



Confor response to the consultation on the General principles of the Environment (Wales) Bill

Part 1:

Sustainable Management of Natural Resources Management

Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?

In 1.3 subsection (2) we believe that natural resources should be specifically mentioned, "The objective is to maintain or enhance the resilience of ecosystems to sustain the natural resources and the benefits they provide and, in doing so"

Section 4. The Principles of Sustainable Management of Natural Resources.

Sub section (c) seeks to promote collaboration and co-operation, this should carry specific references to private and public sectors and NGO's to require WG and others to consult with them.

Sub section (d) the reference to "evidence" is too vague, the principles should take account of all existing relevant evidence, including statutory legislation, existing standards and guidance or best practise, both national and international incorporating specific references to them. In the case of management of forests the UK Forestry Standard (UKFS) is the overarching reference standard for sustainable forest management in the UK, it is an internationally agreed standard which the UK has a duty to report on and applies to all UK forests and woodlands. UKFS enshrines the UK's commitment to implementing the MCPFE Pan-European criteria and indicators for sustainable forest management.

The UKFS and the associated guidelines encompass the entire forest environment including open areas and water bodies, the Environment bill, as it applies to forested land areas, should not seek to undermine the UKFS, duplicate it or impose additional burdens on forested areas which already operate under wide ranging constraints.

UKFS states;

"Sustainable forest management is 'the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national, and global levels, and that does not cause damage to other ecosystems'. (MCPFE, 1993)"
Source UKFS 2011.

Sub section (e), states "take account of the benefits" as a principle. The UN Convention on Biological Diversity (UN CBD) describes the Ecosystems approach as "a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way". To be equitable the "benefits" in section (e) should be stated as economic, social



and environmental in accordance with UN CBD and the sustainable development principle (the common aim) contained in the Wellbeing of Future Generation (Wales) Act.

(g) Recognise that whilst genetic diversity may be a desirable trait, natural afforestation usually happens without it, forests would, if left alone, go through a cycle of pioneer species followed by others later and many of these “natural” ecosystems, such as boreal forests, have evolved without genetic diversity and actually thrive due to the lack of it. 1

In general, section 4 should make specific reference to protecting and enhancing the productive potential of the natural resources.

The Principles of Sustainable Management of Natural Resources (section 4) and the Objectives of Sustainable Management of Natural Resources (section 3) should not seek to add further to the burden of regulation nor should it impose significant extra responsibilities over and above the existing statutory regulation, guidelines and best practise which our industries already operate under, to do so could reduce the ability and capability of our rural industries in Wales to be competitive on the world markets. Reducing the viability of Welsh businesses would have unintended consequences as more of the products society demands would have to be imported from around the world with all the undesirable consequences that has of increased carbon footprints and using resources from areas of the world with less stringent environmental standards than our own.

Section 5 & 6 should carry a specific requirement for NRW and other public bodies to consult with the private sector and NGO's, (N.B. this would be covered if the requirement to consult was in section 4, the principles.)

Section 8. The duty to prepare, publish the State of Natural Resources Report (SoNRR).

NRW should be required to consult with, and take full consideration of the views of, the private sector before they prepare and published the SoNRR and, include in the report information on the sustainability of the resources and the progress towards protecting and enhancing the productive potential of natural resources, as required by UKFS, Woodlands for Wales, (WfW), Wellbeing of Future Generation (Wales) Act, Timber Standard for Heat & Electricity etc.

Section 9. The duty to prepare, publish and implement national natural resources policy.

The WG should be required to consult with, and take full consideration of the views of, the private sector before they prepare, published and implemented the National Natural Resources Policy. The policy should provide clear and concise statements to spell out the priorities and opportunities for sustainable management of natural resources.

Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?

Section 10. Area Statements.

We believe Area Statements will be divisive, parochial, narrow minded and often counterproductive, many natural resources do not respect artificial man made boundaries and area statements will not take account of the requirements of other areas, the reason for their proposal is to “specify the priorities, risk and opportunities sustainable management of natural resources which NRW considers need to be addressed in the area”. This will lead to a blinkered, restricted process whereby each area is considered as a separate unit which directly conflicts with section 3(c) of the Bill and will hinder achievements of the objectives (subsection 2) in other areas. For instance, the productive capacity of an area would be linked to the demand in that area and not take account of the requirements or demands in other areas, examples would be food or timber production may not be a priority for an individual area if they have a small populations with low demand and no processing capacity in the area, whereas food or fibre production may be a high priority for an urban area which has no capacity to produce the commodity and therefore no influence on areas that do produce it.

There is no definition on the size or location or boundaries of these areas, we find it difficult to comment with this detail missing, will they conform to local authority boundaries? Natural resources are not specific to any boundary and creating another different boundary would mean that the area statements would cross local authority administration areas, this would be chaos. Much better to look



at this at a wales level, the National Natural Resources Policy will be at a Wales level so the area statements should also define the priorities at a national scale.

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Woodlands for Wales (WfW) is the Welsh Governments aspirational 50 year standard for “all the woodlands that exist in Wales now, and those that will be created in the future, irrespective of size, location or ownership”. The strategy foreword states “our intention that all the woodlands of Wales should collectively act as the Welsh national forest”. The requirement to produce area statements that “specify the priorities, risks and opportunities” in small specific areas is in direct conflict to the WfW aspirations which requires all the forests in Wales to act collectively, policy must be more joined up in this regard, there is no precedent, requirement or basic sense in dividing the forest asset into small unconnected units.

Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?

Section 16. Only if they are required to consult and take the views of the private sector on board

Part 2: Climate Change

Do you agree with the proposals for the 2050 target?

Section 35 (1) replace the word “may” with “should” “the Welsh minister SHOULD by regulation...”

The section should require WG to specifically include greenhouse gas emissions (GHGE) from transporting the goods or activities purchased or received by Wales that could have been produced by Wales had it not been for a reduction in the productive potential of the welsh natural resources. To get an accurate picture of carbon and other greenhouse gas emissions attributable to Wales we should account for all forms of transport including shipping, aviation and including road and rail transport of the goods and services received by Wales, even if, especially if, these goods and services are produced elsewhere in the UK as well as internationally and count those emissions as Welsh emissions

Part 2

Climate Change

Section 31. Do you believe that the introduction of carbon budgets is a more effective approach than the 3% annual emissions reduction target that is currently in place in Wales?

No, the process of defining, measuring and recording the GHGE and attributing these to Wales is hugely complicated, the same holds true for the many methods we may use to mitigate against, and reduce, the GHGE attributable to Wales. Carbon budgets would be a moving target which adds another further level of complexity to an already tortuous process which is begging for simplification now. Whilst reducing the carbon budget in future years by carrying some of it forward is a laudable aim the prospect of adding to future years carbon budget is just kicking the can down the road, better to have annual targets that can be judged every year and in the event of failure be acted upon in good time, a simple principle of less moving targets to hit.

The bill is very clear about the end date for the target as being 2050 and that the target is 80% lower than the baseline, it is however very confusing on the interim targets and dates for these interim targets, there seems much confusion between "interim target years" and "budgetary periods" which is unnecessarily complicated.

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We believe the 2050 Emissions target should be divided equally between the total number of years between the enablement of the act and 2050 with a proviso of being able to move a limited amount between years as provided for in section 40, 41 and 42 of this bill. This would enable the judging of the WG progress towards achieving the 2050 emissions targets to be much simpler.

Do you agree with the Bill's proposals as to what should happen if the Welsh Ministers fail to meet emissions targets or carbon budgets?

Yes, but section 42, (2) should stipulate a set time limit for ministers to lay the report before the National Assembly not be left to "as soon as reasonably practical".

What should the role of an advisory body on climate change be?

To advise and to audit the final statement eluded to in section 41 and to call WG to account in the event of any failure reported in the statement. The advisory body should not be an individual but should be comprised of the minimum number of individuals required to be truly independent and objective, the "Committee on Climate Change" would be a suitable advisory body.

As a general point on the whole Environment (Wales) Bill with regards to forestry, much that is contained in the Environment (Wales) Bill as introduced is already legislated for under often many other international and UK standards, Acts, Bills and Best Practise Guidance and we feel inclusion in the Environment (Wales) Bill contributes nothing extra and only serves to complicate matters further.

For your views on the relationship between this Bill and the Well-being of Future Generations Act 2015 and the Planning (Wales) Bill? Are the links and connections between them clear?

It is very easy to make connections and links between the individual bills, the difficulty is in interpreting those links and acting on that. There is a real danger that connecting the three bills will lead to indecision and stagnation by individuals and organisations that will not, or cannot, make an appropriate decision due to lack of guidance on the priorities within each of the bills.

The bill should make clear who is responsible for establishing the priorities and where they would be published.

Finance Questions; What are your views on the costs and benefits of implementing the Bill? (You may want to consider the overall cost and benefits or just those of individual sections)

The costs alluded to in the explanatory memorandum deal, as far as it is possible to tell, with the cost to the public sector of implementing the environment bill, there is no mention or prediction of the likely costs to the private sector in Wales.

There may be small one off costs to the private sector associated with producing and publishing a NNRP in Wales, which will be limited to the costs of WG consulting with them.

Preparing and publishing a SoNRR by NRW will entail further costs to the private sector, again costs incurred in consultation but in addition there will be costs incurred in collecting and collating information on the resources owned by the private sector, some 51% of the forested land area in

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Wales is under private ownership, to achieve a realistic figure of the resources contained in these areas will lead to some cost incurred by the owners.

Area Statements will be potentially the largest cost to the private sector, again contributions to the initial data collection will incur some costs but the concept of managing the forest resource on an area by area basis will drastically increase the ongoing costs of management. Specifying the priorities, risks and opportunities of the sustainable management of natural resources which NRW considers need to be addressed in the area will inevitable mean that land managers will have to interpret the priorities in each area statement and have different management prescriptions in each one, this is an ongoing, undefined cost.

Not knowing the intended boundaries of the areas is also not helping, it may be that some forest holdings may be located in several different areas and possible in several different local authority areas as well, the potential costs for consulting with each is huge and with the possibility of different priorities in each multiplies this enormously.

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