposals in respect of public access and recreation duties?

N/A.

Question 3: Do you agree with these proposals for the high level forestry duties?

N/A.

Question 4: Do you agree with the general proposals for cross-border arrangements?

Mainly.

Valero understands the need, outlined in the additional consultation document, for establishing strong guiding principles for the working out of cross-border issues, particularly for operational issues and areas of shared services. We welcome the intention to place the new body and the Environment Agency (EA) under a duty to cooperate with one another and coordinate activities on cross-border matters. We also approve of retaining the Secretary of State and Welsh Minister's powers to direct each body to cooperate in the event of institutional disagreements. However, how this function of dual authority between the Secretary of State and Welsh Ministers would operate in the event of a subsequent disagreement between central and devolved authorities, and where ultimate decision-making authority is vested in such an event, is not addressed in the consultation document.

Valero finds the consultation document lacking in significant detail on a number of pertinent issues relating to cross-border cooperation and institutional responsibility. For example, where Wales-based industry currently receives guidance provided by Environment Agency offices located in England, will those arrangements remain the same after April 1, 2013 or will those functions and personnel transfer to the new body? Valero notes the consultation document's intention that some cross-border services will continue to operate on a shared basis (either permanently or during a transition period). This lack of certainty is worrisome for industry, and we urge greater clarity on these issues.

Valero would strongly suggest that the Welsh Government make clear how it intends the new body to cooperate with cross-border organisations, such as the EA, and how it intends to share key resources (i.e. skills, expertise, personnel and data) with those organisations. Greater detail, for example on the use of Memoranda of Understanding, is needed if the Welsh Government is to alleviate some of the deeply held concerns felt by key stakeholders such as Valero.

We should avoid, at all costs, any unnecessary loss in skills, expertise, personnel and/or data that might result from the creation of a new body, which might understandably experience institutional

immaturity in the initial period of its existence. It would be imprudent to lose access to existing knowledge and human resources simply for geographical reasons. As the refining sector operates in such a complex scientific environment, it is advisable to make use of all the best knowledge and expertise available, regardless of national boundaries, rather than limiting our resources to fit a particular geographic area.

With this in mind, Valero would suggest the new body observes closely the precedent set by the Scottish Environmental Protection Agency (SEPA), whose own cross-border arrangements with UK-level organisations, such as the EA, utilises a broad range of shared expertise, skills, personnel and data.

*These concerns, regarding the potential for institutional cross-border disagreements and questions over shared responsibility between cross-border bodies, equally apply to **Question 13** (“Do you agree with the proposals for cross-border monitoring?”).*

Question 5: Do you agree with the proposals for the statutory consultee role?

Mainly.

Valero considers the proposals for designating the new body as a statutory consultee, and the potential requirement to consult itself in the event of EU obligations, necessary and practicable.

However, Valero would like to receive assurances that the proposals outlined in the consultation document to publish decision documents as part of the body's consultee role will not exceed the already rigorous requirements for making information available. Valero would like assurances that these proposals will not jeopardise any commercial sensitivities whatsoever.

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?

Mainly.

Valero appreciates the necessity in ensuring that the regulatory decision-making and statutory advice functions of the new body need to be kept separate from the operational delivery of the activity which is being regulated.

However, Valero considers it important that decisions that require internally separate mechanisms do not lead to unnecessarily prolonged and unjustifiable periods of delay. It is vital that there is a consistent and common framework for environmental regulation, and a commitment that a reasonable timeframe in decision-making is considered a core requirement of the Natural Resources Body for Wales' consultation criteria.

If unnecessary deferrals in decision-making result from the lack of common and consistent guidelines, there is the risk that unjustifiable delays to commercial projects could lead to significant economic costs. Valero would appreciate greater assurances, as requested in our response to the initial consultation on the single body that previous institutional disagreements – with the potential for delay in decision-making – are not similarly supplanted into the new body.

Also, Valero would like to receive assurances that the proposals outlined in the consultation document for the new body to publish, on its website, a list of all legal permits issued, will not jeopardise commercial sensitivities.

Question 7: Do you agree with the proposals for permitting?

Yes.

Question 8: Do you agree with these proposals for charging?

Yes.

Question 9: Do you agree with the proposals for public registers?

Yes.

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?

Yes.

Question 11: Do you agree that the new body should have powers to use civil sanctions?

Yes.

Question 12: Do you agree with the proposals for appeal arrangements?

Mainly.

Valero considers the general principle that the new body takes operations decisions (such as issuing or refusing permits) and the Welsh Ministers will remain the route of appeal to be sound and desirable. However, Valero is ambivalent towards the intention to transfer all appellate functions from the Secretary of State to Welsh Ministers.

We do not consider it vital to alter the devolutionary framework at this time, when past experiences have not produced any need to divest the Secretary of State of these functions entirely.

Question 13: Do you agree with the proposals for cross border monitoring?

Mainly.

*Valero welcomes the commitment that arrangements for monitoring and sampling of cross-border sites will be determined according to a formal agreement between organisations. However, we repeat our concerns expressed in **Question 4** that the broad outline of this cooperation is not more detailed, nor does it take account of the concerns facing key stakeholders, like Valero, for the potential loss of key resources (i.e. skills, expertise, personnel and/or data) that might result from insufficiently rigorous cross-border mechanisms and agreements.*

We strongly recommend that the Welsh Government engage with key stakeholders on these and other related issues, and Valero would like to invite officials for further discussions on these concerns.

We again approve of the ability for UK and Welsh Minister's to issue Ministerial Direction to each body to cooperate in the event of substantial disagreements. However, it is again not explained how this function of dual authority between the UK and Welsh Ministers would operate in the event of a subsequent disagreement between central and devolved authorities, and where ultimate decision-making authority is vested in such an event.

*Please also see Valero's response to **Question 4** ("Do you agree with the general proposals for cross-border arrangements?").*

Question 14: Do you agree with the proposals for statutory planning and reporting?

N/A.

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?

Mainly.

Valero welcomes the decision to transfer the Environment Agency's responsibilities for COMAH in Wales to the new single body, as recommended by Valero in our response to the initial consultation. However, Valero is ambivalent towards the intention to transfer all COMAH functions from the Secretary of State to Welsh Ministers. We do not consider it vital to alter the devolutionary framework at this time, when past experiences have not produced any need to divest the Secretary of State of these functions entirely.

Question 16: Do you agree with the proposals for UK wide arrangements?

Yes.

Question 17: Do you agree with the proposals for transitional arrangements?

Yes.

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

Valero would like to use this opportunity to explore in greater detail some of the issues not specifically addressed in the additional consultation document, but which are particularly important to Valero's operations in Wales.

Firstly, one area Valero would like to seek clarification on is the subject of derogations to environmental permits in the refining sector. Valero would like a commitment from the Welsh Government that the emphasis placed in the original consultation document on supporting economic development and encouraging more streamlined and simplified regulation will apply also to these considerations of permit derogations.

Derogations are often a useful policy tool that can fulfil multiple shared objectives between the Welsh Government and industry, including supporting economic, social and environmental goals. We would support calls for the new body to give more flexible consideration to the application of permit derogations, and for the new body to consider the costs to industry and Wales' industrial competitiveness when applying permit obligations, such as implementation of best available technology (BAT) standards.

Coupled to this, it is also important that the process of creating the new body is done with sufficient regard to make sure that the permit impact of the industrial emissions directive (IED) is managed effectively. Ensuring that the new body has the appropriate levels of expertise, skills, knowledge and personnel to process IED permit issues from April 1, 2013 is of paramount importance.

Secondly, on the subject of marine licensing, in particular applications for dredging licenses, we believe it would be beneficial for all stakeholders for the Welsh Government to clarify its attitude to marine licensing and dredging. This is especially important in light of the ongoing Welsh Government consultation on the creation of Highly Protected Marine Conservation Zones (HPMCZs).

In the initial consultation, Valero welcomed the intention to move the functions of the Marine Consenting Unit (MCU) to the new body, and called for assurances that the Welsh Government's commitment to giving equal weight to environmental, social and economic considerations be reaffirmed within the marine licensing context. Those assurances are now more important than ever, when we consider the impact that HPMCZs could have on Valero's marine operations.

As articulated in Valero's response to the HPMCZ consultation, the ability to dredge, and to dispose of that dredged material, is a key activity for the maintenance of Valero's operations in Wales. Without dredging capabilities Valero's eight-berth jetty, which safely accepts hundreds of vessels every year, would be at risk, with devastating consequences for Valero Pembroke and the resulting impact that that would have on economic stability and energy security in Wales.

With the potential prospect of two HPMCZs being created in Valero's area of operations, and the possibility of Risk Management Area (RMA) designation affecting the ability to conduct dredging operations, it is vital that, unless other guarantees can be given, the two HPMCZ sites (Skomer and Dale) not be included in the final decision on HPMCZs to be made by Welsh Ministers, to be implemented by the new body for natural resource management.

We would again like to reinforce the importance of engagement with key stakeholders on this subject, and would welcome further discussions with the Welsh Government to convey our concerns.

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

2012-10-04

Dear Ms Moss

NATURAL RESOURCES BODY FOR WALES

Thank you for the opportunity to comment on your proposals for the Natural Resources Body for Wales (Additional Consultation 13 August 2012)

I **object** to the proposals (Question 1) to exempt the new body's forestry duties from the same scrutiny as other developments. The concept of "reasonable balance" which it is proposed to convey from the Forestry act 1967 has not served well to protect key and irreplaceable environmental resources such as the peatlands of Llanbrynmair or the dunes of Newborough Warren from damaging afforestation.

The new body is to be the vested with a duty to promote the interests of Forestry, the development of afforestation and the production and supply of timber and other forest products. The new body will also be the advocate for sustainable energy generation. These duties are inherently incompatible with a duty to protect and enhance the natural environment of Wales. Developments such as sustainable energy and forestry may be compatible with the protection and enhancement of the natural environment, but each case must be judged on its merits. The special status afforded to forestry and energy production are prejudicial to a rational assessment of sustainable development of land and sea and improved environmental management as advocated under the Ecosystem Approach.

The proposal would convey the Forestry duty to the new body. This duty would then apply to the whole estate of the new body, including land currently held by the Countryside Council for Wales and the Environment Agency Wales and any further land acquired by the new body. There is no proposal to exempt this land from the general duty. Given the ambitious target of afforestation of 100,000ha of additional land by 2030 the temptation to afforest this land will be overwhelming. Unless such pressure is subject to the same scrutiny as other developments, inappropriate actions will ensue.

I am not opposed to the creation of new woodlands and forests in appropriate locations. There are powerful ecological, social and economic drivers to increase tree cover in many areas. I am also not opposed to the simplification or clarification of regulatory mechanisms. But I do expect a level playing field for all land users.

I therefore propose that **the duty "to further the conservation and enhancement of natural beauty and the conservation of flora fauna and geological and physiographical features" should be applied to all functions without prejudice.**

I also **object** to the proposal to convey the general duty "to promote the interests of forestry" (Question 3) and the duty "to promote woodland cover in Wales".

The promotion of woodland cover may well be a laudable course of action for the new body to determine for many reasons in appropriate locations, but its adoption as a core duty is prejudicial to such a decision.

The duty of the new body should extend to the management (including harvesting) of the Nation's forests, the enabling of forestry activities by others and the regulation of plant health. Expertise in forestry and plant health will reside in the new body and should be applied most efficiently.

I similarly **object** to the proposal to convey the “balancing duty” for the reasons noted above.

Question 4: I **object** to the failure to adequately address cross-border and international issues. There are no clear proposals to comment on. There seems to be an assumption that work will continue under the goodwill of staff without clear support or legislative backing. Many of the intentions expressed (e.g. regarding the powers of FC and EA) are beyond the jurisdiction of the Welsh Government to determine and are therefore without substance. The statement that “the Secretary of State or the Welsh ministers will be able to direct each body in respect of cross border issues” carries no weight in England or Scotland.

The consultation document, in relation to the cross border work through JNCC states: “we anticipate that this work will continue”. This is wishful thinking. **A clear duty to ensure that this work continues must be enshrined in the second order.**

Question 6: As regards regulation of its own activities: **I support the need for transparency of decision making and internal permitting.** Whether this be through the separation of permitting from operational delivery functions or by greater transparency of process may depend on the scale of the decision. Experience of the EA central permitting arrangements is that lack of geographical knowledge and operational experience complicates the process and hampers good decisions, making them unduly onerous in some cases while ignoring important local considerations in others. **I recommend that permitting should be operated locally to agreed national standards and transparency.**

I trust that these observations will be accorded some weight .

Yours sincerely

J B Ratcliffe C.Env

Natural Resources Body for Wales

Additional Consultation

October 3rd. 2012

Response by W.Roscoe Howells B.Sc. Ph.D
Chartered Biologist, Fellow of the Society of Biology
Member of the Chartered Institute of Water and Environmental Management
Fellow of the Institute of Fisheries Management

Former Director of Scientific Services Welsh Water Authority

Question 1 Not at all

I am very concerned about the proposed pollution control functions of the New Body. This appears to me to be far too limited. There can be discharges which can have very serious consequences but may not significantly the features mentioned in the last paragraph on page 9 of the Document. The following are examples.

- 1 Water may be polluted so as not to be easily treatable for domestic use.
- 2 Water may be polluted so as to be unusable by some industries, some of which require water of a very high quality standard indeed. An example, in my experience, was an industrial concern in South Wales which used very soft water in its process. At one stage, water from a stream with hard water was diverted into the river concerned. This caused difficulties in the industrial plant the whole matter had to be reviewed and remedial steps were taken.
- 3 Water may be polluted so as to be unpalatable to cattle
- 4 The presence of minute quantities of some metals can make spray irrigation in agriculture impossible.
- 5 Recreational uses (other than fishing) can be adversely affected by very “mild” pollution.(eg.minor changes in colour)
- 6 Drainage, power and navigation normally require a lower standard of quality. Nevertheless, excessive suspended matter can cause the formation of mud banks while changes in pH can cause damage to metal or wooden structures such as penstocks whilst other materials can cause corrosion.

Question 2 I mainly agree

Question 3 I mainly agree but would draw attention to water acidification problems which appear to have been caused by planting of coniferous trees/

Question 4 Yes

Question 5 Yes Mainly

Questions 6 to 12 Yes

Question 13 Yes Mainly

Questions 14 to 17 Yes

I conclude, I would again draw attention to the possible conflicts of interests which could arise between the organisations to be taken into the new Body. I referred to this in some detail in my response of 26th. April 2012 to the earlier Consultation Document. I presume that this has or will be given detailed consideration by the management of the New Body.

W. Roscoe Howells,
9, Harries Avenue ,
Llanelli SA15 3LF

Tel/ 01554 773438

,

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

e-mail: SEB@wales.gsi.gov.uk telephone: 02920 825527

From

Rowland Pittard,
Vice President
YHA Cymru /Wales

01/10/12

Dear Sir,

Consultation on the National Resources Body for Wales

I have pleasure in submitting on behalf of YHA England and Wales.

YHA is a charity which aims 'to help all, especially young people of limited means ,to a greater knowledge, love and care of the countryside, and appreciation of the cultural values of towns and cities, particularly by providing Youth Hostels or other accommodation for them in their travels, and thus to promote their health, recreation and education'.

YHA has supported the development of the all Wales Coastal Path and has 12 of its hostels located on or near the path. It is important that the NRBW continues to maintain and improve this path which is a flagship project for Wales and its economy encouraging tourism and well being.

YHA is part of a large international federation and overseas visitors provide a significant number of visitors to its hostels. A well cared for sustainable environment in the Welsh countryside will further encourage visitors to Wales

YHA has a strong volunteer base and it is important that the NRBW encourages volunteering both by providing opportunities and providing finance and advice.

YHA is reaching out to more people in Wales and is building sustainable links with black and ethnic communities through the Mosaic programme for young people in Wales in partnership with the National Parks of Wales and the Campaign for the Protection of National Parks

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?

Yes.

It is important that the primary purpose of the new body is to protect, conserve, enhance and manage the environment of Wales so to ensure its benefits for the people of Wales, now and in the future. The new body must have an educational function to inform the people of Wales and visitors to Wales as to the importance of its environment and also be

able to support the provision of facilities including accommodation for visitor to the Welsh countryside.

We wish to point out that conservation of important geological sites and features and the impact of environmental developments on heritage buildings and sites should also be included. We support maintaining biodiversity throughout the world.

Question 2. Do you agree with the proposals in respect of public access and recreation duties?

Mainly

We strongly support that the NRBW should (not may) take such steps as it (and Welsh Government) considers appropriate to promote and facilitate public (including young people) access to, and enjoyment of, the countryside and open spaces in Wales. The function to encourage the provision and improvement of facilities for the enjoyment of the countryside and open spaces, open-air recreation and the study, understanding and enjoyment of the natural environment is important as is the role to promote access and recreation. We support that further provisions of the NRBW's duties relating to providing public access to places of natural beauty, providing facilities for visiting sites of interest, and making water and associated land available for recreation.

What is important to YHA is that the NRBW should (not may) provide (manage, maintain and improve), or arrange or assist in the provision of facilities on any land belonging to it, which it uses or manages or which is placed at its disposal by the Welsh Ministers. We note that these facilities are for tourism and the enjoyment of the countryside and open spaces, recreation and sport and the study, understanding and enjoyment of the natural environment. YHA is already a partner with several National Parks in providing accommodation and educational facilities at properties owned by National Parks. YHA would wish to be a partner with NRBW in continuing to provide these facilities with grant aid where appropriate. YHA is able to provide most of the facilities in your list in section three i.e. accommodation for visitors, camping sites, places for meals and refreshments, picnic places, places for enjoying views and information and display centres. There may be the possibility of providing limited shop and public convenience facilities.

We are concerned that there should be clarity in provision off road cycle ways so that they also form an integral part on the non motorised footpath network. There must be a close working relationship between the NRBW and transport departments to make the best possible use of funding and provide the best possible access network for all non motorised users.

YHA is a member of the National Access Forum for Wales supported by CCW and we hope that this will continue under the NRBW. We also support the continued existence of twice yearly meetings of the Chairs of the Local Access Forums in Wales

YHA has appreciated the support that it has received from the three environmental bodies in recent years and is a member of the Environmental Compact (with voluntary organisations) which was drawn up a number of years ago. YHA would appreciate a 'one stop shop' for contacting the NRBW after its formation.

Question 3. Do you agree with these proposals for the high level forestry duties?

Mainly

YHA supports the general duty that the Forestry Commissioners have to promote the interests of forestry, the development of afforestation and the production and supply of timber including the power that enables assistance or advice to be given in relation to the general planting or management of any woods or forests to any owner without restriction. We also believe that there should be a duty to conserve historic woodland including orchards. The duties should include the improved provision of public access, the conservation of historic sites and geological features and the continued provision of educational and interpretive facilities.

The woodland estate should be managed by the NRBW to meet a variety of needs integrating environmental that serves all three elements without one taking precedent over the other.

Question 4. Do you agree with the general proposals for cross-border arrangements?

Yes

Question 5. Do you agree with the proposals for the statutory consultee role?

Yes

We support that NRBW's general duties to consider fully such matters as conservation, biodiversity, landscape, access and historic features in its regulatory decision-making, in accordance with European and other legislation should ensure a satisfactory consultee role. We support the requirement of Welsh Government to require the NRBW to develop and publish a scheme, agreed by the Welsh Ministers, identifying circumstances where formal publication of decision documents will be required, whether or not required by other

However it is important that NRBW has a plan for engagement with NGO organisations such as YHA in planning and responding to consultation.

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?

Yes

Question 7. Do you agree with the proposals for permitting?

Yes

We would support the provision for information of intentions of NRBW before permits are granted especially where they affect YHAs interests in Wales including those as a land owner.

Question 8. Do you agree with these proposals for charging?

Yes

It is important that costs are fully covered and standardised across Wales.

Question 9. Do you agree with the proposals for public registers?

Mainly

We would appreciate more detail. YHA would appreciate a system where it can inspect registers on a local and not an all Wales basis. Will these registers be available on line?

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000?

Yes

Question 11. Do you agree that the new body should have powers to use civil sanctions?

Yes

Question 12. Do you agree with the proposals for appeal arrangements?

Yes

Question 13. Do you agree with the proposals for cross border monitoring?

Yes

Question 14. Do you agree with the proposals for statutory planning and reporting?

Yes

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH?

Yes

Question 16. Do you agree with the proposals for UK wide arrangements?

Yes

Question 17. Do you agree with the proposals for transitional arrangements?

Yes

Yours faithfully,

Rowland Pittard
Vice President Cymru/Wales
On behalf of YHA England and Wales



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YHA, Trevelyan House, Dimple Road, Matlock, Derbyshire, DE4 3YH
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From: Communications
Sent: 03 October 2012 20:15
To: SEB mailbox
Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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:

Your name:

Organisation (if applicable):

Email / telephone number:

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?:

Mainly

If not, how would you change it?: No use that millions of planted conifers can be called natural beauty

Question 2: Do you agree with the proposals in respect of public access and recreation duties?:

Not at all

If not, how would you change it?:

Despite looking for for information on this topic it seems very well hidden. With respect to Motorcycling we would like to see the current level of usage retained and even increased by 10%. Motorcycle events bring significant income into rural communities and aren't weather reliant

Question 3: Do you agree with these proposals for the high level forestry duties?:

Mainly

If not, how would you change them?:

Question 4: Do you agree with the general proposals for cross-border arrangements?:

Mainly

If not what would you change?:

We currently have a national agreement with the Forestry Commission giving standard charges and rules through out Britain and would like this to continue

Question 5: Do you agree with the proposals for the statutory consultee role?:

If not what would you change?:

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?:

If not what would you change?:

Question 7: Do you agree with the proposals for permitting?:

If not what would you change?:

Question 8: Do you agree with these proposals for Mainly charging?:

If not what would you change?:

Question 9: Do you agree with the proposals for public registers?:

If not what would you change?:

Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?:

Question 11: Do you agree that the new body should have powers to use civil sanctions?:

Question 12: Do you agree with the proposals for appeal arrangements?:

If not what would you change?:

Question 13: Do you agree with the proposals for cross border monitoring?:

If not what would you change?:

Question 14: Do you agree with the proposals for statutory planning and reporting?:

If not what would you change?:

Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:

If not what would you change?:

Question 16: Do you agree with the proposals for UK wide arrangements?:

If not what would you change?:

Question 17: Do you agree with the proposals for transitional arrangements?:

If not what would you change?:

Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:

I have found it very difficult to find details of the proposals on the website and so many of the questions I have left unanswered as I have no idea what the proposals are. I could have easily disagreed with all of them but don't think this would be very helpful. The main concern of the Welsh Motorcycle Federation is for the continued use of FC land for our sport which regularly host World, European and British championship events. Motorcycling is a very popular activity in rural Wales where we lack major football and rugby teams

From: Communications

Sent: 03 October 2012 19:20

To: SEB mailbox

Subject: Natural Resources Body for Wales (additional consultation) response form

Page used to send this email: /consultations/forms/singlebodyresponse2/

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: David V Edwards FICFor

Organisation (if applicable): UPM Tilhill

Email / telephone number: david.v.edwards@upm.com / 01550 721442

Question 1: Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty?: Mainly

If not, how would you change it?: Although we accept that definitions maybe defined by legislation we do consider the definition of "sustainably" is poor

Question 2: Do you agree with the proposals in respect of public access and recreation duties?: Mainly

If not, how would you change it?: Mainly agree subject to the proviso that the proposal cannot be passed onto private forested land. We believe the proposal would benefit from a sharper form of words.

Question 3: Do you agree with these proposals for the high level forestry duties?: Yes

If not, how would you change them?: We believe it essential that the general duty to promote the interests of forestry is passed to the new body.

Question 4: Do you agree with the general proposals for cross-border arrangements?: Yes

If not what would you change?: The establishment of good MOIs is important to ensure joint working is effective and recognises the difference between countries.

Question 5: Do you agree with the proposals for the statutory consultee role?: Yes

If not what would you change?: We believe in the "one stop shop". We believe the proposal will improve the situation for forestry.

Question 6: Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues?: Yes

If not what would you change?:	We believe FCW provides a good model of how to do this. We believe forestry and associated grants should be brought together under one minister in WG.
Question 7: Do you agree with the proposals for permitting?:	Yes
If not what would you change?:	Needs to specify that this proposal relates to waste. Has little impact on forestry.
Question 8: Do you agree with these proposals for charging?:	
If not what would you change?:	n/a to forestry
Question 9: Do you agree with the proposals for public registers?:	Yes
If not what would you change?:	
Question 10: Do you agree that the new body should be a listed body under the Regulatory Investigatory Powers Act 2000?:	
Question 11: Do you agree that the new body should have powers to use civil sanctions?:	Yes
Question 12: Do you agree with the proposals for appeal arrangements?:	Yes
If not what would you change?:	
Question 13: Do you agree with the proposals for cross border monitoring?:	Yes
If not what would you change?:	
Question 14: Do you agree with the proposals for statutory planning and reporting?:	Yes
If not what would you change?:	
Question 15: Do you agree with the proposals for Civil Contingencies and Control of Major Accident Hazards (COMAH)?:	
If not what would you change?:	n/a to forestry
Question 16: Do you agree with the proposals for UK wide arrangements?:	
If not what would you change?:	n/a to forestry
Question 17: Do you agree with the proposals for transitional arrangements?:	Yes
If not what would you change?:	The cultural change required of the new body will be challenging but is very important
Question 18: If you have any related issues which we have not specifically addressed, please use this space to report them:	

Natural Resources Body for Wales (additional consultation)4

Response from North East Wales Biodiversity Network

The North East Wales Biodiversity Network was formed in October 2009 and renamed in 2010. It brought together partnerships that had existed in the Counties of Conwy, Denbighshire, Flintshire and Wrexham. The broad aim of the network is to conserve, protect and enhance biodiversity for current and future generations. Coordination and collaboration are seen as being important to the partnership alongside other objectives that include raising awareness and the promotion of biodiversity and identifying local priorities to deliver LBAP targets.

We welcome this opportunity to comment on the additional consultation for the Natural Resources Body for Wales. Whilst we agree with most of the proposals, we have some comments.

In addition to the answers we have provided to the questions, we would like to highlight our concern that no mention is made of the grant-giving powers of the new body. Our constituent organisations currently depend on grants made by CCW, EA and FC to fund staff and projects, and without this source of funding our ability to deliver local biodiversity action plan projects would be severely reduced.

Question 1. Do you agree with our proposal for the duties of the body in respect of conservation and natural beauty? (Yes, Mainly, Not at all).

If not, how would you change it?

Mainly agree.

We support the proposal to give the body a “duty to promote conservation and natural beauty across all functions of the new body”. However not including pollution control and forestry functions in this means the duty would be weakened, which feels like a missed opportunity.

The possible wording for the second order: section (a) appears adequate, but the wording of section (b) “to have regard to the desirability of conserving...” is very weak and we would like to see this strengthened.

Question 2. Do you agree with the proposals in respect of public access and recreation duties? (Yes, Mainly, Not at all).

If not, how would you change it?

Agree.

Question 3. Do you agree with these proposals for the high level forestry duties? (Yes, Mainly, Not at all).

If not, how would you change them?

Agree.

Question 4. Do you agree with the general proposals for cross-border arrangements? [Yes, Mainly, No]

If not what would you change?

Agree.

Data sharing between EA / FC in England and the new body will be key, as well as data sharing with other organisations where appropriate E.g. Local records centres, Wales Biodiversity Partnership.

CCW currently has the ability to undertake research. It is important that the new body can continue to carry out research (not only that directed by the Welsh Government). This information also needs to be shared.

Question 5. Do you agree with the proposals for the statutory consultee role? [Yes, Mainly, No]

If not what would you change?

Agree.

When the role of providing advice as statutory consultees (E.g. on planning applications) moves to the new body, it is important that we retain contact with named local officers. 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 established to enable service-users convenient opportunities to discuss problems and issues.

Transparency when the new body “consults itself” is vital and we look forward to seeing the scheme identifying circumstances where formal publication of decision documents is required. We agree that decisions on plans or projects affecting a European or Ramsar site should be published.

Question 6. Do you agree with the proposals to provide internal separation of decision-making, improve transparency and ensure Welsh Ministers have the opportunity to call in significant issues? [Yes, Mainly, No]

If not what would you change?

Agree.

The new body needs to remain independent from the Welsh Government.

Question 7. Do you agree with the proposals for permitting? [Yes, Mainly, No]

If not what would you change?

Agree.

Question 8. Do you agree with these proposals for charging? [Yes, Mainly, No]

If not what would you change?

Agree.

It is important that CCW licences, E.g. protected species licences, are not charged for under the new body. We would see this as detrimental to simplifying and streamlining processes.

Question 9. Do you agree with the proposals for public registers? [Yes, Mainly, No]

If not what would you change?

Agree.

Question 10. Do you agree that the new body should be a listed body under the Regulation of Investigatory Powers Act 2000? [Yes, Mainly, No]

Agree.

Question 11. Do you agree that the new body should have powers to use civil sanctions? [Yes, Mainly, No]

Agree.

Question 12. Do you agree with the proposals for appeal arrangements? [Yes, Mainly, No]

If not what would you change?

Agree.

Question 13. Do you agree with the proposals for cross border monitoring?

[Yes, Mainly, No]

If not what would you change?

Agree.

Question 14. Do you agree with the proposals for statutory planning and reporting?

[Yes, Mainly, No]

If not what would you change?

Agree.

Question 15. Do you agree with the proposals for Civil Contingencies and COMAH?

[Yes, Mainly, No]

If not what would you change?

Agree.

Question 16. Do you agree with the proposals for UK wide arrangements? [Yes, Mainly, No]

Mainly, No]

If not what would you change?

Agree.

Question 17. Do you agree with the proposals for transitional arrangements? [Yes, Mainly, No]

Mainly, No]

If not what would you change?

Agree.



Chairman: Peter Heard
Tregynon
Gwaun Valley
Fishguard
SA65 9TU

01239 820531

chairman@fnp.org.uk

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

3 October 2012

Dear Ms Moss

Natural Resources Body for Wales (additional consultation)

The Friends of the Pembrokeshire National Park [FPNP] is an independent voluntary charity committed to help protect, conserve and enhance the Pembrokeshire Coast National Park for all to enjoy and as such we welcome the opportunity to respond to the consultation document on the Natural Resources Body for Wales.

As implied by its name FPNP's interest lies in the long term future of the Pembrokeshire Coast National Park – one of three designated in Wales for their outstanding natural beauty and the opportunities they offer for the enjoyment of their special qualities by the public and one of eight protected landscapes [National Parks and AONBs] in Wales, which together cover 25 % of Wales' land area. As stated in a previous response many of their special qualities derive from their association with the marine environment. Furthermore these protected landscapes are places where natural and cultural resources come together and are recognised as being of considerable importance for the economy of Wales – The Pembrokeshire Coast National Park alone generates £68 million annually and supports 4600 jobs.

At the current time, and on this occasion we do not feel that we can usefully add any more than has already been submitted by CNP and the Wales Landscape Partnership and for ease of reference I attach a copy of both these submissions.

Yours faithfully,

Peter Heard
Chairman

The Friends is an independent voluntary charity committed to help
protect, conserve and enhance the Pembrokeshire Coast National
Park for all to enjoy
Registered Charity No 1012091