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Cyfarwyddwr Director Peter Ogden

The Chairman
Environment and Sustainability Committee
C/o Alun Davidson;
Clerk to the Committee
National Assembly for Wales
Cardiff Bay
CARDIFF
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June 10th 2015

Dear Alun Ffred- Jones AM

Draft Environment Bill

Submission by the Campaign for the Protection of Rural Wales (CPRW)

The Campaign for the Protection of Rural Wales, Wales' foremost landscape NGO, welcomes the opportunity to respond to the content of the Welsh Government's Draft Environment Bill. Having responded in detail to the issues relating to both the Wellbeing of Future Generations Act and Planning Bill, CPRW's comments elaborate upon some of the points we have made to this Committee in previous representations.

Our comments highlight the fact that whilst supporting the general tenet of the Bill and the desire to manage Wales natural resources in a more integrated and sustainable manner, we find it disconcerting to imagine that a Bill which purports to promote a more sustainable approach of the Welsh environment does not recognise nor make provision in any meaningful way for the stewardship of our most important natural assets and those that form the basis of Wales' thriving tourism industry, the nation's landscapes and seascapes.

It seems to us even more surprising that given that 25% of the land area of Wales is designated because of its national and international landscape importance and the fact these areas coincide with some of the most important natural resources Wales possesses, their role and the potential these areas offer as delivery mechanisms for the sustainable management of their natural resources, is not even mentioned in the Bill.

Our response therefore focuses on the issue that landscapes and seascapes, especially those of national importance, and our belief they provide the overarching framework within which any approach to natural resource management must take place.

The need we contend to recognise this is compelling and if the Bill is to be fit for purpose then it must include strong new provisions which not only recognise the role of landscapes and seascapes.

The Bill must therefore factor in the perspective that people value landscapes not simply because they are attractive places with pretty views, but because of the way they function and provide the backdrop and stage upon which everyone lives their life and as locations which shape an individual's identity as well as providing us all with our personal "sense of place".

In the light of our submissions which we believe will add value and clarity to the provisions of the Bill, CPRW welcomes and looks forward to the opportunity to share and explore further our perspectives and suggested proposals with your Committee.

Thanking you in anticipation

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Ogden", with a long horizontal flourish extending to the right.

Peter A. Ogden
Director

**Environment and Sustainability Committee
Review of Draft Environment (Wales) Bill**



**Submission by
the Campaign for the Protection of Rural Wales: (CPRW)**

June 10th 2015

Executive Summary

i) Wales' landscapes and seascapes particularly those in our most iconic National Parks and Areas of Outstanding Natural Beauty, are not only amazing places but increasingly provide a huge range of public benefits.



ii) Collectively, all our landscapes are increasingly being recognised as Wales' unnoticed and often overlooked natural resource heroes, quietly and consistently providing 21st Century Wales with most of its crucial daily "life support" goods and services.

iii) We believe landscapes and seascapes therefore provide an obvious and compelling unifying framework for the sustainable management of our natural resource.

iv) Likewise our Designated Landscapes covering 25 % of Wales, are unquestionable some of the most important drivers which can energise the actions necessary to promote effective national and local natural resource management.

v) Given the important role all of Wales' landscapes and seascapes play, we believe the Bill should include a clear commitment which recognises landscapes and seascapes as the framework within which the integrated planning and management of Wales' natural resources should occur.

Our recommendations for improvements to the Bill

- 1. The context for natural resource management in the Bill, should be more obviously and visibly set against the Welsh Government's desire to further the ambitions of the European Landscape Convention.**
- 2. The current Principles of Natural Resource Management must be set in a realistic social and cultural context. Landscapes and seascapes provide the appropriate framework to do this.**
- 3. Approaches which promote the sustainable management of Wales' natural resources must recognise the unique role that those landscape designated because of their national / international importance play.**
- 4. The consequences of refreshing the Purposes of National Parks and Areas of Outstanding Natural Beauty to reflect the pivot role these areas can play in natural resource management and public Wellbeing, should be reflected in the provisions of the Bill.**



1. The context for our submission

1.1 The Campaign for the Protection of Rural Wales (CPRW) is Wales' foremost membership based landscape NGO and welcomes the opportunity to respond to the content of the draft Environment Bill, which will have a profound effect on both the manner and priorities for the management of the Welsh environment, in the future.

1.2 As a founding member of the Alliance for National Parks Cymru, CPRW also endorses the perspectives, conclusions and recommendations of that submission.

1.3 We also note that whilst the Draft Bill's content is passing through its various stages of scrutiny, the work of the Government's Independent Panel established to "Review Designated Landscapes in Wales" is still ongoing. Given that 25% of Wales is internationally designated as National Parks and AONBs and many of these areas are the nation's natural resource "hot spots", their role as "critical natural resource hubs" delivering a huge range of ecosystems services and their associated benefits, should be properly accounted for and clearly reflected in the provisions of Bill.

1.4 At the moment, the role of these Designated areas as engines driving the delivery of this sustainable approach to the management of their natural resources is worst at risk of being overlooked and at best not adequately reflected in the current provisions of this Bill.

1.5 We strongly suggest that the Committee reflects on the recommendations arising from the Independent Review Panel's deliberations (some of which have already been published). Accordingly and prior to the Bill being endorsed, these proposals should be fully considered and as necessary, additional provisions regarding the future role of these areas are appropriately embedded in the final version of the Bill,

1.6 Notwithstanding these circumstances, this response highlights the key issues which CPRW considers crucial if the challenges of managing the natural resources of Wales in a sustainable and publicly acceptable manner, are to be successfully met.

1.7 Our submission focuses on three key themes which we would expect the Bill to properly reflect and clearly articulate.

1. The unifying role of landscapes and seascapes in natural resource management

1.7.1 A fundamental recognition is required in the Bill, that Wales' landscapes and seascapes although not natural resources in their own right (as defined under the terms of the Bill) are by their nature a series of cumulative "higher order, added value natural resources"

1.7.2 By their very nature, these added value natural resources provide the overarching contextual framework within which any approaches to the sustainable

management of Wales' natural resources or ecosystems approach occur. Likewise because of their diversity and important role they play in the public's consciousness, they also provide the physical backcloth which ensures the delivery of many of the wellbeing benefits envisaged in the Wellbeing of Future Generations Act.

1.7.3 The importance of the concept of landscapes and their role as the interface between man and nature is clearly enshrined in the Principles of the European Landscape Convention which defines landscapes as

“areas as perceived by people, whose character is the result of action and interaction of natural and human / or human factors”

1.7.4 It is clear from this definition, that one cannot manage natural resources in isolation because their human context adds further values and additional layers of importance and relevance to their status.

1.7.5 Overcoming this difficulty we suggest could therefore be achieved by making specific reference in the Bill to the European Landscape Convention and its role in providing the overarching approach necessary to further the principles of Natural Resource Management.

1.7.6 We therefore suggest

- **the stewardship of landscapes and seascapes at a variety of scales should be recognised as the strategic and guiding framework for managing the interaction between natural resources and human activities.**

1.7.7 Likewise given that Natural Resources Wales (NRW) has already inherited duties and responsibilities to protect the integrity and distinctiveness of all landscapes across Wales, it is therefore also highly appropriate that the Bill includes

- **a specific duty on the Natural Resources Body for Wales to further the principles of the European Landscape Convention when promoting the sustainable management of natural resource across Wales.**

2. The need for the Principles of natural resource management to reflect the importance of a location's "sense of place"

1.7.8 Landscapes and seascapes individually and collectively play a crucial role in defining an individual or community's "sense of place". The need to ensure this contextual integrity is appropriately maintained when implementing an ecosystems approach to natural resource management, is therefore crucial.

1.7.9 Landscapes are places which are more than simply the outcomes of the combined interactions of biodiversity and biotic ecosystems. They are the products of the range of human values and social interactions which shape our ways of life and which over time, increase in importance. This social context must be adequately reflected in the manner in which natural resource management approaches are pursued.

3. The role of Protected Landscapes as deliverers of sustainable approaches to natural resource management

1.7.10 25% of the land area of Wales (and an even greater area of the Marine environment) is designated because of its international conservation importance and the intrinsic qualities of its natural resource. The important role these areas play as a focus for ecosystems services and as the deliverers of coordinated and integrated natural resource management approaches, should be afforded greater recognition in the Bill

1.8 Since the notion of developing a natural resource management approach was first suggested, CPRW has long been a strong advocate of the need for this approach to be undertaken in a strategic, integrated and holistic manner which delivers bespoke approaches to the stewardship of local environments. In promoting this approach we have advocated that this concept will only succeed if it is undertaken:

- in a comprehensive manner within an overarching framework which is socially acceptable and respects the local context within which the particular natural resources exist
- in ways which use, safeguard and preferably enhance the long term integrity of those resources being managed
- in ways which recognise that change should only occur within those acceptable environmental limits which do not threaten the long term integrity of that resource.
- in a manner which operates both geographically and temporally at an appropriate scale and which effectively connects the use of resources on the land with those at sea.

1.9 We believe our suggested “landscape approach” should be recognised in the Bill as it effectively acts as the unifying force which links nature with people, the past with the present and the tangible and intangible cultural associations which individuals have with their surroundings.

1.10 In addition, this approach recognises that “landscapes” not only make a significant contribution to the nation’s economic prosperity, our health, welfare and the quality of life in 21st century Wales, but they also create everyone’s individual “sense of place”.

1.11 **We do not however subscribe to, nor support** the proposition that a “Landscape approach” is achieved simply through the management of natural resources on a large geographic scale. This is a gross over simplification of the concept and one which does not recognise that all decisions regarding natural resource and ecosystems management are nested in a not only a spatial but also social and economic context and an agenda driven by political, corporate and personal needs, expectations and benefits.

1.12 Appendix 1 of our submission explains more fully the relationship we believe should exist between the overarching role of landscapes as the framework and driver for sustainable natural resource management and the desire to promote a resilient environment with “healthy functioning and resilient ecosystems”.

1.13 In summary merely striving to create **“well connected biodiverse and resilient ecosystems”** as is currently proposed in the Bill, is in our opinion not enough.

2. Detailed comments

2.1 The remainder of this submission details how we believe a series of additional refinements to the existing provisions of the Bill, would ensure that the important contribution landscapes and seascapes make to the wellbeing of Wales and to public life, are fully accounted for in the approaches proposed for the sustainable management of the nation’s natural resources.

2.2 We believe our suggested amendments would also visibly reinforce the Welsh Government’s commitment to the European Landscape Convention and its desire to pursue its implementation in a creative and enthusiastic manner. Given CPRW’s interests, our comments are therefore confined to the provisions of Part 1 of the Bill.

Part 1

Clause 4

Principles of sustainable management of natural resources

2.3 Whilst noting the various elements of the Welsh Government’s definition of “natural resources” in Clause (2), we suggest that none of these natural resources can or should be managed either individually or in isolation from each other. The human and social context within which they exist means they each interact with the others in different ways in different places so as to create different effects. The outcome of these interactions means that whole is greater than the sum of its parts. It is exactly for this reason that the outcomes of these cumulative and added value relationships, create the individuality of a location’s “Sense of place”.

2.4 The distinctive and defining characteristics of a place should therefore be accounted for in the principles of natural resource management as these provide not only the context

but also the sensible framework within which approaches to the sustainable management of natural resource should be pursued.

2.5 Whilst therefore supporting the three defining principles of the sustainable management of natural resources in Para 3(1) we believe that Para 3(2) needs to be strengthened to recognise the important locational framework within which the quest to create resilient ecosystems must operate, if they are to be socially and economically acceptable as well as environmentally sustainable.

2.6 **Proposed Amendment.**
Clause 3 Sub section (2)

After

... *“and enhance the resilience of ecosystems and the benefits they provide...”*

add the words

“ in a manner which respects that location’s sense of place, ...”

2.7 To ensure the proposed Principles expressed in Clause 4 are comprehensive and fully fit for purpose, we also believe the following additions and clarifications would be helpful.

Clause 4(b)

2.8 Whilst agreeing that the spatial scale of action is important, we also believe that it is important to take into account the appropriate time scales over which action should be taken. Sustainable natural resource management will not be instant and if it is to be effective there must be an ongoing commitment to pursuing it and not one that can be easily jettisoned. For this reason we suggest the following addition to Clause 4(b)

2.9 **Proposed Amendment**
Clause 4(b)

After *“...appropriate spatial...”*

add the phrase

“.. and temporal scale for action”

Clause 4(e)

2.10 With regards to this Clause, we note that the neither the terms “resilience” nor “ecosystem” are defined in the Bill. Without any definitions defined, it is difficult to understand the actual or implied scope of these terms or how they are to be interpreted in the context of the various provisions of the Bill.

2.11 We note however that the Explanatory Memorandum expresses ecosystems (as referred to in the Convention of Biological Diversity), as

“ a dynamic complex of plant, animal and micro-organisms and their non-living environment interacting as a functional unit”

2.12 This definition should be included on the face of the Bill to provide clarity and meaningful intent.

2.13 We also suggest a series of further Principles should be added to the existing set, to provide greater clarity as to how the sustainable management of natural resources should be pursued.

2.14 Including these additional Amendments would also provide a helpful cross reference back to the Goals of the Well Being of Future Generation Act and therefore improve one's understanding of how all the suggested Principles, should be collectively implemented

2.15 Proposed Amendment

Add the following additional sub sections

4(h) guide change within accepted environmental limits and tolerances and in ways which reflect the Precautionary Principle.

4(i) promote the enjoyment of Wales' natural resources in a responsible manner

4(j) ensure that if when pursuing any of these individual Principles, conflict arises with another, the integrity, intrinsic value and public benefits a resource currently provides are not disproportionately devalued or compromised.

2.16 We also contend that an additional Clause should added after the existing / extended list of Principles, to ensure they are all pursued in a manner which recognises and reflects the distinctive context and "sense of place" of the locality in which they exist.

2.17 Proposed Amendment

Add a following additional Clause 4(2) to read

In furthering all of these Principles, any action to promote the sustainable management of natural resources, must have due regard to any values which reflect that location's distinctive "sense of place"

Clause 5

General duties of Natural Resources Body for Wales

2.18 We are particularly concerned that this section promotes a very limited, inward looking mechanistic approach to natural resource management and fails to recognise or reflect the full range of responsibilities NRW has inherited from those three "legacy" bodies which predate its establishment.

2.19 We believe that the Bill should make it clear that the manner in which NRW discharges its role and functions in respect of natural resource management should not be at the expense of any of these inherited statutory obligations.

2.20 We would also suggest that if the relevant Natural Resource Body is mandated to be undertake the principles of sustainable management of natural resources, this should be unambiguously reflected in its General Purposes.

2.21 We therefore suggest that Clause 5(2) and its proposed amendment to the existing Article 4(1) of the 2012 NRW Establishment Order, should simply read

The Body must

(a) achieve the sustainable management of natural resources ...

2.22 Likewise having expressed our belief that any approach to natural resource management cannot be implemented without taking into account the specific circumstances which reflect a location's "sense of place", we believe that this principle, especially when it relates to areas designated because of their national landscape importance, should be applied to the existing Subsection 4(1) (b) of Clause 5

2.23 We therefore suggest this subsection should be amended to cross reference to our suggested additional Clause 4(2)

**2.24 Proposed Amendment
Clause 5 (2) Article 4 (2)**

To read

Apply the principles of sustainable management of natural resources "***in a manner which reflects the integrity of a location's distinctive "sense of place"***"

Clause 6

Biodiversity and resilience of ecosystems duty

2.25 Whilst supporting the desire to ensure that biodiversity interests are enhanced as a result of natural resource management, we are conscious that public authorities should have a broader responsibility than simply biodiversity enhancement. As part of their remit and statutory responsibilities they should all be expected to view natural resource management as the means of delivering a much wider range of public benefits pursuant with the achievement of the Goals and Objectives of the Wellbeing Act.

2.26 For consistency we therefore believe that the intentions of Clause 3(2) should be mirrored in the provisions of Clause 6 (1) so that all the relevant public Authorities, local authorities and statutory should be required to fulfil this wider responsibility.

2.27 **Proposed Amendment**

Clause 6(2)

After the phrase “... must take account of the resilience of ecosystems ...”
add the phrase

“...and the benefits they provide in a manner which reflects the integrity of a location’s distinctive “sense of place” ... in particular the following aspects”

2.28 Similarly Ecosystem resilience is dependent on more than just the maintenance and enhancement of biodiversity. In welcoming the recognition afforded to wider ecosystem benefits in Clause 3(2), for consistency we believe Clause 4(g) and Clause 6(2) should be worded similarly

Clause 8

Duty to prepare a Natural resource report

2.29 CPRW supports the duty and requirement for NRW to prepare a State of Natural Resources report on the proviso that this includes a section outlining the State of Welsh landscapes and seascapes and in particular those within designated Protected Landscapes.

Clause 9

Duty to prepare, publish and implement a national resources policy

2.30 CPRW again supports this approach as a means of ensuring that the importance of those resources which create opportunities to deliver public benefit, are fully recognised and accounted for.

2.31 We would also however expect the role and status of all areas of national landscape importance (and any proposed for designation in the future) to be fully recognised as critical components of Wales’ national natural resource infrastructure.

2.32 In addition their future role and that of their respective Management Plans (as the vehicles for delivering any national agenda and policy priorities for these areas), should be fully articulated in this statement.

2.33 We would likewise anticipate that the outcomes of the Independent Review of the Designated Landscapes of Wales and any recommendations relating to a potentially refreshed or revised national role for Designated Landscapes, should be fully reflected in and accounted for in this National Natural Resource policy document.

2.34 **Proposed Amendment**

After Para 9(3)

add the additional phrase

“ .. but in particular the role of any area of land or sea designated because of its national importance”

Clause 10

Area Statements

2.35 We presume that the intention of the Area Statements is to deliver locally, the priority themes of the proposed National Natural Resource Management Policy.

2.36 We are concerned however that 10(1) as currently written does not provide any assurances that the proposed suit of Area statements will cover the whole of Wales, given that their coverage will be at the discretion of NRW.

2.37 We believe if the production of these statements is to achieve the integrated and holistic approach anticipated for natural resource management, they must cover all of Wales.

2.38 Proposed Amendment

Clause (10i)

Delete “...for the areas of Wales that it considers appropriate..”

And replace with

“covering all territorial areas of Wales on both land and at sea”

2.39 With this in mind we are concerned as to how the geography of these Area Statements will be determined given that is NRW’s responsibility to decide this.

2.40 We are not convinced that the oft suggested subdivision of Wales on a River Catchment basis is necessarily the correct approach to adopt especially where the character or distribution of those natural resources identified in Clause 2, does not easily or necessarily coincide with the geography of river basins or catchments. We would therefore expect any further Explanatory Guidance to indicate not only the scope of these Area statements, but also how their geography will be determined.

2.41 As highlighted in the paragraphs that follow, we believe there is considerable merit in extending the scope and role of existing Protected Landscape Management Plans. They have the ability to deliver a consistency of approach to natural resource management across large areas and within the special circumstances which make these nationally designated landscape entities different from other areas.

2.42 We are also concerned that the Bill provides no indication of the status or role of these Areas statements in relation to either the proposed Local wellbeing Plans (to be prepared under the Wellbeing of Future Generations Act) or so far as the Local Development Plan or the Strategic Plans to be prepared as a result of the provisions of the new Planning Act (Wales). These relationships should be made clear on the face of the Bill.

2.43 Likewise the Bill does not explain how these Area statements will achieve the integration of natural resource management across the land and sea divide and create effectively bridges between these two significant and very different territorial and administrative domains.

2.44 As referred to above the existing provisions of the Bill do not make it clear how the proposed Area statements will relate to existing Management Plans for National Parks and AONBs. We believe the approaches those currently responsible for the management of these nationally designated landscape areas have pioneered, should be refined and their existing Management Plans become the recognised statutory means by which the delivery of both the sustainable management of the natural resources and the promotion of public wellbeing in these areas, are achieved.

2.45 These Plans should therefore reflect not only how the special qualities of these Designated areas will be conserved and enhanced, but also how any refreshed Purposes recommended by the Government's Independent Review Panel will be pursued.

2.46 **Proposed Amendment**
Clause 10

Add an additional new sub section as follows

Subsection 6(c)

With respect to an area designated because of its national landscape importance, a single enhanced Management Plan should be prepared and adopted as the Area Statement for that designated area; or a geographically extended area beyond its boundaries, whichever is the most appropriate.

.....

Appendix 1

The relationship between Landscapes and Biodiversity enhancement in promoting creative approach to Natural Resource Management

1. Why is this important?

2 Whilst any approach to natural resource management must recognise the need to manage ecosystems effectively, creating resilience and integrity in ecosystems relies on more than just an approach focussed solely on biodiversity protection and enhancement.

3. If the objective of an integrated approach to natural resource management is to ensure the long term integrity and connectivity of ecosystems and by implication biological diversity, then there is equally compelling argument that any such action should also maintain the integrity and connectivity of those landscape within which such ecosystems are located.

4. Significantly extending woodland may enhance biodiversity opportunities, but equally could lead to the multitude of human influences, imprints and associations created over time and which characterise the unique identity or “sense of place” of a location, being lost or changed dramatically.

5. The reversal of the fragmentation of landscape character is therefore every bit as important as a key outcome of sustainable natural resource management, as is the desire to achieve the recovery of species and habitats.

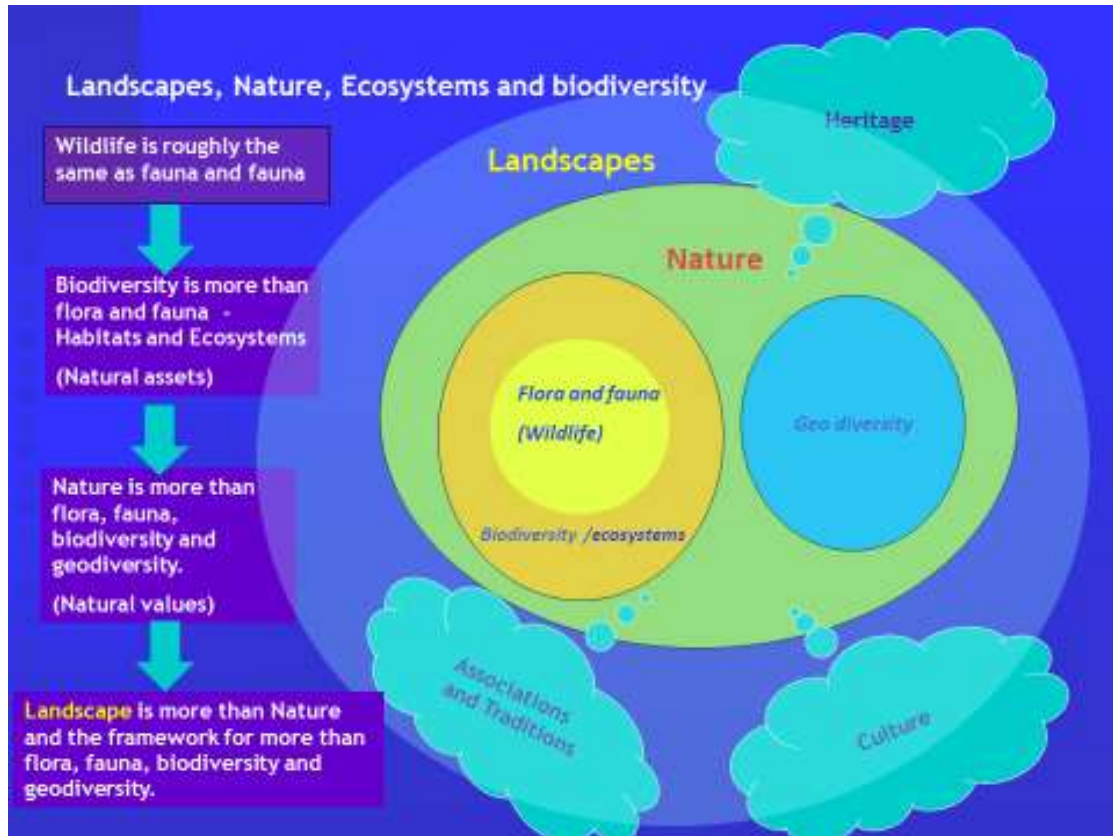
6. To suggest this relationship can be safeguarded by simply “working at a landscape scale” is inappropriate. Landscapes exist at all scales, not just on a big scale. The crucial requirement is that landscapes work in a cumulative, readable and coherent way. The main reason for biodiversity failure is in our view, the loss of the appropriate **landscape context** within which species exist and ecosystems function.

7 Natural Resource management should therefore not be confined to simply managing biodiversity any more than it should focus solely on carbon management. It must be based upon the principle of managing all those elements of the environment which define **its character and integrity and which achieve its long term functional resilience.**

8 Landscapes in general and Protected Landscapes and AONBs in particular, should therefore be the dynamos for natural resource management. The outcomes of any successful sustainable natural resource management approach should be, the reconnection of fragmented elements of our existing landscapes, enhanced biodiversity, improved heritage stewardship, increased access to the countryside, greater learning opportunities and a wider acceptance of the public’s environmental responsibility, promoted by community led approaches to landscape stewardship.

9. This is exactly why the much ignored [European Landscape Convention](#) provides such an important and sensible overarching framework for the implementation of any Natural Resource management approach. Within this approach, whilst the management of biodiversity and ecosystems is clearly a crucial constituent part, it is not the sole determinant of it.

10. The following diagram explains these relationship:



A Landscape approach to sustainable Natural Resource management

11. It is clear from the above that no matter where they are, whatever their size or shape, landscapes are the canvas on which we build and live our lives and the pillars which underpin our national wealth. They not only link the wellbeing of Welsh people but unite us with our culture and natural heritage in so many distinctive and fascinating ways. They are the foundations on which our inheritance is built.

12. Accepting therefore that landscapes are more than just views and their qualities are the product of values accumulated over long periods of time, it is clear that the management approaches which create places with a distinctive and uplifting character and where change is responsibly directed, are those we need to duplicate.

13. Adopting a **“Landscape approach”** to the management of our natural **and** cultural resources, in ways which ensure that the long term quality of the places which surround and provide for us, are maintained, is the only way this can happen.

14. Wherever they exist therefore, landscapes and not just biodiversity must remain resilient, adaptable and the quality of their constituent assets, must be of a standard that ensures when change occurs their defining values and the resilience of the range of services they provide, are safeguarded and maintained.