



ASSOCIATION OF
Local Government Ecologists

Carl Sargeant AM
Minister for Natural Resources
National Assembly for Wales
Cardiff Bay
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Date: 24th April 2014

Dear Sir,

NRW Scrutiny Consultation 2015

I am writing as the Welsh representative on behalf of the Association of Local Government Ecologists (ALGE). ALGE Wales would have welcomed the opportunity to contribute to this consultation but unfortunately we were only made aware of the consultation through a third party just before the deadline. Local Authority Ecologists work regularly with NRW and at a recent ALGE Wales meeting a number of concerns were raised. We would hope that these comments, albeit submitted after the deadline can be taken on board through this scrutiny process but if not we ask that they can be raised at the highest level.

ALGE Wales recognises that there is still work to be done to achieve internal cohesiveness between the three legacy bodies, but the current lack of clarity regarding roles and responsibilities within NRW is seriously affecting delivery of ecological services by Local Planning Authorities (LPAs) across Wales. An example of this can be seen via planning applications submitted by the former FC and EA which do not contain ecological surveys or any relevant mitigation or biodiversity enhancement. The reliance is then on the local authority to provide advice and information on what surveys should be undertaken and when, and to push for design enhancements. It is unclear how NRW regulates its own internal work or where (which department) a complaint or possible offence should be reported to.

- Local contacts

Local contacts are invaluable in all aspects of working with NRW, from the value of local officers on the ground to enable projects, to easily accessing advice from biodiversity specialists. The loss of local biodiversity expertise in special sites teams is particularly worrying. It is currently unclear how all the different sections/departments within NRW are arranged and ALGE Wales would welcome the final structures, with contacts, being accessible. At present the difficulty of contacting individuals or obtaining direct line phone numbers causes a lot of time wastage. It also has implications where urgent advice is required for example works to dangerous structures where there is a

bat roost, plus it leads to frustration from members of the public particularly where protected species advice is needed urgently.

- Available information

It is important that information available through the CCW website remains accessible via the NRW website in the long term. Certain maps for example the protected sites interactive map no longer work. These maps were a useful tool since they allowed the user to zoom in to a designated site to a high level of detail which was helpful for relevant planning cases.

It is also understood that SAC Objectives are currently under revision and it would be helpful if these were completed within a realistic and published time scale.

- Partnership Working

There is a very varied approach dependent on the officer involved and their background within the organisation. All NRW Officers need to have recognition of the full range of NRW's responsibilities and corporate priorities, rather than just their regulatory function. This is particularly relevant to the management of NRW's own land where there are opportunities for NRW to demonstrate best practice. It is a concern that the responsibilities of CCW do not seem to be recognised or understood by many NRW staff, which leads to biodiversity conservation slipping down the organisation's agenda. The NERC Biodiversity Duty is as relevant to NRW as much as it is to Local Authorities.

- Grants – Joint Working Partnership and Competitive Fund

ALGE welcomed the forward planning associated with these grant schemes and the valued advice from the grant officers involved. However, this was not consistent throughout Wales and the information at the workshops was not always clear. There have also been a number of discrepancies regarding formal offer of the grants which varies from lack of a formal offer to the wrong letters being sent and being told there was no funding. Many biodiversity and recreation projects are continuing based just on a verbal offer, but late changes to the offer can also result in uncertainties in the retention of biodiversity posts. Although NRW funds projects rather than posts, a number of these posts that deliver the projects are on contracts and dependant on the grant funding.

- NRW licensing/consents/agreements

NRW EPS licences are mostly turned around within set times, however there are some issues with other NRW consents e.g. land drainage consent and Environmental Permits. Internal consultations regarding land drainage consent in particular can be overly bureaucratic with an inflexible approach to practical delivery which can affect project timetables. There have also been issues with the "sign off" of Appropriate Assessments especially where they involve subsequent schemes that NRW licence e.g. discharge approvals. This may relate to a lack of communication between NRW departments but has led to a lot of wasted time and confusion with LPAs.

NRW licensing is increasingly questioning the responses within LPA's EPS licence consultation forms which is time consuming at a time when LPAs are increasingly understaffed and NRW have already provided planning comments.

Section 15 management agreements are valued by Local Authorities to assist with land management to maintain protected sites in a favourable condition. There needs commitment from NRW to adequately resource the grant funding and to improve officer workload to turn around agreements in a timely manner.

- Consultations (Planning)

A large number of concerns have been raised regarding NRW's ecological comments on planning issues. It is accepted that NRW now have to cover a wide range of topics but their Planning responses can be conflicting, and it is also felt that internal responses relating to biodiversity/ecology are being watered down. While the timeliness of comments is important to the planning officers, their quality is equally important. Previously a number of local authorities had Planning Protocols with CCW on how biodiversity issues would be dealt with as part of the planning process. It is no longer clear what NRW will provide comments on as a statutory consultee and what is considered to be a local issue for the local authority to deal with.

Of greatest concern are those responses that ignore current planning guidance as well as relevant legislation and recommend that European Protected Species (EPS) surveys are conditioned. There have also been issues with failure to recognise the need for Habitat Regulations Assessment screening on developments in proximity to Special Areas of Conservation (SAC) where the feature is a mobile species. There is an urgent need for standard guidance relating to SACs with bats or great crested newts as their features and how development can mitigate or compensate, if at all.

There is often a lack of meaningful comments on planning applications especially on applications which concern protected species. Too often NRW place an onus on local authority ecologists rather than making their own independent comments. NRW have recently changed their guidance regarding bat species of lower conservation value (although all species are EPS and are likely to require an NRW licence) but without discussion with local authorities. This has led to confusion with Planning Officers, the reasonableness of proposed conditions and potential duplication of effort.

There also seems to be an acceptance of ecological surveys/reports without proper scrutiny which can contradict the response from the local authority ecologist. It is important that NRW, as statutory nature conservation advisors recognise the implication of their responses especially the weight given to them within Planning Committees and at Public Inquiries. NRW must make clear distinctions in any response to an application in what remit they are commenting on and clearly defer decision making on local conservation issues to the LPA.

It is generally expected that the local authority ecologist will resolve the issues but whereas previously this could have been easily sorted with a known

contact, the new structure means it is now unclear who to speak to within the organisation. As previously mentioned finding the right contact and their direct details is a time wasting procedure.

Many of the issues raised relate to the need for greater clarity and consistency with regards to ecological comments, so that Planners and Applicants can easily understand what the issues are if any at the earliest opportunity. Ideally the first line of any letter needs to refer to consideration of the application and conclusion; whether this is an objection for given reasons, no objection subject to conditions or cannot formulate an opinion because need further information is needed (with specific requests for this information).

Certain Local Authorities have received no consultation response from NRW regarding their Local Development Plan process. NRW are a key consultee for all LPAs and we have been led to believe the organisation wishes to 'front load' its input into such spatial plans. It is therefore frustrating and time wasting when NRW fail to comment on the Issues and Options document although their views are key to the formulation of the plan.

We are able to supply specific examples on the concerns raised above and would share or elaborate if required. ALGE Wales would be happy to assist to improve procedures and liaison as well as drafting of relevant guidance, and input into training needs, but are currently unsatisfied and disappointed with the level of service which NRW is currently providing.

Yours faithfully



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