Alun Ffred Jones AM Chair of the Environment and Sustainability Committee National Assembly for Wales Cardiff Bay CF99 1NA

27 August 2015

Dear Mr Jones,

Following WEL's written and oral evidence to the Committee on the Environment Bill, we would like to share our further reflections on some areas where we believe the Bill should be strengthened.

First, WEL would like to stress that its members support the creation of new legislation to address the degradation of Wales' environment, and we welcome the Government's intention to embed an Ecosystem Approach to managing the environment. We also welcome the intention to provide a strengthened biodiversity duty within the Bill.

In our view, the Committee is in a good position to suggest the introduction of some amendments to ensure the Environment Bill represents a move to a more proactive and ambitious approach to environmental management, with the potential to provide a sound basis for sustainability in Wales. In aiming to secure a healthy environment the Bill will underpin delivery of all of the Well-being Goals. We also believe it must be seen as a key delivery mechanism for Goal 2 in particular.

WEL is keen to see in place an Environment Act that:

- enhances efforts to halt and reverse biodiversity loss, and restore and enhance our special sites for nature;
- ensures the values and distinctiveness of our landscapes and seascapes are properly recognised and protected;
- makes NRW a strong, independent environmental body for Wales, with a clear remit to protect and enhance the natural environment;
- engages stakeholders in the development of environmental plans, and includes strong transparency and accountability provisions;
- tackles the resource gap for environmental projects by directing funds from the carrier bag levy to environmental organisations operating in Wales;
- secures sustainable shellfisheries in Wales, in a way that protects marine sites; and
- provides marine licensing authorities with full cost recovery for their functions.

This letter provides further information with regard to the development of WEL's thinking on Part 1 of the Bill, which is key because of its impact on the way the environment is managed. It is not intended to duplicate information on the Bill as a whole, which we have provided in our evidence. We plan to provide separately some small points of clarification following our evidence on Part 5. Finally, this letter does not address Part 2, on climate change, because WEL supports the work of Stop Climate Chaos Cymru in relation to that Part.

Effective implementation of the Ecosystem Approach: achieving a resilient Wales

WEL supports the development of an Ecosystem Approach in Wales. However, we are not convinced that the definition, objective and principles of sustainable management of natural resources (SMNR) fully reflect the ecosystem approach described under the CBD. In particular, we are not convinced that the conservation element of the ecosystem approach is sufficiently explicit.

The Bill does not supplant existing nature conservation tools, but we feel it misses the opportunity to be explicit about the role of SMNR (and therefore of NRW) in halting and reversing biodiversity loss. As such, the Bill's provisions could be interpreted in a largely utilitarian way – leading to the development of SMNR which is biased towards use; an Ecosystem Services Approach not an Ecosystem Approach.

We are informed that this is not the intention of the Welsh Government, so we believe this part of the Bill could be amended to clarify the essential role of the new framework in delivering conservation and protection of the environment. This is particularly important because Sections 3 and 4 are central to the new general purpose of Natural Resources Wales, and will undoubtedly affect the way the body's role is interpreted in the future.

Halting and reversing the loss of biodiversity

Linked to our concerns above, is our concern that Part 1 does not contain a clear driver for halting and reversing biodiversity loss. It also lacks provision for measuring progress in this area, in spite of the Welsh Government's recognition of biodiversity loss as a critical issue, alongside climate change. We welcome the biodiversity duty with its new reporting requirements, but feel the Bill would be strengthened by:

- providing focus on measurable outcomes;
- providing an overall mechanism for measuring and reporting on the effectiveness of activities undertaken towards these outcomes; and
- providing stronger Government leadership and accountability, with a process to identify remedies if outcomes are not delivered.

Our recommendation is to include biodiversity targets within the Bill and a detailed briefing on what these targets should be and how they could be measured is provided with this letter.

Protecting and enhancing our landscapes and seascapes

Another concern of WEL is that the Ecosystem Approach as set out in the Bill does not fully address issues associated with the protection of landscape and seascape character. It needs to be appreciated that landscapes are different from ecosystems. They are places where ecosystems exist and they provide an important context for managing natural resources in an appropriate and integrated manner.

Landscapes and seascapes reflect the cultural values and associations people have with nature. Article 5 of the European Landscape Convention makes it clear that landscapes should be recognised in law as 'an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity.' Given the particular influence that cultural associations and heritage values have on a location's identity, it follows that these considerations should be embedded in the principles of sustainable management of natural resources.

We hope that you find these further, expanded views on Part 1 of the Bill helpful in considering the Committee's response at this stage. If you need any further information or explanation, please do not hesitate to get in touch.

Yours sincerely,

Annie Smith, Chair of WEL's Natural Resources Working Group