

## **EPGBTWB 31 - Tystiolaeth gan: Tirweddau Cymru | Evidence from: Landscapes Wales**

---

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

---

### **1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

Tirweddau Cymru Landscapes Wales (TCLW) welcomes receipt of the Bill.

TCLW welcomes the strengthening of 'due regard' to 'special regard' in respect of the duty on Welsh Ministers to have 'special regard' to the environmental principles and accompanying guidance during the development of their policies and legislation.

We suggest that a clear definition of what having 'special regard' to the environmental principles is required, so that the duty is given the appropriate weight by Welsh Ministers.

Section 62 of the Environment Act (1995) includes a "Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated". However, this has not proved to be an effective way of ensuring the identified organisations consider National Park purposes. We note that the UK Government has announced National Parks and National Landscapes to be strengthened with new legislation and guidance to protect nature, while the Review of Designated Landscapes commissioned by the Welsh Government in 2014 recommends "There should be a new single Statutory Duty that removes the weak "have regard to" prefixes in the current duties on relevant public bodies, and replaces them with a single and clear duty: "To contribute to the delivery of the three purposes of the National Landscapes."

---

## **2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 1 - Environmental objective and principles (sections 1 to 7)**

Whilst the range of legislative and policy measures and grant programmes implemented in Wales is admirable, practical delivery is key.

The new body must review and put right the shortcomings in national biodiversity conservation measures, which include short-termism, a disproportionate level of grant reporting, centralisation of funding, the absence of long term joint ventures between organisations, and the need for more willingness by the Welsh Government to support rather than prescribe delivery.

There is a need to address public awareness and understanding of the requirements of legislation.

## **3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

TCLW welcomes the clauses setting out the role and purpose of the Office of Environmental Governance Wales, however further clarity would be valuable in regards to how the new body will interact with other potential replicated or parallel reporting processes / legal challenges, e.g Judicial Reviews and / or planning appeals to the Planning Inspectorate.

We welcome the clarity that the body will not replace the front-line regulatory role of NRW and would welcome further clarity with regards to advising and implementing to ensure that there is sufficient independence and a judge and jury situation does not exist.

It also needs to be clear that the new body can take action against Welsh Government.

---

We recommend that in line with the monitoring and advisory functions, independent scrutiny and oversight, the new body should carry out periodic reviews of the effectiveness of legislation, structures, policies, functions and, most importantly, working relationships between the relevant sectors. This would help to reduce and perhaps eliminate 'leakage' between different mechanisms and organisations. Where such leakage is identified, this could be rectified by measures co-ordinated between the new body and Audit Wales, amounting to an audit of Wales's environmental delivery.

#### **4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

TCLW recommends that if there is to be a "long-term vision for a nature positive Wales," this must be about resourcing (longer term funding cycles) and supporting the regulated bodies to deliver. The vision must, therefore, be about systems change, including farmers, landowners and land managers, working collaboratively within supported networks run through joint ventures and cluster groups operating at appropriate biogeographical scales.

It follows that to truly deliver the action and change required to address the nature emergency declared by Welsh Government, TCLW recommends that any legislation passed with regards to governance and biodiversity targets, must also take into consideration private owners and e-NGOs owning significantly large areas of land because of their potential geographic, ecological and socio-economic scale of impact. Such landholdings are likely to include significant areas of habitats of principal importance to Wales (Section 7 Environment (Wales) Act 2016), as well as designated sites. We would also suggest consideration of the addition of private organisations who receive significant public funding, for example over £500k (which is the case in respect of Welsh language standards requirements).

We would also suggest that to be meaningful, outcomes need 'teeth'. We would therefore argue that the Bill should allow for consideration of financial sanctions if deemed proportionate and appropriate. Remedial action is important, but how this is achieved both practically and legally must be considered and communicated.

---

TCLW would also like to stress that any targets must be based on a comprehensive understanding of what biodiversity conservation and nature recovery work is already underway, what is needed to enable this to grow, and also consider and take into account the extensive coverage of biodiversity data management, nature network mapping and other assessments and mechanisms that are already in place in regards to reporting. The work of the Biodiversity Deep Dive Designated Landscape working group, particularly recommendations focussed on monitoring and evidence methods, including pathways for identifying OECMs and NREAs, must also be considered.

**5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- **Part 4 - General (sections 39 to 45 and Schedule 4)**

No comment.

**6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

No comment.

**7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)**

No comment.

**8. Are any unintended consequences likely to arise from the Bill?**

No comment.

**9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

No comment.

---

**10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

Targets will only be achieved if delivery bodies are adequately resourced and supported. Welsh Government needs to show how it will engage with organisations to deliver this target.

There is a need to provide sustained resourcing and support for regulated bodies.

---