

# CONSULTATION

## Response Document



**Securing a Sustainable Future  
Environmental Principles, Governance and Biodiversity targets  
for a Greener Wales**

**Llywodraeth Cymru/Welsh Government**

**30th April 2024**

# Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Scottish Environment Link
- Wildlife and Countryside Link
- Northern Ireland Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- UN Decade on Ecosystem Restoration 2021-2030 Network
- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

CIEEM has approximately 483 members in Wales who are drawn from across the private consultancy sector, NGOs, government and SNCOs, local authorities, academia and industry. They are practising ecologists and environmental managers, many of whom regularly provide input to and advice on land management for the benefit of protected species and biodiversity in general.

**This response was coordinated by Members of our [Welsh Policy Group](#).** We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at [JasonReeves@cieem.net](mailto:JasonReeves@cieem.net) with any queries.

## **PART A — Environmental Principles**

### **EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted?**

Strongly agree.

We agree with the proposals that Welsh Ministers publish guidance to explain how the environmental principles are intended to be applied, and that this guidance, and subsequent changes to it, will be subject to public consultation and scrutiny.

It is especially important that the guidance makes clear to public authorities how these principles are to be implemented in the range of circumstances in which they are expected to apply them. Without the setting of clear expectations, there is a risk of misinterpretation or neglect, and the potential for other concerns to overshadow the principles.

Guidance should encompass an understanding of potential future risks or benefits, considering all relevant variables; this will enable informed risk assessment and decision-making processes.

In addition, the guidance should address how principles from different legislative acts intersect, providing clarity on definitions and precedence to prevent legal ambiguity. Otherwise, there's a risk of creating complexity that primarily benefits legal professionals rather than serving the intended purpose. As an example: how the principles interact with and modify the requirements of previous legislation, including the Well-being for Future Generations and Environment (Wales) Act (e.g. in relation to the duties of Natural Resources Wales. The Agriculture (Wales) Act includes, "to contribute to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) (WFG) Act 2015 (section 1)."

With regards to the 'integration' principle, guidance should emphasise the potential for win-wins for other areas of policy, and highlight the potential opportunities, for example, Natural Capital benefits and Nature-based Solutions.

In terms of an overarching objective to the principles, they should be situated within the context of sustainable development, as per the Well-being for Future Generations and Environment (Wales) Act. The definition of sustainable development should be reaffirmed in the guidance to underline its importance.

### **EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent do you agree or disagree with this approach?**

Agree.

While we agree that there should be a duty on Welsh Ministers to apply these principles in the development of policies and legislation, we are concerned about the effectiveness of the term 'due regard'.

We agree with Welsh Environment Link's (WEL) proposal that the term 'due regard' be replaced by a 'duty to apply', or to 'act in accordance with'.

However in the event that 'due regard' is used, this should follow, and be in accordance with, the the Brown Principles<sup>1</sup>. We would also like the term to be qualified, for example: "due regard, underpinned by an evidence-based approach, consistently applied and open to independent scrutiny." And for this to be applied to all public authorities, including UK-wide bodies, whose statutory activities have the potential to affect the environment or biodiversity in Wales.

Furthermore, the Regulatory Impact Assessment (RIA) accompanying any new legislation etc should state how it complies with the principles, or give justification as to why it does not, in order to enable thorough Senedd scrutiny.

**EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? If you consider the duty should apply to Welsh public bodies, please set out in the text box below which Welsh public bodies and why, as well as any views you have on how the duty should apply to those bodies.**

Strongly agree.

We agree that there should be a separate duty placed on public bodies to apply the principles and accompanying guidance. The principles should be applied hierarchically, jointly and severally, in order to ensure their application in all relevant contexts, and not just at the government level. This duty should apply to all public authorities, including UK-wide bodies<sup>2</sup>, whose statutory activities have the potential to affect the environment or biodiversity in Wales. We consider that all the public bodies listed in Annex 2 should be subject to this duty, with the addition of several other bodies which we detail in answer to GB4, including the governance body itself.

We suggest that the Welsh Government consider the benefits of making the application of the environmental principles a duty on Welsh Public Authorities and how this could act as a lever for funding provision that is proportionate to the importance of this duty.

**EP4: Do you have any additional comments relating to the Welsh Government's intention to embed the environmental principles and overarching objective into Welsh law that are not captured in your answers to the above questions?**

Demonstration of how these principles are being met in the decision-making of responsible public bodies is essential. We therefore would like to see these principles included in Regulatory Impact Assessments (RIAs) of proposed changes to regulations and legislation, also Strategic Environmental Assessments and Integrated Sustainability Appraisals (ISA) of the plans, policies, and strategies at national, regional and local levels.

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<sup>1</sup><http://www.moray.gov.uk/downloads/file89347.pdf&sa=D&source=docs&ust=1712929059446031&usg=AOvVaw1bRU01ah0Z-UspzPQHEuJ3>

<sup>2</sup>[https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17\\_-\\_Digital\\_Version\\_-\\_Heads\\_of\\_Place\\_Wales\\_-\\_A\\_to\\_Z\\_directory\\_of\\_civil\\_service\\_departments\\_that\\_have\\_a\\_presence\\_in\\_Wales\\_-\\_Edition\\_1\\_\\_January\\_2023.pdf](https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17_-_Digital_Version_-_Heads_of_Place_Wales_-_A_to_Z_directory_of_civil_service_departments_that_have_a_presence_in_Wales_-_Edition_1__January_2023.pdf)

There needs to be clarity on what criteria the governing body will use when judging challenges that the principles are not being applied.

We note the absence of 'non-regression' in the consultation document, and join WEL in their suggestion that non-regression should be included as a principle. While we acknowledge that it may be difficult to do this, we agree with WEL that the political commitment made to non-regression by Minister Julie James during the [Stage 3](#) debate of Law Derived from the European Union (Wales) Bill be included in the legislation in the absence of a legal commitment.

If non-regression is not included as a principle, and a political commitment to non-regression is not included in the legislation, we recommend that the guidance includes non-regression of standards and how this relates to the guiding principles. Non-regression on what is considered best practice and minimum standards is increasingly acknowledged as a key parameter in environmental decision making, and assessment of whether non-regression is being met should also be included in RIAs, SEAs, and ISAs.

## **PART B — Environmental Watchdog**

### **GB1: To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body?**

Agree.

However, we would like to see the proposed objectives include an explicit requirement on the governance body to work to improve the environment, or ensure the delivery of the Environmental Principles.

While the language used in the ten objectives is commendable, we are concerned that it lacks clarity and specificity, which may undermine the effectiveness of the governance structure (e.g. words such as ‘embrace’, ‘work constructively’). To address this, we recommend strengthening the language of the objectives to ensure that they read as clear and actionable, and will lead to tangible outcomes.

We would also like to see the incorporation of language emphasising the independence of the governing body (GB) into the objectives. For example, something along the lines of the Westminster Environment Act, Schedule 1, paragraph 17<sup>3</sup>. This will reinforce accountability and ensure that the independence of the GB can be challenged if necessary.

Although mentioned in paragraph 55 and the GB’s third objective, we wish to emphasise that the Governance Body must be able to take action on its own initiative, and not only in response to requests from public bodies or representations and complaints from citizens. See Environment Act 2021, s. 33(2).

### **GB2: To what extent do you agree or disagree with the governance body’s proposed strategy and reporting requirements?**

Agree.

We agree that development of the GB’s strategy should be undertaken by the GB itself, that there should be a requirement to consult stakeholders, including the public, on the strategy, and a requirement to annually report on work undertaken by the GB. We also agree that the GB’s strategy and annual report are submitted to Welsh Ministers for them to lay in the Senedd.

We want to emphasise the importance that the GB’s strategy makes clear how it will work with other partner organisations (including the Future Generations Commissioner, Public Services Ombudsman for Wales, and the OEP), with clear definitions of roles and responsibility, as well as how they will collaborate.

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<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2021/30/schedule/1/paragraph/17/enacted>

**GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this?**

Agree.

We agree with the proposed remit of the GB, though we want to see certain public bodies added to the list in Annex 2. The remit of the GB should extend to all public authorities — including bodies which operate UK-wide or cross-border in England and Wales<sup>4</sup> — whose statutory activities have the potential to affect the environment or biodiversity. We consider that all the public bodies listed in Annex 2 should come under the remit of the GB, with the addition of several other bodies which we detail in answer to GB4.

**GB4: Are there any other public authorities, or private bodies exercising functions of a public nature, that you think should be added to (or removed from) the list in Annex 2? Please use the text box below to explain your answer.**

The list in Annex 2 must encompass the range of organisations — including bodies which operate UK-wide or cross-border in England and Wales<sup>5</sup> — whose statutory activities have the potential to affect the environment or biodiversity. It is crucial to address potential 'blind spots' and ensure comprehensive inclusion of public authorities whose statutory activities have the potential to impact the environment, under the remit of the GB.

The list must therefore include the following in order to ensure comprehensive coverage:

- infrastructure bodies, including private companies, e.g. water utilities, energy providers;
- development corporations, e.g. the National Infrastructure Commission for Wales, the Development Bank of Wales;
- port authorities and free ports, the latter of which present potential environmental biosecurity risks;
- risk management organisations, e.g. Network Rail;
- charities acting as public bodies. e.g. Canals and Rivers Trust, and;
- entities, including Cadw, which manage natural heritage.

It is good to see that Local Authorities have been included in Annex 2, but we want to underline that it is essential that they are provided with clear guidance as to how to implement the principles in their context. This is important for the development of effective Local Nature Recovery Action Plans.

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<sup>4</sup>[https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17\\_-\\_Digital\\_Version\\_-\\_Heads\\_of\\_Place\\_Wales\\_-\\_A\\_to\\_Z\\_directory\\_of\\_civil\\_service\\_departments\\_that\\_have\\_a\\_presence\\_in\\_Wales\\_-\\_Edition\\_1\\_\\_January\\_2023.pdf](https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17_-_Digital_Version_-_Heads_of_Place_Wales_-_A_to_Z_directory_of_civil_service_departments_that_have_a_presence_in_Wales_-_Edition_1__January_2023.pdf)

<sup>5</sup>[https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17\\_-\\_Digital\\_Version\\_-\\_Heads\\_of\\_Place\\_Wales\\_-\\_A\\_to\\_Z\\_directory\\_of\\_civil\\_service\\_departments\\_that\\_have\\_a\\_presence\\_in\\_Wales\\_-\\_Edition\\_1\\_\\_January\\_2023.pdf](https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17_-_Digital_Version_-_Heads_of_Place_Wales_-_A_to_Z_directory_of_civil_service_departments_that_have_a_presence_in_Wales_-_Edition_1__January_2023.pdf)

We have concerns that complex government structures will allow certain public bodies to be overlooked, for example; the Highway Authority within local authorities being separate from the Planning Authority, and the intergovernmental nature of some bodies like Network Rail, the Trunk Roads Agency, the Nuclear Authority, and others which may mean some activities come under the scrutiny of the OEP, rather than the Welsh Governance Body.

There needs to be a Memorandum of Understanding, or similar, with the Office of Environmental Protection (OEP) to cover how the two bodies will work on cross-border issues. For example, the Welsh GB should be able to scrutinise OFWAT over a Wales-only issue, or invite OEP to work with it if it thinks the matter is a cross-border issue. Similarly, if OEP is looking at an issue that is relevant to Wales, it should be able to do so. The key thing to successful cross-border arrangements is to avoid duplication, but ensure nothing falls between the cracks.

**GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets?**

Agree.

We want to emphasise the importance of clarity on the roles and remit of the GB and other relevant partner organisations, such as the Public Services Ombudsman, and Auditor General, for Wales, and how these will complement one another and collaborate together.

It is important that the GB have a role in scrutinising progress towards the statutory biodiversity targets (please see our answers to BT5 and BT6).

**GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions?**

Agree.

We are pleased to see that the GB is expected to be able to draw on wider expertise through external resourcing (p27, para. 39). However, we want to emphasise that funding for the GB must include adequate provision for this, including any investigations and reports it commissions externally, so as to ensure that financial considerations are not a barrier to expert contribution.

On the suggestion that the GB may wish to provide advice rather than formal enforcement measures where there has been non-compliance with environmental law, but environmental harm has not yet arisen (p28, para. 43), we want to direct attention towards the precautionary principle, and emphasise the need for a risk-based approach to investigations.

The breadth of proposed functions, including provision of accessible advice for the public (p45, para. 45), is admirable, and we support them — funding for the GB must be adequate to meet these ambitions.



**GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations?**

Agree.

We agree both on the importance of an open and transparent process for making complaints, and on the need to avoid jurisdictional conflicts with other agencies. It should be made clear in the GB strategy where responsibility for handling complaints falls between the GB and other regulatory agencies, and the route(s) for complaints should be evident to all, including the public.

We, again, want to emphasise that the Governance Body must be able to take action on its own initiative (para 55), and not only in response to requests from public bodies or representations or complaints from citizens.

**GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate?**

Agree.

With regards paragraph 55 ("the governance body will not be required to investigate all alleged failures to comply with environmental law (whether identified by itself or through complaints) and will be given discretion to decide when and what alleged failures to investigate."), we consider that the governance body must be required to report not only on the investigation undertaken, but also those that have been brought to its attention but were not investigated, and the consequences of both, including the GB's proposed actions to improve or sustain performance.

In order to effectively carry out monitoring and reporting, it is important that the GB be able to gather the data and evidence it needs in order to investigate fully. We consider that the general duty to cooperate (p31, para 56) needs to be specifically recognised in the context of the GB's work, and that it be made clear that this includes a duty to provide all relevant documentation. There should be a 'power to seek information' available (para. 57), that the GB can resort to if it feels it is not receiving the information it requires.

The duty to cooperate must also include a duty to allow employees to report, anonymously if required, on relevant action/inaction by the body under investigation.

In situations where a lack of environmental monitoring data is identified as contributing to failure to meet duties, we would like clarity on whether the GB could require that environmental monitoring to be carried out. For example, if a particular facet of the environment significantly impacting on biodiversity or human health was not being adequately monitored, the GB could argue NRW was failing in its duties, and hence require such monitoring to be put in place.

**GB9: To what extent do you agree or disagree with the Welsh Government's proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?**

Agree.

We agree that it is desirable to have early corrective action as soon as possible in the event of non-compliance with environmental law. A process of escalation from informal resolution, to issuance of compliance notice, to referral to court or tribunal appears sensible.

However, corrective action must occur in a timely manner so as to minimise harm, and the GB must be able to require urgent intervention in the event of major environmental harm occurring. There must be a suitably robust 'final resort' that encourages quick resolution over a drawn-out process, particularly in the event of destruction of irreplaceable habitat or illegal felling of mature and old trees. In these circumstances rectification is not possible once the deed is done.

**GB10: To what extent do you agree or disagree with the Welsh Government's proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue.**

Agree.

However, although improvement reports will have a use, their worth will depend on the scale and significance of non-compliance. For example, some non-compliances may be procedural (e.g poor record keeping) and an improvement report may be adequate to rectify them. However, other matters which give rise to environmental harm may require more urgent action such as a compliance report.

Clarification is needed on whether such improvement reports will be available to the Senedd and in the public domain, and how the governance body can respond if Ministers do not accept recommendations.

**GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings**

Agree.

However, prevention is as important as punishment, and clear guidance will be essential, especially for public bodies to understand, unambiguously, when they have crossed the line of 'serious and / or urgent' failure to comply with environmental law.

**GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the non-compliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position?**

Disagree.

While we agree that early corrective action is always the most desirable outcome of an investigation into non-compliance with environmental law, it is essential that the GB 'have teeth'. To that end, we consider that the GB should have the power to be able to levy financial penalties or sanctions, in the event that the enforcement process is exhausted, may be necessary. Financial penalties are especially appropriate in cases where the public body is engaged in commercial activity, such as the sale of timber from the public forest estate by NRW, or sale of carbon or biodiversity credits.

In order that money collected through financial penalties continues to benefit biodiversity and the environment in Wales, it should go directly towards remediation of the non-compliance, or towards mitigation or restoration more generally.

If financial penalties are not levied, then the GB should be able to require responsible bodies pay for remediation of non-compliance and associated damage, in accordance with the 'Polluter pays' principle.

In cases where the reason a body has not met its duties is because of a lack of resources (e.g funding), the GB should be able to recommend an increase in resources.

**GB13 – The Welsh Government proposes that the governance body should set out how it intends to co-operate with the organisations specified, including how they will avoid duplication and overlap when exercising their functions? To what extent do you agree or disagree with this approach?**

Strongly agree.

It is essential that details of how the GB will co-operate with other organisations are included in the GB's strategy, to ensure a robust decision-making process, and that all relevant parties are consulted. The relationship with NRW needs to be particularly clear and transparent, given that they are both a regulator and a delivery body — for example, in forestry and flood engineering — that must be subject to oversight by the governance body.

**GB14: Our preferred model for the governance body is a 'Commission', but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach?**

Agree.

We agree with the proposal that the GB take the form of a 'Non-Departmental Public Body' (NDPB), formerly referred to by the Welsh Government as a 'Commission', with a Board led by a Chair and comprising 7-8 other board members, supported by an executive team and led by a Chief Executive.

**GB15: To what extent do you agree or disagree with the Welsh Government's approach in respect of appointing members and allocating resources to the governance body?**

Agree.

We want to emphasise the importance of a robust and transparent public appointment process which ensures the independence of the NDPB from the Welsh Government and that conflicts of interest do not arise. To this end, we would like to see the following suggestions, highlighted in the White Paper from previous consultations (p39, para. 98), adopted:

- certainty of budget across an extended period of time and provision for full-time commissioners. We join WEL in encouraging the Welsh Government to consider creating a ring-fenced and multi-annual budget, similar to that of the Office for Environmental Protection<sup>6</sup>, agreed through negotiation and provision of a power for the GB to report to the Senedd if it finds it has inadequate funding to discharge its functions.
- the performance of the governance body should be audited by the Auditor General for Wales, and not by the Welsh Government.

Furthermore, as noted earlier in our response, we would like to see the language of independence included in the GB's objectives.

While we sympathise with the argument that funding the GB through the Welsh Government would allow more flexibility than if it were funded by the Welsh Consolidated Fund, we consider that the UK government should contribute financially, particularly given the importance of the GB's function and the already stretched Welsh budget.

**GB16: Are there any other views you would like to provide in relation to our proposals to set up a governance body?**

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<sup>6</sup> <https://committees.parliament.uk/publications/31819/documents/178846/default>

## **PART C — Nature Recovery Framework**

### **BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper?**

Agree.

The Nature Recovery Framework proposal is still high level but seems sensible.

The following will be critical to the success of the overall Nature Recovery Framework:

- Inclusion of all of the Public Authorities whose statutory actions have the potential to impact on the environment and biodiversity (more detail in our response to BT11).
- SMART (Specific Measurable Achievable Realistic Timely) biodiversity targets that are evidence-based, closely monitored and regularly reported on, have interim targets which allow for more timely and accurate monitoring, and are subject to regular review, ideally under public consultation.
- Clear explanation in the strategy of the expected contribution of Public Authorities towards the biodiversity targets, and who has monitoring obligations — this is key to assigning relevant and achievable targets to the Public Authorities whose duty it is to deliver them.
- Clear guidance to Public Authorities on how they can deliver on the biodiversity targets — this is essential to the creation of robust, actionable Local Nature Recovery Action Plans.
- Adequate resourcing (funding and expertise) to carry out the actions required to meet biodiversity targets, including monitoring. Robust costing of the actions that are required to meet biodiversity targets in the Local Recovery Action Plans is essential to this.
- Clear explanation of how the framework will align with international goals for biodiversity, such as the 30 by 30 obligation.

### **BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’.**

Agree.

Although we agree with the inclusion of a nature positive headline target, the secondary legislation will need to specifically set out what the proposed target means in practice, including exactly which baseline will be used — bearing in mind the hazards of shifting baseline syndrome — and how improvement in the status of species and ecosystems will be measured and determined against that baseline. This should be supported by definitions of “status”, “decline” and “recovery”.

There also needs to be confirmation that the scope of “biodiversity” includes all biodiversity in Wales and not only that in protected or designated sites, or priority habitats and species. The scope must include widely-distributed biodiversity, including that in urban areas and on farmland, and also not be limited to groups of species for which we currently have ‘good’ data.

**BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation?**

Strongly agree.

Legislation should include some framework for, and scope of, the suite of biodiversity targets. These need integration with other relevant statutory targets, e.g. air and water quality and habitat, tree and species protection legislation.

Regarding reviewing of the targets 'from time to time' (p54, para 53), we suggest that this be integrated with the SONARR reporting timescales.

We wish to emphasise the importance of reviewing the delivery of the targets so that, in the event that a target looks like to be missed, remedial action can be identified and taken, rather than simply moving the goalposts.

**BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be: Species – distribution abundance and extinction risk; Habitat – protection, management and restoration; and Ecosystem health and resilience – recognising the key role and contribution of ecosystems. To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework?**

Agree.

We support the focus on biodiversity targets on species distribution, abundance and extinction risk, along with habitat and ecosystem health, and the inclusion of the DECCA framework, which will be a significant part of the process of establishing targets. We are pleased to see ecosystem function and resilience, along with species richness and abundance, being proposed.

We wish to make the following specific suggestions for targets, in anticipation of a future consultation on Biodiversity Targets:

- Direct species and habitat targets
  - Species distribution targets must
    - relate to all biodiversity, *and*;
    - protected species and species at risk
  - Species abundance targets must
    - must relate to all biodiversity, *and*;
    - protected species and species at risk.
  - Extinction risk target must
    - aim to reduce the number of species at risk of local extinction to zero in the long-term.
  - Habitat quality and extent targets should
    - encompass priority habitats, *and*;

- those which are widely-distributed by contribute significantly to local biodiversity and well-being, including streams, rivers and trees;
- include targets for irreplaceable habitats including peatland and ancient woodland and ancient trees should be protected in their entirety, with targets set to include all the surviving restorable area;
- include criteria for achieving good habitat conditions, including requirements for active maintenance, such as for deer management and control of invasive species and pests.

Alongside targets for biodiversity, the Welsh Government should consider targets in relation *how* the biodiversity targets are to be met, including a target for integration (“mainstreaming”) of nature protection/recovery into other areas of legislation, such as the Well-being for Future Generations and Environment (Wales) Act and the Agriculture (Wales) Act. This could encompass a target to ensure equitable distribution and access to nature, as well as targets for soil, water and air, therefore integrating biodiversity targets with relevant existing statutory targets.

We wish to emphasise that targets should encompass *all biodiversity*, since nature recovery and nature equity requires universal distribution of wildlife including widely-distributed habitats such streams and rivers and trees outside woods. Designations, including land protected and managed for nature are just one delivery strategy.

A suite of targets such as those outlined above could make considerable progress in addressing the biodiversity crisis in Wales, but the resourcing implications which must be costed and adequately funded.

We agree on the need for these targets to be crafted with a reasonable expectation that the bodies with a duty to contribute to the targets are able to take practical steps to make that contribution (p52, para. 42). Similarly, we agree that communication of targets within and outside of the Welsh Government should be accessible to all (p53, para 48), including through clear, tailored guidance to PAs.

We also agree that effective implementation of targets will also be reliant upon cost of implementation (including effective monitoring) coupled with available resources including budgets (p52, para 43), but also adequate competent expertise across public bodies and Local Planning Authorities (LPAs).

To this end, it is imperative that action plans, including local nature recovery action plans, are thoroughly costed to ensure the necessary funding for achieving objectives, such as those outlined in the 30by30 initiative.

Collaboration among stakeholders typically yields cost efficiencies and is to be encouraged; however, it is essential to be able to compare cost estimates with funding allocations to identify whether lack of funding is undermining the objectives.

Targets will need to be reviewed regularly: a necessary part of reviews will be consideration of how to adapt targets to the changes that will inevitably occur in the climate and environment in the near future.

Such changes are likely to make it increasingly difficult, if not impossible, to return things to how they were.

**BT5: To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report?**

Strongly agree.

NRW should report on the targets that are part of their SoNaR report, but the Governance Body (GB) should be the final arbiter in determining whether the targets have been met (and if not, why not), as proposed in paragraph 70, p57.

We would also like to see consideration given to what new and additional monitoring will be needed to assess status against targets and identify additional actions needed. There is a question as to whether NRW has the capacity to do all that is required to effectively monitor the targets by itself with its present resources.

**BT6: To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation?**

Strongly agree.

While the Welsh Government itself should not be the one to determine whether or not targets have been met, it should publish a statement to report on them. This should be published alongside an action plan that includes details of failures and of which bodies are responsible for these. This can be a powerful incentive to meet targets in the first place. The plan should also include lessons learned and proposed actions.

We agree with Welsh Environment Link (WEL) that the proposed actions set out by Ministers to meet any missed targets be 'necessary' (rather than 'reasonable') steps they will take to meet the target, and that they should report back to the Senedd on progress on a regular basis. Rather than 'as soon as reasonably practicable', a revised timeframe should be set based on advice from the Governance Body or wider consultation.

**BT7: To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government's response to the Global Biodiversity Framework?**

Strongly agree.



As well as including a comprehensive list of the PAs that are responsible for the delivery of the biodiversity targets, it must be made very clear in the strategy what the contribution of PAs and government departments is expected to be. We are in agreement with WEL that delivering nature recovery targets is the responsibility of the Welsh Government as a whole, and the Strategy must make clear the connections between delivering on its ambitions for farming, forestry, planning and infrastructure, flood and coastal erosion risk management, management of the public estate, water supply and wastewater treatment, well-being, *and* nature. A clear explanation of how cross-government action is to be achieved will therefore be key to identifying the most relevant actions for each PA in the Nature Recovery Action Plans. The strategy should ensure that individual organisations' contributions complement, and don't conflict or duplicate.

**BT8: To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets?**

Agree.

We agree with WEL that the NRAP must set out a clear delivery plan with SMART actions, clear allocation of responsibility that reflects the role of various sectors and applies to several PAs and government bodies. However, planning alone will not deliver targets, and there must be more focus on resources and delivery of programmes.

The actions to achieve the statutory biodiversity targets in the programme of work must be costed and adequately resourced, including adequate provision for expertise and monitoring. It must be made clear what actions apply to which PAs, and what their role (if any) is.

We echo WEL's call that the NRAP must include marine areas and a range of marine species, including: section 7 species under the Environment (Wales) Act; Marine Conservation Zone species and habitats; commercial exploited fish stocks (which we have ICES advice for); and, where relevant, commercial species covered by a Fisheries Management Plan.

**BT9: To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets?**

Strongly agree.

We agree that there should be a duty on PAs to deliver relevant statutory biodiversity targets at the appropriate level — guidance on the expected contributions of PAs, as is to be set out in the strategy, will be key to producing appropriate targets. Detailed guidance for PAs on how these targets are to be delivered within their remit is essential, along with costing of actions and adequate funding.

The duty should be on delivery of targets and plans/programmes, and not just on the making of these.

**BT10: To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets?**

Strongly agree.

Need to ensure that the local plans contribute to delivery of the national plan, and that there is some form of quality control to ensure this will be the case, e.g. through Strategic Environmental Assessments and Integrated Sustainability Appraisals (ISA). Overlying this, there needs to be some form of oversight to ensure that plans add up to what is required overall.

We agree that Area Statements could be useful here (p63, para 89), but these need much improvement, as detailed in our letter to Natural Resources Wales<sup>7</sup>. There should be provision to allow (or even encourage) PAs to join with others to produce a joint plan, for example, PAs could collaborate to produce a single plan for a National Park. Equally, a Local Authority should be allowed to have more than one plan covering its area, for example, where it is part in- part out of a National Park. River catchments may be another basis for collaboration on producing a single plan.

There is a question of how these will link with the Sustainable Farming Scheme. It is essential that the SFS contributes to the delivery of NRAPs, especially its upper and collaborative tiers. The 10% tree and habitat cover requirements should be recognised and promoted as contributions to local plans.

Local Nature Recovery Action Plans must be costed, including adequate provision for expertise and monitoring.

**BT11: Please indicate whether you would prefer the duties proposed in this section to apply to:**

**Please indicate preference**

**a) list of Welsh public authorities has been included at Annex 2**

**b) The shorter list of Welsh public authorities included at Annex 6**

This duties proposed in this section should apply to all public authorities, including UK-wide bodies<sup>8</sup>, whose statutory activities have the potential to affect the environment or biodiversity. We consider that all the public bodies listed in Annex 2 should be subject to this duty, with the addition of several other bodies which we detail in answer to GB4.

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<sup>7</sup> <https://cieem.net/resource/cieem-letter-to-natural-resources-wales-regarding-area-statements/>

<sup>8</sup> [https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17\\_-\\_Digital\\_Version\\_-\\_Heads\\_of\\_Place\\_Wales\\_-\\_A\\_to\\_Z\\_directory\\_of\\_civil\\_service\\_departments\\_that\\_have\\_a\\_presence\\_in\\_Wales\\_-\\_Edition\\_1\\_\\_January\\_2023.pdf](https://assets.publishing.service.gov.uk/media/644a8cfe2f62220013a6a1c8/2023-04-17_-_Digital_Version_-_Heads_of_Place_Wales_-_A_to_Z_directory_of_civil_service_departments_that_have_a_presence_in_Wales_-_Edition_1__January_2023.pdf)