

MENTER AR GYFER
CADWRAETH NATUR CYMRU



INITIATIVE FOR NATURE
CONSERVATION CYMRU

Climate Change, Environment and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
CF99 1SN

4th January 2021

Dear CCERA Committee Members

Natural Resources Wales Biodiversity Remit

The Initiative for Nature Conservation Cymru (INCC) was founded in 2018 as a charitable incorporated organisation (charity number: 1180113). Our vision is of '*a Wales with more wildlife in more places, created by a society that intrinsically values the natural world*'. INCC was formed in response to the growing need for a truly independent nature conservation organisation for Wales. An organisation that was able to speak out and challenge environmental decision makers to do more for wildlife and nature conservation in Wales.

In February 2020, INCC handed in a petition to the Senedd Petitions Committee, regarding the Biodiversity Remit of Natural Resources Wales (NRW). The petition received over 1,000 signatures and the issues raised in the original petition and throughout the committee's deliberations have received much attention and support throughout the nature conservation community in Wales.

On the 8th of December 2020, the Petitions Committee wrote to INCC to confirm that the issues raised in the petition were now to be considered at the Climate Change, Environment and Rural Affairs Committee.

I therefore write to enquire how the CCERA Committee proposes to pursue the issues raised in the original INCC petition and the subsequent issues that have arisen during the various

representations (Appendix 1 - 4).

I would be grateful if you could confirm the process involved, the likely timescales and how INCC can be of assistance to the committee when considering the issues.

Thank you for your time and if you have any queries, please feel free to contact me.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'R. Parry', with a long, sweeping flourish extending to the right.

Robert

Robert Jones Parry
Chief Executive Officer
Initiative for Nature Conservation Cymru (INCC)
rob.parry@incc.wales



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



Robert
Robert Jones Parry
Chief Executive Officer
Initiative for Nature Conservation Cymru (INCC)

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.



Petitions Committee
National Assembly for Wales

15th June 2020

Dear Petitions Committee

INCC's Comments following the Minister's response (LG/00673/20) to the petition (P-05-941) - Biodiversity Remit for Natural Resources Wales (NRW)

Thank you for the opportunity to provide comment and further evidence in relation to the Minister's response (LG.00673/20) to the INCC Petition (P-05-941) - Biodiversity Remit for Natural Resources Wales.

INCC welcomes the progress made by Welsh Government in light of the petition, particularly the recognition of the nature emergency and the added emphasis on NRW as the major facilitator to halting and reversing the decline in nature in Wales (NRW Remit Letter 2020-21).

However, in her response (LG.00673/20) the Minister continues to celebrate the 'tools' (policies and documents) without consideration of whether NRW has the resources, structure and organisational ethos to apply those tools effectively enough to counter the escalating nature emergency.

The Minister fails to acknowledge the very real need for NRW to change if it is to deliver more for nature. This lack of acknowledgement regarding NRW's ability to deliver effectively creates a distorted representation of Welsh Government's true commitment toward halting and reversing the decline of nature in Wales.

It is clear that NRW needs to alter its approach toward delivering for nature conservation to fully meet the escalating nature emergency in Wales. A stronger, more explicit biodiversity remit would enable the organisation to change its mind-set to better prioritise nature conservation. Resources could be better applied and importantly, skilled and experienced staff would be at the heart of biodiversity decision making.

As highlighted in previous correspondence (16.02.2020), one of the current failings of NRW is their silence regarding the planning process in Wales. Planning represents both a means to protect habitats and species from harm as well as an opportunity to secure biodiversity gains in the long-term. Given the escalating nature emergency, NRW should be influencing the process far more than at present and working with Local Planning Authorities (LPAs) to ensure a collaborative approach to securing biodiversity gains. Instead, NRW have reduced their input to just a reductionist list of specific areas for comment and many local sites are being lost as a consequence. This contributes to the continual erosion of the landscape's overall resilience to support wildlife and the well-being of local communities.

If NRW was to have a stronger, more explicit biodiversity remit then the organisational management would be better placed to plan and deliver for the long-term (a necessity for nature conservation). Even the much welcomed project funding (highlighted in the Minister's response) appears to be relatively short-term in its delivery. Although these projects have a capacity to deliver for nature, they are often (on account of their funding) short-term, rushed and unsustainable in the long-term. If NRW are to fully play their role in meeting the escalating nature emergency, then projects need to have funding guaranteed over longer periods of time and delivered by an NRW which is well resourced with skilled and experienced nature conservationists. This would ensure that funding can build on already identified best practice.

Information received from NRW (ATI-19096a) shows that as the Statutory Environmental Body and leading organisation charged with nature conservation responsibilities in Wales, NRW does not have a clear awareness of its own staff skill-set with regard to the skills and experience needed to halt and reverse the declines in nature.

It is imperative for any organisation to employ and retain staff that have the skills and experience needed to further the organisation's objectives, and to ensure that those staff work in areas within the organisation where their skills and experience are best placed to effect positive change. This is even more important in nature conservation as it depends on highly skilled nature conservationists, taxa experts and habitat managers to determine the appropriate course of action required to halt and reverse the declines of particular species and/or habitats. The skills of a taxon expert take a life-time to build and cannot be substituted or easily replaced.

Since the creation of NRW in 2013, there has been a dramatic reduction in the number of skilled and experienced staff (and job roles) able to help the organisation halt and reverse the declines in nature. Furthermore, NRW do not currently hold information on the number of staff employed by the organisation who are recognised habitat and/or species specialists, nor are there records regarding taxa experts within the organisation, their particular expertise, or whether they have a remit to influence delivery for their area of expertise.

If the organisation charged with halting and reversing the declines in nature has little knowledge of its own internal skill-set with regard to overcoming the challenges facing Wales and its escalating nature emergency, then it is difficult to conclude that the organisation has the appropriate biodiversity remit for the job.

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



Robert

Robert Jones Parry
Chief Executive Officer
Initiative for Nature Conservation Cymru (INCC)
rob.parry@incc.wales

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Petitions Committee
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23rd September 2020

Dear Petitions Committee

**INCC Comments regarding Natural Resources Wales' response (CX20-136) to Petition P-05-941
- Biodiversity Remit for Natural Resources Wales.**

Thank you for the opportunity to provide further representation to the committee in relation to NRW's response (CX20-136) to Petition P-05-941.

INCC believes that Natural Resources Wales (NRW) is misleading the committee, the Welsh Parliament and the people of Wales by claiming that:

"NRW's purpose and focus supports the transformational change needed to halt and reverse the decline in biodiversity"

Clare Pillman - Chief Executive
Natural Resources Wales

There is very little independent evidence to support the claim made by NRW. On the contrary, it could be suggested that NRW's purpose is too conflicted and their focus too risk adverse to make the necessary and meaningful contributions needed to reverse the decline of biodiversity in Wales. Both the NRW and Ministerial response to the petition have been disappointingly defensive. Neither party has acknowledged the growing discrepancy between the work undertaken by NRW and the work needed to be undertaken by NRW – if we are to truly reverse the decline in biodiversity.

The committee can be in little doubt that Wales is still failing to deliver the necessary nature conservation action needed to halt (let alone reverse) the declines in biodiversity, with many habitats and species still being lost in Wales.

It is also worrying that neither NRW nor the Minister has made any suggestions for improvement, nor has there been any inference that more could be done by the organisation. Even the most successful organisations strive for improvements in delivery.

NRW's reliance on verbosity and defensiveness has made evaluating their organisational delivery against what is actually needed to reverse the declines in biodiversity very difficult. It is for this reason why INCC would strongly recommend that an independent inquiry be established to ascertain whether Wales has the appropriate statutory body, with the appropriate purpose, focus and remit to truly undertake the actions needed to reverse the decline of biodiversity.

The recent global focus on species extinctions has brought a keener focus on the plight of Wales' own biodiversity and the efforts needed here to ensure nature's long-term survival. An independent inquiry would therefore be an appropriate step to take to reassure the people of Wales that we have the appropriate statutory organisation with the appropriate purpose, focus and remit to bring about the outcomes needed for wildlife and their habitats.

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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Petitions Committee
Welsh Parliament
Cardiff Bay
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10th November 2020

Dear Petitions Committee

INCC representation following the Minister for Environment, Energy and Rural Affairs' response (LG/02480/20) to Petition P-05-941 – (Biodiversity Remit for Natural Resources Wales).

Thank you for the opportunity to provide further representation to the committee following the response made to the committee by the Minister for Environment, Energy and Rural Affairs (LG/02480/20).

INCC welcomes the investment and recent initiatives toward peatland restoration in Wales as outlined in the Minister's response. Restoring peatland habitats will be an essential component toward reversing the decline in biodiversity in Wales. As well as its importance for biodiversity, peatland restoration will also contribute to addressing Wales' climate emergency and our growing flood risk issues.

However, it is important that the Welsh Government clearly states whether a greater budget for this essential peatland restoration works would have been provided to NRW, if NRW still had the internal staff resources to deliver additional works. Does the £1.135 million represent the maximum achievable peatland restoration possible with the current staff resources to deliver it? The gradual erosion of specialist species and habitat staff within NRW has meant that the organisation as a whole is less able to deliver for biodiversity and less able to take

advantage of opportunities for biodiversity enhancement when they arise.

In her response, the Minister also fails to mention that a substantial amount of spending on peatland restoration in Wales will be used to ameliorate the deleterious impacts on peatland habitats caused by historic and ongoing forestry management operations. Inappropriate afforestation and forest management practices by NRW and its legacy body has caused an inordinate amount of damage to peatland and other upland habitats in recent decades. INCC would welcome clarification on the Welsh Government's position toward removing harmful conifer trees from areas of deep peat across Wales.

Species and habitats continue to be lost in Wales through ongoing forestry operations and neither the Minister nor Forest Resource Plans or Area Statements are able to successfully explain how these conflicts will be managed for the benefit of wildlife in future. Resolving the conflicts between forestry operations and nature conservation should have been a priority for NRW since its inauguration in 2013. Despite this, very little operational change or tangible benefit for biodiversity has occurred within the Welsh Government woodland estate.

If NRW are unable, or unwilling to take action for biodiversity on their own managed estate, it is difficult to see how:

“NRW's purpose and focus supports the transformational change needed to halt and reverse the decline in biodiversity”

Clare Pillman - Chief Executive
Natural Resources Wales

One underlying issue that both NRW and the Welsh Government have failed to resolve over the past seven years is that there are no specific targets set for achieving biodiversity gains. Without firm, evidence based targets to aspire to it is impossible to measure and evaluate success or identify areas for improvement. Instead of targets, NRW's approach has been to announce broad, unmeasurable 'visions' and 'statements that together effectively creates a distorted representation of NRW's ability and capacity to halt and reverse the decline in biodiversity.

The upcoming State of Natural Resources Report (SoNaRR 2020) will be published before the end of the year. Once published, the report will provide a vital insight on how biodiversity and nature conservation is faring in Wales. I would suggest to the Petitions Committee that if

the SoNaRR indicates that the situation regarding biodiversity remains bleak, then a full independent inquiry into NRW's role and ability to reverse the declines should be launched.

An independent inquiry would be able to identify any gaps in NRW's delivery for biodiversity, and identify the reasons for those gaps. Importantly, an inquiry would be able to provide a series of recommendations and solution to help make NRW better equipped at tackling the problem facing biodiversity in Wales.

It has become increasingly clear throughout 2020 that we need to act now if we are to save many iconic Welsh species and their habitats from extinction. To do this we need to know that our statutory environment body is equipped for the task, and if not, what else is needed? Criticism, challenges and independent inquiries are not designed to undermine NRW, its staff or its ability to deliver. Instead, they are designed to ensure that Wales has the best chance possible of halting and reversing the declines in biodiversity.

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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Initiative for Nature Conservation Cymru (INCC)
rob.parry@incc.wales