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| Cynulliad Cenedlaethol Cymru Pwyllgor Amgylchedd a Chynaliadwyedd | National Assembly for Wales Environment and Sustainability Committee |
| Egwyddorion cyffredinol Bil yr Amgylchedd (Cymru) | General principals of the Environment (Wales) Bill |
| Ymateb gan Undeb Amaethwyr Cymru | Response from Farmers' Union of Wales |
| EB 50 | EB 50 |





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Part 1: Natural Resources Management

Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?

Whilst the definitions of 'natural resources' and what constitutes 'sustainable management of natural resources' appear superficially to be sensible, there are significant concerns as to the how these will be interpreted, and the environmental and economic implications of those interpretations.

What are your views on the proposals for a National Natural Resource Policy? Is the Bill clear enough about what this will include?

Any such National Natural Resource Policy must:

- (a) Be based upon firm evidence, as some natural resource policies implemented to date have been based upon misapprehensions and weak or incorrect evidence, thereby causing damage rather than benefits.*
- (b) Take account of economic impacts for private businesses, public authorities, public bodies and all others potentially affected by such a policy*
- (c) Ensure that such a policy does not place Welsh businesses at a competitive disadvantage to those in other countries by enforcing restrictions and targets over and above those agreed at an international level*
- (d) Ensure that any policy does not result in a net adverse impact, for example by resulting in an increase in activities considered to be detrimental to the environment in countries other than Wales*

Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?

The proposals in terms of area statements risk exacerbating existing differences between areas which already exist, for example in designated areas such as National Parks where planning restrictions and additional costs adversely impact on residents and businesses.

Any additional restrictions or guidelines introduced as part of an area statement which must be taken account of by, for example, a local authority, will add an additional layer of bureaucracy and

complexity, and could perceivably lead to those authorities having to abide by and implement multiple approaches within single unitary areas.

There is no overt obligation to take account of the economic impact of individual area statements, nor of the pre-existing economic states and needs of areas which may be included in area statements.

As with all elements of the Bill which may result in additional costs and restrictions for private businesses, public authorities and public bodies, additional funding should be made available in order to compensate for such costs, not least given the current state of public finances.

What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?

The proposal risks adding to costs for local authorities which are already struggling to cope with severe funding cuts – costs which could in turn be passed on to residents and businesses – while also restricting those authorities’ ability to support economic development within the areas for which they are responsible.

Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?

The Farmers’ Union of Wales objects to any additional powers being granted to public bodies, including National Resources Wales, where the owners of land and rights do not have a veto on entering agreements which have an impact on their businesses and may devalue their property.

Notwithstanding this, where agreements are entered into the owners of land and rights must be compensated for their losses, both in terms of losses to their businesses and reductions in the value of their land. Such losses would accrue, for example, where agricultural use of land is restricted, and as a result the agricultural value of the land is degraded, and where such an agreement remains binding following the sale of such land.

Part 2: Climate Change

Do you agree with the proposals for the 2050 target?

The proposals for all climate change targets should not be over and above those agreed at an international level, otherwise the economic development of Wales would be placed at a competitive disadvantage compared with those in other countries not subject to such targets.

What should the role of an advisory body on climate change be?

To advise the Welsh Government on ensuring targets and actions are realistic and proportionate in an international context; attainable without compromising the ability of Welsh businesses to

compete against equivalent businesses in other countries; and that restrictions and targets in Wales do not have a net adverse impact by displacing emissions to countries which have lower standards.

Part 4: Collection and Disposal of Waste

Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?

Notwithstanding concerns regarding the implementation of other elements of Part 4 of the Bill, there is concern that in the absence of Welsh Government controls over waste labelling (plastic container labelling etc.) the requirement to separate waste may lead to unfair actions being taken against those who inadvertently fail to separate waste which is poorly labelled.

Part 7: Flood and Coastal Erosion and Land Drainage

Whether you agree with the proposal for powers to be given Welsh Government agents to enter land to investigate alleged non-compliance with an Agricultural Land Tribunal order in relation to drainage?

In the context of this question and the wider issue of cleansing ditches, the only comment we would make is that in the overwhelming majority of cases dealt with by the FUW it is restrictions introduced by the authorities which reduce the degree to which ditches are cleansed, and failure by the same to cleanse ditches, dredge etc. as a result of misguided environmental pressures which have led to problems such as flooding.

Overarching Question

What are your views on the relationship between this Bill and the Well-being of Future Generations Act 2015 and the Planning (Wales) Bill? Are the links and connections between them clear?

Whilst the purpose and implications of the Well-being of Future Generations Act 2015 may be clear to those involved in its drafting and progress through the National Assembly, this is certainly not the case for members of the public who will be affected by this suite of legislation.

Whilst some links and connections between the Act and Bills are relatively clear, others are not. Above all else, the complexity and nature of this suite of legislation makes predicting outcomes, positive or otherwise, impossible.

However, as already indicated, there is a general concern that the overwhelming impact will be an additional layer of costly bureaucracy with adverse impacts for Welsh administrations, Welsh businesses and Wales' economy as a whole.

As such, it is essential that the Welsh Government and National Assembly for Wales ensure proportional implementation and appropriate funding which negates such adverse impacts.

Finance Questions

What are your views on the costs and benefits of implementing the Bill? (You may want to consider the overall cost and benefits or just those of individual sections)

We note that the 61 page document entitled “Environment (Wales) Bill Impact Assessments” refers to page 215 of the Environment Bill Regulatory Impact Assessment, but does not include this document. Moreover, the latter document does not appear to have been made available either on the Welsh Government website or elsewhere.