

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Amgylchedd a Chynaliadwyedd
NRW 2015 – 70
Cyfoeth Naturiol Cymru – Craffu Cyffredinol 2015
Ymateb gan RSPB Cymru (Saesneg yn Unig)

1. Introduction

- 1.1. In its first two years, NRW has maintained services and responded effectively to incidents such as the storms of 2014. With the creation of a new body on this scale the focus has been on establishing internal systems and managing immediate risks. In this context, it is perhaps inevitable but none the less concerning that we have not seen a coordinated response to the long term threat of the loss of our biodiversity emerging. We have therefore focused this evidence on the areas where we perceive improvements could be made.
- 1.2. Evidence shows that nature in Wales is in trouble¹. Welsh Government and Natural Resources Wales (NRW) have both acknowledged biodiversity decline as a major threat to the well-being of nature as well as to the people of Wales^{2,3}.
- 1.3. As such we would expect them both, but in particular NRW as the Government sponsored independent body with principal responsibility for the environment, to prioritise measures to address this major challenge by putting in place and delivering a well-thought out and funded plan of action to meet nature's needs on land and at sea. In doing so, NRW would be ensuring Wales' contribution to the international and EU target to halt and reverse the loss of biodiversity by 2020.

2. Where is Welsh statutory nature conservation now?

- 2.1. Despite calls from RSPB Cymru and others, we have not seen Welsh Government make the clear strategic policy commitment that would provide NRW with a strong mandate to spearhead the nature conservation action which is urgently needed to halt and reverse declines in Wales' biodiversity.
- 2.2. Welsh Government has continued to target its own and NRW's resources into developing the concept of 'Natural Resource Management' almost to the exclusion of biodiversity and nature conservation. We accept that there is merit in the development of this new approach, particularly if it adopts the UN Convention on Biological Diversity principles⁴ in their entirety, and succeeds in joining up plans and policies to enable people across sectors to work more sustainably with and for the environment. However, natural resource management will not be wholly sufficient to halt the loss of our wildlife. Nature conservation interventions (such as protection and targeted management of key sites and species) will remain essential and consequently, must be a key element of natural resource management. To manage natural resources sustainably, we need to maintain and enhance biodiversity – as set out in the well-being goals of the recently passed Well-being of Future Generations (Wales) Bill, which will become law following Royal Assent.
- 2.3. However, despite the clear need for nature conservation action, the focus of the proposed new natural resource management approach has thus far been at the expense of the action needed to improve the state of nature in Wales. In short, nature conservation is at risk of disappearing as a priority from the statutory sector altogether.

3. What needs to change to deliver improved nature conservation?

¹ State of Nature report, 2013 found 60% of the 3,148 species assessed have declined over the last 50 years and 31% declined strongly. In Wales, the report showed marked declines for butterfly species and over half of Wales' flowering plants, and twice as many birds suffered contractions to their Welsh ranges between 1970 and 1990 compared to species whose ranges increased.

http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf

² NRW Corporate Plan 2014-17, pp19 - <http://naturalresources.wales/media/3298/corporate-plan-2014-17.pdf>

³ Welsh Government Ministerial Statement, 'Shaping a more prosperous and resilient future' Autumn 2013, pp.4,12 –

<http://gov.wales/docs/desh/publications/131115natural-resource-management-policy-statement-en.pdf>

⁴ Convention on Biological Diversity, 12 Principles of the Ecosystem Approach – <https://www.cbd.int/ecosystem/principles.shtml>

- 3.1. NRW needs a core purpose and direction to enable it to reclaim nature conservation. Loss of biodiversity is driven primarily by human pressures (habitat destruction, pollution, over exploitation). Our current economic model is predicated on environmental/natural resources being very significantly undervalued. The true costs of many activities are externalised, allowing a profit to be generated but essentially relying on the public purse picking up the cost of environmental (and social) impacts. Nature is often given little or no value in decision making, so is often sacrificed for short term financial gain. NRW's statutory purpose is too complex and obscure to allow it to clearly set out the needs of nature which are often long term.
- 3.2. The core purpose with which NRW was invested in 2013 does not enable the body to clearly prioritise action for the environment above other purposes and duties. The forthcoming Environment (Wales) Bill has the power to correct this problem. However, to date our discussions with Welsh Government leave us worried that the gap in NRW's remit for nature will not be repaired by the forthcoming Bill. Instead it seems that Welsh Government may focus NRW's purpose on a definition of 'Sustainable Management of Natural Resources', which yet again will leave NRW with many competing priorities, and implies a further de-prioritisation of nature conservation within its operations, powers and duties. We cannot afford for this to happen – for nature's sake and our own. NRW must have a clear, strong purpose that enables it to prioritise action and use its legal powers and duties for biodiversity. **We advocate a core purpose for NRW to achieve the 'Resilient Wales' well-being goal from the Well-being of Future Generations Bill – "to maintain and enhance a biodiverse natural environment with healthy functioning ecosystems"**. Once enacted the Well-being of Future Generations Bill will provide a sustainable development and well-being context for NRW, as one of the named public bodies in the Act. This legal context will ensure that NRW is operating sustainably, giving the body power to claim a unique primary purpose as a true environmental champion in the statutory sector, with a focus on environmental activities.
- 3.3. NRW needs the budget and direction from Welsh Government to act for nature. The starting point for this action is through Welsh Government providing NRW with sufficient funds to fulfil its legal duties and deliver its nature objectives, either itself or through funding partnerships and external stakeholders to undertake work. Additionally, direction from Government in its remit letter must place action for biodiversity front and centre as a priority.
- 3.4. NRW must be fully independent of Welsh Government and actively demonstrate to the people of Wales how it makes its big decisions for our natural environment. We would expect to see a clear and transparent decision-making process with information being shared with stakeholders without recourse to Freedom of Information Act or similar requests. NRW should actively explain their position and approach and be proactive about nature conservation in public fora. We expect NRW to employ their substantial powers, e.g. in relation to planning law, vigorously and in full without political interference to protect and enhance biodiversity. In incidences where there may be conflict between economic development and nature conservation we expect NRW to clearly articulate and champion the nature conservation case to Welsh Government and civil society. This has the effect of ensuring that decisions are made based in the best available information and that there is transparency in difficult cases.
- 3.5. It should be noted that once the Well-being of Future Generations Bill is enacted and its provisions commence from April 2016, NRW will be legally bound under Section 7 of the Act to explain – 'why the body considers that meeting its objectives will contribute to the achievement of the well-being goals'. NRW will therefore have a future legal obligation to increase its transparency regarding actions in pursuit of the 'Resilient Wales' goal to maintain and enhance biodiversity and ecosystems and should take steps to move towards this new way of operating as a priority.
- 4. What evidence is there that NRW's new direction is leaving nature conservation by the wayside?**
- 4.1. **Remit letter** – in his letter in February 2015, Natural Resources Minister, Carl Sargeant put social and economic priorities ahead of environmental priorities for NRW⁵. While there are some

⁵ Welsh Government Remit Letter to NRW, February 2015 - <http://gov.wales/docs/desh/publications/150210natural-resources-wales-remit-letter-en.pdf>

positive actions within the 'Good for the Environment' section, there is no mention of action for biodiversity, no calls for improvement of status of priority species, no direction to better monitor and manage our protected sites so they are in favourable condition and form the backbone of the best nature Wales has, and no explicit instructions to fund projects to recover nature.

- 4.2. **Wales' Biodiversity Strategy** –The Welsh Government has made clear that it now sets policy direction and NRW is an advisory and delivery body. However this has led to confusion and delay in the production of a clear strategy for the recovery of nature in Wales. The Nature Recovery Plan issued for consultation by Welsh Government in November last year was a disappointment. It did not contain clear and focussed targets for nature recovery or a funded plan of action to achieve those targets, which NRW could take forward and spearhead. Instead, the concept of Natural Resource Management was identified as a mechanism that would drive recovery. There was little or no explanation of how this new practice would actually deliver the species and habitat conservation work required. Neither was there explicit reference to the role of biodiversity in delivering sustainable ecosystems, which in turn provide ecosystem goods and services, and underpin natural resources. In the absence of any clear, coherent strategic direction on what the priorities are for the recovery of nature, it becomes an increasingly difficult task for NRW and its delivery partners to focus work on halting and reversing biodiversity declines.
- 4.3. **Core purpose** – a key barrier that has prevented NRW from focusing on nature conservation is the breadth of the core purpose with which the body was established in 2013 – “to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future.”⁶ NRW is the lead statutory body in Wales an environmental remit, and as such needs a purpose that focuses on action for the environment, and contains biodiversity as its top priority. It is our view that NRW's primary purpose is to ensure that a biodiverse natural environment with healthy functioning ecosystems is maintained and enhanced in Wales.
- 4.4. Such a purpose would position NRW clearly as an environmental body tasked with driving forward change in order to meet the 'Resilient Wales' well-being goal, which will be adopted following the enactment of the Well-being of Future Generations (Wales) Bill 2015. In meeting such a primary purpose, NRW would be protecting the building blocks of Wales' natural environment, whilst having secondary purposes that would provide sustainable benefits for the people and economy of Wales. We must remember that if NRW doesn't take the lead in protecting and enhancing biodiversity, we are in serious danger of jeopardising the social and economic benefits.
- 4.5. **Protected Site Management** – (see point 5.2 below). Despite being our finest wildlife sites, very many of our Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are not being managed to protect and maintain the interest for which they were identified. Whilst many of these sites are now entering Glastir, the resources to secure protection, engagement with land owners and Section 15 payments (where Glastir is not appropriate) are in very short supply. There is an urgent need to deliver a clear focused plan of action to secure the future of our wildlife crown jewels, however this does not appear to be a priority for NRW thus far.
- 4.6. **Funding** – whilst NRW has yet to publish their full grant programme, it would appear that strategic nature conservation has been side-lined in NRW's external funding operations. Place-based regeneration projects (which may well have ancillary benefits for nature) appear to have received a greater proportion of the funding than previously, reducing the share to those projects and organisations which take a strategic evidence-based approach to species and habitat recovery.
- 4.7. In the latest round of NRW funding, NRW have moved away from the principle of full cost recovery for NGOs as set out in the Welsh Government's Third Sector Scheme⁷ and have set a 7% cap on eligible core costs for joint partnership and project work. This adds significant

⁶ Natural Resources Body for Wales (Establishment) Order 2012, Part 2, Section 4 (1) – <http://www.senedd.assembly.wales/documents/s8831/The%20Natural%20Resources%20Body%20for%20Wales%20Establishment%20Order%202012.pdf>

⁷ Welsh Government Third Sector Scheme and its Annex, the Code of Practice for funding the Third Sector January 2014 <http://gov.wales/docs/dsjlg/publications/comm/140130-third-sector-scheme-en.pdf>

administration and in many cases, NGOs are now delivering projects at a deficit, which is clearly unsustainable and creates an unequal relationship between the voluntary sector and statutory sector.

- 4.8. The discontinuation of the Resilient Ecosystems Fund has also removed funding for nature conservation. We understand that there is a proposal to support nature recovery through a future Welsh Government 'Nature Fund' within the RDP (Rural Development Fund) however, there are challenges to this as the RDP is complex, limits costings for land management actions (based on agricultural income forgone) and may not be accessible to all. This loss of funding for biodiversity itself as well as to nature conservation bodies is having a pronounced negative impact on nature's future by excluding certain projects and on-going management activities from funding⁸, and in some extreme cases, is also threatening the very future of some specialist conservation charities in Wales.
- 4.9. The solution to these issues include ensuring that NRW has a clearly prioritised role in delivering nature conservation and has sufficient budget allocated from Welsh Government to achieve their nature conservation and biodiversity duties and responsibilities, which they use to deliver nature conservation directly or in partnership with others.
- 4.10. **Staffing and organisational culture** – we are concerned that the balance of staff resource against NRW's duties is disproportionate. Specialist knowledge and expertise within nature conservation and biodiversity related disciplines have been lost through the various staff redundancy rounds and not been replaced, for example, there is currently no upland ecologist, no biodiversity advisor to senior management for strategic planning and policy development, and fewer taxonomic experts. NRW is also lacking resource / expertise to demonstrate its independence from Government, for example there is no longer a liaison officer to the Assembly who can communicate policy issues to the Senedd/AMs directly.

5. Are there other areas of concern with NRW's current operation?

- 5.1. **Independent and transparent decision-making** – there remains an ongoing concern over how conflicts of interest that were publically visible between the legacy bodies of NRW are dealt with internally within this one organisation. Welsh Government is also taking a very active role in the development of the two-year old organisation, both in terms of developing policy direction for natural resource management and an area based approach, and creating a legislative foundation for these processes and changing NRW's powers and functions through the forthcoming Environment (Wales) Bill. This naturally leads to questions over how independent NRW is.
- 5.2. **Site Condition** – we are concerned that NRW is unable to provide an up-to-date assessment of the condition of Wales' network of designated sites. The most recent assessment of condition was conducted nearly 10 years ago by CCW in a rapid review in 2006⁹, and this exercise was by no means comprehensive due to evidence gaps. We see no evidence of a systematic plan being in place at NRW to monitor feature condition and specifically make progress towards the outcomes and milestones set in the current plan, the Environment Strategy for Wales 2006¹⁰. We acknowledge the important work being conducted for Natura 2000 sites through the Natura 2000 Programme and monitoring of condition of SACs under Article 17 of the EU Habitats Directive, but this is a requirement under European law and we believe that domestic legislation and policy should be used to embed Wales' work towards improving condition and coherence of a network of internationally and nationally important protected sites. We believe the Environment (Wales) Bill and Nature Recovery Plan should make firm legislative and policy commitments respectively, to help NRW progress and take action to improve site condition across the range of site designations, by working both directly and with partners.

⁸ The move from CCW's legacy Strategic Partnership Fund to NRW's new Joint Working Partnership fund has seen RSPB Cymru's funding for comparable nature conservation projects reduced from £121,500 (2014-15) to £67,500 (2015-16).

⁹ <http://www.ccg.gov.uk/landscape-wildlife/protecting-our-landscape/special-landscapes-sites/protected-landscapes/sss/ssi-report/condition-of-features.aspx> [Accessed: 8/4/15]

¹⁰ Environment Strategy for Wales, 2006, pp.36-40 – <http://gov.wales/docs/desh/publications/060517environmentstrategyen.pdf>