

CNP Cymru response to ‘Towards the sustainable management of Wales’ Natural Resources’: Consultation on proposals for an Environment Bill

Introduction

The Campaign for National Parks has been in existence for over 75 years and is the charity that campaigns to protect and promote National Parks in Wales and England as beautiful and inspirational places enjoyed and valued by all. CNP Cymru represents the interests of third sector bodies such as the three National Park Societies in Wales and other bodies such as CPRW (Campaign for the Protection of Rural Wales), Ramblers Wales, the YHA and the National Association for AONBs (Areas of Outstanding Natural Beauty). The three National Park Authorities in Wales and National Parks Wales have observer status.

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. CNP Cymru believes that National Parks should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change.

National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for 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.

We welcome this opportunity to respond to the Welsh Government’s consultation on proposals for an Environment Bill and the increased attention that is being placed on ensuring that Wales’ natural resources are managed sustainably for both current and future generations. We are broadly supportive of the proposed new approach to the management of Wales’ natural resources. However, this must take 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.

We also have a number of general comments about the White Paper as a whole which can be summarised as follows:

- The proposals should take account of the fact that landscape management already provides the framework for natural resource management by ensuring that the interaction between human activity and the natural environment is considered in an integrated way.
- The proposals need to take account of existing mechanisms such as National Park Management Plans (NPMPs) .

- The concept of environmental limits is missing from the proposals, particularly in relation to the definition of sustainable management. This needs to be incorporated and must include full recognition of the special qualities and particular vulnerabilities of protected landscapes as well as limits relating to other aspects of the environment.

These issues are covered in more detail in our response to selected consultation questions below. We have responded only to the questions in chapters two and three as these are the ones of most relevance to CNP Cymru.

Chapter 2 – Natural Resource Management

1. Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

There is much in these proposals that we welcome such as the definitions and the area-based approach to natural resource management and we are broadly supportive of the overall package of proposals for natural resource management in chapter 2. However, we believe that the proposals should build far more on existing mechanisms and practices. In particular, they should take account of the fact that landscape management already provides the framework for natural resource management by ensuring that the interaction between human activity and the natural environment is considered in an integrated way. When considering landscape management, it is also important to acknowledge that certain landscapes are of even higher value and that protected landscapes will only be able to provide the framework for natural resource management if they are able to deliver their statutory purposes effectively. In general, there is too much emphasis in the proposals on the use, rather than the protection and responsible stewardship, of Wales' natural resources.

There are also a number of areas of the proposals where greater clarity is required. In addition to the points we have raised in response to questions below, for example, with regard to the definitions, these include:

- How marine issues will be incorporated into natural resource management planning: Although it is proposed that this new approach will also cover the marine environment, there is a lack of reference in the proposals to seascapes. As we have commented in response to a number of recent consultations, we are concerned that this new approach is very focused on 'land' issues and there needs to be a lot more consideration of marine/seascapes issues.
- What the relationship will be between natural resource management planning and other types of plans that local authorities currently produce, such as local plans and the National Park Management Plans: As set out above, we believe there is great potential to build on the latter to form the basis for the new approach. There is a need for clarity as to whether natural resource

management plans will be a material consideration in planning decisions and plan-making.

- What sits above the local natural resource management plans: It had previously been proposed that there should be a national natural resource management plan which would include a spatial dimension to inform the local planning. This aspect seems to be missing from the White Paper proposals and instead a national natural resources policy is proposed. It is unclear what the scope of this policy would be and in particular whether it would have a spatial dimension.
- How will the success of natural resource management plans be judged and what will happen if they fail: There is a lack of information about who is ultimately responsible for the plans and who would therefore be accountable if they are considered to have failed. Related to this is the issue of what will be measured and how when assessing the plans.

2. Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?

We welcome the fact that the Welsh Government proposes to have clear definitions to assist in the development of this new approach. However, we believe that some aspects are missing from the proposed definition of natural resources, notably seascapes, and that some words, such as landscapes, need to be more clearly defined to ensure that they are not open to variable interpretations. There is a good definition of landscapes in paragraph 1.34 but this should be incorporated into the rest of the document, and in particular, it needs to be included in this definition.

Paragraph 2.16 states that the definition should allow for the consideration of environmental limits but although the definition of sustainable management in figure (iii) refers to 'the needs and aspirations of future generations' the concept of environmental limits is missing. We would like to see the definition amended to address this and also to make it clear that 'environmental limits' includes full recognition of the special qualities and particular vulnerabilities of protected landscapes, such as biodiversity and climate change. We understand that the concept of environmental limits will be included in the Future Generations Bill but it also needs to be included in this Bill.

Finally, we are unclear about what is meant by the final paragraph in figure (iii) which states that 'sustainable management of natural resources is the output of the process of integrated natural resource management' as we do not understand how 'sustainable management' which should lead to certain outputs can itself be an output. This section needs to be reworded. It would also be helpful to be clearer as to whether it is outputs or outcomes which are being referred to.

3. Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?

Yes.

4. Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting in the Future Generations Bill?

Yes, as we believe that there needs to be close links between the priorities for natural resource management and the outcomes set by the Future Generations Bill. We would also welcome greater clarity as to what would be included in the national outcomes and how these would be developed. It is important the outcomes relating to National Parks are aligned with those in the policy statement for protected landscapes.

5. Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?

We believe that the area-based approach could help provide a clear, prioritised and focussed approach to delivery but it needs to take account of existing mechanisms such as National Park Management Plans (NPMPs). We believe that there is huge potential not only for NPMPs to form the basis for natural resource management planning within the areas they already cover but for this work to be developed further so that it informs the development of natural resource management planning in areas beyond the National Park boundaries.

This would be a cost-effective way of introducing natural resource management planning as it would build on the relevant expertise that already exists in National Park Authorities (NPAs) and there would be economies of scale in NPAs delivering natural resource management outside their boundaries. The NPAs role would be limited to natural resource management and we do not wish to suggest that NPAs should be taking over other responsibilities outside their boundaries.

We welcome the recognition in paragraph 2.81 that non-monetised benefits need to be understood when analysing the evidence on natural resources as it is important to recognise the benefits of a quality environment that cannot easily be quantified.

6. Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?

We do not wish to comment on this question.

7. Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?

Yes, but we would welcome greater clarity as to how this duty would be enforced and to whom it might be applied. Paragraph 2.86 discusses a power for Welsh Ministers to issue powers to 'other bodies' but it is not clear how this power would be applied and whether it would also apply to those other than public bodies.

8. Do you agree that NRW should be the lead reporting authority for natural resources?

Yes.

9. Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

As CNP Cymru represents a wide range of third sector organisations with an interest in National Parks, we would like to highlight the impact of these proposals on the third sector. There is a key role for the third sector both in helping to develop natural resource management plans and in contributing to their delivery. In order to be able to fulfil this role effectively, third sector organisations will need adequate resources. Greater consideration should be given as to how the third sector's contribution to the approach can be supported including the possibility of private sector investment for this work. All partners, including those from the third sector, should be involved at an early stage in the development of natural resource management plans.

It is also important to consider how a wider range of people can be encouraged to get involved in taking forward these proposals. To achieve this successfully involves engaging effectively with a diverse range of people at an early stage in the process. CNP Cymru would be pleased to work with Welsh Government to facilitate this type of engagement through our existing networks and projects but it is important to recognise that the third sector will need appropriate support for this type of activity.

Chapter 3: Natural Resources Wales – New opportunities to deliver

10. Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

Whilst we are broadly supportive of the proposals to provide Natural Resources Wales with new opportunities to trial innovative approaches we are very concerned about some of the specific proposals included. In particular, we do not support the proposal to enable Welsh Ministers to make changes to primary legislation through secondary legislation where this is needed to align NRW's duties with primary legislation.

We do not believe that such powers are needed as Welsh Ministers could use guidance instead to direct NRW's activities and we are concerned at the precedent being set for amending primary legislation without proper scrutiny by the Senedd as this places too much power in the hands of a single Minister. Whilst the consultation document suggests that this could not be done without public consultation, there is still a risk that changes could be made to primary legislation with less scrutiny than would usually be the case.

We are also concerned at the suggestion that it is not currently known when and how Welsh Ministers might use these powers.

11. What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

Given that Welsh Ministers will need to give formal approval to the terms of any scheme to be introduced, safeguards will need to be put in place to ensure the use of these new

powers does not become too politicised. These should include ensuring that the process of developing and designing new schemes and seeking formal approval for them is undertaken in an open and transparent way with a clear mechanism for stakeholders to provide their own proposals for potential schemes as well as being consulted on NRW's ideas. There is a role for the third sector here in engaging a wide range of people in the development of innovative approaches.

In addition, there needs to be effective assessment and reporting of the outcomes of those schemes that are introduced so that lessons can be learnt from the process.

12. Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes? Do you consider that there is a need for any new powers to help to further opportunities for PES?

We welcome the development of Payment for Ecosystem Services (PES) schemes and recognise that NRW should play an important role in this. However, we are not sure that it is appropriate for NRW to act as broker and accreditor for these schemes as well as providing facilitation services and the undertaking their environmental regulatory role. It would be more appropriate for NRW to focus on facilitation and regulation and to consider whether there are other organisations who could act as brokers for PES schemes, for example, there is an opportunity to involve the National Park Authorities here.

It is also worth noting that many third sector organisations already have a lot of experience of working with the private sector and could also assist with the facilitation of PES schemes. For example, we work closely with the [Corporate Forum for National Parks](#) which includes several of the major businesses that operate in National Parks in both Wales and England.

13. What should be the extent of NRW's power to enter into management agreements?

In principle, it would seem to make sense for NRW to have the power to enter into management agreements. However, there is a need for greater clarity as to how these new proposals relate to the existing ability of NPAs or other authorities to make management agreements and S106 agreements. We are concerned that there is no reference to landscape in the discussion of this particular power and would not want to see the introduction of anything that removed NPAs' powers to enter into management agreements for landscape benefits. There is also a need for greater clarity as to whether NRW can require landowners to enter into management agreements.

14. Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?

We do not wish to comment on this question.

15. In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the

additional proposal to cover broader environmental legislation, subject to conditions as stated?

We do not support either of these options as we do not believe it is appropriate to give Welsh Ministers these amendment powers in relation to either NRW's functions or to cover broader environmental legislation, for the reasons we have set out in response to question 10.

16. Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.

As set out above in response to questions 10 and 15, we do not believe it is appropriate to amend existing legislation in this way.

17. Do you have any comments on the impact of these proposals, for example, on your business or organisation?

Please see our response to question 9.

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For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7924 4077 ext.222).