

## **EPGBTWB 38 - Tystiolaeth gan: Ymgyrch dros Barciau Cenedlaethol | Evidence from: Campaign for National Parks**

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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**

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### **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?**

### **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)**

We stress the need for integration with existing environmental policy areas and duties at the heart of this bill. For example, Ministers and public bodies already have a duty to “have regard” to statutory National Park purposes (as outlined in s62 of the Environment Act 1995), so this bill should be explicit in aligning the environmental principles set out with the National Park purposes and existing duties on public bodies.

We are pleased to see that a “special regard” duty has been applied to Welsh Ministers, however we do not understand why public authorities will only be required to have regard to environmental principles vs the stronger “special regard” applied to NRW and Welsh Ministers.

We would welcome a stronger application of the principles duty on public authorities who have an impact on the environment, such as National Park Authorities and other bodies who own land in National Parks, requiring them to have the same application of the principles as NRW.

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Without this duty applying to public bodies in the strongest terms it would be much less certain that the principles would be applied in policy making. Applying the 'special regard' duty to public bodies would strengthen the expectation to apply the principles proactively on the ground, whether that be through planning decisions made by the National Park Authorities or other statutory undertakers within National Parks such as Dwr Cymru, the MOD or the Crown Estate who may be establishing environmental action plans.

It would also ensure that the application and enforcement of the principles is applied when planning breaches are found. For example, in the case of the Talgarth anaerobic digester which breached planning conditions, this duty would hasten the need for public bodies to take affirmative action in line with the principles when breaches are found.

We would encourage a wider scope to the duty on public authorities which applies to more of their functions, like the management of their own land, their financial decisions and operation of local services.

An adoption of this duty should also recognise Ministers' existing duty to have regard to the purposes of National Parks, and as noted above, close alignment should be found between the principles and targets set out in this bill and the expectations on National Park Authorities to further the purposes and abide by this bill. In time this may necessitate a review of National Park purposes and the duty to have regard so that National Park legislation keeps pace with this bill's stated intention.

In our view, this work should be undertaken alongside the development of this bill to ensure that this bill aligns with a strengthened duty in s62/s85 of the Environment Act 1995.

### **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)**

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#### **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)**

Covering around 25% of land in Wales, Designated Landscapes (National Parks and National Landscapes) hold a significant amount of potential to drive nature recovery in Wales. However, as our Health Check demonstrates, nature is doing no better inside the boundaries of Welsh National Parks than outside.

We welcome this framework but believe it needs to be ambitious in order to halt biodiversity loss at the pace and scale required. The framework also needs to be integrated with National Park purposes, Management Plans and duties on public bodies to have regard to these purposes.

National Parks will provide a fundamental role in delivering targets across Wales and a supplementary outcomes and targets framework for designated landscapes needs to be integrated into this targets framework or in addition to do that there are clear outcomes which are ambitious and bold, stretching Designated Landscapes to deliver above and beyond other areas which do not have the benefit of protected status.

Although not perfect, in England the Protected Landscapes Targets and Outcomes Framework gives clarity over the role National Parks and Landscapes have to play in delivering environmental improvements. The Biodiversity Deep Dive highlighted the potential of these landscapes and calls for realigned “priorities to enhance and accelerate nature recovery” in these places.

We welcomed the commitment, under the Biodiversity Deep Dive, to consider the need for legislation “to reform the statutory purposes, duties and governance arrangements for designated landscape bodies to equip them better to drive nature’s recovery”. It will be important that the new statutory biodiversity framework including the headline targets are reflected in updated statutory National Park purposes (currently set out in s62 of the Environment Act 1995), their management plans and a strengthened and aligned public duty which ‘seeks to further the statutory purposes’ of National Parks.

Care will be needed to ensure that overlapping duties do not confuse matters so that all relevant parties feel confident in how they are contributing effectively to

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both existing statutory Management Plans in the National Parks and the biodiversity duties laid out by this bill.

**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)**

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

**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)**

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

**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?**

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

