

Sustainability Committee

SC(3)-11-10 : Paper 3 : 12 May 2010

Scrutiny of the Environment Strategy

Response from Welsh Local Government Agency

Introduction

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

Background

3. WLGA has been involved on the Reference Group that worked on the development of the strategy in 2005/06 and has subsequently met to discuss action plans under the strategy. It has submitted comments at various points during this period and many of these have been taken on board. The issues raised below should be seen in this context and reflect some of the points we have made previously.
4. Issues around the environment in which communities live are vitally important to those people who live there and to local elected members. The quality of that environment has a significant role to play in the quality of people's lives, their well being and happiness. Increasingly these ecosystem goods and services that underpin people's existence will be critical to our lives in a world which is subject to potentially volatile change through climate change.

Key Issues

5. It is clear that the complexity of addressing the environment within a single strategy will always remain problematic. The reality; which is addressed through the action plan, is that most if not all WAG policies and strategies have a relationship with the environment. The action plan usefully begins to set out those relationships.
6. This presents issues in terms of the corporate governance of this strategy especially where issues cut across a range of functions; both within local government and the Assembly. During the plan rationalisation process there was a long debate as to whether local authorities should have an environment strategy as one of the remaining statutory planning processes. This approach was not adopted at that time and consequently the list of activities remains split across a number of local authority plans and strategies.
7. Therefore with no clear line of accountability to a specific delivery agent there is a danger that the strategy; or parts of it can fall between the cracks. The specific WLGA action within the document seeks to ensure that this does not happen but it remains a risk given the complexity of the issues. Obviously the individual actions are clearly set out but are difficult to manage corporately.
8. The approach set out in the original Environment Strategy was to develop a complex set of performance indicators which collectively could indicate a direction of travel in respect of the environment. Whilst the process should never have been limited by what was easily measurable it seems that a number of the PI's are still unreported a number of years into the process. Obviously PI's are best utilised where they actually manage performance, its not clear whose performance is being managed in some of these and consequently who can be held to account. Clearly the delivery of much of the Environment Strategy must be done by a range of partners.
9. The example of the work undertaken by Bangor University looking at a biodiversity indicator gives some insight into the difficulty in developing widely understood but realistic PI's. There is a clear tension between communicating some key messages to policy makers and the wider public about our performance on environmental issues, and the need to actually measure something meaningful (report attached as a separate document).
10. Of course there are other processes which inform our view of performance in this example such as the annual review of the NERC duty and local authority activity undertaken by CCW and WAG. This focuses on the processes involved and the qualitative aspects of biodiversity. The regulatory role of WAG/CCW in respect of the Habitats Directive amongst others also gives some insight into the relative performance in this area. However what this example does is highlight the issues just in one part of the Strategy.
11. In terms of assessing the strategy and its delivery through the action plan this is difficult to easily determine given the complexity of the areas in question. Perversely this is both a strength and weakness of the process. A strength because the strategy attempts to tackle highly complex and interwoven issues where there are a large number of relevant players and individuals, all of whom can and do influence progress. Whilst the weakness stems from this potentially clouded accountability. Whose responsibility is it that Wales failed to meet its biodiversity targets for example (in line with the rest of the EU). Clearly this duty is vested within the Assembly and with the Minister however all public bodies have a duty to consider biodiversity in everything they do. The reality is that when more immediate and pressing concerns such as economic renewal arise then it may be difficult to balance the NERC duty in this wider context. This is true where there is a lack of clarity about how decisions affect an issue such as this (beyond the clear statutory duties related to the Habitats and Birds Directives). The development of the Natural Environment Framework is in some way a recognition of these issues and an

attempt to manage the necessary responses.

12. The action plan in its 2008-2011 iteration sets out a range of actions where lead bodies are identified. It also sets out which outcomes within the Environment Strategy the particular action supports. For example the Biodiversity action supports outcomes 1, 2, 3, 4, 8, 16, 19, 20, 21, and 23. This cross referencing is useful but becomes complex to understand and not easily digested, especially in delivery partners.

13. The action plan in its early pages also sets out the other relevant WAG strategies that deliver Environment Strategy outcomes. These include examples such as the Waste Strategy, Climate Change Strategy, Axis II of the RDP, strategy for Woodlands and so on. Again an understandable approach which reflects the WLGA's previous concerns about the partiality of the strategy but an approach which further muddies the responsibilities and actions and makes assessing progress problematic. Local Authorities have raised issues about understanding the hierarchy of the plans and question whether the Environment Strategy actually underpins all these different plans and actions or whether they are driven by other imperatives e.g. waste and compliance with EU directives.

14. In terms of the specific actions against which local government is listed these are tackled point by point below. However they broadly fall into two types, ones where local authorities are specifically listed and those where partnerships are listed which have a local government relationship.

Specific Actions

15. Action 1 point c requests that all organisations engage with CCW in terms of producing costed plans and milestones to bring all designated sites into favourable condition. The WLGA has no information as to whether this was met by the timescale of December 2008 but it is clear that CCW will be in a position to brief the committee on this. We are aware of the outcome 21 working group which has been looking specifically at this issue.

16. The other biodiversity actions listed here are not aimed specifically at local government but it is clear that local authorities have a significant role to play in delivering biodiversity. Initiatives such as the Networked Environment Region as piloted in the SE Spatial Plan have great potential to dovetail with the more sophisticated thinking that is coming through the Local Development Plan processes (backed up by Strategic Environment Assessments). The WLGA sits on the Wales Biodiversity Policy group and actively supports the work of that group. The Natural Environment Framework also has significant potential to co-ordinate disparate activity in this area.

17. One key action currently being pursued is the development of a biodiversity scrutiny resource/toolkit to allow local authorities scrutiny committees to understand the key issues and undertake detailed reviews of authority performance in this area. This is vital to ensure that the NERC Act duty is fully understood among the wider body politic within local government and actively influences decision making.

18. In terms of the Marine actions local authorities have a role in implementing the Marine and coastal access Act and the actions which flow from that. It is clear that in terms of access issues that good progress is being made on the development of a coastal path using a more appropriate flexible approach than that which is set out from England in the Act. Again local government clearly subscribe to the wider aims of the Act to 'ensure clean healthy, safe, productive and biologically diverse oceans and seas, by putting in place better systems for delivering sustainable development of marine and coastal environment'. However specific actions are ongoing and it is difficult to respond yet on the effectiveness or otherwise of this action given the legislation only came onto the statute in November 2009.

19. Whilst local government is not specifically listed against action 2 point 7/8 the WLGA does have a representative working on the Marine Coastal Zone steering group as this again is an important issue to local people and communities. This representative ensures that local authorities remain briefed on progress and understand the implications for their communities.

20. The activity around the creation of Wales' coastal path has been mentioned earlier; however the relevant action under section 3 is 9b and the Cycling and Walking steering group. The WLGA have participated on this group and ensured that LA's are briefed on its work and aware of the launch of the Cycling and Walking action plan 2009-13. Local authorities have actively participated through the regional consortia in the creation of regional travel plans which have been assessed by WAG as being compliant with the aims of the C&W strategy. Work continues to raise awareness amongst planners of the document and the Manual for Streets publication which is an important element of this. Most local authorities already use the document and its key principles in negotiation with developers in terms of design and layout arrangements.

21. The WLGA has no further information as to whether the target to ensure all local authorities have completed green space assessments using CCW toolkit but since this work is grant funded from CCW they will have the up to date position. No issues/problems have been raised with the WLGA on this matter.

22. The transposition of the Floods Directive into the Flood Risk Regs 2009 and the creation of the Flood and Water Act 2010 have created a range of additional responsibilities for local government. These include a range of processes to discharge section 4 point A, on awareness through flood mapping and points b and c on flood risk through hazard maps and local strategies. These processes are set out in the regulations and will be delivered over the next few years.

23. Whilst not listed against section 4 point 16 the WLGA have actively engaged with EA in the revised water resources strategy for Wales and highlighted the document to key local authority networks including planning officers. We are also participating in the Wales Water Industry Forum.

24. Section 7 on the historic environment does not list local government against any of the actions again this is an area of a great deal of relevance to local communities. WLGA have participated on the Ministerial Heritage Environment Group as well as Cardiff Council giving evidence to the Petitions Committee on the 'Save the Vulcan' campaign and WLGA responded to that committee's call for further information regarding the status afforded locally listed buildings.

25. The WLGA organises the biannual meeting of local government networks to share ideas and promote productive joint working. The next meeting is scheduled for May 20th and will look at Flood and water issues as well as biodiversity.

26. Action 38 - In relation to street cleanliness, Keep Wales Tidy produces its LEAMS report each year which is a useful assessment of across Wales. The situation was complicated this year by the severe weather which meant some assessments were undertaken during or shortly after a period when many streets were inaccessible and waste collection and cleansing services had been suspended, with staff resources deployed to keep the main highway network open and town centres safe.

27. Authorities have continued to work with the Environment Agency to address fly tipping. Concerns have been raised however, that some policies that may be introduced to help meet high recycling and landfill diversion targets (such as charging for bulky waste collections and landfill bans) could have a knock on effect on fly-tipping in the future.

28. The Tidy Town Improvement programme has helped a number of authorities, in partnership with Keep Wales Tidy and community groups to undertake a range of clean-up and improvement projects, although it is difficult to record and aggregate the impact of these in a quantitative way.

29. Through the work of the Climate Change Commission and the transport consortia work on action 40 is ongoing. The Climate Change strategy which is due to be published in the autumn will have specific activity identified around transport issues and targets for emission reduction by 2020. Work is ongoing under the auspices of the adaptation sub group on how transport will need to react to the changing climate and how critical infrastructure needs to be made more resilient.

Conclusion

30. The environment strategy identified an ambitious programme of environmental outcomes for Wales by 2026. It allowed an informed debate about the environmental priorities for Wales and explored how those priorities could be met by a range of partnerships and organisations. It is clear that it has guided activity for a range of those partners and their planning processes.

31. Progress across such a diverse range of outcomes will always be by implication diverse. However the WLGA values the strategy as the fulcrum to assess progress and discuss issues and debate approaches.

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