



Petitions Committee
National Assembly for Wales

16th February 2020

Dear Petitions Committee

INCC's Comments following the Minister's response (LG/00072/20) to the petition (P-05-941) - Biodiversity Remit for Natural Resources Wales (NRW)

In less than 15 years time, the iconic Curlew will in all likelihood be extinct in Wales as a breeding bird. Its extinction from our countryside will already have been preceded by the Turtle Dove, Corn Bunting and Nightingale. Wildlife in Wales is disappearing. Entire species are being lost from our land and sea and many of the species that do remain are often at such low numbers that their long-term survival cannot be guaranteed. We now live in the worst time there has ever been for wildlife in Wales.

In April 2019, the Welsh Government declared a 'Climate Emergency' but despite the overwhelming weight of evidence, we have not seen a similar emergency declared for Biodiversity. Given the right commitment, dedication and leadership, Wales can still have a chance of halting and reversing the tragic declines in wildlife that we are witnessing today, but only if action is taken now.

In her response to the petition, the Minister makes reference to the 'tools' (policies and documents) intended to deliver action for biodiversity. However, the deeper problem isn't the strength (or otherwise) of the tools at hand but the lack of their application. The Minister's response does not address this. In fact, celebrating the 'tools' alone without acknowledging the lack of action creates a misleading delusion of success regarding biodiversity delivery.

Terminology of key delivery approaches by NRW such as Integrated Coastal Zone Management (ICZM) and Sustainable Management of Natural Resources (SMNR) further obscures the reality of biodiversity delivery. Delivering an SMNR approach may not actually be delivering for biodiversity, and in some instances could actually be damaging to biodiversity.

For NRW to be more accountable to the people of Wales on biodiversity issues there needs to be specific detail from the organisation regarding its activities and far more transparency over its on-the-ground actions to deliver for biodiversity. Without greater detail, transparency and accountability over biodiversity actions, there is the very real risk that the situation for wildlife in Wales will continue to worsen.

One area of concern is NRW's approach to designated areas such as Sites of Special Scientific Interest (SSSIs). These sites play an important role in the conservation of the most important species and habitats in Wales and should therefore be at the forefront of protecting biodiversity. Despite their importance, the conservation status of the SSSI suite in Wales is not fully known by NRW. This lack of essential information has been caused by a reduction in monitoring of sites and species by NRW over recent years and is a further example of the lack of commitment and regard for biodiversity action.

A striking difference between NRW and its counterpart Natural England (NE) is how difficult it is to get a clear picture of how designated sites are faring in Wales. NE's SSSI database enables the searcher to locate any SSSI, their management objectives and importantly the condition the site is in. There is also clear information about the monitoring and reporting programme, which although exposes how poorly many sites are performing it is nonetheless transparent and accessible.

The paucity of detail from NRW regarding protected sites, monitoring and its general approach to biodiversity duty makes it incredibly difficult for the people of Wales to track whether progress toward reversing the declines in biodiversity are being achieved.

Since NRW's inception in 2013, there has been a dramatic reduction in the resources dedicated to frontline Conservation work within the organisation. Currently, NRW employs fewer than 25 fulltime equivalent staff undertaking on-the-ground nature conservation work across the whole of Wales. This is from a staff base of approximately 1,900 employees. In addition, the job title of 'Conservation Officer' has also been abandoned by NRW and some of the U.K.s leading nature conservation experts have been moved away from positions where they can influence biodiversity delivery. These changes suggest a worrying lack of regard and commitment for biodiversity delivery and makes it all the more implausible that the aspirations set out in various plans and policies will be achieved.

One of the greatest threats to biodiversity is from inappropriate development. The planning process represents both a means to protect habitats and species from damage as well as an opportunity to secure biodiversity gains. Therefore NRW should be central to this process. However, since 2015 (amended in 2018) NRW base their consultation responses on a reductionist list of specific areas for comment. The strict reliance on the list and the inability to deviate from it means that NRW, as the statutory environmental body, not only fails in their duty regarding biodiversity, but frequently fails to support officers from Local Planning Authorities (LPA) in their comments and responses. NRW's lack of engagement in the process undermines the ability of LPAs to defend local biodiversity and seek suitable opportunities for biodiversity gains. NRW's very restrictive list of criteria for planning

responses creates situations in which their lack of response is interpreted as no grounds for objection, in cases where the loss of biodiversity is a very real risk.

Making biodiversity an explicit element of NRW's remit will have the following advantages regarding reversing the declines in wildlife.

- 1) It will ensure that budgets (capital and revenue) specifically for biodiversity delivery can be developed, made public and scrutinised by the people of Wales.
- 2) It will ensure that greater detail regarding on-the-ground delivery for biodiversity will be developed, made public and scrutinised by the people of Wales.
- 3) It will ensure that NRW will take greater action and responsibility for biodiversity delivery.
- 4) It will ensure a greater commitment to protecting, managing and monitoring our protected sites in Wales (**Case Study 1**).
- 5) It will enable expert staff within NRW to be able to use their skills and experience to deliver for biodiversity.
- 6) It will enable NRW to become more active in the planning process, and therefore secure better protection for wildlife and more biodiversity gains.
- 7) It will enable the establishment of nature recovery targets so that progress (or otherwise) made toward particular 'at risk' species can be chartered and made public.
- 8) It will provide greater confidence for the people of Wales that the Welsh Government and NRW are demonstrating a greater commitment to biodiversity and reversing the declines.
- 9) It will inspire greater ambition within NRW and the wider nature conservation sector in Wales to do more to reverse the declines in biodiversity (**Case Study 2**).

The above points, as outcomes of an explicit biodiversity remit would provide greater confidence that NRW is using its statutory powers and resources effectively to deliver for biodiversity. Unless the remit is made this explicit, our fear is that NRW will facilitate the disguise, de-prioritisation and failure to deliver for biodiversity through the continued use of obfuscatory language.

I would like to thank the Committee for debating this petition and if you require any further information regarding this response please feel free to contact me.

Yours Faithfully



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Case Study 1: Protected Sites

Black Brook Pastures Site of Special Scientific Interest (SSSI) in Mid Wales was recently subject to a planning application to develop on part of the special site. The planning application (subsequently withdrawn by the applicant) was refused by Powys Local Planning Authority (LPA) on account of it being a protected site and due to the unacceptable loss of habitat that would have resulted if the development had proceeded. However, despite these objections, NRW's response was to condition the planning application and effectively facilitate the direct loss of part of the SSSI and the special habitat features for which the site was designated for.

Regardless of whether NRW acted unlawfully in its decision making over the development, the case highlights a general lack of commitment toward biodiversity and protected sites which are essential havens for biodiversity in Wales and the cornerstones of our ecological networks.

Case Study 2: Lack of Ambition for Biodiversity Recovery

The marsh fritillary is one of the most endangered butterfly species in the U.K. Although Wales still remains a relative stronghold, even here the species continues to suffer. Population declines have meant that the species is now only found in a handful of areas in Wales.

In 2015, NRW permitted a licence application (**68500:OTH:SCA:2015**) to take from the wild and destroy up to 80 marsh fritillary caterpillars from South Wales. Although granted, the licence application wasn't acted upon. The project would have partially repeat a previous (four years prior) genetic study undertaken by its predecessor (Countryside Council for Wales (CCW)) which granted the destruction of up to 360 marsh fritillary caterpillars from across Wales.

In contrast, a licence application submitted to NRW in 2016 aimed to take the same number (80 maximum) of marsh fritillary caterpillars from the same locations as per the 2015 granted licence application. This time however, the license wasn't to kill, but to breed in captivity so that eventually thousands of marsh fritillary butterflies could be returned to suitable habitat in the landscape. As well as the breeding programme, the project would undertake research, practical habitat management for the species, as well as work with local communities, landowners and businesses to showcase the butterfly and its habitat. The licence application was rejected by NRW and the project did not proceed.

It cannot be right for Wales' Statutory Environmental Body to licence the killing of endangered wildlife for academic purposes alone and to not licence an application designed to safeguard a population from local extinction. The case highlights that there needs to be far more ambition for reversing the declines in biodiversity than shown by NRW at present.