

David Melding AM
Chair
Constitutional and Legislative Affairs Committee
The National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff

18th January 2013

Dear Mr Melding

New Draft Second Order creating Natural Resources Wales

Wildlife Trust Wales (WTW) is aware that the Constitutional and Legislative Affairs Committee is currently scrutinising the Draft Second Order to create Natural Resources Wales (NRW).

WTW is the umbrella organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales working together in partnership to achieve a common aims. The Trusts in Wales collectively have more than **28,000 members** and manage over 200 nature reserves, covering more than **6,000 hectares** of prime wildlife habitat, from rugged coastline to urban wildlife havens.

The formation of a NRW is of critical concern to WTW and our ambition, to work in partnership with the new body, to create a Living Landscape and Living Seas across Wales. We hope it will strongly influence delivery of European and UK biodiversity targets in Wales, and will specifically influence delivery of the ambitions for ecological restoration set out in 'A Living Wales'.

WTW has previously submitted consultation on the Draft Orders and also, as part of the Wales Environment Link (WEL) coalition, provided the Committee with written and oral evidence.

We have discussed the draft Second Order with partner organisations within the WEL network. From these discussions, **WTW still have serious concerns that New Draft Second Order will not sufficiently address our fears.**

One partner organisation, RSPB, has sought legal advice and submitted additional evidence on the New Draft Second Order, dated 6th December 2012, which we supported in our letter to the Environment and Sustainability Committee (13th December 2012). In addition, RSPB have submitted evidence to you on the 7th January. **WTW fully strongly supports the submissions made by the RSPB.**

Our main concerns, are summarised below;

- That the new order will weaken the conservation duties currently held by CCW. As you are aware, to be compliant with the Public Bodies Act 2011 and there must be **no removal of "necessary protection"**, however the caveats within the Second Order appear to just that. Therefore, the current draft is **non-compliant with the Public Bodies Act 2011.**
- We believe that the Welsh Government (WG) should use the Second Order to amend the First Order to make it clear in the **statutory purpose** that the body must provide environmental leadership, and not be a



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Protecting **Wildlife** for the Future

sustainable development body.

Wales needs a public body with a **clear purpose of protecting, conserving and enhancing the natural environment**. This body should contribute to economic and social aims but be the WG, independent, environmental champion.

- Having a respected, **independent and transparent body** is critical for the WG decision making process to be respected. There is the potential for serious conflict of interest issues, as well as the lack of openness, transparency and accountability, perceived or otherwise. For example, **Pembroke Power Station**, the infraction proceedings that followed are a warning sign. To that end, there should be a requirement within the New Draft Second Order to create permanent separate directorates within NRW and for internal disagreements to be published.

The NRW must be free from economically driven decision-making and must have the strength of purpose to make pro-environmental decisions independent of economic costs or benefits (other WG departments or sponsored bodies do this).

- As third sector organisations, we represent the views of a considerable numbers of the Welsh population and also are significant landowners in our own right. Therefore, we believe that there should be a clear commitment to at least minimum standards of **stakeholder engagement** enshrined in the New Draft Second Order, and a requirement for NRW to create a Stakeholder Advisory Committee.

While we have made these points, and more, to the Welsh Government, and some alterations have been made, we are still concerned that the Second Order does not address many of our concerns.

We welcome the Committees scrutiny of the Order, and the Second Order is amended to address these concerns.

If you require any further information, WTW are happy to provide oral evidence to the committee.

Yours sincerely



James Byrne
Living Landscapes Advocacy Manager

Cc'ed

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Julie James AM
Eluned Parrott AM
Simon Thomas AM
Gareth Williams - Committee Clerk

