

Cynulliad Cenedlaethol Cymru <a href="#">Pwyllgor Amgylchedd a Chynaliadwyedd</a>	National Assembly for Wales <a href="#">Environment and Sustainability Committee</a>
Egwyddorion cyffredinol <a href="#">Bil yr Amgylchedd (Cymru)</a>	General principals of the <a href="#">Environment (Wales) Bill</a>
Ymateb gan Yr Ymddiriedolaeth Genedlaethol Cymru	Response from National Trust Wales
EB 34	EB 34



Ymddiriedolaeth  
Genedlaethol  
National Trust

## **A NATIONAL TRUST WALES RESPONSE TO THE CONSULTATION ON THE GENERAL PRINCIPLES OF THE ENVIRONMENT (WALES) BILL**

**June 2015**

### **Introduction to the National Trust**

The National Trust is the largest conservation organisation in Europe. We are an active partner in protecting, enhancing and providing access to Wales' natural and historic environment. We protect and conserve 50,000 hectares of dramatic Welsh landscapes and 157 miles of coast much of which falls within protected landscapes. National Trust Wales also owns 10% of all the land designated as a Site of Special Scientific Interest (SSSI) in Wales. Within these areas we provide access, recreation, and educational experiences. We have 240 tenant farmers and also farm some land in hand and in partnership with commoners. We also act as a private landlord for 326 properties across Wales, primarily in rural areas and have recently begun to install appropriate renewable technology on our land to demonstrate the sustainable benefits they can bring to rural areas.

### **Summary Overview**

National Trust Wales see ourselves as a key partner for Welsh Government and NRW in the protecting, enhancing and managing our natural and historic environment. We have engaged with both Welsh Government and NRW at every opportunity leading up to the introduction of this Bill and hope to be able to continue to engage in the future.

We would like to state our broad support for the principles outlined with regard to natural resource management. We are pleased and proud to have an Environment Bill which is aiming to establish long term and joined up decision making for protection and management of our natural and historic environment. We are keen to see a future where we look to build resilience of ecosystems in a holistic way in order to confront new and emerging challenges.

However, despite supporting the general principles of this Bill we are concerned about some of the specifics relating to this.

We would like to have seen more exploration of how we can join up thinking around the planning system and natural resources management. With a new Planning Bill, and the Historic Environment Bill which have both been brought forward in this legislative period we feel that opportunities have been missed for original thinking about how natural resource management planning can inform a planning system which channels development to those areas in which it will be most appropriate and best contribute to a sustainable future. We are also concerned about Area Statement and the lack of consultation built into the process of their creation. Finally we are confused as to if or how National Natural Resources Policy and Area Statements related to the marine environment, something on which we have been seeking clarity for some time.

## **Part 1**

### **Biodiversity**

We welcome the Welsh Government's intention to introduce a strengthened biodiversity duty in Wales. We hope that this will be a first step towards achieving commitments Wales has made under the Convention of Biodiversity- 'to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020'.

We feel that this biodiversity duty would be further strengthened by the inclusion of targets and a system of reporting in relation to these targets. Inclusion of targets and reporting would allow us to better evaluate progress, to celebrate successes where appropriate, and where progress is insufficient to address the reasons for this. Without such a system progress towards biodiversity commitments will remain inscrutable.

### **Definition of Natural Resources**

We are very concerned to note that landscapes are no longer included in the definition of natural resources as they were in the White Paper. At that time we stated,

*'We strongly support the inclusion of landscapes in this definition as a distinct aspect of our natural and historic environment with their own intrinsic value.'*

We are concerned that the removal of landscapes from the legal definition of natural resources will lessen the consideration and protection that they will receive in the

future, especially in relation to National Natural Resource Planning and Area Statements. Our landscapes provide context for the interlinking ecosystems of Wales, are crucial for forming our sense of place and provide the basis for our tourism industry. We see no reason that they should not be considered a natural resource. While we recognise that difficulty in quantifying and target setting around landscapes we remain adamant that protection and enhancement of landscapes should be maintained and considered as an overarching and ongoing objective in natural resource planning.

## **National Natural Resources Policy and Area Statements**

As it stands we feel that both National Natural Resources Policy and Area Statements will fall short of the holistic approach they seek to achieve due to a lack of consultation and coordination with other processes.

Firstly the NNRP has no requirement for consultation on its contents, we feel that major land owners such as ourselves and other interested parties should be provided with an opportunity to participate in this environmental decision making process.

We are concerned at the isolated manner in which it is proposed that Area Statements will be developed. If natural resource management is to be a holistic system of resource management on a national scale then there needs to be a means of meaningful interaction with other systems including the planning system. We would have liked to see a thorough consideration of how the natural resource boundaries correspond with current and future administrative boundaries, LDPs and the current single integrated planning areas. In order to achieve holistic management Natural Resource Management Planning should inform all other planning process. We are also concerned about the lack of consideration of the historic environment. We would like to see a formal process through which Cadw and other bodies with expertise in heritage and the historic landscape can input to Area Statements.

We are also concerned that there is no provision around a consultation process to be followed when producing an Area Statement, with NRW being responsible for the preparation, production and reviewing of these statements. As an organisation we are interested in how landowners and managers such as ourselves will be engaged. We are also keen that NRW are aware of the need to engage with the public throughout this process and would value details of how this will be achieved. If such consultation and engagement is not adopted Area Statement risk simply becoming work plans for NRW, which is not reflective of their intended holistic nature.

We would also like some clarity as to whether and how the National Natural Resource Plan and the Area Statements will address the marine environment. Although the Explanatory Memorandum make reference to the fulfilling commitments under the Marine Strategy Framework Directive it remains unclear to us whether the NNRP will be used to inform marine resource use and policy in Wales or whether this area will be developed separately under the Wales National Marine Plan.

We are also unclear as to how Area Statements will relate to marine areas. If the Area Statement is to deal solely with the terrestrial area it must be clear how the land-sea interface will be managed.

### **General Binding Rules**

National Trust Wales supports the use of General Binding Rules in relation to sustainable management of natural resources through secondary legislation. The can be used to tackle poor environmental practice that is outside the current regulatory system – particularly poor land management practices in rural locations.

For this reason we are disappointed to see them omitted from the Bill.

### **Experimental Schemes**

We understand the need for the power under Section 22 to give Welsh Ministers the power, upon application to NRW, to suspend statutory requirements for experimental schemes. However we also urge that caution is taken with new approaches. There should be full acknowledgement of the importance and potential of existing tools in developing and operationalising new approaches. There should also be a conscious effort to avoid compromising safeguards which have been put in place to protect our environment and the people who rely on it.

We would like to see the following:

- more rigorous requirement for consultation, with the Bill identifying certain statutory consultees who should always be consulted on certain types of schemes;
- requirement for a risk assessment process to be developed; and
- controls on the types of experimental schemes that can qualify.

As NRW will be able to use external persons to carry out experimental schemes, there should be full transparency of who these 'other persons' are, so that any commercial or third party interests are declared.

### **Land Management Agreements**

National Trust Wales is aware of the value of long-term management agreements and considers the broadening of scope and the requirement to register obligations under an agreement a useful reform measure.

### **Part 4**

#### **Separation of waste by the waste producer**

We have an enquiry which is currently live with the Environment Bill scheme. Specifically this question relates to Part 4 of the Bill as drafted, specifically 45AA;

***(4) An occupier of premises in Wales who presents controlled waste for collection (whether by a waste collection authority or by any other person) must do so in accordance with any applicable separation requirements.***

***(5) Subsection (4) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).***

Our question relates to whether holiday cottages such as those run by the National Trust would be classed as business or residential/ domestic properties.

We fully support the aims of the Welsh Government with regards to improved waste separation and higher recycling rates. While we do all we can signpost and facilitate waste separation in our holiday properties if we were to be asked to take overall liability for waste separation in premises of this nature in the future this may pose an issue for us an organisation. We hope this issue can be addressed satisfactorily with the Bill team.

**For more information please contact;**

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