

National Assembly for Wales
Sustainability Committee

Inquiry into biodiversity in Wales

January 2011



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Sustainability Committee

The Sustainability Committee is appointed by the National Assembly for Wales to consider and report on issues affecting Climate Change, Energy, Rural Affairs and Agriculture, Environment and Planning

Powers

The Committee was established on 26 June 2007 as one of the Assembly's scrutiny committees. Its powers are set out in the National Assembly for Wales' Standing Orders, particularly SO 12. These are available at www.assemblywales.org

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Chair's Foreword

2010 was designated as the Year of Biodiversity and was the year by which international and European targets on halting biodiversity loss should have been met.

Wales failed to meet both the international and national targets, and it was this failure that led the RSPB to petition the National Assembly 'to conduct a full inquiry to find out why the target will be missed and make clear recommendations to the Welsh Assembly Government on what actions are need to urgently restore our lost biodiversity'.

The targets included the binding agreement at the international Convention on Biological Diversity (CBD) in 2002 to achieve a significant reduction of the current rate of biodiversity loss at the global, regional and national level and the 2001 commitment by the EU Heads of State and Government to a target of halting the decline of biodiversity in the EU and restoring habitats and natural systems by 2010.

In Wales, there were additional targets contained in the Welsh Government's Wales Environment Strategy (WES) relating to halting the loss of biodiversity and one particular target which required that 95 per cent of Welsh SSSIs were in favourable condition by 2010.

The Sustainability Committee was pleased to answer the call from the RSPB, and this report outlines our findings regarding why the targets were missed and makes recommendations to the Welsh Government on how better progress can be secured in future.

As the report demonstrates, the reasons for missing the targets were numerous, and included failings across a number of policy areas and organisations. I believe that the Committee's recommendations, if implemented in full by the Welsh Government, would go a long way to addressing biodiversity loss in Wales.

Inevitably, given the imminence of an Assembly election, it will be for future Welsh Governments to implement these recommendations in full. However, I hope very much that the current Government will respond positively to our report and set the wheels in motion for implementing these essential reforms. I have no doubt that the next Assembly will revisit this issue regularly, and will expect swift action to have been taken.

For biodiversity loss to be addressed, the Welsh Government and its delivery bodies must take full ownership of the targets and accept responsibility for achieving them. More than anything else, it was the general failure on behalf of the Government and its agencies to accept responsibility for Wales having missed the targets that was of greatest concern.

The Committee was particularly disappointed to find that the high aspirations included in the Wales Environment Strategy have not been met, and considers it a failure on behalf of the Government that the Strategy has failed to reverse biodiversity decline.

Biodiversity must be given greater priority within the Welsh Government's sustainable development policy, and should be mainstreamed across government departments to a much greater extent than has happened thus far. In addition, the delivery bodies – whatever their future structure – should have clearly designated responsibilities for delivering biodiversity outcomes.

New European and international targets have been set for 2020. I sincerely hope that we will not have to revisit the issue of why Wales has missed its targets again in ten years' time.

As ever, the Committee is grateful to all those who provided written and oral evidence to the inquiry – the Committee's ability to effectively scrutinise the Welsh Government is wholly dependent on the readiness of organisations and individuals to provide us with the evidence we need.



Kirsty Williams AM
Chair, Sustainability Committee

The Committee's Recommendations

Recommendation 1. To ensure that biodiversity is mainstreamed across Government, the Committee calls on the Welsh Government to 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. **(Page 15)**

Recommendation 2. In light of the adoption of new targets on biodiversity for 2020 the Committee calls on the Welsh Government to 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. **(Page 15)**

Recommendation 3. To ensure that biodiversity is 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. **(Page 16)**

Recommendation 4. 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. **(Page 16)**

Recommendation 5. The Committee calls on the Welsh Government to 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. **(Page 19)**

Recommendation 6. 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. **(Page 21)**

Recommendation 7. The Committee reiterates 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. **(Page 23)**

Recommendation 8. 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. **(Page 23)**

Recommendation 9. 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. **(Page 26)**

Recommendation 10. The Committee calls on the Welsh Government to 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. **(Page 26)**

Recommendation 11. In line with the recommendations made by the Rural Development Sub-Committee in their report on the Future of the Uplands in Wales, the Committee calls on the Government to 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. **(Page 27)**

Recommendation 12. 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. **(Page 27)**

Recommendation 13. 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. **(Page 29)**

Recommendation 14. As part of the development of a Natural Environment Framework, the Welsh 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. **(Page 32)**

Recommendation 15. 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. **(Page 34)**

Recommendation 16. The Committee calls on the Welsh Government to 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. **(Page 35)**

Recommendation 17. 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. **(Page 36)**

Recommendation 18. 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. Depending on the outcome of the referendum it should do this either using Part 4 of GOWA '06, or by gaining legislative competence through a Legislative Competence Order. **(Page 39)**

Recommendation 19. So as to improve the understanding of biodiversity issues across society, the Committee calls on the Welsh Government, in partnership with key stakeholders to 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. **(Page 43)**

1. Background to the Inquiry

1. Following the referral of a petition submitted by the RSPB from the Petitions Committee to the Sustainability Committee, the Sustainability Committee decided to undertake an inquiry into biodiversity in Wales to investigate the issues raised in the petition.

2. The Terms of Reference for the inquiry were as follows:

Wales has missed both its own and the EU's biodiversity targets for 2010.

The inquiry aims to stimulate a public debate about the targets by addressing the issues raised by the answers to the question:

Why did Wales fail to achieve the 2010 targets for halting biodiversity loss and what changes of approach are needed to ensure greater progress in the future?

The inquiry will focus on the following areas:

- What delivery mechanisms were in place to achieve the 2010 targets?
- Why did these fail to deliver?
- Is the current approach to dealing with climate change mitigation and adaptation in Wales sufficiently integrated with policies for biodiversity?
- What examples of good practice are there elsewhere in the UK and internationally that Wales can learn from?
- What are the implications of emerging international targets for 2020 and beyond?

3. The Committee received written evidence from 15 organisations and undertook four oral evidence sessions where the Committee took evidence from nine organisations and from the Minister for Environment, Sustainability and Housing.

4. The Committee is grateful to all those who provided written and oral evidence to the Committee.

2. The Design and Ownership of the Target

5. The Committee heard from several witnesses that, while the 2010 targets on biodiversity had been missed, they had been useful in giving focus and attention to biodiversity issues over recent years.

6. However, there was also a general consensus that the targets set were unrealistic and unachievable and had not been based on evidence of what was possible. As a result, the failure to meet the targets set often overshadowed the good work that has been done in the field of biodiversity conservation.

7. The Welsh Association of National Parks (WANPA), the National Association of Areas of Outstanding Natural Beauty (NAAONB) and Wales Environment Link (WEL) stated that the targets did not reflect the reality of the state of conservation work on the ground at the time of their setting and the baseline from which work towards the targets had to start. Paul Sinnadurai of WANPA told the Committee:

“It was the kind of target you find in an international treaty, and most people in the conservation organisations felt that we would never reach it, so why sign it in the first place? It was not a target that was set on the basis of sound science, and it was not set on the basis of individual nations measuring the rate of progress that they are currently making. That is why Wales, and Britain as a whole, have unfairly caught the conservation profession out of step, because good progress has been made, and continues to be made.”¹

8. WEL stated that much of the work to gather the data and knowledge required to be able to develop a biodiversity baseline upon which progress could be measured had not been done prior to the setting of the 2010 targets, but instead had been done over the past ten years. This meant that the targets now being set for 2020 and beyond should be more tangible and evidence-based. Dr Madeleine Harvard told the Committee:

“One of the major concerns was that the targets were given and driven without the science base behind them. Therefore, we were starting from a not good position in any case, in terms of

¹ RoP, [para 11], 11 November 2010, Sustainability Committee

knowledge and a full background as to where we were going. However, the work that has been done since then has been impressive in volume and intent in getting us almost to the stage where we can set the targets, and we should be able to do the work now.”²

9. The Countryside Council for Wales (CCW) in its evidence stated that the 2010 targets had been general targets and that there was a need to ensure that the 2020 targets recently agreed in Nagoya were more tangible.

10. The Committee heard from several witnesses that a lack of political ownership and integration of biodiversity across Government departments was a significant factor in the failure to meet the 2010 targets.

11. The Committee was itself concerned that in their evidence to the Committee, both the Welsh Government and CCW displayed a lack of ownership and responsibility for achieving the 2010 targets.

12. Butterfly Conservation Wales, the RSPB, the National Trust and WEL stated that a lack of political ownership of the targets had meant that delivery of the targets had not always been a priority. In their evidence, the RSPB said:

“In the field of biodiversity, there has been a general lack of clear targets, indicators and accountability measures, leading to unclear governance, uncoordinated implementation and critical lack of resources.”³

13. WEL similarly stated:

“...whilst there are a number of mechanisms in place for the conservation of biodiversity, the 2010 target to halt biodiversity loss was a policy target, not a biodiversity target, and the imperative for action was not accepted across government.”⁴

² ROP, [para 154], 11 November 2010, Sustainability Committee

³ Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010, p. 15](#)

⁴ Sustainability Committee: [SC\(3\)-22-10 : Paper 3 : Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 1

14. Several organisations believed that a lack of integration of the biodiversity targets across policy portfolios at a national and local level had contributed considerably to the failure to meet the 2010 target, and that a more cross-cutting approach was needed in future if targets were to be achieved. NAAONB told the Committee:

“The continued notion of a discrete ‘environmental sector’ potentially places environmental policies at odds with those of other sectors. We must move to a situation where a healthy functioning environment is seen as underpinning all sectors and as such, sound ‘environmental’ policies are then seen as the basic building blocks of the economy and society. Unless we address this fundamental issue we will fail to achieve any form of sustainability let alone our biodiversity targets.”⁵

15. WANPA and Wildlife Trusts Wales argued that the failure to integrate biodiversity across all areas had led to conservation organisations having to spend a significant amount of time reconciling paradoxes in Government policy instead of making positive progress towards the targets. Clive Faulkner of Wildlife Trusts Wales told the Committee:

“...I think there are gaps. There are clear problems with co-ordination. On the range of strategies out there, some of them are conflicting, some of them are mutually exclusive.”⁶

16. CCW suggested to the Committee that the root of the failure to make greater progress toward achieving the biodiversity target lay not with environmental policy, but with the failure to ensure that economic and social policy also worked towards biodiversity enhancement. Morgan Parry told the Committee:

“When the target was set, Governments, including Governments in the UK, thought that you could address the decline in biodiversity by applying environmental policies. My main point here is that the drivers of biodiversity loss are not due to the failure of environmental policy, they are economic and social.... As we set new targets, every sector needs to understand that it has a contribution to make. For me, economic policy is one of

⁵ Sustainability Committee: [BIO-12. National Association for Areas of Outstanding Beauty](#), p. 3

⁶ RoP, [para 149], 4 November 2010, Sustainability Committee

the most important to address. If that is not there, we will miss the targets again.”⁷

17. The National Association of Areas of Outstanding Natural Beauty, WEL and RSPB called for future targets to be more tangible and measurable. WEL and RSPB recommended the adoption of measurable targets against which all Ministers could be held to account. The NAAONB stated that any new targets adopted should use a language which is clear and can engage all those who could have greatest impact on the achievement of the 2020 targets.

18. The Committee was interested to hear from the European Commission that DG Environment was in the process of agreeing targets with other Directorates General within the Commission, including Agriculture, Transport and Energy, for enhancing biodiversity.

19. The Committee believes that this is a method that should be adopted by the Welsh Government, so as to ensure that there is buy-in across Government to the aim of achieving biodiversity targets in future, and that responsibility for them is accepted across all departments.

To ensure that biodiversity is mainstreamed across Government , the Committee calls on the Welsh Government to 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.

In light of the adoption of new targets on biodiversity for 2020 the Committee calls on the Welsh Government to 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.

⁷ RoP, [para 80], 11 November 2010, Sustainability Committee

20. Ceredigion County Council and WLGA suggested that even within the sustainability framework, biodiversity was seen as a ‘fringe’ activity, compared to other priorities such as climate change and waste.

21. Butterfly Conservation Wales, WANPA and the WLGA told the Committee that establishing biodiversity as a central plank of sustainable development and giving it a more prominent role in the Sustainable Development Scheme could help to ensure that biodiversity is better integrated across Government.

To ensure that biodiversity is 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.

22. Several organisations, including CCW, WEL, WANPA, the National Trust and the Welsh Local Government Association (WLGA) welcomed the Government’s consultation on the Natural Environment Framework and hoped that this new framework would better integrate biodiversity into all Government policy.

23. However, WANPA warned that without political buy-in across the Government and buy-in from all sectors of the economy the new framework would be unlikely to have a significant impact. The National Trust also warned that the success of the Natural Environment Framework will be dependent on the resources invested in it and whether it takes the opportunity to access new sources of funding from the public and private sectors.

24. The Committee believes it is imperative that the Welsh Government and its delivery bodies take clear ownership and responsibility for achieving the biodiversity targets, and that the responsibilities of each body should be clearly set out.

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.

25. Several organisations stated that an ecosystems approach to biodiversity may offer additional opportunities for the integration of biodiversity across sectors. The scale of approach is discussed in the following chapter.

3. Scale of Approach

26. There was a general consensus within the evidence presented to the Committee that the current network of protected sites are an important basis upon which conservation of biodiversity in Wales should be built.

27. The evidence also argued, however, that there needs to be a greater focus on biodiversity in the wider countryside with the adoption of an ecosystems or landscape scale approach to biodiversity conservation, rather than a dependence on protected sites alone.

28. CCW, Butterfly Trust Wales, National Trust, RSPB, WEL and WANPA all stated that the protected sites are still important as the backbone for conservation policy in Wales and that efforts to get these sites into favourable condition should be maintained.

29. The RSPB, National Trust and WEL all argued that this should include the development of a more resilient network of protected sites by protecting the wider countryside around them, by extending existing sites and by encouraging better connectivity between them. In their evidence, WEL stated:

“The network of protected landscapes, marine areas and wildlife sites must remain core to the approach to protecting and improving the natural environment, but this framework is not sufficient to reverse the continuing decline in the diversity of our wildlife and the quality of our landscapes. A broader, deeper approach is required which delivers protection, enhancement and restoration.”⁸

30. The Committee believes the network of protected sites to be an essential part of any strategy to halt and reverse biodiversity loss in Wales, and that they should continue to provide the basis for improving biodiversity in the wider countryside.

31. The Committee is disappointed that many of Wales’ protected sites remain in poor condition, and believes that addressing this situation should be a priority for the Welsh Government and CCW.

⁸ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 2

The Committee calls on the Welsh Government to 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.

32. However, several organisations also told the Committee that a focus purely on a sites approach had failed to halt biodiversity loss and that a focus was needed on improving biodiversity in the wider environment. Stephen Bladwell of RSPB told the Committee:

“...to look purely at the impact on biodiversity and why it is still declining, we think that it all comes down to the amount of habitat that is available for species and the ability of the ecosystem processes that operate in the wider landscape to function properly. It is also to do with how that is arranged in the landscape, so the fragmentation or breaking up of those habitats means that species and processes cannot function effectively. That is the direct cause.”⁹

33. The Committee was interested that the Welsh Government themselves, in their evidence, acknowledged that too much focus on specific sites had played a role in the failure to achieve the targets:

“Rather than being clearly attributable to a lack of effort or resource, the current situation may have arisen because the existing regimes do not look at the system and environment as a whole, focusing instead on small area conservation.”¹⁰

34. The Committee believes that the Welsh Government should have acted sooner to adopt a different approach to biodiversity enhancement, given that it has been clear for some time that current methods weren't achieving the targets.

35. Several organisations, including NAAONB, National Trust, WANPA, Ceredigion County Council and National Trust Wales advocated that an ecosystems or landscape scale approach should build on the existing sites approach to ensure that further progress is made towards halting biodiversity loss across the countryside.

⁹ RoP, [para 137], 7 October 2010, Sustainability Committee

¹⁰ Sustainability Committee: [SC\(3\)-23-10 : Paper 2 : Inquiry into Biodiversity - Evidence from Welsh Assembly Government](#) 25 November 2010, p. 2

36. The Committee received several pieces of evidence that argued that the adoption of an ecosystems approach will be even more important in light of the likely impacts of climate change. They stated that this approach could provide species with more ‘room to move’ between sites and landscapes. Many respondents called for a greater recognition of biodiversity in the Welsh Government’s approach to climate change mitigation and adaptation.

37. The NAAONB recommended that a landscape approach which tried to integrate policy on the environment, society and economy to deliver sustainable biodiversity outcomes could achieve biodiversity enhancement on the wider scale. The National Trust also supported this view, stating that large scale action could reduce isolation of sites, increase connectivity and enable better ecosystem functioning:

“There is a much greater chance of maintaining environmental and cultural assets, functioning systems and the goods and services we need, and accommodating accelerating climate change, if you work across large areas. This means a move away from a purely site-based approach to conservation. Large-scale working reduces fragmentation and isolation of populations, improves interconnectivity and supports more resilient biological communities with higher populations and greater genetic diversity. Larger areas are much more likely to enable better ecosystem functioning, and may well offer additional benefits in access to management resources and economies of scale.”¹¹

38. The RSPB drew the Committee’s attention to the conclusions of the ‘Lawton Review’ of England’s protected areas and ecological network, and argued that its conclusion were equally relevant to Wales:

“The review makes over 20 recommendations as to how to achieve a coherent and resilient ecological network stating, basically the current network of sites needs to be “more, bigger, better and joined”. That means managing current sites better and increasing their size; enhancing the ecological connections between sites; creating new sites; and reducing the pressures on wildlife by improving the wider environment. We firmly believe that most if not all of the report’s findings will

¹¹ Sustainability Committee: [BIO-05. National Trust](#), para. 6.3

hold true for Wales as well as England, and we hope that the development of the Natural Environment Framework will enable this to be fully explored and addressed.”¹²

39. The Committee is convinced by the evidence of the need to move to a wider landscape and ecosystem approach to protecting biodiversity to be conclusive, and believes the new Natural Environment Framework provides an opportunity for doing this.

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.

40. The Committee heard about one landscape scale project currently being developed by Wildlife Trusts Wales in Pumlumon, and was encouraged that the project had found a positive attitude among farmers and landowners in the area once the objectives of the project were communicated to them.

41. WANPA stated that an ecosystems approach would help to protect biodiversity in the wider countryside, offer entrepreneurial opportunities for land managers and provide more resilient ecological systems. In oral evidence WANPA stated that while the Government had used some articles of the *Habitats Directive* to deliver a network of connected sites it had so far failed to implement Article 10 of that Directive which requires Member States to endeavour where necessary in their land use planning and development policies to appropriately manage features of their landscape which are of major importance to habitats and species.

42. The WLGA told the Committee that local authorities could have an important role to play in the delivery of ecosystems services through their policies, strategies and the land they control, but that funding provided by statutory bodies for biodiversity conservation to local authorities will need to be aligned to this new approach.

43. On this issue, Caerphilly CBC told the Committee in oral evidence:

¹² Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010](#), p.6

“A landscape-scale approach requires us to look at longer term biodiversity action. At the moment, it is done very much on an annual, two-yearly or three-yearly programme of funding. We need to know what funding we are going to have, year on year, so that we can plan ahead.”¹³

44. The Committee believes it is essential that appropriate funding mechanisms are in place, and that these will need to be reviewed as the move is made to a more landscape scale approach to biodiversity conservation. In this time of financial constraints, this should include making the most of private sector investment, as addressed in Chapter 4 of this report.

45. The RSPB and the National Trust stated that any new approach taken will need to pay particular attention to the condition of common land and recommended that Part 2 of the *Commons Act 2006* should be implemented immediately to allow for the formation of Commons Councils. Referring to their own work on Abergwesyn Common, the National Trust stated:

“Many of the most degraded upland biodiversity sites are on common land. There has been some limited success in establishing groups of commoners to cooperate and improve site management. Where this has been achieved – for example Aber Common – it has taken considerable time, and relies on commoners recognising an economic benefit of working together.... We believe that work like that at Abergwesyn will be aided by full implementation of the Commons Act. It is disappointing that there have been considerable delays to implementation and that progress in Wales is far behind that in England.”¹⁴

46. The Rural Development Sub-Committee, in its report on the Future of the Uplands in Wales, recommended that the Welsh Government should bring forward proposals for the implementation of the *Commons Act 2006* and in particular Part 2 of the Act before the Glastir scheme came into operation. This recommendation was made after the Sub-committee received overwhelming evidence from stakeholders on the need to implement the Act in full.

¹³ RoP, [para 211], 11 November 2010, Sustainability Committee

¹⁴ Sustainability Committee: [BIO-05. National Trust](#), para. 4.6

47. The Committee notes that the Welsh Government accepted the recommendation in part stating that Part 1 of the Act would be implemented by April 2012 but that it would be setting up an alternative mechanism instead of implementing Part 2.

The Committee reiterates 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.

48. The Committee received some evidence, especially from the Wildlife Trusts, which pointed to the potential of the Welsh Government's new agri-environment scheme, Glastir, to contribute to reversing biodiversity decline.

49. However, the Committee is very much aware of the concerns of many stakeholders regarding the new scheme, especially regarding farmers' ability to qualify for and access the scheme. The Committee welcomes the Minister for Rural Affairs' decision to review the scheme in the light of these concerns.

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.

4. Resources

51. The Committee received considerable evidence that a lack of investment in biodiversity and in the delivery of the Environment Strategy contributed to the failure to halt biodiversity loss by 2010.

52. WEL, Butterfly Trust Wales, RSPB and the National Trust stated in their evidence that the failure to resource or invest sufficiently in the Environment Strategy and biodiversity conservation contributed to the failure to meet the 2010 targets. In its evidence, WEL highlighted the fact that there had never actually been a funded strategy to achieve the 2010 targets in Wales:

“It is important to note that whilst there are a number of mechanisms in place for the conservation of biodiversity, the 2010 target to halt biodiversity loss was a policy target, not a biodiversity target, and the imperative for action was not accepted across government. There has never been a funded strategy in Wales that aimed to halt biodiversity loss by 2010.”¹⁵

53. WANPA told the Committee that resource commitment by the Welsh Government had not been commensurate with the targets set.

54. In its evidence, the National Trust argued that there was also a failure to co-ordinate grant programmes and funding sources, particularly those run by CCW, which meant that there had been a lack of a strategic approach to the way in which grant funding was allocated.

55. The National Trust also stated that there had been a general lack of investment to support the Environment Strategy’s goals, and an over-dependence on Section 15 agreements administered by CCW:

“There is no escaping the fact that progress has been stymied by lack of investment to support the Environment Strategy’s ambitions for biodiversity. Management of designated sites depends heavily on funds through Section 15 and agri-environment schemes, both of which have been unable to deliver adequate resources and are hamstrung by application delays. There has also been a shortage of CCW staff on the

¹⁵ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p.1

ground who can invest the time required to establish management agreements.”¹⁶

56. Several organisations drew the Committee’s attention to problems which limited the efficient and effective use of resources.

57. In its evidence Butterfly Trust Wales stated that grant requirements can often require organisations to demonstrate innovative approaches to tackling biodiversity when quite often the actions that needed funding were well known and relatively simple. They also highlighted that grants schemes were often only open for applications for short periods of time, and that these were often unsuitable for the work to be done.

58. The WLGA, Neath Port Talbot County Borough Council, Ceredigion County Council and Caerphilly County Borough Council all stated in their evidence that the delivery of biodiversity conservation at a local level is constrained by the amount of financial and staff resource available to local authorities.

59. Among the issues highlighted by these local authority bodies were: the need to negotiate a lot of ‘red tape’ to secure small sums; the lack of funding security from year to year; the fact that local Biodiversity Action Plans are often competing against each other for funding; and that much officer time is spent applying for funding rather than carrying out biodiversity actions. It was also felt that the requirement on organisations to commit and spend funds by tight deadlines restricted delivery, and that limited resources were being spread too thinly with the result that local BAPs were unable to maintain momentum.

60. The WLGA stated in its evidence that if a new landscape approach to biodiversity is to be adopted under the Natural Environment Framework this will need to be reflected in the way grants are administered and run. This view was supported by the National Trust.

61. Several organisations stated that the success of the new Natural Environment Framework will depend upon the level of resource committed to it, and called for a dedicated budget to be allocated to achieving biodiversity targets in future. WEL told the Committee:

¹⁶ Sustainability Committee: [BIO-05. National Trust](#). para. 4.8

“Within any new framework for addressing biodiversity decline a clear budget is required. This will enable WAG and the statutory agencies to clarify what they will be spending money on in order to deliver biodiversity targets. WAG, statutory agencies and NGOs should draw up a funded strategy to ensure a 2026 Wales Environment Strategy target can be progressed.”¹⁷

62. The Committee is disappointed that, to date, the Welsh Government has failed to back up its lofty biodiversity ambitions with adequate resources that would allow these to be realised. The Wales Environment Strategy, for example, has never had a dedicated budget line within the Welsh Government budget. While accepting that there will be pressure on resources over coming years, the Committee believes that the Natural Environment Framework provides an opportunity to address this issue.

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.

63. The Committee is extremely concerned by the evidence it received from numerous organisations regarding the inefficiency and complexity of awarding grants for biodiversity enhancement. In a period of financial constraint, it is essential that the best use is made of the resources available and that funding is accessible to all organisations.

The Committee calls on the Welsh Government to 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.

64. The National Trust and WANPA stated that the adoption of an ecosystems approach by the new Natural Environment Framework could help attract new sources of funding from the private sector. This

¹⁷ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 8

could include funding from water companies for action to improve water quality and funding from insurance companies for actions to improve flood risk management.

65. The Wildlife Trusts stated that they were already working with industry to secure funding for ecosystem services as part of the Pumlumon project.

66. The potential for private investment in ecosystem services was highlighted in the Rural Development Sub-committee's report on the Future of the Uplands. The Committee believes that such investment has the potential to make a significant contribution to the funding of biodiversity actions throughout Wales.

In line with the recommendations made by the Rural Development Sub-Committee in their report on the Future of the Uplands in Wales, the Committee calls on the Government to 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.

67. WEL and the National Trust also advocated a smarter use of departmental budgets, such as health for "green exercise prescriptions", to support biodiversity work.

68. The Committee believes that investigating the potential of using different departmental budgets to support actions on biodiversity should be part of the broader process of mainstreaming biodiversity across all Welsh Government departments referred to above.

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.

5. Structures

70. Along with the network of protected sites, the main structures for enhancing biodiversity on which the Committee received evidence were the Wales Biodiversity Partnership (WBP) and Biodiversity Action Plan (BAP). The evidence was mixed in its assessment of the effectiveness of these mechanisms.

71. Both the WLGA and WANPA stated in their evidence that the BAP tends to focus on process rather than outcomes. In their evidence, WANPA stated:

“Where policies and plans do exist, such as the UK Biodiversity Action Plan (BAP), they are ineffective since it is inefficient and process driven. The plan has not galvanised enough significant action amongst those who would not be working on biodiversity anyway, it has failed to change working culture and practices, and it does not have sufficient political weight to significantly affect other national policies.”¹⁸

72. However, the RSPB emphasised in their evidence that BAP was never intended as a delivery mechanism, but rather as an overarching framework that relies on other mechanisms for resources. The WLGA concurred that expectations of the BAP had been too high given the constraints on in its implementation.

73. The majority of respondents felt that the WBP has the potential to deliver and to be an effective mechanism but it needed to be resourced and supported properly. Both the RSPB and Butterfly Trust Wales stated in their evidence that much progress has been made following a review in 2007. The RSPB said:

“After a review of the UKBAP was concluded in 2007, Wales (driven largely by the Wales Biodiversity Partnership; WBP) has made significant progress in shaking off the inadequacies of the past UK process and moving forward.”¹⁹

74. In its evidence CCW stated that insufficient investment in WBP in terms of both staff time and finance meant that it failed to achieve its

¹⁸ Sustainability Committee: [SC\(3\)-22-10 : Paper 2 : Inquiry into Biodiversity - Evidence from Association of Welsh National Parks](#), 11 November 2010, p. 2

¹⁹ Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010](#), p. 14

potential, while Plantlife and the National Trust argued that the running of the WBP sub-groups were wholly reliant on the good will of the organisations involved and on the dedication of a small group of volunteers.

75. Ceredigion County Borough Council highlighted the limited resources available to keep Local Biodiversity Action Partnerships (LBAP) going. The WLGA stated that the expectation of what LBAPs could deliver with limited resources had been too high.

76. WANPA stated that ensuring that LBAP officers have long-term contracts could significantly help with delivery.

77. Given the shortcomings of the WPB and BAP structure highlighted in the evidence presented to it, the Committee was pleased that the Minister for the Environment, Sustainability and Housing acknowledged that the current structures were not fit for purpose and that this was one of the motivations for consulting on a new National Environment Framework.

78. Given the evidence presented to it, the Committee believes that the WBP structure has the potential to deliver progress if it is adequately resourced and would like to see this issue addressed through the National Environment Framework.

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.

6. Monitoring & Evidence Gathering

79. There was unanimity in the evidence presented to the Committee that there were significant weaknesses in the processes of monitoring the situation of biodiversity in Wales, and that this in turn affected the effectiveness of actions designed to enhance biodiversity.

80. RSPB, WEL, The National Trust and NAAONB all stated that the gaps in the knowledge meant that it was impossible to have a clear picture of what biodiversity trends were or to measure progress accurately. WEL told the Committee:

“At present there is no effective way and coherent monitoring system in place which will allow us to assess our progress towards the 2015 target with any confidence.”²⁰

81. In their evidence, the RSPB stated:

“There is an urgent need to improve the monitoring and evaluation systems for biodiversity.”²¹

82. The National Trust, WEL and RSPB all drew attention to the fact that CCW were yet to complete a baseline assessment of the condition of all SSSI features in Wales.

83. The Committee is concerned that not even all protected sites have yet been assessed, at a time when we should be moving towards evaluating biodiversity in the wider countryside.

84. Several organisations such as Plantlife, NAAONB and WANPA stated that due to difficulties in accessing funding for monitoring work, organisations had become heavily reliant on volunteers to complete local monitoring and data work. This, the NAAONB argued, meant that the work of some LBAPs has become skewed to the habitats or species to which there was sufficient volunteer data.

85. Both Ceredigion County Council and Neath Port Talbot Council said that they experienced problems with accessing data and funding for survey work. Caerphilly County Borough Council stated that the

²⁰ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 2

²¹ Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010](#), p. 3

completion of survey and monitoring work was essential for ensuring that biodiversity was protected and enhanced in the planning system and in the development of local authority strategies.

86. Plantlife Cymru were especially critical of the Biodiversity Action Recording System (BARS), and stated that there was little confidence in the Local Resource Centre network. They stated in their evidence:

“We believe that considerable confusion remains over the BAP reporting system through BARS. This is due to a lack of training and a lack of clarity regarding responsibility for reporting within the complex hierarchy of LBAPs and Lead Partners. As such, we believe BARS is currently a very poor reporting mechanism.”²²

87. In their evidence, Ceredigion County Council highlighted the problem of under-recording, as some monitoring happens outside BARS and therefore goes unrecorded by CCW.

88. The National Trust, WEL, RSPB and the Butterfly Trust Wales drew particular attention to the fact that adequate monitoring of the impact of Tir Gofal had not been completed. Stephen Bladwell of RSPB told the Committee:

“Given that we are only starting to monitor Tir Gofal, it is very difficult to understand what those impacts are. However, if we had had good baseline information at the start and monitored it throughout the programme, we would have been able to make very precise assessments on how effective the scheme was as a tool.”²³

89. The Committee is disappointed that measures were not put in place at the start to monitor the impact of Tir Gofal, and believes that it is imperative that proper monitoring systems are put in place for the new Glastir scheme, so that its impact can be accurately assessed from the start.

90. In its evidence, CCW stated that the integration of science and policy needed to be improved at all levels of Government.

²² Sustainability Committee: [BIO-04. Plantlife Cymru](#), p. 5

²³ RoP, [para 167], 7 October 2010, Sustainability Committee

91. CCW recommended that a shared research and monitoring strategy should be developed in Wales to facilitate data sharing and to prioritise and coordinate research on biodiversity. They stated that such a scheme should include biodiversity actions under agri-environment and woodland schemes. In their evidence, CCW stated:

“A co-ordinated monitoring scheme programme should be in place to monitor status and trends of species, habitats and ecosystems. Evidence is required to inform decision making, management approaches, and demonstrate benefits of sustainable management to the public and industry.”²⁴

92. The Committee is disappointed that the Welsh Government has failed to put in place a comprehensive and coordinated monitoring system for biodiversity, as effective action can only happen when it is based on sound knowledge and its impacts assessed.

93. The Committee calls on the Welsh Government to rectify this situation as a matter of urgency.

As part of the development of a Natural Environment Framework, the Welsh 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.

²⁴ Sustainability Committee, [SC\(3\)-22-10 : Paper 1 : Inquiry into Biodiversity - Evidence from the Countryside Council for Wales, 11 November 2010](#). p. 4

7. Planning

95. The Committee heard that the planning system, used properly, had the potential to have a significant impact on biodiversity enhancement but that this was not happening at the moment.

96. The evidence presented to the Committee identified three main issues related to planning that had an impact on biodiversity.

97. Firstly, several organisations believed that opportunities to protect and enhance biodiversity were being missed due to a lack of ecology expertise within local planning departments. CCW stated that many of the opportunities for pre-application discussions to protect and enhance biodiversity were missed because of a lack of capacity resulting in continued incremental losses of habitat and species.

98. While the publication of Technical Advice Note 5 (TAN5) on nature conservation was welcomed by some local authorities such as Neath Port Talbot, there was also concern that its application was inconsistent, and that a lack of expertise was again having a negative impact. WANPA told the Committee:

“The revision of TAN5 is useful but we suspect that its application is patchy. It also fails to provide sufficient clarity on how to apply the Habitats Regulations correctly. Generally, the tools are there in the planning system for integrating biodiversity mitigation, compensation and enhancement into new developments but there is not sufficient understanding of these tools or confidence in them to be used effectively.”²⁵

99. RSPB also called for a more formalised approach, where mitigation and compensation are fully applied in all cases:

“Whilst Technical Advice Note 5 (TAN 5, 2009) does state that it is a high-level objective of the town and country planning system to have no net loss of biodiversity, a more formalised stepwise approach is needed, to ensure that the steps of mitigation and compensation (where all else fails, and where the need for the development clearly outweighs the site’s biodiversity value) are fully pursued in all cases. The Welsh

²⁵ Sustainability Committee: [SC\(3\)-22-10 : Paper 2 : Inquiry into Biodiversity - Evidence from Association of Welsh National Parks](#), 11 November 2010, p. 3

Assembly Government should ensure that it is the rule rather than the exception, that mitigation and compensation are fully pursued.”²⁶

100. WEL stated in their evidence that there was limited capacity within local authorities to measure the on-going impacts of developments on biodiversity. This meant that even when compensatory or mitigation measures were agreed with developers, they may not be implemented properly.

101. The Committee is concerned that current planning regulations may not be being applied properly, and believes that the lack of expertise and capacity within local authorities needs to be addressed.

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.

102. A second issue, raised with the Committee by local authorities, was the increasing problem of site clearance prior to the submission of an application for development.

103. Caerphilly County Borough Council, Ceredigion County Council and Neath Port Talbot County Borough Council all stated that loopholes in current planning regulations mean that developers or landowners can clear sites of potential importance to protected habitats and species before submission of a planning application.

104. The failure to complete an ecological survey of these sites before they are cleared means that planning authorities do not have the accurate records needed to ensure proper compensation or mitigation for damaging activities.

105. The evidence stated that this occurred because the current Environment Impact Assessment (EIA) regulations on uncultivated land only require the surveying of land that is being improved for agricultural purposes.

²⁶ Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010](#), p. 12

106. The RSPB recommended that the recognition of biodiversity as a land use within the planning system alongside development, mineral extraction and agriculture could help prevent such problems, while the WLGA stated that it was important that this loophole be closed in some way.

107. The Committee believes that the loophole that allows sites to be cleared before a planning application is submitted needs to be addressed by the Welsh Government. Otherwise, valuable biodiversity will be lost without being properly subjected to the planning system.

The Committee calls on the Welsh Government to 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.

108. The third issue raised by respondents was the issue of net planning gain.

109. WEL and RSPB believed that encouraging more spatial planning of biodiversity by identifying key areas for protection and key opportunities for developers to contribute to biodiversity enhancement could provide a way for the planning system to deliver net gains for biodiversity.

110. The Environment Bank presented to the Committee an innovative approach to using the planning system to secure funding for biodiversity enhancement. Under the system they proposed, the owners of land being developed would buy required to by biodiversity credits from an organisation such as the Bank which would then be used to compensate for biodiversity loss through development.

111. Whilst the Committee found the approach interesting, we believe it needs further research and development before consideration can be given to its widespread application across the UK. The Committee agreed that it would be interested in receiving further information from the Environment Bank once the pilot had been completed and reviewed.

112. The RSPB and WEL referred to the Networked Environmental Regions work currently being undertaken in different Wales Spatial Plan regions and recommended that this work should be taken forward under the new Natural Environment Framework. RSPB stated in their evidence:

“The Networked Environmental regions (NER) concept, developed under the Wales Spatial Plan, highlights the need to help business recognise the value of building “green infrastructure” – providing space for biodiversity to thrive which in turn provides ecosystem services for people – into development, and the potential for positive planning to deliver multiple benefits.”²⁷

113. In their evidence, CCW stated that some work to develop spatial data on biodiversity had already taken place. The Committee would be keen to see this work continued and build upon.

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.

²⁷ Sustainability Committee: [SC\(3\)-19-10 : Paper 2 : Inquiry into Biodiversity - Evidence from RSPB Cymru, 7 October 2010](#), p. 12

8. Legislation

115. The evidence received by the Committee was generally welcoming of the duty on public bodies contained in the *Natural Environment and Rural Communities Act 2006 (NERC)* that requires them ‘to have regard to biodiversity’.

116. However, there was a strong feeling among witnesses and respondents that the duty did not go far enough, and that actual implementation of the duty had been patchy.

117. WEL, RSPB and Butterfly Trust Wales stated that the duty had not been given a high enough priority within the planning system. WEL told the Committee:

“The NERC biodiversity duty on planning authorities has still not been given sufficient priority within the planning system. There has been political direction but there is a very mixed approach on the ground. More resources are needed to identify key sites that have significant biodiversity value and ensure that they are protected under the planning system, and that the true value of biodiversity and natural systems is taken into account in decision-making processes.”²⁸

118. The RSPB recommended that further pressure should be placed on public bodies to mobilise sufficient resources to implement the duty and that the duty should be extended to AONBs and Community Councils.

119. Ceredigion County Council cited the *NERC* duty as an example of legislation that was not comprehensive enough for it to have a real effect:

“There are too many loopholes in current biodiversity legislation. For example, the NERC duty only applies to public bodies and therefore private companies are not bound by this legislation.”²⁹

120. In oral evidence to the Committee, Paul Sinnadurai of WANPA described the NERC duty as ‘weak and woolly’ and called for the duty

²⁸ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 3

²⁹ Sustainability Committee: [BIO-09. Ceredigion County Council](#), p. 3

to be strengthened from a duty to ‘have regard to’ to a duty to support and promote:

“...there needs to be a duty to support and promote. That is what is missing. If there is certainly a duty to support and promote, it becomes a national priority.”³⁰

121. This view was echoed by WEL in their evidence:

“Public bodies, including Local Authorities, oversee a significant proportion of the land of Wales. One key action to prevent further loss of biodiversity would be to legislate for all public bodies to maintain their biodiversity and, where possible, to improve the diversity of their wildlife.”³¹

122. CCW, however, cited a DEFRA review on the implementation of the Biodiversity Duty in 2010, which suggested that the stronger duty as applied in Scotland did not necessarily have a greater effect, though there could be a greater risk to public bodies from not implementing the stronger duty:

“The review did not find clear evidence that the ‘duty to further’ had any greater impact than the ‘duty of regard’, although levels of awareness of the duty and guidance documents were similar across the UK. Undoubtedly, the adherence to or implementation of any ‘duty of regard’ is open to interpretation, and there are no implications for non-compliance. Public Authority resources are generally targeted to deliver statutory requirements, where failure to comply is high risk.”³²

123. WANPA also cited the increased risk to public authorities of not implementing the stronger duty as a reason for its introduction:

“There is clearly a difference between having regard for something and having a duty to do something. That makes all the difference in the world to local governance, because if an

³⁰ RoP, [para 78], 11 November 2010, Sustainability Committee

³¹ Sustainability Committee: [SC\(3\)-22-10 : Paper 3: Inquiry into Biodiversity - Evidence from Wales Environment Link](#), 11 November 2010, p. 8

³² Sustainability Committee, [SC\(3\)-22-10 : Paper 1 : Inquiry into Biodiversity - Evidence from the Countryside Council for Wales, 11 November 2010](#), p. 9

organisation is not doing something, that suddenly becomes a risk.”³³

124. The Minister for Environment, Sustainability and Housing told the Committee that she had made a bid to Cabinet for an LCO conferring the power to amend the duty on the National Assembly, but that it had been decided that there was no space for it in the Government’s legislative programme for this year.

125. The Committee welcomes the fact that the Minister recognises the need legislate to amend the duty on biodiversity, and notes that how this would be done in future depends on the outcome on the referendum on moving to Part 4 of the Government of Wales Act 2006 to be held in March 2011.

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. Depending on the outcome of the referendum it should do this either using Part 4 of GOWA '06, or by gaining legislative competence through a Legislative Competence Order.

³³ RoP, [para 96], 11 November 2010, Sustainability Committee

9. Communication

127. There was consensus in the evidence received by the Committee that communication of the importance of biodiversity, both within Government and the civil service, and to external stakeholders, has been inadequate.

128. In its evidence, NAAONB stated that messages had been poorly communicated to landowners and farmers: those very people most able to take action to enhance biodiversity. They told the Committee:

“The actors vested with the greatest ability to deliver biodiversity outcomes are often recipients of poorly communicated messages from the environmental sector, particularly those from special interest groups and third sector organisations. Account is often not taken of the sensitivities and motivational drivers present in the agricultural and land owning / management sector so individuals who could arguably have the greatest impact become alienated from the agenda resulting in missed opportunities and often counterproductive activities.”³⁴

129. Wildlife Trusts Wales told the Committee that their experience from the Pumlumon project was that when effective communication did happen, the farming community were more than ready to engage:

“...when we started talking to the farming community, we were surprised to find that the farmers recognised that there was a need for change....They were very willing to talk to us. We have had much more success in working with landowners.”³⁵

130. Wildlife Trust Wales also emphasised the importance of using different kinds of communication for different groups, and of having people available on the ground to communicate ideas.

131. The WLGA stated that there is often a misconception that protecting biodiversity means saying no to new developments rather than being seen as an opportunity to maximise a developments

³⁴ Sustainability Committee: [SC\(3\)-22-10 : Paper 2 : Inquiry into Biodiversity - Evidence from Association of Welsh National Parks](#), 11 November 2010, p. 3

³⁵ RoP, [para 109], 4 November 2010, Sustainability Committee

potential and that this lack of understanding acted as a ‘barrier to progress’.

132. Ceredigion County Council also stated that a lack of understanding of the value of biodiversity to wider policy goals acted as a barrier to buy-in from stakeholders:

“There is a general lack of understanding of the importance of biodiversity to our economy, health, education, community, culture etc. Biodiversity loss will affect the very framework within which our economy functions. The public, industry and developers will probably only support, and engage in, action for sustainable development and environmental protection that can be seen to be in their interest. We are failing in communicating properly and making the links that will make people want to change their actions.”³⁶

133. The National Trust, CCW, NAAONB, WLGA and WEL stated that there was a need to ensure in future that the language which is used to communicate biodiversity is understandable to the public and is easy to engage with.

134. Several organisations referred to the need to use terms such as ‘nature’ or ‘wildlife’ instead of biodiversity as these terms mean more to individuals. The fact that the term ‘biodiversity’ is not widely understood was acknowledged by the Minister for Environment, Sustainability and Housing in her evidence to Committee:

“...although the majority of people have an understanding that biodiversity is something to do with wildlife or nature... and although we had these major targets in 2010, the word ‘biodiversity’ has not imprinted itself on the public imagination.”³⁷

135. The Welsh Government also told the Committee that the WBP had identified lack of effective communication by both government and the conservation sector as one of the reasons for the biodiversity targets being missed.

136. WEL and the National Trust also made reference to the need to ‘reconnect people with nature’ and to provide more opportunities for

³⁶ Sustainability Committee: [BIO-09. Ceredigion County Council](#), p. 2

³⁷ RoP, [para 127], 25 November 2010, Sustainability Committee

people to access wildlife and nature. WEL advocated that this could be done by increasing the opportunities for school children to access the natural environment and by access to green space as a health resource.

137. CCW emphasised how the kind of action needed to reverse biodiversity loss and achieve the targets required a wholesale change in attitude and the engagement of society as a whole. They told the Committee that effective communication was an essential prerequisite to success:

“Action on the scale required to meet the targets will mean changes in attitudes and behaviour at all levels of civil society, Government and business. It involves reaching out to new partners and engaging with stakeholders who can make a difference, especially in the private sector. Communication is an essential element of change and can only be achieved if it is planned and coordinated strategically but delivered locally, through the engagement of people.”³⁸

138. WEL also identified a similar need to engage with stakeholders from all parts of society in their evidence: calling for the appointment of biodiversity champions within different areas of the economy. WANPA stated that the consultation on a new Natural Environment Framework might offer an opportunity to develop a new communication strategy.

139. The Committee believes that failure thus far on behalf of the Welsh Government and its agencies to effectively communicate with stakeholders about the importance and relevance of biodiversity to all, and to motivate society to act in ways that enhances biodiversity, has been a significant contributor to the failure to meet the 2010 targets.

140. The Committee urges the Welsh Government to take action to improve communication in this field as part of the new Natural Environment Framework, and to adopt a far more strategic approach to engaging with stakeholders from across civil society, including business.

³⁸ Sustainability Committee, [*SC\(3\)-22-10 : Paper 1 : Inquiry into Biodiversity - Evidence from the Countryside Council for Wales, 11 November 2010*](#), p. 29

So as to improve the understanding of biodiversity issues across society, the Committee calls on the Welsh Government, in partnership with key stakeholders to 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.

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/bus-committees-third-sc-agendas.htm>

7 October 2010

Dr Sean Christian and Stephen Bladwell	The Royal Society for the Protection of Birds
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4 November 2010

Claudia Olazabal	European Commission
David Hill and Robert Gillespie	Environment Bank
Russel Hobson	Butterfly Conservation Wales
Clive Faulkner	Wildlife Trusts

11 November 2010

Morgan Parry and David Parker	Countryside Council for Wales
Paul Sinnaduari	Association of Welsh National Parks
Madeleine Havard	Wales Environment Link
Alison Jones and Melanie Dodd	Caerphilly Local Authority

25 November 2010

Jane Davidson AM, Diana Reynolds and Matthew Quinn	Welsh Assembly Government
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List of Written Evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at

http://www.assemblywales.org/bus-home/bus-committees/bus-committees-scrutiny-committees/bus-committees-third-sc-home/inquiries_sd/sc3-bioinq/sc_3_-bio-papers.htm

<i>Organisation</i>	<i>Reference</i>
RSPB Cymru	SC(3)-21-10 Paper 1
Countryside Council for Wales	SC(3)-22-10 Paper 1
Association of Welsh National Parks	SC(3)-22-10 Paper 2
Wales Environment Link	SC(3)-22-10 Paper 3 and Paper 3 Annex A
Caerphilly Local Authority	SC(3)-22-10 Paper 4
RSPB Cymru	SC(3)-22-10 Paper 5
Welsh Assembly Government	SC(3)-23-10 Paper 2
European Commission	SC(3)-23-10 Paper 3
Environment Bank	SC(3)-23-10 Paper 4
Welsh Association of National Parks	SC(3)-23-10 Paper 5
Welsh Association of National Parks	SC(3)-23-10 Paper 6
RSPB Cymru	SC(3)-24-10 Paper 1, Annex A and Annex B
National Parks	BIO-01
Bob Innes	BIO-02
Butterfly Conservation Wales	BIO-03
Plantlife Cymru	BIO-04
National Trust	BIO-05
Wales Environment Link	BIO-06
Wales Environment Link Biodiversity Priorities	BIO-06A
Neath Port Talbot	BIO-07
Caerphilly County Borough Council	BIO-08

Ceredigion County Council	BIO-09
Welsh Local Government Association	BIO-10
Norman Lowe	BIO-11
National Association for Areas of Outstanding Beauty	BIO-12