

Welsh Assembly Government Written Response to the Sustainability Committee's Report on Biodiversity by Jane Davidson, Minister for Environment, Sustainability and Housing.

March 2011

Tackling biodiversity loss is a high priority for the Assembly Government, and for me personally, so I enthusiastically welcome this report and the opportunity to discuss what we are doing to tackle this challenging agenda in Wales. I put on record my appreciation of the hard work once again put in by members of the Sustainable Development Committee in collecting the evidence and presenting the findings.

The Natural Environment Framework for Wales - A Living Wales will be one of the major statements of policy principle by the Assembly Government. It is about more effective governance of environmental resources in Wales within the context of sustainable development. It will sit below the Sustainable Development Scheme and above the Environment Strategy and the individual environmental policies which set out present detailed actions. It will seek an integrated approach to managing environmental resources and integration with economic and social outcomes.

Crucially for Wales, Sustainable Development is both written into the constitution of the Welsh Assembly Government (GOWA 2010) and has been agreed by Cabinet as the central organising principle of all our work. Enhancement and protection of our natural environment will need to be a key element of this approach if it is to be successful in contributing to the long term wellbeing of people in Wales.

As you have noted there is a growing body of evidence of a direct connection between the health and resilience of ecosystems and human wellbeing, social and economic success. This underpins a compelling link between ***the Natural environment Framework*** and our SD definition in One Wales One Planet. The Millennium Ecosystems Assessment (and many other studies) conclude that there is a need to optimise ecosystem services while minimising negative impacts which reduce ecosystem function.

A key aspect of future work is to engage the widest possible range of stakeholders. We will need to develop a deeper understanding of the risks, benefits and opportunities provided by working more closely and positively with the natural environment in order to develop a more positive approach to environmental management and sustainable decision making.

The recommendations contained in the report fit closely with our current policy direction and were echoed in responses to the ***Living Wales*** consultation which took place from 15th September to 31st December 2010. I provided a cabinet statement on the consultation on 28th January 2011. I am pleased to

be able to accept unequivocally the majority of your recommendations. Some require further consideration but I support the intent of the proposed action and believe that these will be issues that a new government will wish to address in taking forward the work of ***A Living Wales*** on the basis of a common understanding of the issues and challenges.

It should be noted that action on biodiversity presents a huge challenge in which no other country has yet succeeded. We cannot achieve our objectives on biodiversity alone or in isolation. The Assembly Government needs to work with the UK Government, local government and the private and voluntary sectors, and will need the continuing support of the National Assembly if we are to succeed in achieving these goals. I accept your point that it is essential that the Welsh Assembly Government and wider public service take on a leadership role and I hope that you will be reassured by the steps that I have put in place already with a view to creating a growing momentum on which a new government can build.

I have set out below my response to the Report's individual recommendations.

Detailed Responses to the report's recommendations are set out below:

1) The Committee recommends that:

the Welsh Assembly Government ensure that biodiversity is mainstreamed across Government, that the Welsh Government complete and publish an audit of how the Government's aspiration to halt biodiversity loss is reflected in the current work of all Government Departments and agencies and the Government should review how it could be better integrated in future by the end of 2011.

Response : Accept

I accept this recommendation. The Welsh Assembly Government recognises that all departments and agencies must play a role if we are to achieve in our aspiration to halt biodiversity loss.

We already report on how the Assembly Government has responded to our biodiversity duty under the Natural Environment and Rural Communities Act 2006 (NERC) in our Environment Strategy Action Plan Annual Report. The Annual Report for 2009-10 was published in November 2010 and provides

- a summary of activity that contributes towards the NERC duty, including additional information commissioned to highlight work separate to the actions from the Action Plan.
- An Annex listing details of how each individual action in the Action Plan has considered the NERC duty.

The Welsh Assembly Government will undertake an audit of all Government Departments and agencies to identify current action for biodiversity and will

assess this activity for its ecological effectiveness against the principles set out in *A Living Wales*. A progress report will be provided to the Wales Biodiversity Conference in September 2011 prior to formal publication.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

2) The Committee recommends that:

in light of the adoption of new targets on biodiversity for 2020, the Welsh Government follow the European Commission's lead and establish sub-targets on biodiversity for all Government Departments to ensure the integration of target across Government and to which Welsh Ministers could be held to account. Targets should be set by the end of 2011, and Ministers should be held to account by having to report against the targets annually thereafter.

Response : Accept in principle

I accept this recommendation in principle, subject to further work. We already report on progress towards halting biodiversity loss in our Sustainable Development Indicators and in our State of the Environment Reporting Indicators. Biodiversity is one of our 5 headline indicators of sustainable development. We report on the proportion of the Biodiversity Action Plan species and habitats in Wales that are reported as stable or increasing. We also report on short term changes in the abundance of widespread breeding birds, and on long-term changes in the ranges of widespread breeding birds. There are a number of indicators that are currently under development.

The intention is to retain those high level indicators that are already in place but to re-consider both undeveloped indicators and all other sub-targets and actions through Living Wales. We will consider sub-targets on biodiversity for all Government Departments in our report on *Valuing Wales' Environment* in summer 2011.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

3) The Committee recommends that:

biodiversity become a central plank of the Welsh Government's sustainable development policy, and is given a higher priority than has thus far been the case, the NEF should sit directly under the Sustainable Development Scheme rather than under the Wales Environment Strategy, which has failed to deliver on biodiversity targets.

Response : Accept

I accept this recommendation. The Assembly Government's Sustainable

Development Scheme *One Wales: One Planet* was launched in May 2009 and confirmed that sustainable development is the central organising principle of the Assembly Government. The Scheme states that;

“We know that we are living beyond the environment’s means to sustain us. Continued unsustainable development, globally and locally, will have a profoundly negative impact on our economic, social and environmental wellbeing. Those who are the least well able to cope are likely to be hit the hardest. Sustainable development, as the process by which we must become a sustainable nation, is therefore as much about social justice as it is about securing economic resilience and living within environmental limits.”

And that:

“The vision of a sustainable Wales, and the supporting definition of sustainable development (the process of development to achieve the vision), will be the overarching strategic aim of all of our policies and programmes, across all Ministerial portfolios.”

For this reason the Natural Environment Framework will sit below the Sustainable Development Scheme and above the Environment Strategy and the individual environmental policies which set out present detailed actions.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

4) The Committee recommends that:

whatever the outcome of the review of the environmental delivery bodies, the Welsh Government should set out clear lines of responsibility for all statutory organisations involved in this field to enable better prioritisation and coordination of actions on the ground through the Natural Environment Framework. Both the Welsh Government and its agencies should report annually to the National Assembly on progress made towards achieving the targets.

Response : Accept

I accept this recommendation. The biodiversity audit described above should put the government in a position to provide a first annual report early in 2012.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

5) The Committee recommends that:

the Welsh Government should deliver on the commitment made in the Wales Environment Strategy and ensure that an ecologically coherent network of protected sites is in place by 2015. These sites should be well connected and legislation to protect them should be implemented properly.

Response : Accept in part

I accept this recommendation in principle. The Natural Environment Framework points us to a broader approach to ensuring coherence in sustaining our ecosystems beyond the protected site network. A report on the effectiveness of the current *regulatory approaches and proposals for changes* should be available in December 2011.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

6) The Committee recommends that:

the Welsh Government should adopt a strategic ecosystems approach to the management of biodiversity in the wider countryside through the Natural Environment Framework. This ecosystems approach should be central to the Government's efforts to achieve the 2020 targets, and its effectiveness should be reviewed in 2015.

Response : Accept

I accept this recommendation. *A Living Wales* commits us to adopt an ecosystems approach to our work in this area. The goal of the new framework is:

“To secure sustainable and integrated management of land and water by making the long-term health of ecosystems and the services they provide central to decision making; and, by doing this

To make optimum use of our finite land and water resources and ensure Wales' natural and cultural capital assets are maintained and enhanced.”

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

7) The Committee recommends:

implementation of the recommendations made by the Rural Development Sub-Committee in its report on the Future of the Uplands in Wales that the Welsh Government should bring forward proposals for the full implementation of the Commons Act 2006 and in particular Part 2 of that Act as soon as is possible, so that protected sites on common land can be properly managed.

Response : Accept in part

The Welsh Assembly Government recognises the importance of achieving up-to-date commons registers. Proposals have been developed in conjunction with local authority commons registration officers and DEFRA on the most appropriate and effective implementation plan. Our priority is the implementation of Part 1 of the Act for the purpose of creating up-to-date registers. Achieving this aim will require the co-operation of the Welsh Assembly Government, local authorities, land owners, rights holders and other key stakeholders and work is ongoing to further develop these links.

There has been a substantial delay in the release of the Welsh Assembly Government's response to the consultations held on the implementation of Parts 1 and 3 of the Act in Wales. This is because resources have been prioritised elsewhere, especially for the development of proposals for electronic registers. This work has provided a detailed insight into the potential, requirements and functionality of electronic registers but a number of additional aspects require further development to determine whether we will be able to introduce them in Wales. Whether they are adopted is fundamental to the approach and time table for implementation in Wales.

Reliable and up-to-date registers will be instrumental in simplifying farmers' access to financial support through the common agricultural policy, including Glastir and to the creation of commons councils. Commons councils, as established under Part 2 of the Commons Act 2006 are not required for entry into Glastir. Entry requirements for Glastir include the establishment of graziers associations for commons entering the scheme. A network of commons development officers has been appointed to support commoners and graziers establish the required associations, which will help set the foundations for the formation of commons councils, where there is a local desire to do so. To enable the formation of Commons Councils at a time when associations are being established for entry into Glastir would provide greater uncertainty and added complications in the transitional period for farmers seeking to enter the scheme. While Commons Councils offer substantial benefits, their establishment may only be possible on a minority of commons. Certainly they are not the panacea to management problems on common land in Wales.

DEFRA Pioneer Commons Councils will assess and explore the issues involved, including the costs and benefits, so that commoners in Wales can make an informed decision on whether or not to proceed. Subject to the progress and development of the Pioneer Councils in England we would expect to be in a position to accept applications in 2013.

Financial Implications: The financial options for the effective implementation of the Commons Act 2006 in Wales including provisions relating to commons councils and support for local authorities are currently being established.

8) The Committee recommends that:

The Welsh Government's review of the Glastir scheme should be utilised to make sure the scheme makes the best possible contribution to the achievement of biodiversity targets.

Response : Accept

I accept this recommendation. Glastir has been carefully designed to optimise the balance between enhancing the environmental value of farm land (by focusing on ecosystem services management) and the need to produce food. Enhancements to the scheme arising from the review will improve this balance and support the improved delivery of biodiversity outcomes.

Financial Implications – These will have to be considered in discussions which form part of the review.

9) The Committee recommends that:

to address the historic lack of a funded strategy for biodiversity in Wales, the Natural Environment Framework should have a dedicated budget line in the departmental budget.

Response : Note

The majority of funding for biodiversity action is provided through the Grant in Aid to the Countryside Council for Wales which in turn provides £2.6m of direct grant support for biodiversity action by others. In addition, Environment Wales received further funding of £140,000 for biodiversity in 2010/11 and is currently in the process of incorporating these strategic biodiversity grants into its standard grant system. Officials will consider in developing work on *A Living Wales* the need for additional funding schemes to support the new approach and to complement the substantial funding provided through Glastir and other agri-environment schemes.

Financial Implications – Additional budgets would need to be found from existing resources or via innovative mechanisms such as those under 11 below.

10) The Committee recommends that:

the Welsh Government conduct an audit of all grants currently provided by the Government and its statutory agencies for biodiversity conservation in Wales and to develop strategic criteria for their distribution in accordance with the Wales Biodiversity Action Plan priorities and the aims of the new Natural Environment Framework. This audit should be completed by the end of 2011, and new criteria for the distribution of grants should be in place by the 2012-13 financial year.

Response : Accept

I accept this recommendation. The Welsh Assembly Government is currently reviewing all environment and sustainability grants provided by the Government and its statutory agencies to promote sustainable development. Criteria for grants for biodiversity conservation and strategic ecosystem and biodiversity criteria for the distribution of all grants will be developed as part of this review. CCW carried out a review of biodiversity grants in 2008/9 and this will feed directly into the Welsh Assembly Government review. The timeframe is in line with the recommendation.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

11) The Committee recommends that:

In line with the recommendations made by the Rural Development Sub-Committee in their report on the Future of the Uplands in Wales, that the Government continue to investigate the opportunity provided by the adoption of an ecosystems approach to attract private investment to support the delivery of ecosystems services and biodiversity enhancement.

Response : Accept

We accept this recommendation. The Welsh Assembly Government continues to explore the potential for the use of private investment to deliver ecosystems services outcomes in Wales. Water quality improvements and carbon sequestration (via woodland planting or organic soils management) are potential candidates for this approach that are likely to deliver consequential improvements to the biodiversity status of the chosen areas.

Financial Implications – It is hoped that this approach will help to establish new programme budgets.

12) The Committee recommends that:

the Welsh Government should seek out new ways of using different departmental budgets to achieve multiple outcomes in the field of biodiversity enhancement. The mainstreaming sustainability agenda should promote the use of different budgets to achieve common goals, e.g. green health prescriptions to promote biodiversity and outdoor activity. The Welsh Government's 2011-12 budget should demonstrate how all departmental budgets are contributing to biodiversity enhancement.

Response : Accept

I accept this recommendation.

The delivery of multiple interdepartmental outcomes is a key tenet of *A living Wales*. Through the Natural Environment Framework we aim to identify the key services that our ecosystems can sustain – services which range across all Welsh Assembly Government responsibilities. *A Living Wales* recognises that this must be done through interdepartmental (and inter-sectoral) co-production and collaboration. This will give a more integrated system of environmental management which is both cost-effective and protective of our environmental assets.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

13) The Committee recommends that:

given that the Wales Biodiversity Partnership is the main mechanism for co-ordinating biodiversity action on the ground, the Committee calls on the Welsh Government to ensure that the Wales Biodiversity Partnership is appropriately resourced and fit for purpose to lead Welsh action on delivering the 2020 biodiversity targets.

Response : Accept

I accept this recommendation. One of the main effects of the post-Rio UKBAP process has been the establishment of national and local biodiversity partnerships. One of the main successes of recent years has been the revitalisation of the Wales Biodiversity Partnership (including national groups and Local BAP partnerships).

Despite the financial restraints, the Welsh Assembly Government has successfully secured a budget for the Wales Biodiversity Partnership of £100,000 per year for the next three years 2011-2014. WBP and LBAP Partnerships will be a key element of NEF and consideration will be given under Living Wales and the Environmental Delivery Option Programmes as to how we can continue to improve support for third sector organisations who are crucial to success.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

14) The Committee recommends that:

as part of the development of a Natural Environment Framework, the Welsh Assembly Government should immediately complete a review of the biodiversity research, data and monitoring work currently undertaken in Wales. From this, it should develop a shared research and monitoring strategy to strategically coordinate the research work being undertaken by different organisations, to prevent overlaps and to facilitate better access to data. This strategy should be in place by 2012, in time for the start of the Glastir scheme.

Response : Accept in principle

I accept the principle of this recommendation subject to more detailed work being undertaken in the evidence workstreams of the Natural Environment Framework.

We already support a number of systematic programmes which are of a surveillance nature, these are at the UK scale and not isolated to Wales such as the Countryside Survey which is a world leading environmental survey. Much work is ongoing at the UK scale to enhance the effectiveness and efficiency of environmental monitoring for example the UK-EOF. Engagement at the UK scale will deliver the most effective and efficient monitoring programmes so it is essential that Wales' approach fits in with this.

It is absolutely imperative that any future monitoring programme for NEF builds on the lessons learned from Tir Gofal, the comprehensive monitoring programme of Tir Gofal and Tir Cynnal that took place in 2009 and current model which has been designed for Glastir. The structure which we will construct for Glastir will have 2 mutually reliant components, surveillance / trend monitoring (Wales wide environmental monitoring including scheme and non scheme land) and targeted / attribution monitoring (specific to actions and measure adopted on farm). This structure allows the extrapolation of on farm actions and measures to be made to the Welsh scale and thus assess the net contribution that the scheme makes to improving the functionality of our environment.

A crucial aspect of Glastir monitoring and evaluation is that of utilization of wider monitoring programmes. A review of such programmes is currently being undertaken within the Glastir Monitoring and Evaluation Science Group. This review is specific to the requirements of Axis 2 schemes namely water quality, soil quality, climate change mitigation, biodiversity, social cohesion, historic environment, access and landscape, its limited nature will deliver upon its objectives but not satisfy the recommendation.

Glastir monitoring will significantly enhance our understanding of the condition of our ecosystems, the provision of goods and services to society and the impact of actions and measures upon condition of ecosystems and associated service provision. However it will not satisfy all requirements of a monitoring programme for the proposed NEF and therefore a review pending design of Glastir monitoring and also finalisation of the NEF objectives, actions and

measures will be undertaken to assess the most effective and efficient structure for NEF monitoring complementing and not duplicating Glastir monitoring and taking account of the wider UK situation. The results of this review will be made available in the *report on proposal for using geographical information and monitoring, including public involvement* in autumn 2011.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

15) The Committee recommends that:

the Welsh Government should ensure that local authorities have access to sufficient resources and expertise to be able to ensure the proper implementation of biodiversity legislation through the planning system, in line with recommendations contained in the Committee's report on Planning in Wales.

Response : Completed

The publication of Technical Advice Note (TAN) 5: Nature Conservation in September 2009 and Plannign Policy Wales in July 2010 has consolidated and updated advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation (including making more direct links between planning and the LBAP). The publication has been widely welcomed (as acknowledged by the Committee) and its dissemination has been supported by a series of well received training seminars.

A programme of training seminars was held during 2010 for all key players in the implementation of TAN 5. The seminars were very well attended and all local planning authorities were represented. The feedback received from the training events praised the practical and pragmatic focus of the training.

The majority of funding for local government in Wales is provided through the unhypothecated RSG, allowing local government complete freedom to determine how that money is spent subject to the normal accounting and governance conventions. Local authorities have the freedom to manage their resources appropriately to deliver the services they are responsible for in a manner which reflects the needs and priorities of their local citizens.

All local authorities in Wales have to deliver services and deciding how to implement local methods of complying with the Sustainable Development and Biodiversity Duties by the most economic, effective and efficient means possible.

Additional support is available to local authorities from CCW to support Wales Environment Strategy outcomes, including biodiversity. In 2010/11, CCW are investing £2.6m out of a total of £6m of its Grants Programme to local authorities, national parks, national trails and non-local authority community strategy partnerships to directly support biodiversity, with much of the rest supporting it indirectly. Work plans which cover planning and other matters are agreed with Local Authorities on an annual basis. Opportunities to increase the linkages between these negotiations and annual biodiversity champion visits are currently being investigated.

Financial implications – None. Any additional costs will be drawn from existing programme budgets.

16) The Committee recommends that:

the Welsh Assembly Government work with the European Commission to ensure the current loophole in the EIA regulations allowing development sites to be cleared prior to the submission of a planning application is closed. To prevent any further biodiversity loss in this way, this should be done as a matter of urgency, and the Welsh Government should report back to the Committee on progress in this regard by the end of 2011.

Response : Reject

The Assembly Government notes the concerns of the Committee but does not agree with the proposed recommendation for a number of reasons. The Environmental Impact Assessment Directive (85/337/EEC as amended) has been transposed fully for the purposes for which it was intended, and is quite broad ranging in its application, taking in agriculture, forestry and energy regimes as well as the planning system. Therefore consideration of whether action is needed must focus on the effectiveness of the most relevant and appropriate controls.

The planning system cannot anticipate development coming forward, other than where this is promoted as part of an adopted plan, and it cannot exert any control over land unless a proposed activity requires planning permission. While planning permissions can include conditions or obligations that manage the clearance of vegetation on site, it can only do this while a consent is being implemented, or once the development is operational

There is a suite of other controls available that will influence whether and how sites are cleared. These include felling licences, tree preservation orders and conservation area status that manage the removal of trees as well as the Hedgerow Regulations that will regulate clearance activities. Under the Birds Directive, Habitats Regulations and Wildlife and Countryside Act 1981 particularly sensitive sites have statutory protection and individual species are also protected from disturbance which prevents damaging clearance activities.

Where prior clearance takes place on a designated site or a protected species site prosecution action can be taken under this legislation.

Any further need for strengthening of our approach would be considered in the report on the *effectiveness of the current regulatory approaches and proposals for changes in December 2011*.

Financial Implications – None identified at this stage.

17) The Committee recommends that:

the Welsh Government should take the opportunity provided by the development of the Natural Environment Framework to further develop the Networked Environment Regions concept under the Wales Spatial Plan. Ministers should ensure that NEF priorities are incorporated into the WSP and WSP Regional strategies so that biodiversity is given a greater priority within them.

Response : Accept

I accept this recommendation. The Networked Environment Region (NER) concept was developed as a component of the the South East Wales Spatial Plan work. It is about providing a multifunctional, inter-connected natural environment that supports sustainable social and economic development, improves quality of life and helps mitigate the effects of climate change.

The NER approach provides an opportunity to develop and test the ecosystem approach emerging from the Natural Environment Framework..

Officials within DES are currently working to develop the next stages of NER to inform the implementation of the Natural Environment Framework.

Financial Implications – None identified at this stage, but this will require further consideration.

18) The Committee recommends that:

the Welsh Government should legislate, in the first legislative programme of the Fourth Assembly, to place a duty to support and promote biodiversity on relevant organisations, building on the duty to have regard to biodiversity established by Natural Environment and Rural Communities Act.

Response : Note

This will be a matter for a future Government. I acknowledged in the passage of the Environment LCO that there is a case for taking forward legislation on

biodiversity and the natural environment as future legislative opportunities arise.

Financial Implications – Legislative activity will require dedicated legal resource.

19) The Committee recommends that:

so as to improve the understanding of biodiversity issues across society, the Welsh Government, in partnership with key stakeholders should develop a new communications strategy for biodiversity and for all Departments to explore opportunities for communicating the importance of biodiversity through their work. To this end, a stakeholder group should be established bringing together representatives of interested sectors, including agriculture, health, local government, business and education.

Response : Accept

I accept this recommendation, subject to further detailed work. The Welsh Assembly Government is committed to ensuring effective communications to engage people with their role in all aspects of sustainability and the environment

The stakeholder group that was established to provide a communications and engagement plan for the Living Wales consultation will be strengthened to develop a new communications and engagement strategy for nature, building on the experience of our existing work on climate change and waste.

Financial Implications – Heightened communications activity will require dedicated communications resource. Adopting a strategic marketing communications approach will also have significant staffing and budget implications. These will be considered in developing proposals.