

# Environment and Sustainability Committee

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Meeting Venue:  
**Committee Room 3 – Senedd**

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Meeting date:  
**Wednesday, 6 May 2015**

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Meeting time:  
**09.30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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## Agenda

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- 1 Introductions, apologies and substitutions**
- 2 Natural Resources Wales: Annual Scrutiny (9:30–11:00) (Pages 1 – 50)**

Peter Matthews, Chair  
Emyr Roberts, Chief Executive

E&S(4)-13-15 Paper 1

**Natural Resources Wales: Consultation Responses (Pages 51 – 400)**  
E&S(4)-13-15 Paper 2

## 3 Papers to note

**Inquiry into the European Commission's proposed prohibition of driftnet fisheries:  
Additional response form the Director General for Maritime Affairs & Fisheries (Page**

401)

E&S(4)-13-15 Paper 3

**4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 5 and 6 and the meeting on 14 May (11:15–11:30)**

**5 Natural Resources Wales: Annual Scrutiny: Consideration of Evidence Received**

**6 Inquiry into energy efficiency and fuel poverty in Wales: Consideration of Draft Letter** (Pages 402 – 404)

E&S(4)-13-15 Paper 4

Document is Restricted



## **Briefing for the Environment and Sustainability Committee meeting on 6 May 2015. Natural Resources Wales' second year in operation.**

### **1. Introduction**

The purpose of Natural Resources Wales (NRW) is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future. We welcome the opportunity to present to the Committee during its second annual scrutiny of NRW.

### **2. Voluntary Exit Scheme**

- An update on the voluntary severance scheme including numbers of staff that have taken up the scheme and the total cost to date.

We've had a Voluntary Exit Scheme policy that has been in place since July 2013 which specifically deals with organisational wide restructuring and change programmes when there has been a requirement to make efficiency savings through staff reductions.

We have run two schemes following successful applications made through Welsh Government's 'Invest to Save' Fund.

The recent scheme, which has now closed, approved the exit of 58 members of staff at a cost of £3.05m, with an average payback period of 14 months. As part of its design the scheme considered all applications against organisational priorities and business objectives, and change programme objectives. Applications were reviewed against the impact of losing the role and the skills, knowledge and experience of the individual from the organisation.

In the first scheme, run in 2013-14, we approved the exit of 126 members of staff at a cost of £5.1m with an average payback period of 13 months.

We are not planning for any further organisational wide open exit schemes. However, we are currently considering the development of a policy and process to allow for individual elective voluntary exits.

### 3. Business Plan

- A summary of the body's performance against the 2014-15 Business Plan including the latest corporate dashboard performance report;
- A copy of the 2015-16 Business Plan, if available.

#### Performance

At present, we've reported two of the three periods to the NRW Board i.e. up 30 November 2014.

The paper on the Performance Dashboard presented to the NRW Board meeting on 10 February 2015 is available [here](#).

We will be reporting for the full 2014/15 year at the Board on 7 May 2015, and the papers will be available on our website prior to this.

#### Business Plan 2015/16

Our Business Plan for 2015/16 can be found on our website [here](#).

### 4. Permits and Self-policing

- An update on the number of permits the body has issued to itself over the last 12 months.
- A summary of any enforcement or self-policing action the body has taken against itself in the last 12 months.

#### Self-Policing

'Self-policing' refers to our role as regulator of our own activities and sits within the context of a wider set of roles that NRW is responsible for. The management of our multiple roles is set out in internal procedures and brought together in an overarching summary in 'Delivering our Multiple Roles'. We have recently finalised Version 2 of this summary which has been updated to include how decisions regarding enforcement action against NRW are taken (see Annex 1).

'Self-policing' covers 3 broad areas:

1. The issuing of permits, licences and consents for our own work.
2. The investigation of compliance against these permits, licences or consents, as well as compliance against some of our wider responsibilities for environmental protection.
3. Enforcement action in respect of our own activities.

#### Self-permitting, licensing and consenting

We publish a record of all our self-permitting decisions on the website each month [here](#).

In terms of self-permitting decisions, there have been 23 for EPR Water Quality since 1 April 2013. Additionally there have been four marine licences issued and three water abstraction licences. There have also been a number of protected species licences issued.

Water Abstraction licences are issued by the Water Resource Permitting Team and their permitting process and legislation requires the submission of our decision documents to Welsh Government for scrutiny and the option to 'call it in'. Welsh Government officials have been consistently satisfied with our determination of the applications and once we receive their response they are sent to the Executive Director for National Services for approval i.e. the Team Leader does not sign them off which is the process and level of delegation for non-NRW applications.

### Investigation of compliance

- As part of our ISO14001 certified Environmental Management System (EMS) we have a procedure relating to the reporting and review of environmental incidents that NRW (or its contractors) are responsible for (see Annex 2).
- Over the last 12 months (April 14 – March 15) thirty-eight environmental incidents relating to NRW (or our contractors) have been reported and eleven near misses
- Of the thirty-eight environmental incidents, thirty-one were related to forestry operations.
- Of the thirty-eight incident reports one incident was found to be serious according to the incident classification scheme that NRW uses for environmental incidents. The investigation of this incident was undertaken by a separate team (see section below).
- Our EMS incident procedure focuses on review and learning from environmental incidents (i.e. we review the root cause of these and take action to prevent similar incidents in future).

### Enforcement

One incident (pollution of a watercourse) led to the issuing of an enforcement warning letter from the Director of Governance to the accountable Executive Director. This is in line with the action that would have been taken with regard to a third party incident of similar severity. The procedures were overseen by the Chair of NRW's Audit and Risk Assurance Committee, and reported to the NRW Board. Although not yet invoked, NRW has agreed with the Crown Prosecution Service (CPS) that if an incident was so serious that had it been caused by a third party and NRW would have prosecuted, then in these instances the file will be handed over by NRW and the CPS will decide whether to prosecute or not.

## **5. Grants/Funding Programmes**

- An update on grants and partnership funding programmes and the changes made to this since the body became operational.

### Background

We value partnership working in delivering joint environmental outcomes. In cases where there is also a funding relationship, we use the term 'Partnership Funding' to capture this important dimension. For NRW, Partnership Funding is any funding paid to a third party organisation where they are also bringing match funding alongside this to support or enable delivery of outputs, or realisation of outcomes, that relate directly to our corporate objectives as set out in our Corporate and Business Plan. Because Partnership Funding involves other parties making their financial contribution to the work, it is different from a market relationship initiated by procurement.

### Development and Principles of Partnership Funding in NRW

At its meeting in April 2014, the NRW Board approved a strategic approach to Partnership Funding that comprised the following main principles:

- NRW will be a funding organisation with a dedicated budget for Partnership Funding for the next three years.
- NRW will distribute this budget in two ways – via joint working approaches and via targeted competitive rounds.
- Joint working approaches are restricted to situations in which NRW selects another organisation as best placed to deliver a project which directly relates to a corporate priority that NRW wants to see addressed. The other organisation shares this priority and contributes some of its own resources to its realisation.
- Competitive funding is where other organisations submit bids, in competition with other organisations, with their own ideas for projects that relate to NRW corporate priorities.
- NRW will normally only provide project funding i.e. work with a clear start and end date and with clear outputs. NRW is not responsible for funding to ensure the existence or core activities of other bodies. Welsh Government may take on the role of core funding for relevant organisations.
- NRW's grant in aid for Partnership Funding will be at a similar proportion to current levels but will reflect any future decline in NRW's budgets.
- NRW funding should have a legacy value, with tangible and sustainable physical, environmental or behavioural outcomes in place.
- NRW Partnership Funding will be managed as a three year programme. This is important in order to provide certainty to those organisations undertaking work that requires more than 12 months to be completed.
- NRW funding arrangement will be embarked upon without a clear exit strategy.
- Where NRW is paying 100% of the costs then this is not joint working but a situation which requires formal procurement.

In July 2014, an update paper was provided to the Board setting out the detail of how the Competitive Fund and Joint Working Partnership approach might be run.

Also in July, NRW ran two briefing events for external organisations on its approach to Partnership Funding, followed by the launch of the 2014 round of the Competitive Fund at the Royal Welsh Agricultural Show.

### Results of First Round of Partnership Funding

The Competitive Fund received a total of 95 applications seeking funding of £5.5 million for operations, amounting to a total value over the three years of £16.7 million. The demand from NRW for year 1 was over £2 million.

NRW also received 111 proposals for Joint Working Partnerships. This represented a demand for £12.5 million from NRW, with total value of £37.7 million. The demand from NRW for year 1 amounted to over £3.9 million.

In total, NRW faced a demand for £18 million when we only had £4.2 million per annum available.

### NRW Response to the Problem of High Level of Demand for Funding

1. **NRW is to fund many great environmental projects** in the next financial year, but we've stressed that we do not have the funds available to support all the applications received.
2. **NRW has done its best to spread the funding as fairly as possible**, e.g. through capping the level of overheads and making partial offers of funding in appropriate cases. This has meant that out of the 206 applications received in round 1, it is planned to make offers of funding to over 120 of these. This is a very high proportion of offers in relation to applications.
3. **NRW has emphasised that as public sector budgets are reducing – and NRW is no exception – we must focus our resources on providing taxpayers with the very best value for money**
  - We need to find new, innovative ways to work and deliver the best outcomes for the environment.
  - With less money available year-on-year, we cannot continue to do the same things in the same way.
  - We have to make sure the environment benefits from every penny we spend. That means sometimes we have to make some difficult decisions.
4. **NRW has highlighted the point that it cannot address the funding challenges alone. All of us working in the environmental sector need to find new solutions to old problems.**
  - We need a broader debate in the environmental sector about how we can come up with alternative funding solutions.
  - We have established, and are keen to encourage new partnerships which are based on shared outcomes as opposed to being rooted in financial arrangements and we will work at reinforcing this.
  - If we all work together we believe that we can achieve great things for the Welsh environment, even in a time of austerity.

#### Next Steps

Based on the learning points from the first round of Partnership Funding, a paper will go to the May 2015 meeting of the NRW Board. This will make recommendations for the next steps to be pursued over the next two years of this first three-year programme of Partnership Funding. (The funding available for Years 2 and 3 will be significantly less as some projects in Year 1 were funded for 3 years).

#### **6. Cost Benefits**

- The latest cost benefits profile for the body including an explanation of any further changes made since May 2014.

The following is summary of delivery against the remit letter and the business case:

#### Delivering Business Case Value for Money Benefits

- We are developing our independent capability and seeing the benefits of bringing the three organisations into one. In two years we will have established our own capability for 29 of the 40 services provided to us on a transitional basis, with the remaining required services being migrated by 2017/18.

- We estimate that by the end of 2014/15 we will have taken actions to deliver savings worth £10.9million per year. These savings will accumulate to £97million by Year 10.
- We predict that the further actions that are in train will increase the annual cash and non-cash realisable savings to £19million per year by 2018/19 and will accumulate to £145million by the end of Year 10. This gives us confidence that we will achieve our Business Case benefits of £158M (non-cash and cash releasing) by Year 10.
- The Wales Audit Office will be undertaking a Value for Money Audit against the Business Case for setting up NRW and also a 2 year probationary Audit of the Governance arrangements within NRW. This audit will start in April and report in October 2015.

## 7. Financial Position

- The latest financial position of the body.

### 1. Latest Financial Year (2014/15)

We started the 2014/15 Financial Year with a balanced budget.

At the half year we reviewed our budget position in detail and produced a Revised Budget. This took into account additional income from Welsh Government for specific programmes of work, and increased timber income that has been partly reinvested into business priorities. The overall result of the Revised Budget was a £1.1m surplus of income over expenditure. We planned to take this surplus forward to 2015/16 to help with budget pressures.

The financial results for 2014/15 are subject to final review and WAO audit.

### 2. Current Financial Year (2015/16)

At our February Board meeting we presented the Business Plan and Balanced Budget for 2015/16.

We had previously presented a draft budget that was in a deficit position of £8m, mainly due to cost pressures (e.g. pension increases) and a reduction in revenue Grant in Aid (£3.2m). The balanced position that we presented in February was achieved through a combination of additional commercial income, costs reductions, carry forward from 2014/15 and through our efficiency programme.

We have launched an efficiency programme in 2015/16 entitled 'Success with Less' that aims to deliver £3m of recurring savings.

We have received additional Grant in Aid from Welsh Government of £6m to fund specific work, such as tackling P ramorum tree disease and restocking.

On 1 April 2015 the 3 Internal Drainage Boards in Wales were brought into NRW and they have been fully incorporated into our financial reporting and processes.

We have completed our first significant review of Charge Schemes for 2015/16, which has involved a public consultation exercise. This Charge Scheme has been approved by the Minister. The changes have helped correct some historic imbalances (ensuring strict cost recovery), while keeping costs at the lowest possible level for our customers.

## 8. Invest to Save

- Details of the Invest to Save funding the body has received to date.

NRW has received three amounts of Invest to Save funding:

1. NRW set up costs (pre-vesting)  
Amount received: £2.549m (2012/13) and £0.476m (2013/14)
2. Voluntary Exit Scheme 1  
Amount received: £3.75m (2013/14)
3. Voluntary Exit Scheme 2  
Amount received: £2.283m (2014/15)

## 9. People Survey 2015

Our first People Survey was carried out in February 2015 in order to gauge honest opinions from staff on how they feel about working for NRW.

We had a response rate of 58% which, for our first survey, was very encouraging. Conducting this survey and analysing the results has given us a better understanding of engagement, satisfaction and staff morale within the organisation. The results give us our first full evidence base enabling us to focus on areas for attention and improvement and share what works well.

The results of our People Survey 2015 are available [here](#).

**Natural Resources Wales**  
**22 April 2015**



**Cyfoeth  
Naturiol**  
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**Natural  
Resources**  
Wales

## Delivering our Multiple Roles as a Land Manager, Statutory Adviser and Regulator (Version 2) –

*Decision making supported by  
transparency and accountability*

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## 1. Introduction and Purpose

It was a deliberate and strategic decision by the Welsh Government to establish Natural Resources Wales (NRW) with multiple land management, advisory and regulatory roles. This decision reflected an aspiration to create a new and innovative approach to deliver integrated natural resource management, whereby a single organisation has at its disposal a range of tools and roles to better achieve positive outcomes for people, the environment and the economy.

This document establishes the context for our multiple roles, as well as acknowledging the challenges that these roles give us in two main areas. First, with regard to transparency of our own responsibilities as an organisation that directly delivers services, especially as a land manager - an 'operator' - in our own right. And second, in respect of our statutory responsibilities, where equity of regulation of our own activities with our regulation of other parties is an important principle; as well as relevant legislation and case law that means we are required to organise our delivery with particular requirements in mind.

The purpose of the document is to establish clarity and transparency for both our staff and external stakeholders and customers. We describe our organisational design and operational responses established to achieve these objectives. They are all designed to support the decision to establish a new approach towards the delivery and facilitation of integrated natural resource management, through the creation of Natural Resources Wales.

This document is supported by a Policy & Procedure for the 'Management of our Multiple Roles'

## 2. Our Purpose and Roles as an organisation

The Establishment Order states the purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are:

- (a) sustainably maintained;
- (b) sustainably enhanced; and
- (c) sustainably used.

(2) In this article –

(a) “sustainably” (“yn gynaliadwy”) means –

(i) with a view to benefitting, and

(ii) in a manner designed to benefit, the people, environment and economy of Wales in the present and in the future;

(b) “environment” (“amgylchedd”) includes, without limitation, living organisms and ecosystems.

Our purpose requires a balance to be struck and does not ascribe weight to any aspect (e.g. the environment or the economy) in preference to another. However, we have a duty to implement existing legislation and whilst we must also have due regard to our purpose we must also use discretion and judgement in the application of specific legal requirements.

The 'Functions Order' transferred many duties and functions from the existing legislation and our roles can be summarised as follows:

**Regulator:** protecting people and the environment including marine, forest and waste industries, and prosecuting those who breach the regulations that we are responsible for.

**Statutory Adviser:** to some 9,000 planning applications a year and also in respect of Strategic Environmental Assessment, Habitats Regulation Assessments and Environmental Impact Assessment.

**Land Manager (Operator):** managing seven per cent of Wales' land area including woodlands, National Nature Reserves, water and flood defences, and operating our visitor centres, recreation facilities, hatcheries and a laboratory.

**Technical/Policy Adviser:** principal adviser to Welsh Government, and adviser to industry and the wider public and voluntary sector, and communicator about issues relating to the environment and its natural resources.

**Designator:** for Sites of Special Scientific Interest – areas of particular value for their wildlife or geology, Areas of Outstanding Natural Beauty (AONBs), and National Parks, as well as declaring National Nature Reserves.

**Responder:** to some 9,000 reported environmental incidents a year as a Category 1 emergency responder.

**Partner, Educator and Enabler:** key collaborator with the public, private and voluntary sectors, providing grant aid, and helping a wide range of people use the environment as a learning resource; acting as a catalyst for others' work.

**Evidence gatherer:** monitoring our environment, commissioning and undertaking research, developing our knowledge, and being a public records body.

**Employer:** of almost 1,900 staff, as well as supporting other employment through contract work.

For many of the activities we are involved in we may exercise more than one role, either simultaneously or sequentially. For instance, we may provide a local authority with advice as a statutory adviser in respect of a proposed development and then be required to consider an application for a permit under a regulatory regime for the same development.

For a range of our own land management activities and those undertaken by our contractors, we are also the regulator – the body responsible for granting permits, assessing compliance, investigating potential offences and taking enforcement action. We also act as the consultation body for our own programmes, plans and projects in respect of environmental assessments such as Strategic Environmental Assessment (SEA), Habitat Regulations Assessment (HRA) and Environmental Impact Assessment (EIA). In this operator mode we also consider / facilitate third party activity on which we may then provide statutory advice to other authorities and then be required to consider applications for permits against regulatory regimes where we have responsibility.

Our Board has established high level principles to help us manage and organise these roles to achieve an agreed corporate position and avoid undue criticism. In addition our founding legislation and our legal purpose provides an overarching principle that is vital in managing our multiple roles. Namely, that no one role has primacy or priority over another. It is our responsibility to use evidence and judgement to agree the most optimal course of action recognising all our roles, the specific legislation under which we operate and our overarching purpose.

### 3. The principles we have adopted for managing our multiple roles

In developing its approach to corporate governance and mindful of the organisation's purpose and strategic case for a new approach to integrated natural resource management, our Board agreed to adopt a number of governance principles that aim to guide our operational responses to the management of our multiple roles:

- a. All proposals will facilitate integrated decision making by NRW in support of the ecosystem approach;
- b. Functional separation will only be used when necessary, in recognition that NRW is one organisation and that regulatory and advisory functions support the same outcomes;
- c. Transparency will be a fundamental requirement both internally and externally;
- d. Delegated authorities will be based on risk thresholds.

### 4. Legal Context

As well as the specific case law requirements relevant to our multiple roles, in common with other public bodies, we have to have due regard to administrative and public law principles (Annex 4).

In addition, we have to follow the correct procedure. Correct procedure (or "due process") is vitally important in public law because there are some tried and tested procedural mechanisms which are likely to secure a just outcome that is defensible. Procedure is the requirement for the way in which the decision is made. The so called "Rules of natural justice" are rules of procedure.

The rule against bias on the part of the decision-maker is a manifestation of the other rule of natural justice, that "no person shall be judged in her/his own case". If the decision-maker has a financial or other interest in the outcome of a case, s/he cannot be, or be seen to be, impartial.

The rules help to ensure that the decision-making process is not biased because the decision-maker's mind was always closed to the opposing case. As well as preventing actual bias, we need to do all we can to avoid the perception of bias

Impartiality is the opposite of bias. It is prudent to have procedures available to show that with our multiple roles, we remain impartial and independent.

To achieve this, we have taken steps to have functional separation where this is necessary.

The "independence" of a decision-maker is different from, though closely linked to, its impartiality. It means the independence of the decision-maker from internal or external pressures or influence.

Actual bias is rare: most cases are concerned with the perception of bias. The test is whether, in all the circumstances, the Court considers that there has appeared to be a "real danger of bias". If it does, the decision will be set aside. Not only do our staff need to

be sure that they are free of actual bias before making a decision, they also need to consider not acting as decision-maker if there is a real danger that their impartiality might be open to question. This, in part, explains a number of approaches to managing our multiple roles as described in this document.

## 5. Our Operational Response when Land Manager, Statutory Adviser and/or Regulator

The organisational structure for Natural Resources Wales (Annex 3) is a key component in managing our multiple roles in line with the agreed principles:

Our **Operations Directorates** fulfil the Land Manager role through their management of the Welsh Government woodlands and our own land, as well as when acting as the 'client' for services provided by other Directorates e.g. when constructing flood defence schemes or other developments and activities on the land we manage or own. In addition our **Operations Directorates** also provide all our statutory advice to local authorities and the Welsh Government, as well as project level statutory responses to HRA and EIA, including those of the Directorate as a 'Land Manager'. The teams that fulfil our Land Manager role in Operations are separate to the teams that provide our statutory responses and report through to a different manager at Leadership Team level. Our **Operations Directorates** do not make regulatory consenting and permitting decisions\*, which are made by our National Services Directorate reporting to a different Executive Director. However our **Operations Directorates** do undertake compliance and enforcement work based on agreed permits and the protocol for how this is undertaken for our own operations is set out in 4.1.

*\*Except in some instances in respect of consenting operations on designated sites where we are the land manager.*

Our **National Services Directorate** provides internal and external services. The internal services are primarily provided to our Operations Directorate as Land Manager and 'client'. For example harvesting & marketing of timber from the woodland estate and project management of flood defence schemes. In addition, **National Services Directorate** also provides an 'enterprise development' service. Where this involves the land that we manage, the Operations Directorate acts as 'client'. All these activities report to a single Leadership Team level manager. **National Services Directorate** also provides a Permitting and Consenting Service to third parties and to Natural Resources Wales as a Land Manager through our Operations Directorate. These activities report to a different Leadership Team level manager.

Our **Knowledge, Strategy and Planning Directorate** is responsible for strategy development on behalf of the whole organisation. These strategies consider our multiple roles and are the method by which we will achieve alignment for all our roles to achieve our purpose. **Knowledge, Strategy and Planning Directorate** also provides a plan making assessment service for Natural Resources Wales own programmes and plans that require assessment under the SEA and HRA Directives.

Due to the case law requirements for functional separation when a plan making body is also the relevant Consultation Body for Strategic Environmental Assessment, our **Governance Directorate** fulfils the Consultation Body role, as the Directorate has no plan making, land manager or regulatory responsibilities. Due to the close process links with

Habitat Regulations Assessments, the **Governance Directorate** also acts as the Consultation Body for these requirements at 'Plan' level.

## 5.1 As a Regulator of our own Land Manager role

The following explains how we will regulate our own activities including determining applications using principles of fairness, transparency, independence, and an exemplar level of environmental protection.

In some cases such as water abstraction, the legislation prescribes the process for permitting our own activities. However, most of the applicable legislation does not specifically cover self-permitting or compliance and enforcement. The Natural Resources Body for Wales (Functions) Order 2013 ("the Functions Order") imposes a duty on NRW to have a publication scheme, part of which relates to self-permitting; the scheme imposes some specific requirements.

Where we are responsible for a regulatory regime then we will apply the following standards to our application for a permit, determination of permit applications, participation in internal consultation, compliance assessment and investigation of potential offences in relation to own activities. The standards also apply to permitting, compliance and enforcement activities in relation to works conducted by contractors on behalf of NRW; for example, a licence to translocate dormice resulting from construction works within woodland.

Our standards will ensure that:

- a. We apply equivalent scrutiny and standards to our own activities as those required for external individuals and businesses. In particular, we should comply with our published enforcement policy and follow relevant public interest considerations.
- b. We follow clear and transparent decision making processes that are robust to challenge and clearly documented.
- c. There is an appropriate degree of separation between the business unit being regulated and the team undertaking the regulation. This is to help demonstrate fairness and transparency, and to support the public's and Welsh Government's confidence in our decision making.

### 5.1.1 Permitting

The decision making level for internal permits is as specified in the Non-Financial Scheme of Delegation (NFSOD). This will usually be the same as for external applications unless specified otherwise. Where a decision is likely to be contentious, or subject to internal or external challenge it will usually be appropriate to escalate the sign off to a higher level.

Separate guidance exists on functional separation relating to internal consultation on permit determination involving EU obligations, e.g. Habitats Regulations appropriate assessments and environmental impact assessments. These arrangements should be followed for internal permitting, where appropriate.

The arrangements in sections 4.1.3 to 4.1.5 below also apply to permitting activities in relation to works conducted by contractors on behalf of NRW.

### **5.1.2 Arrangements between National Services and Operations**

Where an internal application is made by the Operations Directorates, and submitted to the permitting teams within the National Services Directorate for determination, then a separation of function already exists.

The team that determines the application may need to consult teams within the Operations Directorate that made the application. This may be entirely appropriate as local information will often be needed. In these cases good governance is ensured by a combination of transparent documenting of the advice/information and in some instances by the validation of the advice by subject experts in another directorate (KSP, NS or the other Ops Directorate).

Examples of internal permissions determined by permitting teams within National Services include:

- Water quality discharge consents for an NRW hatchery
- Marine licences for flood defence schemes
- Water abstraction licences for an NRW hatchery
- Septic tank registrations for NRW offices and depots
- Waste exemptions for NRW offices and depots
- Forest resource plans and felling licences for the Public Forest Estate

### **5.1.3 Arrangements where the application originates and is determined within National Services**

Any internal application is determined by a team separate from the team where the application originated, and provide a separation of function to at least Leadership Team level.

If the application is potentially contentious or likely to be subject to internal or external challenge, then as an additional safeguard the proposed decision can be discussed with the Governance team for advice on an appropriate approach.

### **5.1.4 Arrangements where the application originates and is determined within Operations**

Where applications arise from within Operations Directorates that would normally be determined within Operations for external applicants, then a degree of separation through sign off by different area teams is in place.

Examples include:

- SSSI consents issued for NRW flood and coastal risk management schemes
- Flood defence consent for works carried out by NRW

Where possible, applications are determined according to the inter-area arrangements set out in table 1 below. Where this is not possible or the application is potentially contentious, then as an additional safeguard the proposed decision can be referred to the Governance team for review. As a minimum there is a separation to at least Leadership Team level.

Where applications are submitted by contractors on behalf of Natural Resources Wales the same arrangements described above are applied.

There may be some circumstances where it could be appropriate that some of the work can be carried out by the local team. For example, where extensive site visits are required. However, the permitting decision will be taken in accordance with the general arrangements above and clear evidence (e.g. photographs) will be provided.

**Table 1- Inter-area arrangements**

Area	Will regulate	Will be regulated by
North Wales	South East Wales	South West Wales
Mid Wales	South West Wales	South East Wales
South East Wales	Mid Wales	North Wales
South West Wales	North Wales	Mid Wales

*Note:*

Where the team permitting the activity covers all of South or all of North & Mid Operations Directorates, then the application will be determined by the Directorate other than the one where the application arises.

### 5.1.5 Compliance

Once permissions have been granted, the inter-area arrangements described in Table 1 above will be applied for any compliance assessment work. The arrangements in this section also apply in relation to works conducted by contractors on behalf of NRW.

Where the team undertaking compliance assessment covers all of South or all of North & Mid Operations Directorates then the compliance assessment will be carried out by the Directorate other than the one where the regulated activity takes place.

There may be some circumstances where these arrangements are not practicable. In these cases functional separation to at least Leadership Team level will be applied. If an issue develops that is likely to be contentious e.g. an offence is identified then functional separation to at least Executive Director level will be applied for oversight or review.

If the compliance assessment identifies a significant non-compliance that is potentially an offence, then the actions described in the enforcement section below will be followed.

### 5.1.6 Environmental Incident response

In this section the term Responsible Directorate (RespDir) is used to refer to the Directorate in which the incident occurred i.e. the operator. The Regulatory Directorate (RegDir) is the Directorate appointed to undertake the role of regulator. The arrangements in this section also apply in relation to works conducted by contractors on behalf of NRW.

When an environmental incident occurs which is potentially an offence under legislation we enforce, we need to consider our response both as an operator and a regulator.

The initial response needs to ensure that the incident is managed so as to minimise any environmental impact, whilst ensuring that any follow up regulatory action is not compromised. The initial response should normally be coordinated by the RespDir supported by the local Natural Resource Management (NRM) team. The NRM officers attending should ensure that basic evidence such as photographs and samples are secured where appropriate.

As soon as a potential offence is identified the RespDir, they will inform the appropriate RegDir at Leadership Team level. The RegDir will appoint someone to act as the investigating officer. If the RespDir is National Services or KSP, the RegDir will be the Operations Directorate for that area. If the RespDir is Operations then the arrangements in table 1 will apply.

The RespDir should also ensure the Executive Director for that Directorate and the Head of Legal Services are notified as soon as possible.

The RespDir is responsible for implementing the requirements of the internal Environmental Management System (EMS) for incident reporting, internal investigation (i.e. non-regulatory) and review. These requirements are dealt with separately under the EMS.

The investigating officer will categorise the incident according to the common incident classification system and will (subject to the requirements below) undertake an investigation in the same way as for any third party incident or offence.

#### **5.1.7 Enforcement**

Where following an incident investigation or compliance assessment we identify that a potential offence has been committed by NRW, we will comply with our published enforcement and prosecution policy and take account of relevant public interest factors. Wherever a potential offence is identified the Head of Legal Services should be informed as soon as possible. The arrangements in this section also apply in relation to works conducted by contractors on behalf of NRW.

The work of the investigating officer will be supported by one of the seconded police officers (SPO) appointed by the Operations Enforcement Manager. The SPO will oversee the investigation, enforcement recommendation, and enforcement decision to ensure that the investigation is conducted in an independent and transparent manner. The SPO will not take part in decision making but will review each stage and raise any concerns with the Operations Enforcement Manager and Head of Legal Services.

A report of contravention (ROC) form will be completed in all cases. The enforcement recommendation in the ROC will be considered by the Internal Incidents Enforcement Panel, comprising of the Director of Governance, Head of Legal Services and another Executive Director unconnected with the case. The panel will be advised by the Head of Operations (Mid Wales) with line management responsibility for operational enforcement services.

Where the enforcement decision is a warning, a notice or a formal caution it will be dealt with internally by the Director of Governance. The warning or caution will be issued to the Executive Director of the responsible Directorate. In most cases a notice should not be necessary because we would expect complete co-operation and prompt action in response to any findings. This is equitable with the approach taken with third parties who demonstrate co-operation.

Where the panel decides that prosecution is the appropriate response, the case will be referred to the Crown Prosecution Service.

All cases of internal enforcement action will be reported to Natural Resources Wales' Audit and Risk Assurance Committee who will in turn report to the Board. In these cases the role of the non-Executive Directors on the Committee is to ensure the Executive Directors have acted appropriately.

#### **5.1.8 Charging**

Where a permit application would normally attract a fee there is no charging requirement for internal applications or subsistence fees for internal permits.

Where applications are required to be advertised in a newspaper during the determination process, then the applying department needs to cover these advertisement costs.

#### **5.1.9 Publishing requirements for all internal permissions**

The Functions Order 2013 requires that we publish information\* about 'all applications for permits made by the Body, in cases where the Body is responsible for determining the application'. We are also required to inform Welsh Government of all internal applications (where it has the power to call in an application) at the time of the application.

The 'self-permitting decisions' spreadsheet on the document management system is used to record the receipt and determination of internal permit applications. It is the responsibility of the team involved in the determination of the permit to ensure this spreadsheet is completed promptly when applications are received and when they are determined.

Once a month the spreadsheet detailing all internal permitting applications and decisions for the previous month is uploaded to the NRW external website and forwarded to the Welsh Government.

## **5.2 Our own plans and programmes – Consultation Body (Statutory Advice) arrangements**

In our roles as relevant nature conservation body (HRA- plans) and consultation body (SEA) for the plans and programmes of other authorities, as well as for our own plans and programmes that require either SEA or HRA (plans) we have a number of statutory and non-statutory roles including;

- Provision of information on European Sites, their features of interest and conservation objectives.
- Provision of scientific and technical advice and guidance on the environment and natural resources of Wales, including natural heritage, landscape and cultural heritage.
- Provision of statutory comment and representation as 'statutory consultee'

As well as these specific roles in respect of SEA and HRA, we have many other roles and duties arising from our role as land managers/project developers/operators and as the Regulators for some 30+ regulatory regimes. For SEA, there is European case law (the 'Seaport' case) that requires the 'functional separation', where Natural Resources Wales or any other authority is both the 'responsible authority (plan maker) and statutory consultant body.

In response to our responsibilities and these principles, a 'functionally separate' Strategic Assessment team (SAT) has been established within the Governance Directorate of NRW. This team's primary role is to fulfil the Consultation Body role for the SEA of NRW's own

plans and programmes (legally required by Seaport ruling). However, based on the strong interdependencies between the SEA and HRA (plans) processes, our Board recommended that this team should also fulfil the relevant nature conservation body role on HRA (plans) for NRW's internal plans.

For those plans, programmes and projects produced by Responsible authorities external to NRW, the consultant body role for SEA (programmes and plans) and HRA (plans and projects) is provided by either the Knowledge, Strategy and Planning Directorate or the relevant Operations Directorate, according to the type of plan, programme or project (national/sectoral or regional respectively). However if NRW is formally contracted to develop the SEA or HRA plan level assessment by a third party 'responsible authority' then the Governance SAT team provides NRW's statutory consultee response as the Consultation Body.

### **5.3 Our own projects – Consultation Body (Statutory Advice) arrangements**

For our own projects our Operations Directorates fulfils the Consultation Body role but through a separate team reporting to different Leadership Team manager to the one responsible for the project. The Land Manager role responsible for the project reports through to the Head of Operational Services and the relevant teams responsible for project level Habitats Regulation Assessment Consultation Body role reports through to the Head of Ecosystems Planning & Partnerships.

Where our own project requires planning permission through the Town & Country Planning system, our role as statutory adviser to local authorities within this regime is separate at Leadership Team level to the senior manager accountable for the project. Our role as a land manager responsible for the project is accountable to the Head of Operational Services. The teams who provide the statutory advice as a Consultation Body to enable the Local Authorities as the responsible body for permitted development to make a decision are accountable to the Head of Ecosystem Planning & Partnerships.

## **6. Our Operational Response when Statutory Adviser and Regulator**

Although NRW is a single corporate entity, we will often exercise the distinct functions of statutory advisor and regulator in the context of a single development, most notably Nationally Significant Infrastructure Plan developments. As well as using our agreed principles for managing our multiple roles to guide us where we are a regulator we have also taken into account an important theme that runs through administrative law: where legislation confers discretion on a body like NRW, the body must not surrender or abdicate that discretion – to a "policy". The body (NRW in our case) must keep an open mind and consider each case on its own merits: otherwise we would be failing to exercise our discretion. We must keep an open mind and consider the facts of the particular case.

In relation to the Development Consent Order application under the Planning Act 2008, we are a statutory consultee advising the decision maker on the land use planning implications of the development. For those developments which impact on Welsh waters, certain aspects of the development will comprise marine licensable activities for which a licence is required under the Marine and Coastal Access Act 2009. NRW (acting on behalf of Welsh Ministers) is the licensing authority. For those developments which involve a

regulated activity requiring an Environmental Permit under the Environmental Permitting Regulations 2010, NRW is the permitting authority.

There is therefore a distinct legislative framework for NRW's respective functions. The implications for cross-over between the respective functions could be opening up any decision or consent to be challenged upon the grounds of pre-determination and/or bias i.e. that one function has been unduly influenced by the others. Therefore, internal separation between the functions has been maintained with the Statutory Consultee responses for developments requiring planning permission being the responsibility of our Operations Directorates, whilst our National Services Directorate is responsible for all permits, consents and licences.

## Annex 1 – When operating as Land Manager and Statutory Adviser and/or Regulator - Roles and Responsibilities

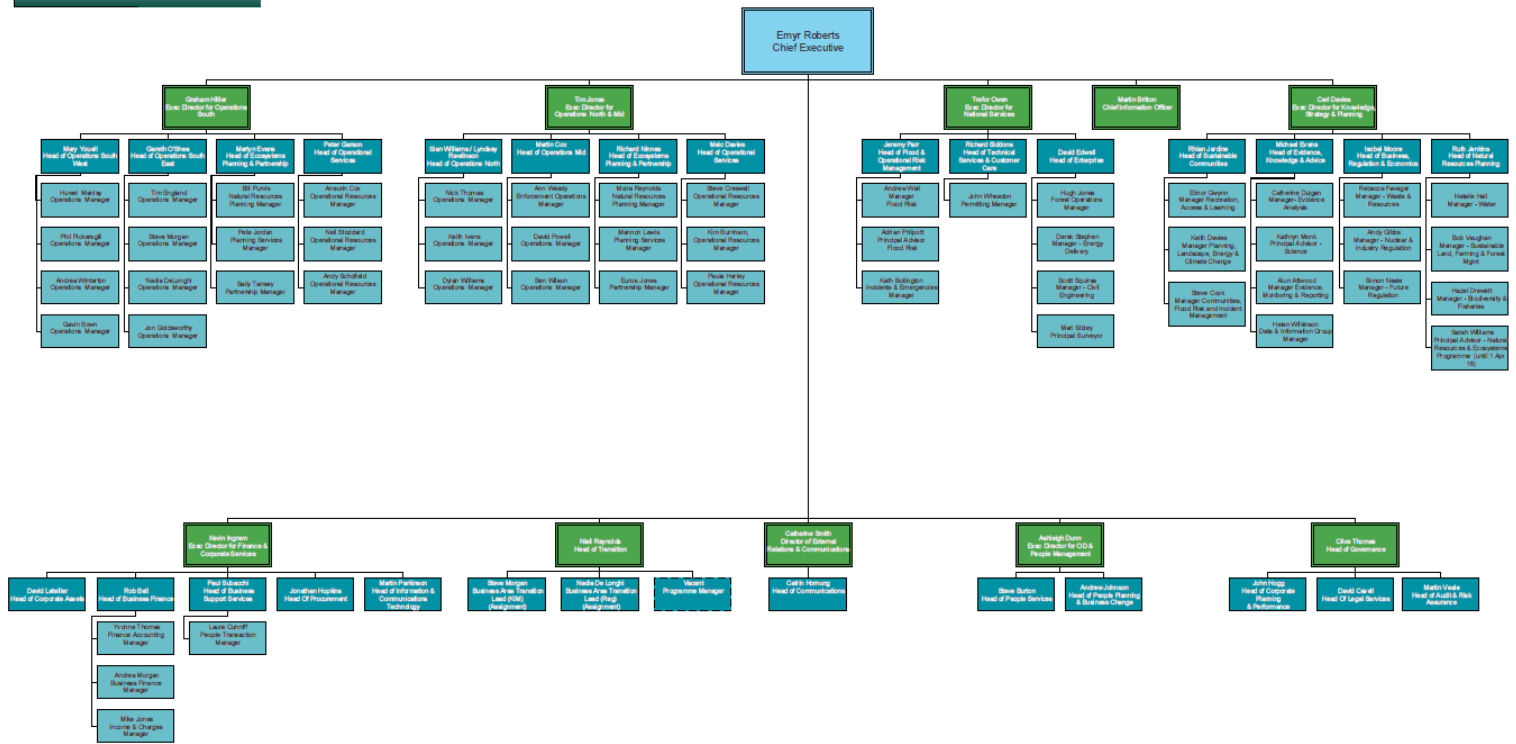
NATURAL RESOURCES WALES AS LAND MANAGER, STATUTORY ADVISOR AND REGULATOR	
ROLE	ROLE & RESPONSIBILITIES
<p><b>Role 1 – Applicant.</b>  <b>Natural Resources Wales is land manager</b></p> <p>The person who makes an application for a permit.            Any registration, exemption, approval, permission, licence, consent, assent or other authorisation.</p>	<p><b>Operations Directorates</b></p> <p>Applicant / land manager is Natural Resources Wales</p> <p>Welsh Ministers are notified of all applications at the time they are made</p>
<p><b>Role 2 - Originator of plan, programme or project is Natural Resources Wales</b></p> <p>The 'Responsible Authority' in statute for preparing Environmental Assessments:</p> <ul style="list-style-type: none"> <li>•Strategic Environmental Assessment &amp;or Habitat Regulations Assessment (plans and programmes),</li> <li>•Environmental Impact Assessment &amp;or Habitat Regulations Assessment (projects)</li> </ul>	<p>Transparency – publication scheme</p> <p><b>Knowledge, strategy, Planning Directorate</b>            for strategic plans, programmes, projects</p> <p><b>Operations Directorates</b>            for regional &amp; local plans, programmes, projects</p>
<p><b>Role 3 – Natural Resources Wales is Regulator</b></p> <p>NRW is the body, as defined by statute, that supervises a particular industry or business activity including its own activities. The provider of a permitting decision / determination.</p>	<p>Transparency – publication scheme</p> <p><b>National Services Directorate</b>            Permitting decision</p> <p><b>Operations Directorates*</b>            Enforcement &amp; Compliance casework            *geographical separation</p>
<p><b>Role 4 - Natural Resources Wales is Statutory Consultee (Planning and Development Control)</b></p> <p>NRW is the body, as defined by statute, that must be consulted on relevant planning applications. The provider of evidence, information, advice to Local Planning Authorities to allow them to make an informed permitting decision.</p>	<p>Transparency – publication scheme</p> <p><b>Operations Directorates</b>            (separate team to applicant / originator)</p> <p>Receive &amp; reply regional &amp; local</p>
<p><b>Role 5 - Nature Conservation, Countryside and /or Forestry Consultation Body (environmental assessments)</b></p> <p>a) NRW is the body, as defined by statute, that gives opinion upon and must be consulted on relevant environmental assessments. The provider of evidence, information or expertise and advice as <b>Competent Authority</b> for plans and programmes (SEA, HRA) and projects (EIA, HRA) as the nature conservation, countryside or forestry body.</p> <p>b) NRW is the body, as defined by statute, that gives opinion upon and must be consulted on relevant environmental assessments.</p>	<p>Transparency – publication scheme</p> <p>a) Evidence &amp; advice role – assessment preparation</p> <p><b>Operations Directorates</b>            Receive &amp; reply Plans, programmes and projects</p> <p>b) Statutory advisory role</p> <p><b>Governance Directorate</b>            Plan / programme due diligence (SEA and HRA)</p>

## Annex 2 – When operating as Statutory Adviser and Regulator - Roles and Responsibilities

NATURAL RESOURCES WALES AS STATUTORY ADVISOR AND REGULATOR					
ROLE	ROLES & RESPONSIBILITIES				
<p><b>Role 1 - Applicant</b></p> <p>The person who makes an application for a permit. Any registration, exemption, approval, permission, licence, consent, assent or other authorisation.</p>	<p>Applicant is external (includes third party on WG Woodland Estate)</p> <p>Customer service centre logged &amp; assigned 'Exceptional' casework identified Corporate risk register entry</p>				
<p><b>Role 2 - Originator of plan, programme or project</b></p> <p>The '<b>Responsible Authority</b>' or <b>plan, programme or project maker</b> in statute for preparing environmental assessments:</p> <ul style="list-style-type: none"> <li>•Strategic Environmental Assessment &amp;or Habitat Regulations Assessment (plans and programmes),</li> <li>•Environmental Impact Assessment &amp;or Habitat Regulations Assessment (projects)</li> </ul>	<p>Originator of plan, programme or project is external. The external applicant may need to prepare a Strategic Environmental Assessment, Habitat Regulations Assessment and / or Environmental Impact Assessment.</p>				
<p><b>Role 3 – Natural Resources Wales is Regulator</b></p> <p>NRW is the body, as defined by statute, that supervises a particular industry or business activity including its own activities. The provider of a permitting decision / determination.</p>	<table border="1"> <tr> <td><b>National Services Directorate</b> Permitting decision</td> <td><b>Operations Directorate</b> Enforcement &amp; Compliance casework</td> </tr> <tr> <td><b>Operations Directorates</b> Permitting decision (eg SSSI consent)</td> <td></td> </tr> </table>	<b>National Services Directorate</b> Permitting decision	<b>Operations Directorate</b> Enforcement & Compliance casework	<b>Operations Directorates</b> Permitting decision (eg SSSI consent)	
<b>National Services Directorate</b> Permitting decision	<b>Operations Directorate</b> Enforcement & Compliance casework				
<b>Operations Directorates</b> Permitting decision (eg SSSI consent)					
<p><b>Role 4 - Natural Resources Wales is Statutory Consultee (planning development control)</b></p> <p>NRW is the body, as defined by statute, that must be consulted on relevant planning applications. The provider of evidence, information, advice to Local Planning Authorities to allow them to make an informed permitting decision.</p>	<p><b>Operations Directorates</b></p> <p>Receive &amp; reply regional &amp; local</p>				
<p><b>Role 5 - Nature Conservation, Countryside and /or Forestry Consultation Body (environmental assessments)</b></p> <p>a) NRW is the body, as defined by statute, that gives opinion upon and must be consulted on relevant environmental assessments. The <b>provider</b> of evidence, information or expertise and advice as <b>Competent Authority</b> for plans and programmes (SEA, HRA) and projects (EIA, HRA) as the nature conservation, countryside or forestry body.</p> <p>b) NRW is the body, as defined by statute, that <b>gives opinion</b> upon and must be consulted on relevant environmental assessments.</p>	<p>a) Evidence &amp; advice role – assessment preparation</p> <table border="1"> <tr> <td><b>Knowledge, Strategy, Planning Directorate</b> Receive &amp; reply Plans &amp; programmes</td> <td><b>Operations Directorates</b> Receive &amp; reply Projects</td> </tr> </table> <p>b) Statutory advisory role</p> <p><b>Governance Directorate</b></p> <p>Plan / programme due diligence (SEA and HRA) only where NRW are a Partner or act as consultant</p>	<b>Knowledge, Strategy, Planning Directorate</b> Receive & reply Plans & programmes	<b>Operations Directorates</b> Receive & reply Projects		
<b>Knowledge, Strategy, Planning Directorate</b> Receive & reply Plans & programmes	<b>Operations Directorates</b> Receive & reply Projects				

# Annex 3 – Organisation Structure

Executive Leadership/Management Tier  
January 2015



## Annex 4 – Administrative Law

NRW and its staff should aim to practice “good administration”: NRW staff should aim to perform their public duties speedily, efficiently and fairly. Administrative law (including judicial review) looks at this aim from the opposite direction: it describes the body of law which has been developed by the courts to supervise public bodies in carrying out their public functions.

As a result of the need to reduce law to a set of more or less standard rules, administrative law is not identical with the principles of good administration. However, a keen appreciation of the requirements of good administration will often give a pretty good idea of what administrative law will say on the point. Administrative law (and its practical procedures, including judicial review) play an important part in securing good administration.

Administrative law has developed a series of tests for measuring the lawfulness of an exercise of public law powers. These are:

**Legality** – acting within the scope of any powers and for a proper purpose;

**Procedural fairness** – so as, for example, to give the individual an opportunity to be heard;

**Reasonableness and rationality** – following a proper reasoning process and so coming to a reasonable conclusion;

**Compatibility** – with, for example, European Union law.

Case law has developed especially in the area of decision making by public bodies such as NRW. This case law can be summarised into three “logical principles” which have to be followed by NRW (and other public bodies) in making a decision. The principles are:

- To take into account all relevant considerations;
- not to take into account any irrelevant considerations;
- not to take a decision which is so unreasonable that no reasonable body properly directing themselves could have taken it.

## Related policies/procedures

- NRW Publication Scheme
- Guidance on functional separation covering all activities.
- Non - Financial Scheme of Delegation
- Internal Environmental Management procedures.



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## **Environmental Management System (EMS)**

### **Environmental Procedure - Environmental incidents and near misses**

<b>Title</b>	<b>Environmental incidents and near misses</b>
<b>Reference</b>	<b>EP-19</b>
<b>Version</b>	<b>3</b>
<b>Sheet</b>	<b>1 of 6</b>
<b>Issue Date</b>	<b>08 April 2015</b>
<b>Issued By</b>	<b>Environmental Systems Manager</b>
<b>Approved By</b>	<b>Head of Corporate Assets</b>

## 1.0 SCOPE

This procedure sets out how we manage environmental incidents and near misses caused by NRW, or its contractors.

## 2.0 RESPONSIBILITIES

All members of staff and contractors working on our behalf

## 3.0 RELATED DOCUMENTS

- [NRW Environmental incident review form](#)
- [NRW Near miss review form](#)
- [EP-09 Emergency Preparedness & Response](#)
- [EP-12 Internal EMS Audit & Evaluation of Compliance](#)

## **What is an environmental incident?**

An environmental incident is a specific event which has an impact on the environment

Examples:

- unplanned and uncontrolled silt mobilisation into or within watercourses;
- un-permitted damage to flora and fauna;
- burst hydraulic oil pipes resulting in leaks to ground or watercourses;
- uncontained spillage of chemicals, fuels or oils (including biodegradable oils)

## **What is an environmental near miss?**

An environmental near miss is a specific event which has no impact on the environment but has the potential for impact.

Examples:

- plant activities in proximity to trees or habitat which have not been protected as required;
- burst hydraulic oil pipes where the leaks are contained;
- collision with drum of chemicals but no leaks resulting.

Note: Lack of an appropriate permit, or failure to comply with a permit condition (where no environmental impact results) is a legal breach. Legal breaches are most likely to be identified via EMS audits, so legal breaches are handled in line with our [EP-12 Internal EMS Audit & Evaluation of Compliance](#) procedure for closing out nonconformities arising from EMS audits.

## 4.0 PROCEDURE

### **Environmental incident: Immediate actions**

1. STOP - Before you report the incident, stop the work
2. CONTAIN - Where safe to do so, carry out any local site pollution prevention or emergency incident measures
3. NOTIFY
  - a. Report the incident to the (24 hour) NRW incident hotline 0300 065 5111, stating that it is an NRW caused incident and giving full details of the incident (including location / contact details). Also request, and note, the incident number

Now report the incident (including the incident number) to:

- the EMS team ([EMS.team@cyfoethnaturiolcymru.gov.uk](mailto:EMS.team@cyfoethnaturiolcymru.gov.uk))
- your line manager;

Where an environmental incident occurs on a Facilities managed site, the Facilities Management emergency contact must also be contacted.

### **Incident review procedure**

<b>Stage</b>	<b>Description</b>
1	<p>The tier 3 manager (or Project Manager or contact where involving a contractor) oversees and owns the review.</p> <p>The <a href="#">environmental incident review form</a> must be used to capture the detail of the review, and should be completed within four weeks of the incident occurring</p>
2	<p>When the review is completed the line manager (or Project Manager or contact where involving a contractor), sends the details to the <a href="#">EMS team</a>, including the name of the action plan owner</p>
3	<p>The EMS team checks the quality of the review and action plan; particularly in respect of making sure the review addresses the root cause and that the action plan is appropriate to prevent re-occurrence.</p> <p>Where the EMS team has comments, they will approach the tier 3 manager (or Project Manager or contact where involving a contractor) to make amends to the review and Action plan.</p>

4	<p>The action plan owner should provide quarterly feedback to the EMS team until all of the incident actions are complete.</p> <p>The Environmental Systems Manager will report progress on the actions to the Head of Corporate Assets.</p>
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## Near miss: Immediate actions

### 1. NOTIFY

- a. Report the near miss to the (24 hour) NRW incident hotline 0300 065 5111 stating that it is an NRW caused near miss and giving full details of the near miss (including location / contact details)

Now report the near miss to:

- the EMS team ([EMS.team@cyfoethnaturiolcymru.gov.uk](mailto:EMS.team@cyfoethnaturiolcymru.gov.uk))
- your line manager;

Where a near miss occurs on a Facilities managed site, the Facilities Management emergency contact must also be contacted.

## Near miss review procedure

Stage	Description
1	The <u>near miss review form</u> must be used to capture the review. [Note: The Incident Communication Centre complete the first two sections of the form on initial notification of a near miss]
2	When the review is completed the details are sent to the EMS team, including the name of the action plan owner (if there are actions to be taken forward)
3	<p>The EMS team checks the quality of the review; particularly in respect of making sure we are addressing the root cause and taking appropriate action to prevent re-occurrence.</p> <p>Where the EMS team has comments, they contact the person that reviewed the near miss to make amendments to the review.</p>
4	<p>If there are actions to be taken forwards, the action plan owner should provide quarterly feedback to the EMS team until all of the actions are complete.</p> <p>The Environmental Systems Manager will report progress on the actions to the Head of Corporate Assets.</p>

Note: Reporting to our external assurance providers

We have external assurance arrangements in place related to both ISO14001 and UKWAS.

During surveillance visits for our ISO14001 certification we standardly report to our assurance providers on the overall picture of any environmental incidents and near misses NRW or its contractors have caused, including:

- the number of environmental incidents and near misses
- the status of action plans arising from reviews into these (in line with this procedure)

**Y Pwyllgor Amgylchedd a Chynaliadwyedd**

Cyfoeth Naturiol Cymru – Craffu Cyffredinol 2015

**Ymatebion i'r Ymgynghoriad**

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**Environment and Sustainability Committee**

Natural Resources Wales – Annual Scrutiny 2015

**Consultation Responses**

## Cynnws | Contents

<b>Rhif   Number</b>	<b>Sefylliad</b>	<b>Organisation</b>
NRW 2015 01	Sefydliad y Peirianwyr Sifil Cymru	The Institution of Civil Engineers Wales C
NRW 2015 02	Robin Simms	Robin Simms
NRW 2015 03	Mr G Thomas	Mr G Thomas
NRW 2015 04	Geoff Franks	Geoff Franks
NRW 2015 05	Ffederasiwn Clybiau Pysgota Clwyd	Federation of Clwyd Angling Clubs
NRW 2015 06	Yr Ymddiriedolaeth Genedlaethol	National Trust
NRW 2015 07	Steffan Jones	Steffan Jones
NRW 2015 08	David Watkins	David Watkins
NRW 2015 09	John Eardley	John Eardley
NRW 2015 10	Richard Manning	Richard Manning
NRW 2015 11	Ymgyrch Amddiffyn Pysgodfeydd Cymru	The Campaign for the Protection of Welsh Fisheries
NRW 2015 12	Paul King	Paul King
NRW 2015 13	David Alllott	David Alllott
NRW 2015 14	Eifion R Morgan	Eifion R Morgan
NRW 2015 15	Lawrence Birkin	Lawrence Birkin
NRW 2015 16	Fil Wills	Fil Wills
NRW 2015 17	Cymdeithas Bysgota Amatur Caerfyrddin	Carmarthen Amateur Angling Association
NRW 2015 18	Ystâd y Goron	The Crown Estate
NRW 2015 19	Grŵp Diogelu Coedwig Niwbwrch	Newborough Forest Protection Group [NFPG] on the Isle of Anglesey/Ynys Mon
NRW 2015 20	Michael Hill	Michael Hill
NRW 2015 21	Jonathan Jones	Jonathan Jones
NRW 2015 22	Tim Birkhead	Tim Birkhead
NRW 2015 23	Ron Ward	Ron Ward
NRW 2015 24	Powys and Brecon Beacons National Park Environmental Records Centre Limited	Powys and Brecon Beacons National Park Environmental Records Centre Limited
NRW 2015 25	Llandovery Angling Association	Llandovery Angling Association
NRW 2015 26	C Basterfield	C Basterfield
NRW 2015 27	James Robertson	James Robertson
NRW 2015 28	Ivor Rees	Ivor Rees

NRW 2015 29	Cymdeithas Pysgodfeydd A Chadwraeth Dyffryn Conwy	Conwy Valley Fisheries & Conservation Association (CVF&CA)
NRW 2015 30	Rhyl and St Asaph Angling Association	Rhyl and St Asaph Angling Association
NRW 2015 31	Dee Fisheries Association	Dee Fisheries Association
NRW 2015 32	Cross Hands and District Angling Association	Cross Hands and District Angling Association
NRW 2015 33	Ian Miller	Ian Miller
NRW 2015 34	Andrew King	Andrew King
NRW 2015 35	South East Wales Rivers Trust	South East Wales Rivers Trust
NRW 2015 36	Rodney Byles	Rodney Byles
NRW 2015 37	Cymdeithas Mynyddoedd Cambria	Cambrian Mountains Society
NRW 2015 38	LJ.Rees	LJ.Rees
NRW 2015 39	Kate Evans	Kate Evans
NRW 2015 40	Ryland Thomas	Ryland Thomas
NRW 2015 41	James Robertson	James Robertson
NRW 2015 42	Valero Energy Ltd	Valero Energy Ltd
NRW 2015 43	Merthyr Tydfil Cymdeithas Genweiriol	Merthyr Tydfil Angling Association
NRW 2015 44	Andrew Thomas	Andrew Thomas
NRW 2015 45	Tony Brown	Tony Brown
NRW 2015 46	Iolo Williams	Iolo Williams
NRW 2015 47	Neil Thomas	Neil Thomas
NRW 2015 48	David Gartside	David Gartside
NRW 2015 49	Leighton Rees	Leighton Rees
NRW 2015 50	Canolfan Gwybodaeth Bioamrywiaeth Gorllewin Cymru a Canolfan Cofnodi Fioamrywiaeth De Dwyrain Cymru	West Wales Biodiversity Information Centre and South East Wales Biodiversity Records Centre West Wales Biodiversity Information Centre
NRW 2015 51	John Bowers (Welsh only)	John Bowers (Translation)
NRW 2015 52	Keith Noble	Keith Noble
NRW 2015 53	Roger Cooper	Roger Cooper
NRW 2015 54	Iain Aitken	Iain Aitken
NRW 2015 55	Dolgellau Angling Association	Dolgellau Angling Association
NRW 2015 56	William Gareth Davies	William Gareth Davies
NRW 2015 57	Sefydliad Gwy ac Wysg	The Wye & Usk Foundation

NRW 2015 58	The Seiont, Gwyrfai and Llyfni Anglers' Association	The Seiont, Gwyrfai and Llyfni Anglers' Association
NRW 2015 59	Andrew Williams	Andrew Williams
NRW 2015 60	Dr. Richard Birch	Dr. Richard Birch
NRW 2015 61	Ffederasiwn Pysgotwyr Sir Gaerfyrddin	Carmarthenshire Fishermen's Federation
NRW 2015 62	Cymdeithas Pysgota Llandeilo Cyf	Llandeilo Angling Association Ltd
NRW 2015 63	Peter Chilton	Peter Chilton
NRW 2015 64	Cymdeithas Pysgota Llandeilo Angling Association	Llandeilo Angling Association
NRW 2015 65	Confor	Confor
NRW 2015 66	Martin Snow	Martin Snow
NRW 2015 67	Y Sefydliad Cynllunio Trefol Brenhinol	Royal Town Planning Institute Cymru
NRW 2015 68	Cynghrair Parciau Cenedlaethol Cymru	Alliance for National Parks Cymru
NRW 2015 69	Ammanford and District Angling Association	Ammanford and District Angling Association
NRW 2015 70	RSPB Cymru	RSPB Cymru
NRW 2015 71	Open Spaces Society	Open Spaces Society
NRW 2015 72	Cymdeithas Adaryddol Cymru	Welsh Ornithological Society
NRW 2015 73	Plantlife Cymru	Plantlife Cymru
NRW 2015 74	Jamie Harries	Jamie Harries
NRW 2015 75	Cyfeillion y Ddaear Cymru	Friends of the Earth Cymru
NRW 2015 76	J.Thomas	J.Thomas
NRW 2015 77	Neil Evans	Neil Evans
NRW 2015 78	Undeb Cenedlaethol Amaethwyr Cymru	NFU Cymru
NRW 2015 79	Un Llais Cymru	One Voice Wales
NRW 2015 80	Alan Roberts	Alan Roberts
NRW 2015 81	Cymdeithas Llywodraeth Leol Cymru	WLGA
NRW 2015 82	Phil Davies	Phil Davies
NRW 2015 83	Chartered Institute of Ecology and Environmental Management (CIEEM)	Chartered Institute of Ecology and Environmental Management (CIEEM)
NRW 2015 84	Ymgyrch Diogelu Cymru Wledig	Campaign for the Protection of Rural Wales (CPRW)
NRW 2015 85	Ymddiriedolaeth Natur Brecknock	Brecknock Wildlife Trust

NRW 2015 86	Ymgyrch Diogelu Cymru Wledig	Campaign for the Protection of Rural Wales
NRW 2015 87	Dr Christine Hugh-Jones	Dr Christine Hugh-Jones
NRW 2015 88	Sorrel Jones	Sorrel Jones
NRW 2015 89	Ymddiriedolaeth Natur Gwent	Gwent Wildlife Trust
NRW 2015 90	Peter Turnham	Peter Turnham
NRW 2015 91	Margaret and Iain Aitken	Margaret and Iain Aitken
NRW 2015 92	KJ. Gibbs	KJ.Gibbs
NRW 2015 93	UPM Tilhill	UPM Tilhill
NRW 2015 94	Cyngor Sir y Fflint	Flintshire County Council
NRW 2015 95	Vattenfall	Vattenfall
NRW 2015 96	Cyngor Sir Penfro	Pembrokeshire County Council
NRW 2015 97	G L Radford	G L Radford
NRW 2015 98	Ymddiriedolaethau Natur Cymru	Wildlife Trusts in Wales
NRW 2015 99	Dŵr Cymru	Welsh Water
NRW 2015 100	Matthew Bird	Matthew Bird
NRW 2015 101	Eifion Jones	Eifion Jones
NRW 2015 102	Huw Hughes (Cymraeg Unig)	Huw Hughes (Translation)
	Edward Evans CONFIDENTIAL	Edward Evans CONFIDENTIAL

The National Assembly for Wales' Environment and Sustainability Committee

**1 Background**

The Environment and Sustainability Committee has followed the creation and development of Natural Resources Wales, from the business case stage through to its creation and subsequent operation, and has undertaken various inquiries into aspects of this process. The Committee has decided to seek the views of stakeholders and the public to help inform this scrutiny session.

**2 Purpose:**

To inform Committee of ICE Wales Cymru's views in respect of Natural Resources Wales.

**3 ICE Wales Cymru experience of working with and/or accessing services from Natural Resources Wales and how it is delivering its statutory functions.**

3.1 ICE Wales Cymru engages with Natural Resources Wales (NRW) on an ongoing process and seeks to advise and inform their operations and functions.

3.2 ICE Wales Cymru considers that NRW is delivering its functions in a timely and purposeful way, considering the needs and requirements of the environment.

3.3 In particular respect of Flood Risk Management, ICE Wales Cymru considers that NRW is delivering its objectives and seeking to protect persons and property across Wales within the limits of available finance. In addition, NRW is seeking to work with the Welsh Government and stakeholders / Professional organisations to maximise the impact of the funds and seek additional resources.

3.4 It is considered that because of the link between the condition of infrastructure and economy (or economic growth), funds for infrastructure should be prioritised and consideration made for these funds to be ring-fenced with long term financial budgetary systems – beyond single year.

**4 Conclusion**

4.1 ICE Wales Cymru considers that NRW is delivering its statutory functions in a timely and efficient manner.

4.2 It is vital that continued investment into NRW's infrastructure continues. However, ICE Wales Cymru recognises the increasing demands on resources faces challenges.

**Keith Jones Director, Institution of Civil Engineers Wales Cymru**

**6<sup>th</sup> March 2015**

**Notes:**

- The Institution of Civil Engineers (ICE) was founded in 1818 to ensure professionalism in civil engineering. It represents over 86,500 civil engineers in the UK and across the globe and has over 3600 members in Wales.
- ICE has long worked with the government of the day to help it to achieve its objectives, and has worked with industry to ensure that construction and civil engineering remain major contributors to the UK economy and UK exports.
- For further information visit: [www.ice.org.uk](http://www.ice.org.uk) and [www.ice.org.uk/wales](http://www.ice.org.uk/wales)

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 02  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Robin Simms

**Examination of Chief Executive and Chairman of Natural Resources Wales**

As an angler who has fished the rivers of Wales for over 50 years I submit below my views on the first year of activity of Natural Resources Wales. My views are my own but I suspect they would be shared by most anglers of my generation and by many of those of lesser vintage.

1. Wales has in the opinion of many salmon and sea trout anglers been, for many years, the equal of Scotland as an angling holiday destination. In the eyes of many anglers of lesser means, (I include myself in that category), the vast availability of quality angling opportunities provided by the hundreds of angling clubs within the Principality has made Wales an angling paradise for the working man who wants a taste of the delights enjoyed north of the border only by those with deep pockets or the landed gentry.
2. Over the years, the clubs, and individual anglers, have been assisted and supported in their innocent and legitimate pursuits, to a greater or lesser extent, by a variety of public bodies. My own recollections encompass District Fishery Boards with individual catchment responsibilities, the Water Authorities with wider jurisdictions, the National Rivers Authority, the Environment Agency and now Natural Resources Wales with its apparently symbiotic responsibility for not only rivers but also the countryside and forestry in Wales.
3. 4 I would suggest that through the changes, the assistance and support provided by the various statutory bodies to the hardworking club members striving to improve the facilities available to their members and guests, has in fact progressively trended towards the "lesser extent" end of the spectrum and is now, with the advent of the NRW, at an all-time low. Certainly if a vote were taken as to whether the NRW was helpful to the preservation of Wales reputation((and reality) as an exceptional holiday angling destination, or indeed as an area providing excellent angling opportunities, the answer would be a resounding "No"!
4. I have read, with growing disbelief and despair a welter of "Business Plans", "Management Strategies" and the like, gushing out of NRW with volcanic energy. I have been looking for some recognition of the massive value to the working people of Wales and to tourism in Wales, of the angling heritage of the country. My searches have been virtually fruitless. The documents appear to focus almost entirely on process rather than beneficial results.
5. For years Wales has been a mecca for anglers interested in the pursuit of sea trout, or sewin as they are better known in Wales. These fish in rivers such as

Twyi, Dyfi, and Conwy are iconic, for many, the Holy Grail of angling. NRW (and EA Wales before it) have presided over a massive decline of river populations of these once prolific migratory fish, while licensed and unlicensed estuarial and unlicensed inshore coastal nets have almost certainly, raped the stocks. Enforcement capability in NRW is now so low as to be virtually non-existent in the face of criminal gangs which are believed to exist, and which are making a fortune from high-end restaurants in London and on the continent through the sale of illegally obtained fish. It is highly likely that further depredations are occurring offshore, beyond the jurisdiction of NRW but not beyond the jurisdiction of Welsh Assembly's little recognised, and probably largely ignored, sea fisheries enforcement responsibility.

I would suggest that the Environmental and Sustainability Committee should investigate diligently with the Chief Executive and Chair of NRW:-

- 1. the activities of NRW in pursuing and fulfilling its responsibilities under the Salmon and Freshwater Fisheries Act 1975 in relation to migratory fish, with a special emphasis on sewin.**
- 2. the relationship between NRW fisheries staff and the enforcement capacity/activity of the Assembly's sea fisheries staff, particularly in the area of overlap between offshore drift netting for bass and "accidental" by-catch of salmonids, particularly sewin.**
- 3. the awareness of NRW of significant organised criminal activity in the exploitation of Welsh salmonid, and particularly sewin, stocks and the adequacy of its resources to deal with the situation.**

Robin Simms

05.03.2015

## Robin Simms – Second Response

Further to my previous submissions dated 5<sup>th</sup> March 2015 dated and submitted on 5<sup>th</sup> March 2015 and acknowledged on 6<sup>th</sup> March 2015 I would like to make the following further submissions as to more specific matters which should be examined by the Committee and elucidated by the Chief Executive and Chairman of NRW:

1. Against the background of declining stocks of migratory salmonids, especially sewin in Welsh rivers, particularly Afon Twyi, is any consideration being given to the termination or reduction of the currently permitted commercial exploitation of those species?
2. How, and how often, is the physical monitoring of licensed commercial exploitation undertaken by NRW staff?
3. Do staff undertaking monitoring have any vessels at their disposal to permit spot-checking of commercial activity?
4. What measures are taken to ensure the accuracy of catch returns submitted by licensed commercial operators?
5. How is the tagging system which commercial netsmen are required to comply with, supervised?
6. What numerical limitations are placed on the number of tags issued to any single commercial net operator and to the total number of tags issued to all commercial netsmen in any fishing season?
7. What monitoring of wholesale and retail fish suppliers in Wales and elsewhere is undertaken to ensure that all wild salmonids on sale claiming to be of Welsh origin have been obtained from legitimate sources.
8. What measures/systems/resources are available to NRA staff to ensure that there is no unlawful taking of salmonids in areas such as Carmarthen Bay by local vessels or vessels from other areas such as the south west of England or European ports under the guise of drift netting for bass.
9. What assurances can be given that salmonids illegally taken from Welsh waters are not landed in the south west of England or elsewhere where there is no requirement for carcasses to be tagged.
10. Is any consideration being given to limitations on methods and tackle used by anglers to catch fish which militate against increased successful Catch and Release, such as worm fishing as a permissible method, use of Circle hooks when worm fishing, single hooks only on lures such as Flying C
11. Has NRW considered the introduction of a tagging scheme for anglers ?
12. What monitoring of numbers of fish eating birds in Welsh rivers is undertaken by NRA staff and why is responsibility for this activity left to the fragmentary efforts of fishery owners ?
13. How many applications for licences to control numbers of fish eating birds have been received by NRW since its inception ?

14. How many licences to control fish eating birds have been issued ?
15. Has NRW any plans to introduce a Voluntary Bailiff Service similar to that introduced by the Environment Agency in England where over 400 anglers have volunteered ?
16. Is Cypermethrine still being used in forestry management in Wales and particularly those areas of forestry under NRW supervision/control in order to control pine weevils ?
17. What is the annual cost of damage to forestry in Wales attributable to pine weevil infestation given that the cost estimate for the whole of the UK is £2 million .

The questions/comments in this paper and my earlier one dated 5<sup>th</sup> March relate almost entirely to NRW's duty, enshrined in Section 6 of the Environment Act 1995, to "maintain, improve and develop salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries", rather than to preside over the catastrophic decline of those fisheries. I could have raised other issues such as the decline of once common bird species such as barn owls and lapwings (alongside the rapid increase in fish eating birds such as goosanders and inland cormorants), plant life (3.4% of species in Wales critically endangered compared with 1.9% across the UK as a whole), fungi – field mushrooms are becoming "as rare as hens' teeth, animals, the pine marten for instance, but I leave it to others to comment on these.

I trust that the Committee will explore the questions which I have raised in both this and my earlier response to consultation, vigorously with the Chief Executive and Chairman. I may wish to raise further issues before the close of consultation.

Robin Simms

28.03.15

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 03  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Mr G Thomas**

I am so glad I have been given this opportunity to comment on the newly formed NRW.

I am going to keep this very simple and honest and comment on the disastrous declining Sea trout (sewin) and Salmon runs on the River Towy in Carmarthenshire.

The previous Environment Agency and now NRW are fully aware of the declining stocks but still allows various netting out in Carmarthen Bay and also 8 Coracle licenses for coracle net fishing in Carmarthen itself.

I have fished the River Towy for many years, and during the last couple of decades the river has seen a steady decline in fish runs, with last season's fish returns possibly being the worst on record. It was certainly the worst on record for my local angling club Carmarthen Amateur Angling Association. The members within our club are trying their very best to maintain fish numbers, last season returning to the river, 56% of sewin and returning 76% of salmon caught. Also new by-laws have been introduced in to the club whereby any sewin caught over 6lb must be returned to the river.

I know many other clubs on the River Towy are also practising voluntary catch and release with percentage figures returned to the river also fairly high.

In this day and age and with the River Towy on its knees how can the netting of fish continue. First of all the fish have to pass the trawlers out at sea, clear the seine nets in Carmarthen Bay and then finally pass the coracle nets in Carmarthen town centre, before trying to move up river to spawn. These nets are not returning any fish to the river but us rod & line fishermen/women are practising catch and release up to 76% to help restore stocks to our river.

Currently the coracle nets in Carmarthen fish for 5 days of the week and sometimes two tides a day, and return no fish to the river, every fish is killed unless it is a salmon, which is caught before their salmon season starts.

As a start I would urge you to cut the coracle fishery in Carmarthen down to a maximum of 2 to 3 days a week to help protect our fishery, the river can no longer sustain such a heavy load of netting or cut their netting season from 5 months down to 3 months. The NRW have provided me with the recorded coracle catches for last season on the River Towy and they are shocking ! This slaughter surely cannot continue.

Membership numbers in our fishing clubs are continuing to drop, with vital monies coming in to our communities from fishing tourism being lost. I believe fishing tourism ploughs over £3 million a year in to our economy in Carmarthenshire.

I urge WAG and the NRW to please listen to our concerns before it is too late, we need our future generations to enjoy fishing our river.

These are the following confirmed figures for 2014 catches which gives you an indication of the net damage being done.

Coracle caught sewin 791 – C.A.A.A (My club with over 350 members)  
caught sewin 189 – with 76% returned to the river.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 04**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Geoff Franks – River Wye Gillies Association**

I wish to express my views regarding your request as to the efficiency of the new NRW WALES.

I trust more notice and credence will be given by your committee to the views that I am sure will be expressed, especially regarding its fishery aspects, than has been done in a recent 'consultation' regarding its new anti stocking policy.

I will keep this short so that I do not lose your attention for too long. The views are my own although I am chairman of the River Wye Gillies Association and have had long standing interactions with EA and currently NRW staff.

1. This NRW body is in my opinion not fit for purpose.
2. It is grossly underfunded and has reduced its men on the ground to unacceptable levels.
3. It is not able to carry out its fishery enforcement duties to any realistic level and the 0800 response number is a joke.
4. We do not believe it has enough expertise on the NRW Committee to enable them to oversee, question and examine the information given by its fishery officers or to make informed decisions based on that information
5. As already mentioned it shows scant regard to any evidence submitted in so called consultations and in our/my opinion has often made decisions prior to that consultation.
6. Engagement with some of its staff has shown them to be, shall we say generously –untrustworthy.
7. It has very little, I could say none at all, respect amongst the everyday anglers on the rivers of Wales.
8. It is failing in its duty to preserve and protect our rivers which should be of huge value to Wales as a whole.

9. It fails to protect some rivers from too much abstraction and industrial and farming pollution.
10. Closing it's hatcheries will leave the rivers at severe risk should there be a major fish kill incident. A decision based on biased and unsound 'science'

I think I will leave it there as by now you probably have idea of what I think of this new organisation. 45 plus years of working with the old EA and now NRW I do not believe the organisation has ever been in such a state and held in so little regard.

Yours,

Geoff Franks  
Chairman  
RWGA

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 05**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Federation of Clwyd Angling Clubs (Fed)**

Thank you for giving us the opportunity to respond on the workings of the new body – NRW.

I write as secretary of the Federation of Clwyd Angling Clubs (Fed). The Fed was formed over 35 years ago to represent the Game Fishing Interests of Clubs within the Vale of Clwyd. From the original conception we now represent more than 600 anglers from the following Clubs – Rhyl and St Asaph Angling Association, Bodelwyddan Game Angling Club, Wirral Game Fishing Club, Denbigh and Clwyd Angling Club and Capenhurst Angling Club.

For background and for you to understand our environmental credentials – The Fed has been notable in winning many environmental battles. In 1998 it purchased the netting licenses from Rhyl nets men (one of the first Net Buy out schemes). Saving an average of 150 salmon and over 500 sea trout annually. It has been successful in running several environmental programs the latest being SOS (Save our Salmon) campaign. We can boast that its member clubs as a direct result from this campaign have the highest catch and release figures for Salmon and Seat Trout in the Province. In fact the EA/ NRW keep lifting the bar on their so called voluntary targets in order to keep ahead of us.

We have worked tirelessly with Clubs and other bodies like River Trusts (many members of the Fed also sit on the River Trust and LFaG) to improve the aquatic environment for all. We fully recognise that we have a unique environment which we wish to conserve, preserve and enhance for future generations. Whilst fully accepting that it is a rich National Asset to be shared and managed sympathetically by all.

Over many years the Fed has had a close working relationship with Water Boards, River Authorities the EA and now the NRW. We have witnessed many changes, some good and some not so good. We as a group are not naïve

and are fully cognizant of the financial pressure placed upon such bodies as NRW. Like you we look forward to the quoted savings of £69m over 10 years from the recent merger. Perhaps as a point of interest you could inform us 3 years on how much of this saving has so far materialised?

As secretary of the Fed, Committee member of Clwyd Conwy and Gwynedd River Trust, member of Local Fisheries Advisory Group (LFaG) and Committee member of the above Clubs. I am aware of the efforts made by Clubs and individuals. If we add collectively the hours spent in writing responses to questionnaires, attending meetings, request for views on proposed changes and requests for information, it comes to dozens if not hundreds of hours of work. The first question I ask myself in response to this latest request – has it made any difference. I/we believe it has not. Will it make a difference, we remain to be convinced.

To give an example Hatchery Closure .many Members travelled to Trawsfynedd where we were asked to listen to a seminar on why Mitigation (which we believe and still believe to be a statutory requirement for the Tryweryn loss) is no longer considered necessary. Notwithstanding, the NRW claim its minds were not closed and requested responses to the proposals to close hatcheries in Wales from interested parties. Many considered and deeply held views were returned. Not just from people objecting to change for changes sake, but from scientifically based rational arguments as to why mitigation is both a legal and a scientific imperative. What was the result; as we stated at the meeting; the minds of the NRW would be closed to any arguments.

The decision to close hatcheries had already been taken. To add further insult the Director NRW stated that in all the responses received he did not see any scientific or rational basis for their retention. An insult to the many hours of careful and considered replies returned. Such was the backlash that the NRW staff member asked to adjudicate, who was well known for "playing with a straight bat", left the organisation. His adjudication reviews along with our views being totally discounted. I cannot say to what extent the closure decision had in him tendering his resignation but I am sure it was a factor.

Similarly the NRW's now disdain for the work previously carried out by their Fishing team and its leaders has led to the loss of so many highly skilled and motivated staff (probably irreplaceable). We now genuinely feel for the future of our aquatic environment. It will become a self-fulfilling prophesy that having orchestrated the reduction of staff, arguments will now be made that the NRW does not have the skill set to retain and develop fisheries.

You will be aware from your own publicity Angling is worth upwards of £150m p.a. to the Welsh Economy. Often boosting the economy of those very rural areas with little other business to offer in terms of employment or the retention of young people.

It is this economy that is now at risk unless genuine and we mean genuine efforts are made to help recover fishing stocks, improve the water courses and promote angling as a sustainable and valuable contribution to the Welsh Economy. We see no evidence at all of this in practice. In fact quite the opposite. Witness the recent adverse publicity when Conwy Council constructed a concrete water course over the bed of a tributary of the River Conwy. Destroying the gravel beds that migratory fish used for Redds. A similar project we believe is being planned for Llansanan. As to whose responsibility it is, we believe if the NRW is unable to protect such water courses, what hope do we have for protection of endangered fish. Further, what use is the NRW, if other bodies can ignore and carry out such environmental vandalism.?

On our local waters we as Club and Trust carry out bank and water course repairs and remove many blockages. Much of this work used to be carried out as a matter of routine jointly with the EA. Club members do not have the physical or material resources that are sometimes necessary to remove blockages or repair damaged banks. Leaving aside the impediment to movement of fish. The NRW claim unless it is a threat to life or homes they will not now carry out such works. We are unsure how anyone, taking into account the history of flooding in North Wales, can be so certain that blockages will not be a future threat.

Back in April 2012 I responded to the EA request for views on the bringing together of the three bodies to form NRW. Whilst we broadly supported one

body, we raised concerns that the savings suggested will not materialize – hence my question on page 1. We also raised concerns that streamlining management processes would weaken the safeguards and regulatory work undertaken. The reduction of these safeguards we now witness daily.

We also raised concerns that we in North Wales would be subsumed into a South Wales centric approach and we would become further impoverished. I leave it to you to examine the figures of staff reductions in North Wales as a percentage of the total. We believe in practice not only is a South centric bias in place, but NRW have lost out to the more politically astute and powerful voices of CCW both inside and outside of the Senedd.

Moving on to what we in the angling fraternity find most worrying the seeming lack of any overall local management control in granting small hydro–electric generation schemes. Leaving aside the economics, which we believe comes straight from the “Mad House”. Recent examples where our rightful riparian concerns have been over ridden by what seems to be a political “dash for hydro”. Decisions being taken centrally in Cardiff with little concern or knowledge/understanding the damage such schemes create to our local environment. This is not a case of “sour grapes” after losing cases.. We have witnessed already the concern that local NRW staff have had over one such structure on the River Elwy at Cefn. Water pollution caused by disturbance has affected the river on numerous occasions. The work has over run, caused blockages and we understand is now being redesigned following floods. A point made in our objections to a proposed and now granted scheme for Maes Elwy just down–stream on the same river. In spite of our concerns we do not believe that the NRW take into account the cumulative effect of such structures on a spate river.

We still state that such schemes are a risk to endangered fish, will cause pollution and possibly flooding in the future. With little if any “Green Benefit”. Who will be left to clear up the damage caused not I suggest the Contractors or Hydro Owners?

In any case we have no faith in the resources the NRW have to manage the implementation of such in River schemes. I give an example of how little oversight takes place in ensuring the approved design is what is actually

constructed. On the River Dee at Chirk, there is a well-known weir adjacent and owned by owners of a Fish Farm. Note the River Dee is one of the most highly regulated Rivers in the UK. Approval was given to allow the weir owner to carry out necessary repairs to the face of the weir. We understand and that it is alleged that whilst carrying out this work additional repairs had to be carried out on the top and toe of the weir.

The result being, we believe that the weir may now be an impediment to the passage of migratory fish. We further understand that the NRW are unclear as to what works have taken place. How what now exists differs from what was original and then proposed. If the NRW cannot manage a project on such a strategically important river as the Dee, what hope have we that proposed Hydro Schemes now approved on the River Elwy will be carried out in accordance with any approved design.

You might feel that this discourse is just a litany of complaints and we object to any change for the sake of it. Further that we have little or no regard for the financial circumstances we as an economy now face. Nothing could, or, is further from the truth. I stated in my submission in April 2012 that we have long held concerns over inappropriate land management. Such practices such as over abstraction, pollution, bank erosion inappropriate use of pesticides will be major reasons why we will fail to meet our WFD objectives. We note 5 years on, improvements in many areas on WFD targets have been made, but we have a long way to go. In 5 years' time the second round of targets will have to be reached. We along with NRW and all interested bodies do not want to see us fail. We are afraid that unless genuine resources are put in place, backed by well-motivated skilled and empowered staff we will fail.

With budget constraints coupled to feelings of genuine ill will towards the NRW (please note this is definitely not a criticism of local staff whose hands are often tied). The lack of cooperation from the "Third Sector" we believe we will struggle to hand over to our children a better environment than that which we inherited. Only when the true value of the unique environment which we have is valued and sympathetically managed will we collectively say - we've done a good job.

Regards

David Jones  
C/O Panorama



Ymddiriedolaeth  
Genedlaethol  
National Trust

## **Written Evidence to the Environment and Sustainability Committee- Natural Resources Wales - Annual Scrutiny 2015 March 2015**

We are glad to have the opportunity to respond to the Committee's call for evidence to support the annual scrutiny of NRW.

### **Joint Working Partnership**

We view ourselves as being a natural partner for NRW and as such applied for funding as a Joint Working Partner in September 2014.

NRW did their utmost to communicate the new funding structure and timescales for applying before the application period began. We also received exemplary support and communication from our NRW Grant Manager which was invaluable in forming our bid. The process was a learning curve for us an organisation, having previously had a longstanding concordat with CCW. Given the new and unfamiliar form the applications for joint partnership funding needed to take the timings of the application process were tight meaning little differentiation between the stages of raising of an Expression of Interest and making a bid for funding. This was further exacerbated by the fact that the process took place in summer when both our staff and our NRW Grant Manager had periods of annual leave.

We are glad to have been able to enter two Joint Working Partnerships with NRW. We see the Joint Working Partnership model as being sensible in terms of allowing organisations to secure funding for a 3 year period allowing certainty in project planning. We also appreciate the all Wales approach taken by NRW which, by coordinating work on a national level, helps to avoid a 'scatter gun' approach to partnership funding. As well as providing a prioritised approach to funding partnerships with large organisations such as our own can reduce the administrative burden which can be imposed by many smaller-scale partnership funding agreements.

Our Joint Working Partnership will see match funding for the following projects;

1. Support from NRW will ensure that the benefits and learning from past and future National Trust investments are maximised on the Ysbyty Estate. The Ysbyty Estate, at 5300ha, provides an unparalleled opportunity to develop exemplar natural

resource management at a catchment scale. The National Trust has been working with partners including NRW, SNPA, Dwr Cymru, Centre for Ecology and Hydrology, University of Leeds and RSPB for three years and has already invested over £300,000 in the project. During this time we have worked in the upper catchment on the Migneint to restore the natural hydrology of the peat resource. Work to date has maximised the peats ability to store carbon, we have also seen an increase in water storage which will reduce flooding further down the catchment. We have already taken steps to achieve favourable condition of its precious habitats. Beyond the Migneint there is tremendous scope to work with our tenants to ensure that food, fibre and energy can be produced whilst delivering good water quality, healthy soils and a rich biodiversity across the whole of this crucial part of the Conwy catchment. We also continually seek to improve access to the area to provide experiences through which the public can learn and be inspired.

2. NRW match funding will allow the National Trust to improve conservation performance at our designated sites, embed good practice and communicate this to our tenants and partner organisations. The NT owns 26,500 ha of all the SSSIs in Wales, roughly 10% of the designated sites. With such a significant area of designated sites our work is critical to the delivery of the Habitats Directive and Natura 2000 targets. This project will build on the success and lessons learnt through 5 years of the Special Sites Project that has been funded by CCW/NRW and embrace the whole process and cycle of developing a land management plan, carrying out management, monitoring and reporting back into the planning process at certain sites. It will enable us to deliver good management of the range of ecosystem services in our care and ultimately multiple benefits for both our land and for society. The project will leave a lasting legacy at our sites; at the end of the three years we will have embedded the good practices within NT staff operations, up skilling and empowering our teams to ensure that the work project has a life time well beyond the 3 years. The programme will also have a clear communication plan to ensure that we can effectively share best practice and engage widely with our tenants and partner organisations.

## Cwm Ivy

Natural Resources Wales and the National Trust have begun working on an ambitious project to create a saltmarsh at Cwm Ivy, North Gower that will provide a new habitat for wildlife. The project, the first of its kind in Wales, will look at how best to recreate almost 100 acres of intertidal saltmarsh habitat which will provide a sustainable habitat for birds and wildlife.



We have been amazed by the rapidity of the habitat enrichment that the return to saline conditions has seen since the first major inundation last year. Several bird species have

Swyddfa De Cymru Tredegar/  
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Parc Cwm Ivy, Tredegar / Registered charity number 205846

been spotted using the marsh for the first time, including hen harrier, water rail, little egret, oystercatchers – and otters are now seen far more often on the marsh than they were. We have a unique opportunity to record the changes in the vegetation and we are working with NRW and the community on projects to encourage Ospreys to nest in the area. Public access remains a priority at Cwm Ivy and both organisations are working closely with Swansea City Council and the local community to maintain and enhance access to Cwm Ivy.

This work is not just about biodiversity and access however, it also ties into the National Trust's 'Shifting Shores' initiative. Shifting Shores recognises that reliance on defence as the only strategy for our coastline looks less plausible in light of accelerating sea level rise and increasingly extreme weather patterns. We need to have policies to support adaptation. Our work at Cwm Ivy demonstrates this approach. The breaching of the sea wall will also secure compensatory habitat for future coastal flood defence works across the Carmarthen Bay Special Area of Conservation.

## Other Engagement

We have begun to engage with NRW in other forums, a good example being the Hydropower Stakeholder Group which has been formed by NRW to help inform policy on the regulation of hydropower. This group has been well run and provides a good forum for the exchange of views between NRW and those who have expertise in the field. We hope to expand our engagement with NRW in the future especially in the process of Natural Resource Management Planning, where in many cases land owned by the Trust will form part of the catchment area.

For more information please contact;

**Emily Keenan**



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**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 - 07  
Natural Resources Wales - Annual Scrutiny 2015  
Response from Steffan Jones**

I am writing to you as an angler, committee member on Llandysul Angling Association on the River Teifi, owner of sea-trout.co.uk and also the author of the recent report on the demise of the sea trout on the River Teifi, which was recently raised in the WG by Elin Jones.

It is difficult to know where to start, especially with this being an annual scrutiny, as most matters have been slowly evolving and degrading over the last few years. In brief our rivers have never been so poorly managed and this is getting worse not better on an annual basis. Those that are in a position to not only maintain but improve our natural resources are quite simply incompetent and certainly falling short of the mark. Big questions needs to be raised before it is too late, as many of our fisheries are facing a total state of collapse with zero intervention.

Rod and line fishery; the current rules in place are totally archaic and are not fit for the current climate. They have not moved with the times and NRW know this - why else would they be pushing angling clubs etc. to impose stricter limitations? But why should they? This is the role of NRW. However, we as angling clubs want to look after our rivers and, as a result, have imposed regulations well beyond that called for by NRW. I have plenty of examples of this as needed. Our rivers are so lightly policed that it has become farcical; most cannot recall when they last saw an enforcement officer. As a result, not only are our rivers largely not policed they are also not having the decline in stocks addressed - so where is the future? And, perhaps more importantly; where is NRW? Lots of talking, meetings, papers, emails etc. but nothing that actually addresses and helps our rivers and future. Again, I have a lot of research to highlight the current situation on the above stock levels etc. and what is taking place on the Teifi.

The net fishery; Our stocks are in a total state of collapse, yet the net fishery on the Teifi (the most heavily netted river in Wales) is allowed to continue unabated. They have zero quotas in place, they are rarely policed, and actively target the most valuable of all fish when undertaking this archaic practice. What do the NRW do? Absolutely nothing. They try to force the hand of the angling community, but will not tackle the nets. Please see me hugely detailed report attached on this. As an aside, and simple questions to ask; the net fishery starts fishing and kills fish on the River Towy from the 1st of March, yet anglers are not allowed to start fishing from the 1st of April. Then, anglers are not allowed to kill a salmon before the 16th June, but nets are from the 1st of June. How does any of that make sense with the byelaws put in place on anglers are supposed to protect stocks, when the nets can still exploit the stocks?

Fish eating birds; the damage these birds do to our fisheries should not be taken lightly. Since their foothold back in the seventies their numbers have increased to an alarming level. Their control is a lot easier in England, but NRW have not reflected on this and we are facing another attack on our fisheries as a result. Each bird will take 40-50 small fish per day for our rivers, and with 5+ birds often seeing working a small section of water it does not take a genius to work out the ramifications. Most of these birds are overwintering birds and are not indigenous. Again, I have research to support this. What do the NRW do, knowing full well the risk? Nothing. There is so much red tape surrounding the application process for controlling such birds that makes it all unapproachable.

Cypermethrin; The EAW celebrated a huge success in banning the sale and use of cypermethrin – a lethal sheep dip that kills invertebrate life, and, therefore, the fish as a result. However, they then collaborate with the Forestry Commission within NRW where the Forestry Commission still actively utilise cypermethrin to spray onto saplings. How does that make sense? Under the same banner you have one party celebrating the ban then another still utilising it freely and readily?! If that does not highlight the turmoil and how disjointed the NRW are then I'm not sure what will. Quite simply the whole organisation is a shambles.

Best wishes / pob hwyl,

Steffan Jones

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 08**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from David Watkins**

I am contributing to this consultation in the hope Welsh Assembly Government and NRW sit up and take notice of what I am about to say...but I fear this is more a token exercise from yourselves and nothing will actually change. In fact, it is only going to get worse.

Our countryside, wildlife and rivers have never been in a more sorry, unfortunate, vulnerable and shambolic state. It is quite frankly embarrassing to suggest we have a department claiming to be managing the beautiful landscape of Wales as we watch:

1. Salmon and sea trout numbers in our rivers continue to decline year on year and are now at critical levels
2. Rivers are abstracted to detrimental levels and then subsequently subjected to farmland and industrial pollution
3. Sea bass numbers in serious decline
4. Most coastal birds in decline
5. Coastal wildlife areas strewn with litter endangering nesting sea bird colonies
6. Marine conservation zones exploited and fished to catastrophic levels both legally and illegally
7. The majority, if not all farmland birds rapidly declining and in some cases disappearing altogether
8. Small mammals such as water voles, field mice and door mice in serious decline
9. Barn Owls, Hen Harriers, Merlin and Goshawk are now endangered
10. Rabbits, hedgehogs, hares, weasels, stouts and pole cats in serious decline
11. Butterflies, dragonflies, moths, bee's, wasps and other insects in serious decline
12. Miles and miles of established hedgerows key to birds and wildlife being pulled down
13. Natural wetlands and wild flower meadows being drained and used for farming and maximum production - down by 90%
14. Every inch of farmland being raped and exploited for production without a second thought for the surrounding environment

15. Wild flowers such as bluebells and rare orchids once found in abundance in Wales now under serious threat

The list goes on and it makes for quite simply horrific reading.

The Welsh rural economy relies heavily on it's surrounding countryside, whether it's for the beautiful scenery, travelling fishermen drawn to the area to fish our once prolific sea trout and salmon rivers or to enjoy coastal fishing, or countryside walks providing the opportunity for birdwatchers and wildlife enthusiasts to come and enjoy wildlife at it's most natural and best.

So far, NRW are failing spectacularly to competently manage (or even manage at all) our 'Natural Resources'. Should you chose to deny this, I urge you to take another look at the above list and digest what I have written. In fact, excluding the return of the Red Kite and the Otter, I would like to hear of any other 'good news stories' for Welsh wildlife in recent years that might begin to balance out the issues listed above.

To even try and comprehend that WAG have further slashed NRW's funding this year when they are drastically underfunded and undermanned is simply criminal. There is then the subject of the competence of some of the staff and the entire committee. The fault is not entirely at NRW's door, it is at the door of WAG who NO LONGER CARE about the natural Welsh countryside, it's wild animals, fish or birds, it's wildlife, rivers or coastal areas.

I am happy for this document to be displayed publicly.

Yours,

Dai Watkins

Mid Wales

Independent

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 09  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Prince Albert Angling Society

This response is submitted on behalf of the management committee and 9,000 members of Prince Albert Angling Society, who own, rent and manage numerous waters on the following rivers within Wales:

Conwy (including Lledr), Dee, Dyfi (including Cleifion, Dulas North, Dulas South & Twymyn), Dysinni, Mawddach, Severn (including Banwy, Gam & Vyrnwy), Teifi, Tywi (including Cothi) and Wnion.

### Hatchery Closures

1. Our biggest concerns centre on the decision by NRW in 2014 to close all but one of the hatcheries in Wales and bring to an end third party stocking.  
We submitted our response as part of the consultation process but were concerned at the very beginning when at a meeting between NRW, Gwynedd Local Fisheries Advisory Group and the Dee Local Fisheries Advisory Group at Coed-y-Brenin Visitor Centre on 2 April 2014 we were told by Tim Jones that NRW *'would not be bound by any findings from the consultation exercise'*. It felt even more that we had participated in an exercise to ensure that all the correct boxes had been ticked when I spoke to Mike Evans before the start of the NRW Board Meeting at Menai Bridge on 2<sup>nd</sup> October 2014. When I spoke about the need to be able to restock streams as part of a regeneration process (we have identified several areas when participating in habitat surveys in conjunction with Afonydd Cymru within the Mawddach catchment) I was treated with disdain receiving replies such as *'what makes you think you know better than the fish'* and *'what's the point in putting fish where they clearly can't survive'* even though one particular stream has excellent habitat and a wealth of invertebrate life, though sadly a complete lack of fish.
2. We believe that the information presented to the NRW Board Members was deliberately phrased to achieve NRW's preferred outcome. The following is evidence of this:
  - Peter Gough addressed the board members and stated that they had *'they had only received 109 responses to the consultation'* and then compared this with the number of rod licences sold in Wales inferring that angling organisations in Wales were supportive of hatchery closures. This completely ignored the fact that many of these responses were from clubs and organisations and were on behalf of thousands of anglers.
  - To suggest that those responses *'did not tell us anything that we were not already aware of'* is hugely dismissive of some very detailed and knowledgeable responses (we have read too many of these to think otherwise).
  - He also used the phrase *'this is what we believe'* when speaking of the supposed harm caused by hatcheries. There is a clear distinction between belief and hard evidence.
  - Mr Gough also described to board members how the rivers were being deprived of spawning fish by the hatcheries, using this to infer that hatcheries cause harm to the river systems of Wales. This clearly is not the whole picture and disregards the fact that many of the broodstock are angler caught and as such are donated to the hatcheries by those anglers.
3. When we originally responded to the consultation document on the closure of hatcheries we were concerned that the phrase *"there is little evidence available to allow NRW to determine whether salmon stocking has been effective at achieving the objectives of mitigating for lost habitat or improving rod catches"*

appeared to be used as a reason to close all but one of the hatcheries in Wales. We stressed that as strong supporters of partnership projects, we would offer the support of our members in a voluntary capacity to work alongside NRW staff to collect such evidence. To make a decision based on *'little evidence'* gives us little confidence in the ability of NRW to manage and protect the rivers of Wales. We say this as a club which has been investing £4000 p.a. to sponsor the stocking of the Mawddach and Wnion through the Mawddach Hatchery. We wish our members' money to be invested wisely but until there was conclusive evidence no decision on the future of hatcheries and stocking should have been made by NRW.

4. In their consultation document NRW also made the statement that "*Some of the recent scientific literature demonstrates that stocking hatchery-reared salmon can potentially result in adverse impacts on the long term population fitness of wild salmon populations.*" - Presumably therefore other studies suggested otherwise!  
We are also aware that much this evidence came from Kyle Young (no longer with NRW) and was based on American studies of Pacific Salmon and Steelhead (migratory rainbow trout). It is simply unacceptable to use such studies to inform decisions on our own native Atlantic Salmon and Sea Trout.
5. In the same consultation document we were asked if we agreed or disagreed *'that NRW should focus its efforts and resources on improvements to habitat?'* We believe that habitat improvement has a key role to play in the future of the rivers of Wales (our members actively participate in the work of the Dee Rivers Trust and have taken a lead role alongside Afonydd Cymru in habitat survey work on the Mawddach).
6. We categorically do not believe that habitat improvement and mitigation stocking are mutually exclusive. However given that returning numbers of sea trout are classified as *'not at risk'* across most Welsh rivers (see NRW's 'Know Your River' documents) it rather suggests that much of the habitat is good and therefore what dramatic improvements can we expect in the case of salmon without the assistance of stocking?
7. In November 2013 the IBIS-AST Salmon Stocking Conference was held at the Marriott Hotel in Glasgow with the agenda being *'Boosting salmon numbers: is stocking the answer or the problem?'* Keith Scriven (then hatchery manager at both Mawddach and Maerdy) and the hatchery manager of Cynrig were refused permission by NRW to attend this conference. It is hardly surprising that given such bias there was no balanced outcome to NRW's decision making regarding hatcheries.
8. The Environment Agencies document 'Salmonid & Freshwater Fisheries Statistics for England & Wales, 2013' provides the following information "*The river with the highest declared rod catch of salmon in 2013 was the Tyne (3,874). 25% of the total England and Wales rod catch of salmon was recorded on the Tyne in 2013, this shows an increase of 3% from 2012*". (The total rod catch for the whole of Wales in 2013 was only 3114). It beggars belief that the river that has 25% of the total rod catch for England & Wales received 28.86% of all the 0+ parr stocked in England and Wales and 99.99% of all the 1+ parr and yet NRW management can paint a picture to the NRW board members of the supposed harm caused by stocking (and yes we are quite aware of the clean-up of the Tyne estuary in the past 40 years and other contributory factors).
9. The Environment Agencies document 'Salmonid & Freshwater Fisheries Statistics for England & Wales, 2013' also tells us that *'The river with the highest declared rod catch of sea trout in 2013 was the Dyfi.....'* The New Dyfi Fisheries Association has been stocking the Dyfi since the 1980's, compensating for areas of depleted habitat using angler caught broodstock and rearing the fish in a private hatchery before stocking the parr out into carefully selected areas. I pointed this out to NRW's Ceri Davies during the coffee break at the October 2014 Board Meeting but she was unable

to enlighten me as to how much better the river would have been if this ‘supposed harm’ had not been carried out since the 1980’s.

10. In the pursuit of this anti stocking ideology the benefits of angling tourism appear to have been completely ignored. A questionnaire survey of 70 anglers was conducted on the Mawddach in 2010. 62.8% stated that they would no longer fish the river if mandatory catch and release was to be introduced. The same situation will arise if we do not take action to maintain our migratory fish stocks. Many anglers have holiday accommodation in the area (one small caravan site alone has 33 out of 60 static/permanent caravans occupied by fisherman) and they and their families make a substantial contribution to the local economy. The EA’s own figures show that angling effort on the Mawddach in 2009 was only 27% of what it was in 1995 and even the perception that fish numbers are declining because of a lack of stocking may further damage angling tourism throughout Wales with a financial cost far greater than any savings made through the closure of hatcheries. Given the figures for the Tyne shown in paragraph 8 above it is easy to see why there is a growth in angling tourism in North East England and a decline in Wales

### **Reorganisation and the creation of NRW**

1. We feel that the creation of NRW a single body has not been handled effectively. We have always had support from, and had developed effective working relationships, with many of the former Environment Agency Staff who were based both at Parc Menai in Bangor and in North Wales in general. To lose the knowledge and experience of people such as Alan Winstone, Julian Bray, Matthew Hazlewood and the Mawddach Hatchery Manager, Keith Scriven is something which NRW could ill afford to do. Fisheries within North Wales are all the poorer for this.
2. We have the utmost respect for the members of the Enforcement Team and to expect them to protect the fisheries of North Wales effectively with such depleted numbers is both unreasonable and impossible.
3. To time the review of hatcheries and stocking during this reorganisation period was ill-judged. However given that NRW management had made their decision to ‘impose this upon us’ long before the consultation period had begun it is hardly surprising.

### **A level playing field?**

As an angling organisation we have worked in co-operation with both Environment Agency Wales and CCW prior to this prior to the formation of NRW. Typical examples of this would include our participation in broodstock collection, assisting in the stocking out of juvenile fish, habitat survey work in conjunction with Afonydd Cymru and the Water Framework Directive Partnership Project to eradicate invasive species within the Aber Mawddach SSSI. In all of these we have freely given both our labour and financial backing because of our passion for angling, our concerns for the environment within which it takes place and our desire to hand this on to future generations in a fit and healthy state.

However too often we feel that we have to abide by rigid guidelines whilst having to accept that there are seemingly unfair situations within the same catchment which cannot be rectified. This can be illustrated by the following examples (there are many more across Wales)

1. The creation of Llyn Celyn on the headwaters of the Afon Tryweryn denied access for migratory fish to miles of spawning territory yet we cannot compensate for this by using hatchery reared fish.
2. The Ardudwy Leat. This captures the waters of every tributary of the Afon Eden (Principle tributary ofn the Afon Mawddach) on the western side of its catchment and diverts it to the neighbouring Dwyryd catchment via Llyn Trawsfynydd, leaving the Eden with the water from 3x 4” pipes. Worse

still is the fact that any migratory fish which did ascend the dams on the North and South Crawcellt would have to leave those streams, along with all of their offspring, via the leat and enter Llyn Trawsfynydd. This is evidenced by the capture of sea trout from the lake. (There are witnesses who will vouch for all of the above).

The situation is further exacerbated during spate conditions when the moment that the water levels fall and can no longer flow over the 3 dams, the flow reverts immediately to the 3 pipes resulting in an instant fall in river levels in the Afon Eden. As a result migratory fish have difficulty in negotiating the river.

However suggestions that we could compensate for this situation by opening up other parts of the catchment to migratory fish are stalled by suggesting that this would compromise the existing ecosystems.

3. Much of Wales suffers from habitat that has been damaged by generations of mining. In the area of Mynydd Penrhos between the Afon Mawddach and Afon Wen, Forestry Commission Wales (immediately prior to the creation of NRW) were working to filter the outflow from a copper bog in order to improve the water quality of the Afon Mawddach. However when CCW detected the presence of a rare plant that thrives in a copper rich environment the whole project was suspended.

In conclusion we, as representatives of a major angling organisation, feel extremely let down by the way that NRW, without due research and without paying heed to so many experienced voices, has used such heavy handed tactics to impose these draconian measures on the fisheries of Wales. Furthermore, from listening to so many other angling representatives at the many meetings which our representatives attend, we are aware that our view is shared by the vast majority of anglers within Wales. We trust that the Environment and Sustainability Committee will raise our concerns during the 2015 Annual Scrutiny.

John Eardley

Gwynedd LFG Representative – Prince Albert Angling Society

26<sup>th</sup> March 2015

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 10**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Richard Manning**

I welcome this opportunity to convey my thoughts on the standard of service that NRW deliver. I am focussing my thoughts on the efforts that are afforded to the stewardship of our rivers. I have only been fishing for six years but it has got me totally hooked(excuse the pun). As my involvement in the sport has developed so has my discomfort with regards to the support from the very people who should be taking care of the rivers i fish.

It's been over 18 months since asked to see a EA licence and yet i see a police car everyday. 1.3million anglers purchase a licence so where does all that money go? The bailiff for the river Taf Carmarthenshire retired and has not been replaced thus overstretching the others. How can any form of security on our rivers be enforced without the manpower?

I understand that every man has a right to practice his craft but i can not see how letting the nets men can be of any benefit to a sustainable fishery unless of course a fishery of this kind is of no importance to NRW. Anglers travel from far and wide to fish for our sea trout and bring large economic benefits to the local community which far out weighs the revenue generated by the nets men if their catch returns are to be believed. At some point in the near future i fear that travelling anglers will seek their quarry elsewhere bringing further decline to our rural community. Our beaches are sought after by tourists for their "blue flag" status but i question how long would Tenby prosper if we closed the beaches?

I fear that our monies are not being used for what they are intended after all I am paying for a service and question whether the goods are fit for sale. I would very much like to think that my thoughts will be listened to along with the few that have responded before me. I understand that allowing concerned parties to have a say is NRW way of keeping up appearances but i feel that our words will be in vein. If you want to understand the feeling of your customers might i recommend that you attach a reply with each licence purchased so that when catch returns are filled out (which we are legally obliged to do!) all anglers will be able to voice their opinions.

To finish I would like to say that success stories such as Red kites and Otters are wonderful so why now they have once again become established in their native environment NRW can go for another success in restoring the rivers to historical health. As has been said before by scores of men far more educated than myself " we are mere stewards of our environment for a generation and should leave as we found it for future mankind".

These views and opinions are mine and although i am a member of several angling clubs I voice these concerns independently.

I have no objection to my views being on public display.

Yours Faithfully

Richard Manning.

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 11  
Natural Resources Wales – Annual Scrutiny 2015  
Response The Campaign for the Protection of Welsh Fisheries



25 Ceg y Ffordd  
Prestatyn  
Denbighshire  
LL19 7YD  
12 March 2015

Mr Alun Davidson  
Committee Clerk,  
Environment and Sustainability Committee,  
National Assembly for Wales,  
Cardiff Bay,  
CF99 1NA.

Dear Sir,

**Re: Environment and Sustainability Committee - Natural Resources Wales Annual Scrutiny**

May I first thank your Committee for their invitation to submit views on the newly created Natural Resources Wales.

My name is Allan Cuthbert, and I regularly have formal and informal contact with Natural Resources Wales staff working “out in the field”, as well as with middle management, and occasional interaction with Senior Management. I am Secretary of The Clwyd Conwy and Gwynedd Rivers Trust, members of the Dee and Clwyd Local Fisheries Advisory Group, The Federation of Clwyd Angling Clubs and Secretary of the Denbigh and Clwyd Angling Club. I am also founder of the Campaign for the Protection of Welsh Fisheries and it in that capacity that I make this submission.

I should, in the first instance like to express my grateful thanks to the members of the old Environment Agency Wales Fisheries Team, now renamed as Fisheries Technical Team, the members of the soon to be Denbighshire Natural Resources Management Team and the



Enforcement Team, who do a great job under very difficult circumstances. These staff members and their direct managers do a fantastic job albeit that the Enforcement staff are far too few and woefully underfunded. One individual, who is not untypical of the fisheries front line staff generally, puts in many hours of his own time working on the Trusts School Programme, which locates salmon eggs tanks in classrooms until they hatch as part of an educational package. The same staff member has also been directing Campaign volunteers in assisting with habitat improvement works to small tributaries of the River Clwyd; again in his own time. I have nothing but praise and a sense of gratitude for the hard work and dedication shown by the ex Environment Agency staff, now NRW.

The NRW staff that regularly attend the Dee and Clwyd Local Fisheries Advisory Group are a credit to themselves and the NRW, although, understandably there appears to be a great deal of uncertainty among them as to their future following the amalgamating of the three separate organisations, not that they communicate concerns at the meetings. However the number of middle management staff having resigned since the amalgamation is of great concern

The other side of the coin is that the senior management with whom I have had direct contact were a little disingenuous, condescending and in my view verging on duplicitous in their attitude towards the representatives of the angling community in West and East North Wales. There was a "consultation" with representatives of the various angling groups in North Wales, held at Coed-y-Brenin, Dolgellau, at which the proposal to close the hatcheries in Wales was discussed. We were assured that it was a consultation process and that no decision had been made. At the meeting, of which no minutes were ever issued, the vote was around 48 of those present against the proposal to close the hatcheries with 2 in favour. There then followed an open "consultation" process as part of which NRW issued a list of many learned papers, which they claimed proved that stocking hatchery reared salmonids into rivers was detrimental to the genetic integrity of the native fish population. None of the papers to which they made reference provided "evidence" of their claim, and much of the documentation related to works carried out in America on fish species that do not occur in this country. I took the trouble to read a number, but by no means all, of the papers listed as supportive of the idea that hatchery bred fish were a risk to native stocks, but found no evidence in any of those I read. I did note however that the following was included in the NRW assertion.

**"Restoration stocking after extinction is a valid method of reintroducing a population to available habitat, and is consistent with an Ecosystem Approach"**

This we believe is a potentially misleading statement and possibly a mistranslation of the introduction to "The balancing act of captive breeding programmes: salmon stocking and angler catch statistics." By K. A. YOUNG of Natural Resources Wales, Cardiff, UK, one of the papers NRW officers have presented and referenced as one of the leading drivers to their recommendation, the introduction to which states

**"Captive breeding programmes can help conserve species at risk of local extirpation or extinction, but impose a range of ecological and evolutionary risks (Snyder et al.1996; Blanchet et al. 2008; Fraser 2008; Neff et al.2011)."**

**Note: bolding of the words above is by this writer.**



Given that salmon stocks in the majority of Welsh rivers are “at risk”, then we believe the above actually recommends that hatcheries at the present time are essential to provide mitigation stocking of salmon in Wales

The assertions made by NRW are still being challenged. My point is this, and I apologise for being so long winded in making it, is that it appears that there was never any intention of doing other than closing hatcheries; the decision was a purely economic one. What the NRW management should have done was to have been honest and explained that due to economic pressure hatcheries other than the one located at Cynrig, were not economically viable or affordable, then perhaps the angling fraternity would have accepted the fact.

However the Committee may not be aware that the need for a hatchery in Wales is critical to protect the future of the Arctic Char a rare and endangered species that lives in Llyn Padern and other deep water lakes in North Wales together with the Gwyniad, also a relic from the ice age, which is also endangered and inhabiting North Wales deep water bodies. The future of these species has to be ensured. There is no disagreement about this and NRW staff are working hard to save both species. However the need for hatchery bred fish to sustain these rare fish is in North Wales, yet the centre of excellence proposed is to be by way of the development of the hatchery in Cynrig in the Brecon area.

The Clwyd, Conwy and Gwynedd Rivers Trust runs a very well received and well respected schools educational programme, which included taking salmon eggs into schools and allowing the children to watch the eggs develop and hatch before ceremoniously transferring the developed fry to the river. The whole programme was produced at great cost and developed to heighten awareness of the importance of and need to protect salmon in Welsh rivers. Are these eggs to be transported from Cynrig to North Wales? This was the promise given by Tim Jones, one of NRW's senior managers at a recent meeting attended by many angling representatives.

It seems that preference is being given, once again, to South Wales, which like the South in England, continues to expand whilst the North suffers increasing unemployment and deprivation. It seems to me that this is an issue which should be in the forefront of the assembly members' minds, or is North Wales to become the increasingly poor relation, as in the South of England?

Wales enjoys a revenue income, which the Assembly acknowledges, of in excess of £150 million each year from angling. The amount should and would grow if, when advertising Wales as a holiday and recreational destination, the excellence of Welsh recreational angling was more widely promoted. When I raised this issue with NRW staff I was told that to include recreational angling in UK and worldwide advertising, would cost. Of course it will cost, but the benefits would far outweigh the costs. Perhaps Assembly Members are not aware of the current television advertising campaign on behalf of Welsh tourism, I recommend that they take a look and come to their own conclusions. The North Wales Bass Festival used to encourage thousands of anglers to the coast of North Wales and was famous throughout the UK. It should be re activated.

To conclude, I am of the opinion that fisheries and fishery related matters are of little importance to the Senior Management of NRW and that cost cutting and meeting the rigors of



performance targets that have little relation to the real world are seen by them to be of greater importance.

Wales's GDP currently compares less than favorably with the rest of the United Kingdom, it is our belief that by providing greater protection of our rivers and coastal waters and by better funding fisheries, the employment benefits and improvements to the rural economy, especially in North Wales, would greatly improve the lot of the people living in rural Wales.

Fisheries generally and fisheries protection represented only 3% of the employment and budget of the Environment Agency, the percentage of costs and employment of fisheries staff employed by NRW is therefore considerably lower, as a percentage. We have so little faith in the NRW and its senior management that our hope is that fisheries, due to their importance to Wales and the Welsh economy, be separated from the great monolith that is NRW, and given its own remit, to include the protection of our coastal fisheries as well as inland waterways and to include a remit to encourage anglers of all types to visit Wales, where all types of angling are excellent but generally unpublicised. With an economy that fares so poorly compared with the rest of the U.K. Wales need to grow its economy and build on what is one of its great assets.

Yours sincerely

Allan Cuthbert

On behalf of the Campaign for the Protection of Welsh Fisheries

(Only when the last tree has died and the last river been poisoned and the last fish been caught will we realise that we cannot eat money) 19th Century Cree Indian saying

<http://www.cpwf.co.uk/campaign/>

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 12**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Paul King**

Dear Sirs,

In response to your request for contributions to the annual review of the NRW in 2015 here are my observations as an angler, shooter and lover of the countryside. I am secretary of one angling club and on the committee of two others in Wales, and I am also a member of the Dee and Clwyd LFAG:

Rivers/Fishing

The NRW has not so far proved to be a good thing for the river environment in Wales with the EA(W) being subsumed into a much larger organisation. The first impression was of an internal power struggle between the three bodies that were bought together to form the NRW, principally between the former CCW staff and the former EA(W) staff. The exit of significant numbers of the former EA(W) staff over the past year is perhaps indicative of the outcome and that they are uncomfortable with the current direction of the NRW, maybe not, but for whatever reason the exit of so many key fisheries staff is of great concern.

I should make clear that at a local level I have nothing but praise for the NRW staff, the story at a higher level is however very different. We were recently advised by the NRW that there was to be no more stocking of migratory fish in Welsh rivers. The “evidence” presented was highly suspect and had the strong appearance of being “cherry picked” to suit a financial imperative to save money by closing hatcheries. There was a public consultation process and, from the report of the NRW officer who processed the responses and reported to the LFAG, the response was overwhelmingly against closure, this was even considering that 193 responses against were not reported as representing tens of thousands of angling club members, for example the single response from the Prince Albert AS represented their 8,000 members. Instead the NRW Board were disingenuously encouraged to draw the conclusion that only receiving 193 responses was indicative of general apathy to the issue.

Following this there was another meeting for angling interests at Coed y Brenin at which NRW local staff were not allowed to speak, the senior (mostly former CCW staff) took over and were frankly curt to the point of rudeness to the anglers representatives. Another vote was taken, again overwhelmingly against closure but the result was that hatcheries were to close. One therefore has to ask at what point the results of a consultation would have any bearing on the outcome, if a vote of over 95% against can be ignored it is hard to imagine any consultation being more than a “tick box” exercise - unless the result suits the NRW. The press announcement was made so soon after the NRW Board decision and in so much detail that it seems unlikely that the result wasn't pre-determined.

For the record there is no hard scientific evidence to support the premise that hatchery bred fish are damaging to native fish, of the over 200 references published by the NRW there were virtually none relating to Atlantic salmon, most of them related to the mass stocking of rivers in the Pacific North West of America with pacific salmon and steelhead (migratory) rainbow trout in an operation that bears little similarity to either the species or methods used in Wales. Even those views were “beliefs” rather than “evidence”. So weak are the arguments and hard scientific evidence for closure that it's hard to see past it being merely a financial exercise.

To summarise, I am content with the local NRW staff support and input, concerned over the rate of key staff attrition within their ranks and have absolutely no confidence in the NRW as guardians of our freshwater fisheries and environment.

EU Habitats Directive

I am concerned that in responses to my questions under the Freedom of Information Act, the NRW admitted to having an effective "shoot on sight" policy in respect of all deer species and wild boar in Wales. The words used were to the effect that "further expansion of range would be discouraged". For alien species such as muntjac, Chinese water deer and sika deer this is acceptable and should be supported. For wild boar (formerly present) and fallow deer (present for at least 900 years) it might be open to debate in terms of whether they can be considered indigenous species but for roe and red deer, they have always been present in the UK, and they are properly considered to be indigenous species. The Habitats Directive requires indigenous species to be encouraged to expand their distribution and the current NRW policy is in breach of this responsibility and in fact the reverse is the case, culls of red and roe deer should be minimal and on humane grounds only.

I hope this helps

Best regards

Paul King

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 13**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from David Allott**

Dear Madam or Sir,

I don't represent any clubs, organisations or pressure groups, my opinions written here are my own. I enjoy angling and have joined several clubs that allow me to fish Welsh rivers. My reason for joining these clubs is to access sea trout (sewin) and salmon fishing in beautiful surroundings.

Although my licences/permits allow me to fish stretches on the Dee, Dovey, Towy and many more Welsh rivers, I have a particular affection for the Teifi. I joined the Llandysul Angling Association in the year 2000 and since then I have caught sewin and at least one salmon each year until last year and despite making four or five trips down from 'Gods own Country', Yorkshire a round trip of 400 miles - I didn't catch one fish.

In the past fifteen years I have seen: a sad decline in the number of fish caught by me and other anglers on the river. Insect populations of upwinged and other waterborne insects have declined. More litter and inappropriate material such as building waste has appeared in the river or on the river bank. Canoeists and rafters (who don't pay licence fees) have spoilt my leisure experience in pursuit of theirs. (When I first joined, canoeists restricted their activities to well defined parts of the river and made the most of the closed season for angling.) Fish eating birds such as cormorants and sawbills are more frequently seen preying the river. The fish recruitment programme stopped and abstraction of water seems to have increased. And in that time I have only had my Environment Agency Salmon and Migratory licence checked once.

I would like to see:

1. Tighter regulation of fishing nets in Welsh coastal waters and estuaries
2. Greater limitations put on coracle nets (i.e. only allowing the use of them for fewer days of the week than at present)
3. Closed season dates for fishing that are the same for net licence holders as there is for rod anglers
4. A complete ban on using pesticides/insecticides such as cypermethrin and a severe restrictions on the use of herbicide within 20 metres of rivers.
5. Salmon hatcheries to be reopened
6. Heavy fines/jail sentences imposed if offenders dump inappropriate objects in the river or cause pollution.
7. Resolution of the conflict caused by leisure usage of rivers (i.e. wild swimmers, canoeists/rafters and anglers)

8. Less bank erosion/damage caused by cattle as they go to drink from the river. (I do appreciate the work already done to ameliorate this problem.)

I have tried to play my part by: limiting the taking of fish and carefully returning the vast majority I have caught, written or phoned the Environment Agency and Club if I have seen evidence of bad practice or suggested ways to improve the fishery, written pointing out my views regarding hydro-electric planning, picked up litter that has been carelessly dropped on my beloved beats, encouraged friends and family to join me fishing and enjoying the environment and contributed to the rural economy of Wales by staying in hotels, shopping for food and drink and supporting local fishing clubs plus always being in possession of a full licence.

How are you going to play your part before the time when 'you don't know what you've got 'til it's gone'?

Yours sincerely,

David Allott

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 14**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Eifion R Morgan.**

Thank you for the opportunity to comment. I write as an owner and angler on the river Towy in a stretch of water between Llandovery and Llangadog. My comments refer to my knowing the river for nearly 70 years.

1. Until recently the river provided excellent sport and well known for the quality of fishing, notably for sewin (sea trout).
2. The upper Towy attracted a substantial number of tourists during the summer and early autumn, benefiting many businesses in the area.
3. The last 15-20 years have seen a disastrous change in the fish population. Previously, during the summer months and when the weather was calm and the sun overhead, pools were observed to be “full” of fish. I am not exaggerating when I could report seeing well over 100 fish in our pools. The fish were lined up by size from the top of the pools. These were largely sewin varying in estimated size from over one pound to the large ones being 8-10 lbs.
4. Fishing during the evening or after a flood was very productive and fish could be caught regularly. This was my introduction to fishing.
5. It is of great regret to me that I can't pass on my love of fishing to my grandchildren.  
They have accompanied me many times recently having received/purchased first class equipment but rarely caught fish of any size. I need not tell you that after several years of not catching/touching or seeing a fish in the river, they have given up. (I have a pair of my grandsons waders in the garage – used only once).
6. Observation of the same pools (above) shows them to be devoid of fish. It is unusual to see a single fish in these same pools and the number of fish caught is minimal (single figures). This last year no fish were seen moving up river.
7. During this time, when the relevant bodies were made aware of our concerns, nothing was done that had any effect on the fish number.
8. The situation is bleak and one can only conclude that the NRW has no interest in anglers.
9. Anglers have followed recommendations in “catch and return” procedures but what effect this has had is doubtful when fish are netted at sea, in the estuaries and illegally from the coast. It's little wonder that any of them make it into our rivers.

10. The NRW is now apparently curtailing any restocking programme. If this is to conserve the river's natural breeding population it is not working and as the population diminishes it is likely to have less success.
11. I understand that the Towy fish population is not indigenous anyway – fish from abroad being introduced during the inter-war years.
12. If the NRW does not intend to stock the river I can see very little future for the Towy fish population.
13. Can I draw your attention to the situation in Iceland as reported in April 2015 edition of the "Trout and Salmon" under the heading "A saga of success". I ask the Assembly members interested in fishing to read it. Sufficient to say that in 1988 the rod catch of salmon on the Ranga river was 53 in total. In 1990 it produced 1622. Twenty years later the Ranga River produced rod catch in excess of 14,000 (14,135). WHY? The river was stocked with fish at the smolt stage.
14. If this is acceptable in Iceland a country that has protected its fish stocks at sea, why isn't it acceptable to us?
15. Using the current fish stocks and rearing their progeny surely cannot change the genetic make-up- of the fish population substantially. Anyway evolution teaches us that the "gene pool" is always evolving. Will the NRW evolve ?

Eifion R Morgan.  
31 March 2015.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 15**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Lawrence Birkin**

Only through the pages of an internet 'chat room' have I become aware of this Annual Consultation which in itself could be considered rather damning of NRW's ability to communicate.

My primary concern is with the decline in migratory fish stocks in our rivers, a situation which surely could be improved with better management of the natural environment on which they depend; this, one would assume, is a primary function of National Resources Wales?

Unfortunately, this does not appear to be the case. Whereas with the previous system, when each of the of independent agencies for Rivers, Forestry and Agriculture were able to regulate the often detrimental actions and practices of the others, we now have an autonomous regime who would appear to consider themselves answerable to no-one.

One example of this is the ability of a landowner to obtain 'permissions' to replant an area of upland recently clear-felled with conifers; an area which not only directly effects the headwaters of a river of national importance but also undermines the efforts of one of the UK's leading conservation organisations, riparian owners downstream and ultimately wastes tax payers money.

As an estate manager with 40 years experience in forestry I can tell you that today there is absolutely no argument for commercial softwood plantations in the UK and, in days gone by, the 'Rivers Authority' would have objected to a 'Forestry Authority' plan such as this.

On a personal note; it worries me that in 45 years of fishing the rivers of Wales I have neither seen a bailiff nor been asked to produce my rod licence.

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 16**

**Natural Resources Wales – Annual Scrutiny 2015**

**Response from Fil Wills, The British Horse Society Cymru National Committee  
Chair**

Natural Resources Wales (NRW) has been in existence for 2 years and I have found our relationship with the ex FCW staff on the ground and their direct managers to be as cordial and professional as ever. However there are various points of concern from our side:

- The lack of an adequate website to gain the necessary information is unacceptable.
- The continual changes in staff structure makes it impossible for us to retain our staff contacts.
- Older staff are taking early retirement and a whole level of knowledge is being lost and wheels are being re-invented, this is not a good use of resource.
- Unless you have direct dial numbers for staff you have no chance of getting to them through the switchboard which is next to useless.
- There is no evidence to us of a new single culture and the 3 merged units still seem to operate as before. After 2 years it is disturbing that this is the case.
- The senior managers seem to be unaware/do not seem to accept that there is a problem with the 3 different cultures continuing and with the general perception that the Environment Agency rules everything. This is unacceptable after a 2 year period.
- What we are being told at public events and in general publicity about NRW does not tie in with what we see on the ground – this is again a disturbing scenario.

I am sorry that this seems negative, and I am sure that, given time, the situation will improve, the large financial savings which were promised will happen and there will be one cohesive unit. It must be extremely difficult for senior staff who have come from separate strands of environmental work, each with their own individual expertise in distinct areas, to take on different elements of work which are entirely new to them.

As previously mentioned, I have absolutely no problems with the individual staff on the ground and their direct managers, who continue to provide excellent service, despite what appears from the outside, to be a very difficult environment in which to work.

I hope you find my comments useful.

Fil Wills

31 March 2015



**Cymdeithas Bysgota Amatur Caerfyrddin**  
Sefydlwyd 1894



**Carmarthen Amateur Angling Association**  
Established 1894

**President:** Mr G. Philipps

**Chairman:** Cllr. Daff Davies

**Vice Chairman:** Mr. John Williams

**Hon. Secretary / Treasurer:**

Mr David Neil Evans, 4 Lon Clychau'r Gog, Heol Castell Pigyn, Abergwili, Caerfyrddin, SA31 1DQ

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Dear Sir / Madam,

1. We are grateful for the opportunity to comment on the performance of Natural Resources Wales (NRW). Your engagement with us as “customers” in this way is to be commended.
2. Declining fish stocks are a concern to all right thinking anglers and most of the circ. 2000 anglers who fish the Tywi each year. These days, most of the anglers along the river are conservation minded with many practicing voluntary catch and release. Carmarthen Amateur Angling Association comprises members from all parts of society - doctors, teachers, engineers, nurses, labourers, schoolchildren and lawyers. All are united in a love for our river and a desire to see it survive.
3. There is awareness amongst members of the need to return most fish. In recent years we have gone far beyond what we may reasonably be expected to do to help sustain our fish stocks. We are now looking to NRW to show the same level of commitment. We have:
  - Introduced a by-law on size limits - all sewin over 6 lbs. must be returned;
  - Introduced a by-law limiting the number of salmon that can be taken to 5 per season. This is enforced by our own tagging system. We encourage members to use hooks that facilitate the quick release of fish and have sign posted them to NRW's good practice guides;
  - Planted trees to reduce bank erosion and silting of spawning gravels;
  - “Adopted” a spawning tributary, the Crychiau, where we have created several miles of fenced in buffer strips. These strips have created wildlife habitats, improved shade and prevented siltation of spawning gravels.
  - Modified in-stream obstacles to assist with the upstream migration of salmon and sewin;

- Successfully made representations against the further afforestation of upland headwaters of the Tywi. Conifers play a major role in the acidification of upland waters. We would hope that NRW would use more joined up thinking in this regard in future;
- With partners, made representations against over fishing by coracles, estuarine nets and illegal netting in Carmarthen bay;
- Undertaken regular invertebrate sampling to monitor the underlying health of our rivers; a number of our members have received kick sample training and have been feeding information to the Carmarthenshire Rivers Trust.
- Contributed funding to the Llyn y Fan Hatchery year on year to stock our waters with thousands of juvenile fish from brood-stock **voluntarily** donated by anglers – we are determined to sustain our fishery. The decision of NRW not to support this activity on the Tywi despite the support of many anglers leaves many of us extremely disheartened. NRW will have received many representations in this regard and we would like you to press them on the rationale/scientific reasoning for their decision to withdraw support.

4. We continue to work with the Carmarthenshire Fishermen's Federation (C.F.F.) re. :

- Llyn Brienne mitigation fund issues;
- supporting a licensed cormorant and goosander cull;
- addressing reports of illegal netting in Carmarthen Bay;
- addressing the licensed netting operation by the coracle and seine netsmen - according to declared net catches, licensed netsmen "take" about 950 sea trout and salmon from the river each year. These fish are the larger "brood stock" vital to the future of the river – fish that would survive if caught by our members (thanks to our own by-laws) are killed if taken by the nets. Why is there not a proper equilibrium here; what logical system would allow no restrictions on the number of fish (brood-stock) that can be theoretically taken by the nets? The economic and social benefits of angling are well documented. Angling in the Tywi valley attracts far too much revenue into the area for it to be jeopardised by the interests of a handful of commercial netsmen.

5. Below is a table indicating the numbers of fish caught on our waters in recent years (lower Tywi) – it does not make for good reading. There is a pattern of a continuing decline in rod catches. As a consequence declines in angler numbers are already being experienced. These catch statistics should be read within the context of our member numbers – about 350. Last season 70 % of our members caught neither a salmon nor a sewin!

SEASON	Salmon	returned %	Sewin	returned %
2010	234	~	317	~
2011	300	37%	395	61%
2012	136	33%	425	57%
2013	228	45%	316	69%
2014	108	56%	189	76%

6. If you examine the number of fish returned for both salmon and sea trout (sewin) for a minute and divide these numbers by the number of rods for 2014 each rod kept 0.1357 of a salmon and about 0.1296 of a sewin each – honestly! We therefore see the call to increase our catch and release rates to 90% as unrealistic.

7. There is a significant risk that smaller angling clubs will fold and that the larger clubs will not be able to compete with external private interests. If, at some point in the future, the health of the river is restored, local people may find it impossible to fish on their own rivers!
8. There is very little NRW bailiff presence on the river at present and reduced angling effort will reduce the activity of self-policing even further.
- 9. We would like to see N.R.W. (and above it you, our Government) :**
  - Work tirelessly to realise the ethos of 'The Wales We Want' - now being forged within the Future Generations Bill. We want to see a "can do" attitude from NRW!
  - Create a Marine Conservation area within Carmarthen Bay and end all netting within that area. Please stop tinkering around the edges – the river is on its knees!
  - Suspend commercial netting (coracle and Seine nets) until such time as there is a marked improvement in fish numbers.
  - Support a significant licensed cull of cormorants and goosanders over the next three years and beyond if necessary. Each bird eats about 6000 to 8000 juvenile fish a year and there are hundreds sighted on the Tywi.
  - Provide adequate resources to facilitate enforcement – we have had enough of hearing of boats netting with impunity in Carmarthen Bay.
  - Co-operate with the police and others to energetically prosecute illegal netting within Carmarthen Bay.
  - Allow the hatchery to continue with fish reared and released being adipose clipped, so that the effects can be assessed more properly. Only then do we believe an informed decision can be made on the efficacy of the stocking.
  - Review their management processes to ensure that there is a co-ordinated joined up strategy to deal with the severe problems we face.
  - Prosecute all instances where agricultural practices are detrimental to the health of our waterways. Raise awareness of best practice in relation to habitat protection. There is much work to do here.
  - Some matters are obviously outside NRW control but where this is the case we want NRW to act as the "environment's champion" and energetically make representations to the relevant authorities and/or politicians.
  - Establish a pool of volunteers to act as bailiffs, samplers and river improvement workers. They could be used to halt the spread of invasive species and as locals, build on existing good relationships with landowners. Training, equipment and complimentary fishing licenses could be provided as a thank you. Many Local Authorities have used this approach with the Ramblers Association i.e. rather than constantly tell ramblers that they did not have the resources to open up footpaths, they used those same people as a free yet highly motivated workforce.
10. There are sound economic and social reasons for ensuring that our precious natural resources are protected. Indeed people are beginning to accept that continued economic growth is impossible and that, rather we should concentrate on using the resources we are blessed with in a sustainable manner. NRW has a pivotal role in this and we as anglers are looking to them to manage our natural resources wisely and effectively.

11. The Tywi once enjoyed an international reputation for the quality of its fishing and it is still incredibly important economically and socially to a great number of people. Angling has been the catalyst that has launched many environmental careers – including many who work for NRW now. Where has the enthusiasm gone? Many of us on the outside are very frustrated; we want the decline to stop. There is still time to put things right! These problems are not insurmountable if we all work together. Many of us anglers are eager to help, as can be seen by the work we are doing, but we need NRW to take the necessary bold decisions and play a bigger part than is currently being shown. The time for “pussy footing” around the edges is over.

These comments are conveyed with good heart and an exceptionally strong desire to see things improve.

Cofion gorau/kind regards.

David **Neil** Evans

Hon. Secretary / Treasurer  
Carmarthen Amateur Angling Association

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## Natural Resources Wales - Annual Scrutiny 2015

### Response from The Crown Estate

April, 2015

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#### 1. Summary

The Crown Estate welcomes the opportunity to respond to this consultation and is happy to support the annual scrutiny by the Environment and Sustainability Committee into Natural Resources Wales (NRW). We have a positive and close working relationship with NRW; this has been strengthened over the past twelve months and is evidenced by our shared Memorandum of Understanding. The Crown Estate is committed to collaborative working with NRW and other stakeholders within Wales.

#### 2. Introduction

The statements contained in this response are in the context of The Crown Estate's interests and responsibilities in Wales. The Crown Estate can bring to bear a high level of knowledge and expertise on issues relating to the management of the foreshore, the territorial seabed and continental shelf, and we are committed to working with the UK and Devolved Governments and all stakeholders on issues that affect these areas. Our Welsh portfolio is diverse; in addition to our marine estate, our rural estate includes substantial areas of common land, agricultural holdings and a range of mineral interests. Our marine portfolio takes in around half of the foreshore and the seabed, where we undertake a key role in enabling developers to realise the potential for renewable energy, particularly through offshore wind farms and marine renewable energy installations. In managing the Welsh assets we aim to work in partnership with government and local communities for mutual benefit. We have good working relationships with the Welsh Government, the National Assembly for Wales, local councils, NRW, communities and our own customers.

#### 3. Comments

We welcome NRW's approach to working with us and the efficient manner in which it delivers its statutory functions. Below are some examples of our working relationship:

- We recently signed a Memorandum of Understanding with NRW in which both parties have committed to work in partnership to ensure that the natural resources of Wales are sustainably managed.
- We have regular meetings at and senior staff level to ensure our working practices are complementary and to determine where we can work more closely to assist in the delivery of our separate statutory functions.
- Since the marine licensing function of the Welsh Government moved to NRW, we have developed a good working relationship with the marine licensing team and have regular liaison. We believe the team works well with the resource they have, but as with many operational units across the UK, they have high workloads to manage.

- The NRW website has useful pages on marine licensing with easy to navigate areas that enable applicants and other interested parties to find out more about licence applications that have been received and their stage in determination.
- We continue to have fortnightly teleconferences with the Welsh Government and NRW to discuss the development of the marine planning process.
- We are a member of the Welsh Government's Marine Strategic Advisory group, of which NRW play an active role.
- NRW are active participants in many offshore renewable energy groups that The Crown Estate facilitates and their input and advice is expertly provided; this includes the Offshore Statutory Nature Conservation Authorities Group, amongst others.
- The NRW Marine Licensing Team is actively involved in the development of the Offshore Renewables Joint Industry Programme for Ocean Energy (a programme convened by The Crown Estate, Marine Scotland and Welsh Government) to address some of the sectors' principal consent risks early on and strategically.
- We are working with the NRW Marine Consents Team on the development of a cross-UK regulator workshop focussing on the consenting of the wave and tidal demonstration zones. This will involve developing a consistent approach and learning lessons from consenting of other test sites around the UK.
- We have a long established close working relationship with NRW's advisory function which was transferred across from the Countryside Council for Wales, with regular liaison and meetings. Such meetings provide an opportunity for open and transparent discussion of our respective organisations' activities and priorities and collaborative working.
- We have agreed to work together to identify any areas of adjacent land ownership that would benefit from a joined-up management approach.
- We have an open and transparent working arrangement to share new and existing data sources, where licensing arrangements allow.

#### **4. Conclusion**

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and be very pleased to discuss these matters with you further. We are ready to engage in further discussions on these and other relevant points. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

#### **5. Contact:**

David Tudor, The Crown Estate, 16 New Burlington Place, London, W1S 2HX. Tel. 020 7851 5000, email: david.tudor@thecrownestate.co.uk

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 19  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Newborough Forest Protection Group**

**NAW Environment and Sustainability Committee scrutiny of  
Natural Resources Wales.**

**Submission by the Newborough Forest Protection Group**

The Newborough Forest Protection Group is an informal group of local people whose purpose is to protect the integrity of this priceless resource in south west Anglesey. Over the past decade there have been several proposals and much controversy over plans by CCW and more recently NRW to remove trees permanently from various areas of the forest. This submission relates to the recent and planned permanent removal of trees from the forest areas adjacent to the sand dunes and recent excavations of open dune areas. Forest clearfelling - see red areas on the map in annex 1. We wish to draw the Committee's attention to instances where we consider NRW has failed in its management of these areas of the forest. We also offer recommendations for future action by NRW

**Instances of mismanagement**

**1. Misinterpretation by NRW and CCW of the UK sand dune management standards - Common Standards for Monitoring dune sites.**

The UK has standards for assessment of the conservation state of protected habitats. These are the Common Standards for Monitoring (CSM) and they were produced by the Joint Nature Conservation Committee (JNCC) with the collaboration of all the UK conservation agencies. They are an important framework for UK conservation practice providing a quality assurance system and ensuring continuity of habitat assessment across the UK. NRW have failed to apply these standards appropriately: ignoring some standards and misinterpreting another key target. It would appear that they have done this to justify an agenda and this approach is the antithesis of good science and sound conservation practice.

The UK standard for bare sand in fixed dunes is 'a presence but not more than 10%' of habitat area; < 5% in wet, 'humid' slack areas; in other words the plants that characterize these habitats should cover > 90% of the area. NRW have ignored this standard in pursuit of bare sand levels far beyond those required by the UK standards. They have instructed their commissioned consultants to produce recommendations for 30 - 40% bare sand in habitats where bare sand should be less than 10% of habitat area.

By ignoring the requirement that assessment of habitat zonation should be 'site- and feature specific' NRW concluded that dune habitats at Newborough were in an unfavourable state despite their own assessments finding them in good condition. Without changes to habitat zonation the conservation assessment of mobile dunes has gone from 'excellent conservation status' [SAC designation document, 2004] to unfavourable, 2005. There were no changes to the processes that sustain the long term future of the mobile dune habitats.

The Habitats Directive and Special Areas of Conservation are there to protect our natural habitats. They do not provide a remit for landscaping a site to artificially create a 'geological' theme park to meet the 'vision' of a group within the conservation agency. The UK has appropriate habitat assessment targets and they should be adhered to.

## **2. Failure by NRW to meet the commitment it made to refer the science review to independent arbitration.**

When the WG required CCW to carry out a 'Science Review' regarding dune conservation at Newborough it was recognized that there would be issues that could not be resolved without impartial and independent arbitration. All parties to the Review with WG support agreed that disputed issues would be resolved by such impartial, independent arbitration.

This commitment was reiterated in the 2010-15 Forest Management Plan (FMP) which states clearly in a number of places that no clearfelling could take place until arbitration had resolved the disputed issues.

The 5th 'Way Forward' Review meeting chaired by Dr David Parker, CCW's Director Evidence and Advice & the Review chairman, agreed with independent participants to the format for arbitration. It was agreed that an arbitration panel should consist of three appropriately experienced & qualified scientists/conservation experts with a good understanding of the Habitats Directive, UK conservation standards, and appropriate sand dune and forestry expertise. This panel would be chaired by a fourth scientist of appropriate knowledge and experience and standing in the scientific community. Dr Parker was to organize the process of reviewing potential arbitration panel candidates in order to arrive at a mutually agreed panel. Despite a number of appropriate candidates being suggested by both Dr Parker and independent Review participants that process never took place and the panel was never set up.

Following the 5th Review meeting CCW sent the WG a 'CCW version' of what the disputed issues were and their version of the independent review participants' views. The WG ultimately lost confidence in the veracity of this summary and asked the independent participants for their own summary of views.

As a pre-arbitration screening process both versions of the disputed issues were sent to the Chief Scientific Advisor for Wales, Prof. Harries. He made no formal report before resigning but did verbally inform WG officers that he believed CCW's arguments were unsubstantiated and that further research and studies was required to resolve the disputed issues.

Despite repeated requests for the agreed arbitration to take place the WG had a WG officer write a less than impartial review to justify proceeding with CCW/NRW's agenda for clear felling at Newborough. A request to the responsible minister in the WG from the former Deputy First Minister, Ieuan Wyn Jones, and independent Review participants were to no avail and arbitration has never taken place. The conservation agency failed to ever substantiate its claims before an impartial and independent panel of appropriately qualified scientists. They failed to honour the commitment to the public that fair arbitration would resolve disputed conservation issues.

## **3. Wholesale destruction of valuable habitat by permanent removal of trees adjacent to sand dunes.**

During 2014 and 2015 NRW clear felled 6 ha of forest & recently extended the work in two areas in the red zone (see map in annex 2); in the process removing all biomass and soil. Breaches in the existing dunes were bulldozed in eight places to create artificial 'blow-outs' to encourage sand movement into clearfelled sections of forest. This action contravenes the agreement that felling in these areas could only occur after independent arbitration on the science review. The effect has been to destroy all specialist plants in these artificial bare sand areas and exposed the new forest margin to the full force of the wind. Having been formerly protected from the wind and salt spray

these trees are unlikely to survive for long. The amenity & visual impact of this work is appalling - see accompanying photograph in annex 3. This action has greatly upset many regular users of the forest & beaches and has never been justified. NRW has stated it will monitor the effects of this woodland removal but no details of this programme are in the public domain.

#### **4. Failure by NRW to draft new management plan for the forest, warren and dunes.**

The forest management plan for 2010-15 expired on March 31<sup>st</sup> 2015. We welcome NRW's proposal that an integrated management plan for the whole area (forest, dunes and warren) should be developed. Such a plan should involve a full and meaningful consultation with the public stakeholders and the full requirements of the Århus Convention and Article 2(3) of the Habitats Directive adhered to. We are disappointed that no progress seems to have been made.

#### **5. Failure by NRW to set up a local consultation group.**

Up to 2012 the Newborough Liaison Partnership, which was set up by the Forestry Commission, was the main discussion forum on matters concerned with the forest and dunes. This has not met since 2012. NRW have stated that a new consultation body will be appointed as a means of consulting with local interests but this has not yet been done.

#### **6. Failure to meet their legal obligations under the terms of the Århus Convention and Article 2(3) of the Habitats Directive**

By failing to resolve disputed conservation issues through impartial and independent arbitration and meaningfully consult the public about their forest clear felling and dune excavation agenda NRW have not met their obligations under the terms of both the Convention and Directive.

### **Recommendations.**

We make the following recommendations to the Committee on policies and actions NRW should implement with respect to Newborough.

1. There must be a moratorium on further clear-felling and permanent removal of trees adjacent to the dunes until the results of the monitoring programme of the two pilot areas have been published, discussed with and agreed by the local community.
2. The requirements of the Århus Convention and Article 2(3) of the Habitats Directive should be fully implemented.
3. NRW must compensate for all areas of trees removed by creating equivalent new areas of woodland within the Newborough Forest area.
4. NRW must act on its publicly declared commitment and expedite the replacement of the lapsed Newborough Liaison Partnership.
5. Progress must be made with the promised management plan for the area. Before being signed off and implemented it must be discussed with and gain the support of the local community through the newly created Liaison Partnership.
6. Detailed costs and the sources of funding for the recent programme of work in the forest and the dune projects should be in the public domain.
7. NRW should have a named officer responsible for handling all enquiries from the public on the management of the Newborough area. At present responsibility seems to be scattered among many different officers.
8. Our monitoring of events at Newborough has made us aware that currently NRW distributes funds derived from WG & Europe as grants to NGOs, charities and community projects. This gives substantial power, influence and opportunity for arbitrary action to an un-elected body.

We recommend that this function be either taken away from NRW or seriously curtailed and made much more accountable.

Annex 1  
Map of Newborough Forest from Forest Management Plan 2010-15

**Newborough Forest Management Plan – FINAL v1.0**

The following extract map from Figure 5.1 shows the two areas of clearfell in Zone 1, also Zone 5, the forest protection area of underplanting, which is referred to below.

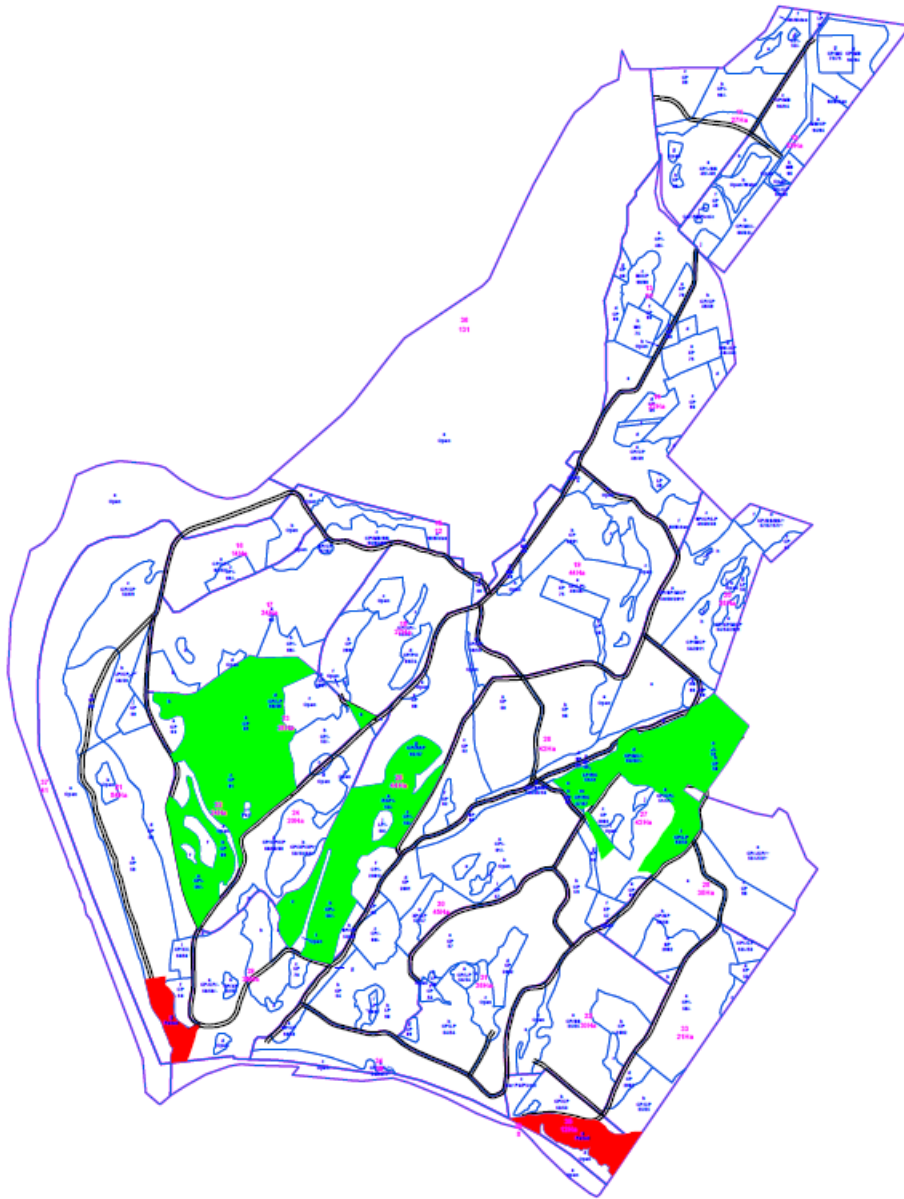


**Target within 1 year:** The Zone 1 felling coupes will only be felled once the arbitration panel has agreed this aspect of the science review. If this is indeed the outcome – which may require WAG approval – then the coupes will be scheduled for felling within the period of the plan, although the timing may depend on agreement over other aspects of the plan. The timing over the underplanting in Zone 5, the forest protection area, for example, may be a consideration in the timing of the clearfells.

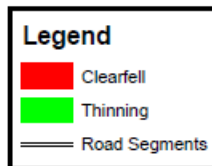
Annex 2

Pilot clear fell areas 2014/15

Forester



Forest District  
Title  
Type of Map Stock  
Scale 1:14,718  
Date



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Natural Resources Wales 100019741.

Annex 3

Photographs of artificial dune areas



**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 20**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Mike Hill**

Dear Sirs

In response to your request for contributions to the annual review of the NRW in 2015

I moved to Wales ten years ago. As a keen fisherman I chose to join Llandovery Angling Association close to my new home with access to some of the best sewin fishing Wales **used** to offer.

As my interest in sewin fishing grew I saw more and more that the river was slowly being eroded by negligence on the part of the regulating bodies. The cold water take off at the Lyn Brienne dam, the nets, the coracles and now the closure and subsequent complete ban on stocking. The decline of fish entering the River Towy, let alone reaching the upper waters, is a natural disaster not just for the environment but also for the economy.

Surely NRW should be guided by the Welsh Assembly Government who spend millions of pounds each year on the tourism market. Fishing provides a substantial income and numerous employment opportunities to Scotland and Ireland. The rivers in those countries are looked upon as precious commodities to be protected and nurtured thus retaining the fish anglers travel from all over the world to catch. Wales has those rivers but the regulating bodies have failed to protect them and the results are plain to see. No fish, no visiting anglers and a decline in rural income throughout Wales.

I can only surmise that the funding for NRW is the reason for the lack of bailiffs on the rivers. WAG is very much in favour of job creation but where are the bailiffs?

Perhaps it is a good thing that I did not have the pleasure of fishing in the golden years of the River Towy as I, unlike many other fishermen, have nothing to miss. However it grieves me to think that such a fantastic river could end up in the sorry state it now finds itself in. NRW knows the steps that must be undertaken to revive this Welsh treasure. If they do not then they should not be a regulatory body. I hope that NRW will sit up and take note of the comments made by fishermen regarding this consultation as I for one would like to see the return of the halcyon days of sewin fishing in Wales.

These views and opinions are my own.

I have no objection to my views being on public display.

Yours faithfully

Mike Hill

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 21**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Jonathan Jones**

To be totally frank, i think the nrw is failing the aquatic enviroment badly. I fish numerous rivers and waters through out wales and the effects of having the polluter and gamekeeper under one roof is tbh a shambles,

A, upland forestry is a major contributor to the effects of acidification and silting of spawning beds of game fish on most welsh upland rivers, who controls and monitors this?

B, since the bailiff force has been cut to below the bare minimum, its plain that poaching on many levels is becoming an issue.

Whether it be one for the pot or illegal in river or off shore netting, the nrw doesnt have the recources or are equiped to cope with the problem. We see many net marked fish in the neath and the ognore, both rivers dont have legal netting stations, yet these sewin, salmon,mullet and bass with scales ripped clean off their sides can number in their hundreds each year! So how many dont make it through?

C, with the increase in invasive species now becoming prevelant, what is the nrw doing to curb them. Feb's etc.

D, after a fungal outbreak amongst the sewin and salmon population on the ognore two seasons ago, the nrw couldnt provide manpower to:-

1, collect/sample/net the affected fish.

2, did not have a facility in wales to deal with the situation or the experts to find out what the problem is/was!

D, with declining runs of migratories in most welsh rivers, what are nrw doing about lowering coracle/seine net quotas as opposed to just asking anglers to practice catch and release?

E, with more impending budget cuts, the nrw is already performing to around 20% of what it should be in fisheries, how is this going to effect future stocks of fish? The enviroment?

D, the cost of the rod licence is being questioned by many as just another stealth tax, it seems we as anglers are getting a rough deal in terms of vfm for what the nrw actually does. Joke and shambles are being mooted. Bailiffs canot go out on their own after dark to attend a poaching incident and must draw another in from a different district to accompany them, this takes hours if at all, the illegals know this and carry on, laughing at us in some instances, knowing they are going to get away with it.

Please please please sort out your mess, the aquatic enviroment and us anglers have suffered long enough.

Jonathan jones.

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 22  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Tim Birkhead

4 April 2015

Dear Sir/Madam

**My experience with NRW in relation to the monitoring of guillemots on Skomer Island NNR.**

Skomer Island, Wales is one of the most important Welsh seabird colonies and one of only a handful of key sites for monitoring the fortunes of seabirds in the UK. Skomer's seabirds are therefore important both from a Welsh and an international perspective.

For the past 43 years I have organized and maintained a long-term programme of monitoring the population of common guillemots *Uria aalge* on Skomer Island, Wales. The monitoring has comprised annual measures (since 1972) of the population size, survival rate (the proportion of birds surviving between years), breeding success, timing of breeding and the rate at which juvenile guillemots are fed, as well as their diet. These parameters not only allow us to establish the status of the Skomer guillemot population, almost as importantly, they allow us to assess the quality of the marine environment in the Welsh waters of the south Irish Sea.

The guillemot monitoring programme run by myself and the University of Sheffield, at an extremely modest cost to CCW (that didn't come close to the full economic cost) provided the most detailed and accurate monitoring of any seabird on Skomer.

Until 2013 and for the previous 25 years, this monitoring programme was funded by the Countryside Council for Wales (CCW). In late 2013 when CCW was disbanded and replaced by NRW, the funding for the guillemot monitoring programme was terminated. The timing of this termination of funding was unfortunate because in late January and February 2104 severe storms on the west coast of Europe caused a massive mortality of seabirds and referred to as the seabird wreck, in which a minimum of 40,000 seabirds died, including many of Skomer's guillemots. The full impact of these storms, the consequence of climate change, is still being assessed and I will produce a report towards the end of 2015.

In addition to my long-term guillemot monitoring programme, other seabirds are monitored on Skomer, albeit not in as much detail. The monitoring of these other species is funded by JNCC – some of which is subcontracted to Professor Christopher Perrins and Dr Matt Wood. The JNCC funded work also includes counts of guillemot study plots (that I established in 1972) to monitor guillemot

numbers, and in addition, for reasons I am unaware of JNCC also fund monitoring of guillemot breeding success. This work is undertaken by JNCC-employed individuals. Results from this monitoring purports to show that guillemot breeding was declining year on year. In 2010 I examined and analysed the guillemot data collected by the JNCC employees and I showed that the decline in guillemot breeding success was an artifact. Data from our own study showed no such decline in guillemot breeding success. It was also apparent from my analyses of the JNCC data that not only has there been any supervision of the way JNCC employees on the island collect data, the methodology had strayed considerably from that originally specified. Together these two findings meant that the funds JNCC spends on monitoring guillemot breeding success has been completely wasted. In the present economic climate this is scandalous. I presented my findings to JNCC at a meeting with them and CCW at Cardiff in 2010. Despite this however, in subsequent years JNCC continued to employ people to monitor guillemot breeding success.

It was because JNCC were monitoring guillemot breeding success so poorly and with no supervision and with no sense of the quality of the data, that when NRW terminated the funding for the Sheffield monitoring programme, I wrote on 3 March 2014 to Emyr Roberts and to Professor Peter Matthews to explain why continuing our programme was vital. I received neither an acknowledgement, nor a reply, which I consider completely unprofessional.

As a result, together with colleagues including the Wildlife Trust of South and West Wakes (WTSWW), I organized a one-day meeting in Cardiff in April 2014 at which everyone involved in monitoring seabirds on Skomer attended (many at their own expense) to help make a case to NRW about the crucial nature of the monitoring programmes being undertaken there. Many of those that attended or spoke at the meeting are among Britain's most eminent scientists and conservation biologists, including two Fellows of the Royal Society. Their presence should have been a very clear signal to NRW about the concern for and the international importance of the monitoring being undertaken on Skomer. NRW attended, but made no attempt to engage with anyone at the meeting, and allegedly when they returned home said that nothing they had heard would make them change their minds about reinstating the funding for the long-term guillemot project.

I have said publicly on several occasions that if JNCC (or anyone else) was undertaking the monitoring in a scientifically acceptable manner, with appropriate supervision and independent assessment of their data, I would have accepted NRW's decision to terminate my funding. However, NRW has said repeatably in public that:

*'The long term increase in guillemot numbers at Skomer Island, and the fact that this species will continue to be monitored under the JNCC contract, reassures me that there will be no loss of data or information about these birds'* [Letter from Carl Sergeant 14 October 2014 to William Powell, Chair of the Petitions Committee].

This, despite my pointing out to JNCC in 2010 that their methodology is flawed and their conclusion meaningless. I have made the same point to NRW – but without eliciting in a response. At a time when funding for environmental issues is tight, it seems deeply perverse that NRW should continue to support JNCC's flawed methodology, yet terminate the funding for a study that provides high quality, reliable, meaningful data. So much for NRW's 'evidence based' policy decisions!

My overall experience of NRW therefore has been extremely frustrating. NRW's discourteous lack of response to my correspondence, their political intransigence and their total disregard for whether the information collected by their sister organisation, JNCC is of any value beggars belief.

In response to NRW's termination of funding for the Sheffield long-term guillemot study, I was asked by the internationally renowned scientific journal *Nature* to write a summary of the situation. The article was published in *Nature* on 23 October 2014. The response was international disbelief and outrage at NRW's short-sightedness. This in turn allowed me to launch a web-based campaign to secure funding that would allow the monitoring programme to continue for another year to establish the consequences of the seabird wreck. It is a measure of the strength of feeling about NRW's behavior that the funds were raised in just two weeks.

However, it is NRW's responsibility to look after the welfare of its Welsh wildlife. Moreover, the funds I and others have raised are sufficient for the monitoring of only the forthcoming (2015) guillemot breeding season. What is required is a commitment by NRW to long-term (ten or twenty years) funding, and preferably at a level that covers its full economic cost, together with a reappraisal of the way monitoring is conducted and analysed.

I look forward to your response.

Yours faithfully

Professor T R Birkhead

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 23**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Ron Ward**

Thank you for the opportunity to comment on the performance of the NRW. My comments are based upon almost fifty years of fishing the river Teifi and I am a member of the Llandysul Angling Association. Although I do not live in the area, I manage to make several trips from Manchester to the river during each season. I am not going to reiterate all the statistics on net versus rod catch, as these figures have already been provided in other submissions, so I will just concentrate on my personal observations.

In the early years, despite the inexperience of youth, these trips were reasonably successful and one could also see (and hear) salmon and sea trout (sewin) regularly leaping, which gave much encouragement during the less productive sessions. However, since those halcyon days I have witnessed a sad decline in the fishing on the Teifi, to the point last year where I hardly saw or heard a fish leap, let alone catch anything – a complete blank, despite the season extension that was granted to the Association. From talking to other anglers, during the normally more productive salmon months of September and October, very few fish were seen or caught and those that were, were mostly red (i.e. stale fish having been in the river some considerable time), despite there being good flows of water to allow fresh fish to run up from the estuary.

What I did see last year was a plethora of canoes and rafts. On one occasion 3 rafts appeared in the pool that I was fishing, and following a shout of “Angler”, a couple of people jumped off their rafts into the river – I gave up and went home in disgust!

Another hazard that the fish have to suffer is an increase in the number of fish-eating birds, such as cormorant and goosanders etc.

The concerns over the drastically reduced numbers of migratory fish, the increase in fish-eating birds and the numbers of canoes and rafts have been going on for years. They are not just my concerns, but that of the majority of anglers and affect not just the Teifi, but all game fishing rivers in Wales. And what have the NRW (or its previous incarnations – EA, NRA etc) done about these concerns – it seems practically nothing!

- The NRW should be acting to severely restrict (or better still eliminate) coastal and estuary netting, which I and most other anglers on the Teifi feel are primarily responsible for the reduction in the numbers of migratory fish.
- If netting is allowed to continue, hopefully on a much smaller scale, it should be limited to a shorter season with less days operating during the season. Also, estuary netting should be banned during periods of low water in the rivers that feed the estuaries.
- Catch limits have been introduced by many clubs, often enforced by carcass tagging, as a voluntary effort to conserve stocks. Why can't the NRW make this mandatory and applicable to nets as well as rods?

- There should be tighter control of the use of certain pesticides in the vicinity of rivers and their feeder streams.
- There should be attempts to control the number of fish eating birds, such as cormorants etc.
- The salmon hatcheries should be re-opened and stocking plans introduced with some urgency.
- The amount of canoeing and rafting should be curbed by limiting it to high water and preferably to the angling closed season. A licencing system for canoes and raft should also be introduced - after all, they are river users, as us anglers and we pay for licences and have seasons, why shouldn't they.

The Teifi is a great asset to the tourist industry of South West Wales, as are other rivers to the areas that surround their catchments. A significant regional income is generated by angling, but if the fish are not conserved, then visiting anglers and their families will not holiday in the area, thus much of the tourist income will be lost.

Yours Sincerely

Ron Ward

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 24  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Powys and Brecon Beacons National Park Environmental  
Records Centre Limited**

I write in response to your invitation to comment on the performance of Natural Resources Wales with regard to its relationship with its stakeholders.

As Chairman of the Powys and Brecon Beacons National Park Environmental Records Centre Limited I can report that in general we enjoy good relations with NRW and especially the staff with whom we deal regarding operational matters.

However one aspect of our relationship causes us great difficulty and that is the long delays that occur before we receive money that is owing to us by NRW. As a small Limited Company we find that such delays have a very serious effect on our cash flow and could risk our very existence.

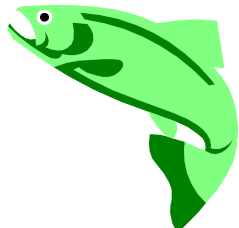
It seems to us that all the hard work that is put in by operational NRW staff to develop good relations with us for the benefit of the Welsh environment is put at risk by such an inability to settle invoices, which I would have thought would be central to the effective running of a large organisation such as NRW.

Yours sincerely

Dr Norman Lowe OBE

Chairman

Powys and Brecon Beacons National Park Environmental Records Centre Limited



## Llandoverly Angling Association

**Chairman :**  
Dr Robert Salt

**Treasurer :**  
Mr Clive Davies

**Secretary :**  
Mr Michael Davies

Dear Sir / Madam,

Llandoverly Angling Association dominates the upper Towy in terms of river ownership and rental leases from local farmers. Therefore we have had a front row seat in witnessing the decline of this once great fishery, largely due to the pathetic management of the river by the powers that be in their numerous different guises.

Both the creation and performance of NRW have been unmitigated disasters. This is especially true of the fisheries section. However in defence of NRW, the slashing of its budget and staff has seriously compromised the effectiveness of the organisation. In its present state it is not fit for purpose. The situation here in Wales has been further aggravated by blatant mistakes in policy making. These decisions have threatened the future of game angling in the Principality which in turn will have a serious knock on effect for the Welsh economy as a whole.

The joining of The Forestry Commission with the fisheries section of NRW beggars belief. Coniferous forests in our upland valleys exacerbate the problems of acidification, yet the regulating body responsible for protecting the health of our streams is the remnant of the old Environment Agency within NRW. There is an obvious conflict of interest.

The upper Towy in particular is not protected and NRW lacks the necessary teeth as a policing agent to ensure the health of this once great river. On the same lines NRW lacks the necessary staff to properly protect fish stocks from poaching gangs and pollution incidents. On the Towy we have serious concerns about illegal netting that appears to be taking place in the estuary and in Carmarthen Bay and yet the authorities neither have the will nor the resources to protect our valuable salmon and sea trout stocks.

At a time when fish stocks are falling NRW has taken the baffling step of closing hatcheries in Wales. The consultation process that preceded this decision was farcical with over 80% of participants urging NRW to change tack on this policy. The arrogance on this matter was breath taking. We have the makings of a real catastrophe that could lead angling clubs and local businesses that rely on tourism into bankruptcy.

Finally here on the Towy we have the problem of the Brienne dam and the cold water that emanates from its base. A mitigation package agreed originally by Act of Parliament now seems to be at risk. NRW as the regulating authority has a duty to protect the river from the potential harmful activities of Dwr Cymru Welsh Water. So far NRW has singularly failed to do this. The position is probably illegal.

We have no objection to the publication of this letter.

Yours faithfully,  
Clive Davies.



**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 26**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from C Basterfield**

Dear sir or madam

This is a personal submission by C Basterfield

I submit that NRW by inaction or by the actions of NRW and its subsidiaries their officers and or agents , NRW have :-

- 1. Wilfully neglected duties and responsibilities .

NRW has not protected ' areas' as required or as it should have done for the whole population for whom it holds authority, land and has been entrusted with many duties and responsibilities .

- 2. Failed to honour it's commitments and agreements .

Independent Arbitration as defined in 2010-15 Newborough management plan, its time base and content. Not liaised on a 2015 forward plan.

- 3. Knowingly exceeded reasonable authority.

In disregarding guide lines and best practice by obtaining finance to carry out and or permitting to be carried out questionable or excessive and possibly unnecessary works .

- 4. Failed to communicate correctly.

Ignored requirements to liaise or communicate as required , in good time, or has not communicated or communicated retrospectively regarding important matters.

- 5. Misrepresented facts .

Permitted to be made false statements in communications with individuals , organisations , groups and with the public at large. Allowed biased , partial personal views and some other agendas to become acceptable and acted upon regardless of its prior agreements and responsibilities .

- 6. Obtained , used and possibly misused or wasted valuable financial resources .

By initiating projects then not completing or alternatively exceeding requirements or by not maintaining or protecting its own and other defined projects and installations . Possibly also by seeking to self perpetuate staffing positions by supporting and obtaining funds for and progressing with questionable work or projects.

NRW has in my opinion a monopoly or unilateral control of approved policy management , finance , fund gathering and fund distribution also acceptable parameters controls reporting , this basis could lead to a certain amount of creativity and could be used improperly or coercively to apply undue pressure or enforce opinion change , there is also a possibility of penalising or excluding from funding organisations that do not or will not concur or comply fully with NRW "agendas and actions" .

NRW Is in an unrivalled over privileged position with a direct line of communication as an accepted advisor to government , it is a prime mover on government policy decisions and as a government body managing , financing , placing and overseeing contracts without any form of "effective unbiased" controlling body or watch committee , any errors or discrepancies or misdirection's could tend to be authorised covered up and pass completely unnoticed .

Unfortunately any damage done can not at this stage be rectified . for this reason I feel it is essential to instigate changes or further controls by an authoritative body totally separate from any form or representation from within or association with NRW and its subsidiaries or beneficiaries.

I remain yours faithfully C Basterfield. Mr

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 27**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from James Robertson**

Written Evidence to the Environment and Sustainability Committee – Natural Resources Wales – Annual Scrutiny 2015.

I welcome the opportunity provided by this consultation, and appreciate the important role that the Environment and Sustainability Committee plays in scrutinising the performance of this relatively new Agency.

I would like begin by setting my brief comments on Cyfoeth Naturiol Cymru/Natural Resources Wales in an historic context, in particular with reference to its inherited functions relating to biodiversity. How well does the new organisation advance the vision set out in Command 7122 and the post-war consensus that there should be a place for nature in a civilised society? Is it delivering its functions in relation to the natural environment in a way which augments and updates this vision?

The merger of the Nature Conservancy Council and Countryside Commission in Wales overcame an anomaly in the establishment of countryside and environment agencies, and although there were teething troubles, it provided the opportunity to bring detailed ecological knowledge and executive function together with a greater sense of the public purpose of its environmental functions, and with the enabling role of grant-aid. It also brought the environment closer to the people, and the establishment of the Welsh Assembly enhanced the democratic process for public scrutiny of CCW's work. Despite the bumps along the way, that organisation proved itself in taking forward the original vision for nature in Wales.

The new organisation, which is understandably dominated by EA culture and functions, was supposed to be developing an approach to its work across the board based on ecosystem services, a difficult concept for most people to grasp. What does this mean for its work? What changes can the people of Wales expect to see as a result? So far I have yet to see evidence to answer these questions, or to show that NRW is aware of and taking forward the historic vision of a place for nature in a civilised society. This raises questions of NRW leadership and of Welsh Government oversight. As an example of the former, I was concerned at repeated comments by the Chief Executive emphasising that NRW has no policy role, and is a functionary of Welsh Government. Regarding the latter, I would cite concerns over the practical value of wordy documents like the Nature Recovery Plan, worthy as their aspirations are, and the predictable fiasco of the Nature Fund, which wasted so much Welsh NGO effort.

I am pleased to see some imaginative work being carried out by NRW, for example at Newborough Warren NNR, and in partnerships, such as with NT at Cwm Ivy. I appreciate the extremely difficult financial context, but note that valuable partnership work carried out by NGOs has been suddenly cut, with no consistent approach to the cuts. Former CCW staff admit to feeling unsupported and having to engage with an interminable bureaucracy to get anything done, and many have now left, taking early retirement schemes. This is creating a significant skills imbalance in the organisation. Good environmental decision-making and advice depends on having access to expert knowledge which, once lost, may be hard to restore.

Although I am optimistic that NRW will come good, I thought the Committee should be made aware of these concerns about vision, leadership, oversight, grant-aid and loss of expertise due to staff cuts.

James Robertson

5 April 2015

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 28**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Ivor Rees**

**Background**

This is a personal response. I am a retired university lecturer in Marine Biology at Bangor University. Over very many years I collaborated with or advised staff at the predecessor agencies, NC, NCC, CCW and JNCC. This included working on several joint projects with them involving work at sea all round Wales and various impact studies on such as disposal to sea of sludge and dredge spoil, as well as fishery and aggregate dredging effects. I have also been involved with the identification and recommendation for safeguarding measures for sensitive biogenic habitat features such as the horse mussel reefs. Arising from this history of interest in conservation and marine resources I would like to make the following points:-

1. There seems to have been a disproportionate loss of the most experienced and ecologically aware staff on the biodiversity conservation side of NRW following the merger. There are now concerns that the organisation is lacking in the breadth of expertise in some areas to fully meet its special role in advising government on biodiversity issues, safeguarding all aspects of wildlife in designated sites and adequately scrutinising the multiplicity of development projects that may significantly impinge on natural resources. After the degree of hollowing out that has happened it could take decades to re-build the previous capabilities. In the meantime there is a risk that the organisation may no longer be perceived as “fit for purpose” in respect of wildlife conservation. Seen from outside, the poorly managed changes appear to have created a low level of morale.
2. I have particular concerns that the staffing and financial support level may not be adequate to meet the challenges in the marine areas of responsibility. While renewable energy from the tides may in principle be a welcomed, the recent flurry of proposals will generate a huge amount of case work for the wildlife conservation side of NRW to scrutinise. There will be wider ramifications, such as the sourcing of material for barrier walls and needs to consider mitigation measures. This type of work requires a range of ecological understanding including marine biology, coastal geomorphology and sediment transport. There have been recent cases in designated sites where it has not been the finished development that has caused ecological damage but the short term way the contractors went about the works that caused the most ecological damage. For this reason staff need to be able to keep watching briefs and not merely rely on the EIAs produced by developers. After several early retirements and some deaths in service, the capabilities for marine work need to be reviewed. This includes ensuring that teams can be mounted for scientific diving or operations on research vessels.
3. If the Silk Commission recommendation for Wales to take primary responsibility for the marine environment out to mid-lines are adopted there will be added requirements

both for marine conservation expertise and seagoing capabilities. This will include needs to survey and monitor aspects of the ecosystems of the offshore Marine Conservation Zones. Several of these have been the subject of DEFRA / English Nature / JNCC consultations. Marine work inevitably demands a high level of resourcing, whether for diving or for survey in deeper water using multi-beam sonar and remote cameras from research vessels.

4. An annual event used to be organised by CCW Marine & Freshwater Section in the form of a Monitoring Workshop, that was until the money ran out. This was more than just a meeting to bring together the various survey contractors helping with the monitoring of features of the SACs as required under the Habitats Directive. In practice it became a very useful event where key NGOs, scientists from several universities and consultants could exchange information on the aquatic environments of Wales. Staff of the former EA were also involved in some of the projects under discussion, so a start had already been made to cross working in marine science even if consents were sometimes at cross purposes. Since Wales lacks a premier government funded marine lab equivalent to DAFS Aberdeen and SAMS Dunstaffnage in Scotland, a means of bringing together marine scientists from different organisations was best be done by CCW. This sort of event could usefully be revived by NRW.
5. The withdrawing of funding from various NGOs was not well handled by NRW management. Far too little thought was given to the knock on effects on those organisations. No consideration seems to have been given to the timing relative to plans already in hand by those organisations and there was intransigence when obvious adverse effects were made clear. Citizen science organised through the NGOs can make a considerable contribution to those parts of the NRW remit dependant on biodiversity information, but it does require some on-going funding to make the best use of volunteers. A prime example of this is the loss of funding by Botanical Society of Britain and Ireland for a Wales Officer. My impression is that while the naturalists who contribute so much to the understanding of the Welsh environment may still have a high opinion of the NRW scientific staff they still interact with, there has been a serious loss of confidence in the ability of the organisation at managerial level to meet the responsibilities for conserving wildlife resources.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 29**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Conwy Valley Fisheries & Conservation Association (CVF&CA)**

The comments below are on behalf of Conwy Valley Fisheries & Conservation Association (CVF&CA) representing riparian owners, fishing clubs and associations within the Conwy catchment (approx 600 members).

In addition I write as an individual with interests in the Dee catchment and as a member of the Clwyd, Conwy and Gwynedd Rivers Trust (CC&GRT). My comments should not be taken as representing the opinion of the Rivers Trust they are my personal observations from dealing with NRW on fisheries issues relating to the CVF&CA and the CC&GRT.

1. The formation of NRW saw a further reduction in fisheries personnel. The impression is that NRW has little or no concern for the aquatic environment or for that matter their responsibility for the protection of fish as defined in the Salmon & Freshwater Fisheries Act. The re-organisation of management has seen experienced fisheries officers replaced from other disciplines that have little or no knowledge of the aquatic environment. We were advised at the last Gwynedd Local Fisheries Group (LFG) meeting that the management change would take some time to settle down and that it was a steep learning curve. It is becoming apparent that the new management team has a different agenda from the previous fisheries management team who focused on the welfare of our rivers. The focus is now on reducing costs and passing work previously undertaken by EA(W) fisheries personnel to third party providers whilst ignoring the concerns of their stakeholders or for that matter the health of the rivers of Wales, these are seen as an adventure playground or to be used for hydro generation/commercial exploitation irrespective of the environmental damage which may result from inappropriate activity.
2. The recent decision to cease stocking of migratory fish in all Welsh rivers and the closure of the NRW hatcheries has been based upon 'evidence of harm' from the use of hatcheries. Having reviewed more than 200 papers listed by NRW, in a bibliography of evidence of harm, none of these research papers claims that mitigation stocking is harmful and several of the papers have no relevance to hatcheries or stocking. The mantra from NRW is that there is 'emerging evidence of harm' but in reviewing the evidence sent to me following an FOI request to demonstrate this 'emerging evidence' I can find no such evidence of harm, emerging or otherwise. In my research for information I obtained a copy of a 2010 paper of a business review of hatcheries carried out by EA(W). In this document it lists all of the statutory mitigation stocking schemes, following impoundments, which cut off spawning areas for migratory fish, including the cost of running these schemes and subsidies received via Water Company abstraction licences. The 2010 hatchery review was drafted by the same person who prepared the bibliography of 211 research papers purporting to demonstrate harm from the use of hatcheries. It is not known if the 2010 EA(W) hatcheries report was made available to the NRW Board prior to the Board meeting in Menai Bridge in October 2014 my suspicion is that this information has been withheld from the NRW Board who were subsumed with what appeared to be evidence of harm from the use of hatcheries in order to justify the hatchery closures. The statutory requirements for mitigation are clearly stated in the 2010 hatchery review and yet

NRW has claimed that there is no legal obligation to mitigate for the loss of spawning grounds. The imposition of cessation of stocking from third party hatcheries when there is no evidence of harm beggar's belief.

3. NRW has stated that it will use an ecosystem approach which will mitigate for the poor levels of migratory fish in Welsh rivers and yet there is no evidence, as yet, that an ecosystem approach will work. What is clear is that an ecosystem approach cannot make up for the lost spawning grounds for migratory fish above impoundments. Under the Water Framework Directive NRW must ensure free passage of fish beyond manmade obstructions or where this is impossible other methods must be used e.g. use of fish traps, hatcheries or fish ponds.
4. We are lead to believe that NRW see River Trusts as a third party provider and yet the Rivers Trusts in Wales are starved of funds. In a recent round of community grant applications two proposals for improvements to the ecology of the rivers and streams within my own Trusts area were rejected. Whilst NRW declare that they are looking for third parties to undertake this work our grant applications were rejected as they 'did not have sufficient community involvement'. A meeting with an NRW manager to discuss why our grant applications had been rejected showed just how little the present NRW management know about the aquatic environment. Perhaps as the manager we spoke to was an ecologist (Ex CCW) this was to be expected but it is extremely frustrating when Rivers Trusts cannot obtain funding for vital ecology work. As Treasurer for my own Trust I am well aware that we only have sufficient funds to continue through 2015. Our funds are spent on administration costs i.e. trustee and general insurance our volunteer workforce receives no payment or expenses for the work they do. We have no source of income and yet NRW considers that Rivers Trusts can undertake work that they used to do at considerable cost. Our volunteer workforce is quite rightly disgusted with the overall performance of NRW and we are struggling to keep them on side: NRW has lost its stakeholder confidence.
5. The change to 'intelligence lead' enforcement instigated by the previous administration (EA(W)) has seen a further reduction by NRW of enforcement staff coupled with an increased workload for enforcement officers away from rivers. This has enabled poaching to increase on our rivers at a time when our fish stocks are at an all time low. The 0800 number used to report incidents is a joke. Anyone reporting a poaching incident is asked for a map reference as the call centre has no idea of the location of the caller, we don't necessarily have map references in our heads but we know where we are on our rivers. Following a call it can be up to two days before anyone from the NRW enforcement team contacts the caller only to be thanked for the 'intelligence' and they will mark the incident on the map, only if they see a pattern will they take action – poachers are mobile and operate in the sure and certain knowledge that they will not get caught.

Management of change of this magnitude following the merging of three distinct organisations was always going to be fraught with difficulty. However the perception is the new organisation has little or no regard for the statutory requirements relating to fishery protection and from a fisheries perspective is considered not fit for purpose. The perception is of an NRW management staffed by ex CCW ecologists who through ideology are applying techniques to fisheries which are inappropriate. The general perception of fisheries officers within NRW is one of low moral with many taking the opportunity to leave due to the lack of appreciation for the work they do, reduced budgets and a distinct lack of career progression opportunities.

Chris White  
Secretary: Conwy Valley Fisheries & Conservation Association  
Trustee: Clwyd, Conwy & Gwynedd Rivers Trust

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 30**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Rhyl and St Asaph Angling Association**

Dear Sir

Thank you for inviting me to write to you regarding our views on the Annual Scrutiny of Natural Resources Wales. I am the Secretary of the Rhyl and St Asaph Angling Association, which is an old established fishing Association, originally formed in 1944, and our present membership consists of 150 anglers. We have over 20 miles of fishing comprising of 19 beats on the rivers Clwyd, Elwy, and Aled. Many of these beats are owned by our Association. These rivers are regarded as the top sea trout rivers, and to some extent salmon rivers, of North Wales.

I have been fishing for over 60 years and in addition to being Secretary of the Association, I have served previously as the Membership Secretary, Vice Chairman, and Chairman. I also sit on the committee of the Federation of Clwyd Angling Clubs, and sit as a member of the Local Dee and Clwyd Fisheries Advisory Group which is run by NRW.

The following views that I express are from members of the Association, and we have no objections if they are made public. The views expressed are not in any way a slight on the hard working NRW fisheries officers who are based in North Wales, who have over the years given us excellent advice and help.

Our Association were skeptical when we were informed that the Environment Agency in Wales was to be part of the formation of Natural Resources Wales, and we voiced our views in writing to you, on our worries that matters regarding angling would be lost in the bureaucracy of setting up and the running of the new NRW.

We have been very disappointed so far, and our fears that we would not be represented fairly and democratically have become a reality. I will briefly list below some of the main issues that have personally affected our Association.

We are appalled at the decision made by NRW to close down the hatcheries in North Wales. I travelled to a NRW seminar at Trawsfynedd to listen to and take part in the discussions regarding hatcheries, and we as anglers gave our views on this matter. It was apparent that whatever our views were, they were going to be ignored. I do not believe that the matter regarding hatcheries was scientifically investigated in a thorough and fair manner by NRW. We all know that even scientists from all over the world cannot agree amongst themselves whether the system of stocking rivers is successful, and it depends whose point of view you take. Obviously the running of hatcheries is expensive and it is an easy excuse for NRW to close down the hatcheries as a cost cutting exercise. I will not go into the full detail of this, as you will already have received plenty of correspondence as to how this will affect the river Dee in North Wales, which I believe will now become a legal matter. Not so many years ago stocking of the river Clwyd took place, from fish brood stock from the hatcheries in North Wales. What will now happen in the future, when fish stocks are hampered by man-made events such as building dams and the construction of hydropower schemes, or natural disasters? The expertise and the knowledge of staff from these hatcheries will be lost forever.

In 2013 the river Elwy in North Wales was seriously affected by the almost full blockage of the fish pass on the Maes Elwy Weir near St Asaph. This occurred on one of the beats owned by us and we took the matter up with NRW. The blockage was caused by a very large tree trunk with its root ball attached, becoming wedged in the top pot of the fish pass. It was clear that this blockage would be very difficult for us to remove without any outside assistance. I reported this matter to NRW and following a site inspection by them, was told that it did not constitute a flood risk, and that the fish pass was not fully blocked, therefore no further action was required. Photographic evidence was taken by our members and forwarded to NRW, however this fell on deaf ears. It was a tragedy to watch large migratory fish bounce off this obstruction whilst trying, and failing to migrate up the river Elwy. This blockage remained for nearly 12 months, until we, as an Association managed under low water conditions to gain access onto the weir, and partially cut the obstruction up with a chain saw and removed the root ball from the fish pass using a tractor as a hoist. This matter was clearly in our opinion a breach of the Salmon and Fresh Water Fisheries Act 1975, and action should have been taken by NRW as the migration of fish, both up and down river was being severely impeded.

On the 7<sup>th</sup> June 2014 a large sink hole formed in front of the fish pass (on the upstream side) of the Maes Elwy Weir on the river Elwy. The result of this meant that water was not flowing down the fish pass on the weir, but was escaping underneath the structure of the weir. This was a serious matter as the water was at a summer level, and no water was even flowing over the top brim of the weir. It was obvious that fish, especially the local run of sea trout, could not migrate up or down the river. Once again NRW would not take any action other than to say that it was the responsibility of the owner of the weir to take action, however NRW admitted that they did not know who owned this weir. In desperation we contacted Fish Legal who took the matter up on our behalf with NRW. Fish Legal reminded NRW that they were not fulfilling their statutory function in dealing with this matter, and this was a blatant breach of the Salmon and Fresh Water Fisheries Act 1975. To our disappointment it took three months before NRW took action by dropping a lorry load of stones into the sink hole in order to carry out a temporary repair. It was obvious to all anglers that the fish returns from the upper reaches of the Elwy had been severely affected. I would challenge NRW to provide our Association with the catch returns for the 2014 fishing season on the river Elwy, and the catch returns for the previous 5 years of this river. This I know will prove the damage done in preventing fish reaching their spawning grounds.

In 2011 our Association was approached by a developer who stated his interest in the building of an 80Kw hydropower installation at the Maes Elwy Weir on the river Elwy. This would involve one of our most productive beats for which we own the fishing rights. We quickly realised that the pools immediately above and below the weir would be affected. This in turn could have financial implications for us. The Association therefore decided that we had no alternative but to oppose this hydro scheme. Following a pre application by the developer to NRW for an abstraction license, we had sight of the design plans of the proposed HEP scheme. This is when our problems started as we noted that the existing fish pass located in the centre of the weir was going to be decommissioned, and a new fish pass was going to be built into the far left hand bank of the river. In addition the existing flow of water near to the weir would be altered, and in the opinion of Fish Legal who were now acting on our behalf, confirmation was given by their experts that indeed the changes to the fishing conditions in the salmon and sea trout pools immediately below and above the weir would be substantially affected. In fact one of their advisors, who was an ex Environmental Officer, after studying the plans said that considering the small amount of electricity that would be provided that the scheme was bizarre.

On the 8<sup>th</sup> August 2013 the developer applied to NRW in Cardiff for an abstraction license, WPCC573 refers. This gave us 28 days to reply to NRW with our objections. Fish Legal forwarded our list of lengthy objections to Cardiff on the 5<sup>th</sup> September 2013. Letter AK/Adv.1957 Refers.

The developer applied to Denbighshire County Council for planning permission for the proposed HEP scheme, Ref No 31/2013/1079, the closing date for objections being 17 September 2013. Our Association forwarded our objections to DCC and we received an acknowledgement that on 17th September 2013 they had received all of our objections.

On 28<sup>th</sup> October 2013 we had a meeting with NRW officers about the constant changing of the plans concerning the HEP scheme. At this meeting we asked for an update on the progress of granting the abstraction license. NRW staff stated that they could not give us any further information as the matter was being dealt with the permitting team in Cardiff. We were not satisfied and felt that we were not making any progress with NRW, and asked our local MP Chris Ruane to write to NRW to explain that the goal post were being moved and we were very angry as we had submitted a long list of objections to DCC which were based on the original plans.

Our local MP wrote to NRW and received a reply from [REDACTED], the Executive Director Operations North and Mid Wales. His reply stated that NRW were unable to discuss the application until the decision had been made on the application for the abstraction license.

On the 2<sup>nd</sup> December 2013 DCC wrote to us and said that they could not arrange a date for the public Planning Committee meeting, where a decision would be made on the granting of the planning application, as NRW who were the experts had not yet come to a decision on the abstraction license.

On the 24<sup>th</sup> March 2014 on advice from the NRW Fisheries Team in North Wales, I wrote a letter to Natalie Hall the Strategy Manager on Hydropower NRW, based in Cardiff. Part of this letter stated that, "Our main concern is that our representations to the NRW Water Resources Permitting Team are based on the original set of plans, which were shown to us by the developer and NRW as far back as 2011. (Plans started at version 'A' and were now up to version 'Q'). Since that date we have had several meetings with NRW, and during those meetings it has become apparent that the original plans have been altered many times. We now find ourselves in a situation where we believe that our original representations may no longer be valid, and NRW are saying that within their processes they do not have any obligation to enter into any discussions, or show us any further iterations. Our Association feels that the whole process is undemocratic, and against natural justice. Fish legal, who are acting on our behalf, are ignored by NRW, letters remain unanswered, and the only way that we can receive a response is via our local MP".

On the 22<sup>nd</sup> September 2014 we received a letter from DCC saying that they had eventually received amended plans from NRW, and that we had 14 days to make our representations to DCC.

On the 26<sup>th</sup> September 2014 we found out unofficially that the abstraction license had been granted by NRW. This was despite being assured by NRW that we would be informed immediately. In the end I had to contact NRW to formally ask if the license had been granted. Even then we did not receive the Determination Report until some time later. Consequently this did not give us, or Fish Legal, sufficient time to respond to the closing date of representations to DCC. This now placed us at a very serious disadvantage.

On the 8<sup>th</sup> October 2014 we wrote to NRW with a long list complaining about the Determination Report which in our opinion had many inaccuracies.

Due to what we believe was the incompetence of NRW, the date for DCC Planning Committee meeting concerning this application was deferred several times and was finally heard on 10<sup>th</sup> December 2014, when the application for the proposed HEP scheme was approved.

On the 19<sup>th</sup> December 2014 we received a letter from [REDACTED] NRW Water Resources Permitting Team Leader regarding our complaints about the Water Resources Decision Statement regarding: Application number: WPCC 573/ License number: WA/466/0006/002. The letter stated that NRW was satisfied that the appropriate legislation and guidance had been followed and adhered to during the determination of the application.

Our Association feels strongly that NRW did not treat us in a just and fair manner. It needs to be noted that before the decision had been made by NRW to grant the abstraction license for the Maes Elwy Hydro scheme, the Angling Trust and Fish Legal had been campaigning and taking action over the past years to stop damaging hydropowers on the rivers in England. They had been working with the Salmon and Trout Association on a group set up by the Environment Agency to review the Good Practice Guidelines for developers to follow. The Agency's own experts confirmed that the old version was not fit for purpose. The new Good Practice Guidelines for run-of-River hydropower Schemes was brought out by NRW in 2013. It is a great pity that the NRW chose to ignore the new guide lines, as we are certain that if they used the revised guidelines, this scheme would not have been allowed to go ahead.

We must also bring to your attention a further hydro scheme that NRW granted an abstraction license for, which is located a few miles upriver from the Maes Elwy scheme. This scheme when under construction had a disastrous start by causing a diversion of the river Elwy. We understand that there are still major problems with this scheme. NRW failed to take any of this into account when considering the Maes Elwy scheme.

The NRW from their own publicity state that angling is worth £150m p.a. to the Welsh economy, and it seems to us as anglers that what is going on is complete hypocrisy. If NRW are not prepared to protect salmon and sea trout in North Wales, their numbers will be depleted and this income will be lost.

I hope you can understand our frustrations and why we are losing trust in the NRW, and we ask the question are NRW becoming the puppets of the Welsh Government? We feel that NRW have taken a blinkered approach to green energy, and are supporting it at all costs, even if it means sacrificing the natural wild salmon and sea trout resources of Wales.

Yours Sincerely

Ian Macdonald  
Secretary Rhyl and St Asaph Angling Association

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 31  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Dee Fisheries Association**

Dear Sirs,

Thank you for the opportunity to contribute to the NRW scrutiny.

I am responding as chairman of the Dee Fisheries Association, representing riparian owners, clubs and individual anglers. This association led the successful negotiations and the subsequent fundraising (£354,000) to ensure the adoption of the zero net limitation order and the cessation of Dee estuary netting. We also played a leading role in the huge increase in voluntary “catch and release”.

It is extremely difficult to stress how bitterly disappointed we are with the performance of the NRW.

The reduction in enforcement personnel, the departure of experienced, practical fisheries officers, the scrapping of FERAC, the attempts to reduce the frequency of LFAG meetings could all perhaps, be explained away by cost savings and budget cuts. We have become used to the constant diminution of effort and expenditure over the years since the demise of the NRA and the attempts to push the workload and responsibility on to the various river trusts (which are now struggling for government funding).

All of the above pales when compared with the appalling levels of misinformation, the arrogant dismissal of stakeholder views and the adoption and use of deeply flawed, profoundly biased “studies “ which are being used to close down mitigation hatcheries and worse still-much worse, to prohibit all third party stocking.

We have only recently gained access to the EAW study on hatchery and mitigation stocking which was completed in 2010/11. Charitably, we feel that it must have been withheld from the NRW board prior to their decision. Both studies clearly cannot be correct and we can only conclude that ignoring the earlier EAW work fits well with the almost Messianic zeal with which the hatchery closures and stocking bans were pursued.

In conclusion we feel complete dissatisfaction with NRW and sincerely hope that Ministerial intervention can avert a disaster for our Salmonid fish populations which would affect our heritage for generations.

John Roe.

Chairman Dee Fisheries Association.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 32**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Cross Hands and District Angling Association**

I am writing to you as the Secretary of Cross Hands and District Angling Association which has waters on the River Towy and River Teifi, with regards to the Natural Resources Wales – Annual Scrutiny – 2015.

Firstly I would like to say that since the forming of the NRW back in 2013 the angling section has received the least support and has suffered the most cutbacks in its resources than the other functions within the organisation.

Since it took over from the EAW there has been a big loss of experienced personnel who were aware of and fully understood the importance of our river system in order to sustain its most treasured possessions the Sea Trout and Salmon.

The stocks of these fish are declining yearly and conservation measures are being introduced by the NRW with stricter limitations being put on the angling clubs and anglers through catch and release.

Even if angling clubs were forced in to adopting total catch and release, I do not think that this would be the answer because to me, there are not many fish entering the rivers to catch.

What I would like to know is what the NRW are doing about the more important factors that affect sustainability and conservation of our migratory fish, the Sea Trout and Salmon, with regard to their declining stocks.

I have listed below some points which I feel contribute towards the decline and I would be interested to hear how the NRW intend to address them.

- The policing of the rivers are almost as extinct as the dodo as the prescience of NRW bailiffs is none existent.  
This leads to illegal netting on our rivers by poachers who are aware that there are no law enforcement offices to catch them.
- This is similar in our estuaries where boats are illegally netting fish destined for our rivers even though they are not supposed to be fishing for them.
- Why have the commercial seine nets and coracles not had any restrictions imposed on them in order to support the conservation programme as it is they who take the larger fish, which are most valuable fish in the reproduction process?  
Who is monitoring their catch figures and tagging system?
- Fish eating birds are another threat to the juvenile fish, eating many of these per day. With the numbers of these birds increasing yearly some simpler method of culling them needs to be introduced.

- Intersect ides, sheep dips and farm slurry cause major pollution problems to our rivers killing off invertebrate life and fish.  
What steps are being taking to prevent this happening?
- Water quality is important to the survival of the fish as temperature and acidity can affect the invertebrate that the fish feed on so what measures are being taken to control the water coming off the dam.
- The NRW made a decision last year, against the objection of the angling clubs, to stop hatchery stocking after this year, but what is their action plan and timescale for using mitigation payments towards conservation projects that will benefit the river Towy.
- On the river Teifi the NRW have given the go-ahead to abstract water to drive a hydro turbine to produce electricity which all the angling clubs objected to.  
Although there are certain conditions that have been stipulated by the NRW, who is going to monitor these?

I am sure that there are many more issues that contribute towards the decline of our Sea Trout and Salmon rivers that I have not listed above, but if nothing is done to stop this decline then our fisheries will face total collapse.

Salmon and Sea Trout fishing brings in much needed revenue for the Welsh rural economy, which without its contribution would see an increase in unemployment and a drop off in tourism.

Finally I hope that the NRW will take note of all the suggestions that the anglers and angling clubs contribute towards this Annual Scrutiny and take positive action towards the conservation of our fisheries.

I am happy for you to display this document publicly.

Pat Kiernan

Secretary

Cross Hands and District Angling Association



**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 33**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Ian Miller**

**NRW scrutiny - submission to WG Environment & Sustainability Committee:**

Submission made by Dr Ian Miller - marine scientist [trained at the School of Ocean Sciences, UWB] and specialist in coastal zone management; long term resident of Anglesey/Ynys Môn.

The Committee has requested that submissions use appropriate examples to illustrate issues raised. The following provides two examples of NRW management & practice failures.

**1. Failure to comply with Freedom of Information [FoI] regulations.**

Sand dune habitat assessment reports for the Newborough site and carried out as part of CCW/NRW's obligations under Article 17 of the Habitats Directive were requested formally in Sept., 2013 but not delivered until 31/03/15; only then after a further request in February, 2015. CCW/NRW took eighteen months to fulfil a straight forward request for reports they had completed in January, 2013. Furthermore the requested reports were those prepared by the assessing dune conservation officer. What was finally provided were reports modified by the area team manager in Sept., 2013.

The assessment surveys were carried out in the summer of 2012 (July) and reports completed by the dune conservation officer in Jan. 2013; they were reviewed by the area team leader in Sept. 2013. CCW had previously submitted its completed Welsh dune assessment report to JNCC in April, 2013. The reports were available at the time of the FoI request but CCW stated that they were not and that they needed additional time to deliver the reports - reports completed by the competent officer in Jan., 2013. A spurious excuse was used to not provide the reports and even then the agency failed to deliver the reports that had been reviewed in Sept. 2013 when the FoI request was made.

Only after a further request was sent in February 2015 were modified reports finally provided eighteen months after the initial request.

**2. Failure to meet acceptable standards of scientific practice**

The 2012 dune habitat assessment reports have only just been made available and they have highlighted a consistent problem with scientific practice within CCW/NRW. Apparently driven by a need to justify an agenda the agency has compromised its habitat assessments by failing to ensure appropriate scientific standards are met.

The six yearly habitat assessments carried out to meet requirements under Article 17 of the Directive require an objective assessment of habitat condition. To ensure these assessments are objective every effort must be made to avoid biasing the surveys; NRW appear to have done the opposite and actually set out to bias their results. To illustrate we can review the habitat assessments carried out in the summer of 2012: assessment of fixed dune 'grassland', so-called 'grey dunes' [Habitat type 2130 *Fixed dunes with herbaceous vegetation*].

The UK sand dune management standards recommend that sample points in a survey are made up of 4m<sup>2</sup> areas for assessment for habitat attributes; attributes such as the presence of positive or negative indicator plant species. CCW/NRW used 0.79m<sup>2</sup> areas [0.5m radius circles] to assess the presence of positive (desirable) indicator species but inflated the search area to 12.6m<sup>2</sup> [2m radius circles] when assessing the presence of negative (undesirable) plants.

Habitat assessments must be objective and unbiased and to ensure that they are requires that a standardized assessment plot area is used. NRW used an area < 20% of that recommended by CSM standards for the positive species search and inflated the search area to > 300% of the recommended area when assessing the presence of negative indicator plants. This shrinking and inflating the search areas grossly biased the assessment of the presence of positive and negative indicator species. The search area for positive indicator species was only 6% of the area searched for negative indicator species. Moreover CCW/NRW required that negative species should be totally absent from the sample plots sixteen times the size of plots searched for positive plant species.

The UK sand dune management standards state that negative species should be: '*no more than rare*' if non-native and '*no more than frequent*' if native species. These standards have specific ecological meaning [DAFOR scale]: '*no more than rare*' meaning found in no more than 1 - 20% of sample plots and '*no more than frequent*' meaning found in no more than 41 - 60% of plots. Total negative species cover should be < 5% of the habitat area. CCW/NRW's total absence requirement in grossly over inflated plot areas goes far beyond the agreed UK standards for sand dune management and would almost guarantee that a habitat failed to meet the assessment target.

It should be noted that this issue and other related issues regarding good scientific practice were raised at the Science Review regarding CCW's 2005 habitat condition assessments. This was not a new issue.

CCW/NRW have seriously biased their assessment of the presence of positive and negative indicator species; grossly underestimating positive species presence and seriously over estimating negative species presence. This methodology fails to meet acceptable scientific standards and the agency was well aware of this from previous discussion at the Newborough Science Review (2009/10).

NRW appear to have no functional expert oversight and there is an obvious need for a quality assurance system that will ensure appropriate habitat assessment standards are met across agency.

### **Summary**

Quality scientific practice requires that habitat assessments are objective and as far as possible free of sampling bias. If a problem is observed then careful research is needed to determine the cause before appropriate remedial action can be planned. The agency's approach at Newborough appears to be one of justifying an agenda by biasing habitat assessments in order to be able to state that dune habitats are in an unfavourable state. For example, at the time of SAC designation in 2004 mobile dunes were classified as in an excellent conservation state and despite NRW's recent claims there is no evidence that that condition had subsequently changed. The agency's approach is the antithesis of good science and conservation practice and it is in need of a quality assurance system to ensure scientific practice meets acceptable standards.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
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**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Andrew King**

**National Assembly for Wales, Environment and Sustainability Committee**

**Response to Consultation: Natural Resources Wales (NRW) – Annual Scrutiny 2015.**

Thank you for the opportunity to contribute my personal views on aspects of the performance of Natural Resources Wales. I write as a resident of Wales, with the utmost concern for the manner Welsh environmental affairs are managed. I do not write on behalf of any organisation. It has been hard to distinguish whether some of my criticisms should be pointed at NRW or at meddling by Welsh Government. I am happy these comments are displayed; all are relevant to the work of your Committee but may not be relevant to NRW.

While some may argue that NRW is still a fledgling body and that it should be given time to mature, evidence suggests that NRW is performing badly.

The concept of amalgamation of three former organisations Countryside Council for Wales, Environment Agency (Wales) and Forestry Commission (Wales) each with important roles was, I believe, flawed from the start. The motive was obviously one of slashing overall costs to Welsh Government, at the expense of how effective a new body carries out its duties. Long and continued mismanagement of NRW and its work, interference by Welsh Government, and delays in sorting out priorities of work and team structures, have all had unsettling effects on staff and their morale. It confirms to the public in Wales that the system is broken and requires urgent change to create a body that could carry out its roles responsibly and effectively.

Sadly, the very name of the organisation does not help with its duties – Welsh Government obviously treat it as ‘Plundering Natural Resources in Wales’ as air, water, timber, tides, soil, biodiversity are all considered as fair game for abuse and exploitation seemingly at any cost.

It is NRW’s primary role of Nature Conservation Agency in Wales that concerns me most, and on which I wish to concentrate. Protection of the Welsh countryside and its biodiversity is of paramount importance. There is scope for species and environmental protection as well as some allowance for sustainable development of the Welsh economy and serving vibrant communities within Wales. Indeed, some fine work is ongoing in the Black Mountains with NRW taking a lead role. However, there appears to be an overriding influence from the top to ‘develop at all costs’. It is all well and good developing tourism but that will only succeed if Government policy has not harmed the very fabric of the Principality.

1. While NRW staff locally are of high quality and doing their utmost to carry out duties in the face of these difficulties, it is of great concern to me that so many experienced and highly-qualified staff have left. How can a body with a statutory nature conservation duty undertake it effectively without staff with appropriate skill-sets? Such a body should have available staff with these qualities to lead in educating and creating a wider understanding

of all forms of biodiversity. For example, knowledge relating to lower plants (Fungi, Lichens, Bryophytes) is already at a low ebb, with the risk that species will become extinct in Wales without appropriate mitigation advice.

2. The relationship between NRW and their masters. The Welsh Government and its Ministers appear to be interfering with NRW and its effectiveness. Most worryingly, ignoring or meddling with NRW advice in order to push through major projects which have highly questionable benefit to the Welsh economy, and at the same time destroying the environment. The M4 Relief Road, Circuit of Wales and Deeside Enterprise Park are prime examples – I am sure there are more. ‘White Elephant’ developments such as these will make a laughing stock of Wales, destroy large areas of valuable and designated habitats and confirm that values, opinion and finances of the Welsh public can be flagrantly ignored and wasted. Interference by Government MUST cease, and any future NRW should be wholly independent.
3. Species protection and licensing. Wales is still fortunate to hold some species protected under both European and domestic legislation – long may this be the case. NRW issue licences to permit sensitive monitoring, disturbance, handling, photography, etc of these species (A). Secondly (B), in work inherited from the Welsh Assembly, that of issuing licences to deter or control badgers, piscivorous (fish-eating) birds, etc where harmful effects on agricultural or fishery interests are claimed.
  - (A) – in carrying out this role, taken over from CCW, licences issued to field workers now carry requirements and conditions attached such that study (in the main by experienced and committed volunteers) becomes virtually impossible to carry out. These conditions appear to have no legal basis, and have had the effect of turning knowledgeable naturalists away from such interest, compounding the problems highlighted in point 1 above. Cynics would argue that this is part of the grand plan - such a lack of detailed biodiversity and site information leads to uncontested planning applications and therefore no mitigation costs to meet. Convenient, that.
  - (B) – issue of control licences. While I cannot comment on badger control to limit spread of Bovine TB, the issue of licences by NRW to control piscivorous birds on Welsh rivers has been grossly mishandled. Licences have been issued without questioning the inflated claims of damage caused by these birds by inland fishery interests. Prior to 2013 when the NRW took over this work, The Wildlife Team, Welsh Assembly (WA) previously responsible for consideration of applications, carried out this role using sound science. WA organised counts of these species annually along the Wye and other rivers to properly assess whether a licence was justified. Since 2013, NRW have issued licences wholesale, without any evaluation or policing of actual numbers shot, such that Goosanders have declined by over 60% in just two years. NRW needs to assess these licence applications using proper science to gauge population size, rather than wildly exaggerated claims by fishermen (and no doubt NRW Board members!). If in doubt, ask county recording networks. Old licences should be rescinded, with no new licences issued – otherwise, NRW risk total blame for extinction of another breeding species in Wales, and all the adverse media coverage that will accompany it.

4. Forestry practices. Several rare birds and insects (some protected) have been affected by untimely by forestry activities in recent years. This is mostly associated with large-scale felling or preparation of planting coupes during the bird breeding season. While I appreciate pressing needs to control tree diseases and avoid the worst of winter weather, permitting these works to be carried out in summer months is reckless. There is no excuse for destroying active breeding sites, and is contrary to the Wildlife and Countryside Act 1981. Proper assessment of species interest on forest sites before work commences is essential. If NRW staff cannot identify affected species or do not know what sites might hold, then they should consult appropriate biodiversity databases, or engage those that do know.
5. Respect for the countryside and its wildlife. Many of the above inadequacies show a complete disregard for the fortunes of species in Wales. Declines in wildlife as highlighted in The State of Nature report (2013), published in the same year as NRW came into being, shows how fragile much of our wildlife has become. While not all laying at the door of NRW, increases in general littering, illegal fly-tipping, felling of mature trees by highways and across farmland, removal of hedgerows, ploughing of old pastures, overgrazing, use of insecticides such as Cypermethrin, illegal persecution and poisoning of birds of prey by gamekeepers on Welsh pheasant shoots, all threaten the Welsh countryside and its species interest. The Committee should ask how many NRW board members are complicit to these on their land – you might be surprised by the answers.
6. Much is being played on Wales as a tourist destination – maybe we cannot damage the mountains themselves, but just about all other habitats, views and values held in Wales are being eroded at an alarming pace. Welsh Government and Natural Resources Wales appear happy to let this happen on their watch, threatening so much that is valued by residents and tourists alike.

I trust my efforts in highlighting these deficiencies will not be wasted.

Yours sincerely

Andrew King

Breconshire County Bird Recorder (voluntary)



*Annual Scrutiny 2015*

*Examination of Chief Executive and Chairman of  
Natural Resources.*

*Response from the South East Wales Rivers Trust*

This response is as a critical friend, bringing forward points that unless addressed could mean that the Rivers Trusts in Wales are unable to function successfully.

1. In common with all the small Rivers Trusts in Wales the South East Wales Rivers Trust has always relied on grant funding to carry out its work to benefit the environment, bringing with it social, educational and economic benefits to local communities and beyond. The Trust was formed in 2007 and has delivered a large programme of improvements across the former Industrial Valleys of South East Wales from the Ebbw Fach in the East to the Ely in the West. Our organisation is volunteer based and sets out to run value for money projects with funding to work on the riverine environment to make improvements to comply with the Water Framework Directive.
2. Our concerns centre on the Competitive and Partnership funding arrangements that were announced by Natural Resources Wales last year. During the time between the official launch and the opening of the system for applications, there was a lot of uncertainty about the timing of the bid process, but we were assured that it was likely that the deadline for submitting applications would be December 1<sup>st</sup> 2014.
3. However, when we were invited to apply in September, we were told that the deadline was only six weeks away. This left us at an extreme disadvantage to try and look for the 50% match funding that was required.
4. Whilst we appreciate that Natural Resources Wales has a responsibility to ensure best value from expenditure, the match funding requirements have a disproportionate impact on small organisations such as ours. Larger organisations have better fund raising resources, and financial reserves that can act as a guarantee for match funding so that credible bids can be submitted and processed while match funding is sought if it isn't already in

place. Our Trust has none of these resources, and as a result had to submit a JWP bid knowing that we were unlikely to find the required match.

5. Rivers Trusts were set up to carry out some of the duties that Environment Agency Wales was finding difficult to achieve. We managed to obtain EU funding from Afonydd Cymru as well as small grants from Countryside Council for Wales, and with the help of unpaid volunteers have carried out excellent projects to help bring our rivers towards the European WFD standard. This success encouraged Environment Agency Wales and then Natural Resources Wales to joint fund a number of projects under the old funding arrangements, and we were able to deliver outstanding value for money. However, the new funding system stands to put this all in jeopardy.
6. This is no better demonstrated than the case of our Clean the Clun project. NRW gave us a grant of £25,000 in June of 2014 to launch a small-scale catchment restoration on a tributary of the River Ely. We recruited an excellent project officer who has made a tremendous impact in the nine months that the project has been running. We were told to apply for funding under both the JWP and Competitive funds to continue the project for the next three years. In December we learnt that while we were going to be given some funding. Imagine our disappointment and surprise when we learnt that it was only 15% of the annual project budget, meaning that the Trust would have to find 85% match funding for a project that is working to restore the worst performing river catchment in South Wales. At this funding level, the project is untenable, and it is likely that when the current funding runs out at the end of June 2015, the project officer will be dismissed and the volunteers that have been recruited will be disbanded.
7. One of the fundamental issues we face is the difficulty in obtaining match funding for river restoration work. Given that much of this work is driven by the requirements of the Water Framework Directive, the response of many potential funders that we have approached is 'Why would I give you money to pay for work that is the responsibility of Welsh Government and Natural Resources Wales?' We recognise that one of the best sources for match funding is the EU, but the length and complexity of the bidding process is beyond a small organisation such as a Rivers Trust, again swinging the balance in favour of the large organisations that have the resources to bid for and win European money.
8. We are also concerned at the amount of overall funding that has been directed to river restoration and fisheries. Based on discussions with other River Trusts, we have concluded that the proportion of funding that has been allocated to our sector does not reflect the importance of the fisheries to the Welsh economy, or the importance of the rivers in delivering ecosystem

services. We look across the border to the Trusts in England that have benefitted over the years from the River Improvement Fund and more recently the Catchment Restoration Fund from DEFRA and can only conclude that rivers simply aren't a priority in Wales.

9. The future is more uncertain as the Sustainable Fisheries Fund as it was, originally ring fenced by Welsh Government for this purpose, has now we have been told due to new ways of working, been put into a central pot for all departments to bid for. This means less for fisheries and more uncertainty. A look at what was achieved by fisheries through the use of this fund would produce some staggering outcomes of cost benefit.
10. The following question was posed in the West Wales River basin Management Plan: **Removal of barriers to fish migration through the sustainable fisheries programme in Wales.** This statement flies in the face of the above where for reasons, still not explained properly, the ring fencing of this fund was taken away. The question should be asked was this decision taken with the approval of the Welsh Assembly Government.

Yours sincerely,

Anthony Rees MBE  
Chairman

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 36  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Rodney Byles

- 1. Introduction:** I live in England and have been fishing the river Towy for sewin primarily at night at Llangadog for about 30 years. I make several 400 mile round trips to the river each season and in the process have probably spent a small fortune in the Towy Valley. That has been my choice. However, as a 'Towy angling tourist' it is difficult to see how this can be sustained, if the dramatic decline in sewin over recent years continues on an unabated downward spiral.
- 2.** Many other 'angling tourist' colleagues, and some that fortunately live closer to the Towy, have voiced similar concerns to me and despair at the apparent lack of action to stem the decline of this once great sewin river. Towy angling clubs will suffer from decreasing membership, as disgruntled and disillusioned anglers leave to possibly pursue angling opportunities elsewhere. Some clubs may not be able to survive and local authorities and riparian owners could also suffer from reduced fishery rental income. In addition, hotels, B&Bs, shops and other angling business interests in the Towy Valley will be adversely affected.
- 3.** In all the years that I have fished the Towy I have yet to see, let alone meet an EA/NRW bailiff. I do not know any of my colleagues who have seen one either, but that is perhaps not surprising, as I believe there is only one to cover and police the river's catchment. I wonder how many night patrols there were on the river last season and how many planned for the coming one.
- 4.** The lack of policing the Towy catchment also appears to be a policy mirrored in the estuary. I have heard from several knowledgeable local anglers of illegal netting in the estuary and adjacent coastal areas. I understand much of this illegal activity is from opportunist poachers and boats coming across the Bristol Channel from Devon and elsewhere.
- 5.** This illegality has possibly been encouraged by the likelihood of culprits knowing they are unlikely to be caught due to the lack of day and or night patrols. But I understand the estuary and coastal

areas are under the jurisdiction of WAG and not the NRW. This illegal netting is a vital issue and a great cause for concern amongst anglers and one in which WAG needs to focus its urgent attention. Many anglers I have spoken to believe the illegal netting is one, if not the major factor contributing to the decline in sewin in the Towy. No amount of habitat work and other conservation measures in the river will be of any benefit if the fish are being prevented from entering the river in the first place.

6. In recent seasons, as the numbers of sewin have declined, an increasing number of responsible fellow Towy anglers I know have practised voluntary catch and release. This policy has since been adopted by many Clubs, each with their own specific rules. In my view the NRW should be encouraging all Clubs and private beats to adopt a common catch and release policy for the whole river, and I do not mean mandatory catch and release. Most Clubs, I believe, insist on all sewin over about 8lb be released.
7. These larger fish, predominantly hens, which are being returned by responsible rod anglers, could theoretically be caught by the legal nets in future seasons. Just over 13% of the declared 1088 sewin killed by the legal coracle and seine nets last season were greater than 8lb. The sewin culling season for the nets has to be drastically and responsibly reduced while the sewin numbers are in dramatic decline. With Towy sewin at risk it is, in my opinion, totally irresponsible to currently allow the nets to catch as many sewin as they like without a fixed quota system.
8. The NRW is supposed to be the guardian and custodian of the Towy for the current and future generations. However, judging by the apparent lack of action to stem the decline of sewin in the river, the organisation does not currently appear to be fulfilling its obligation. Similarly WAG needs to equally contribute to increase the numbers of sewin entering the river and focus on improving the situation with eradicating illegal netting in the estuary and surrounding coastal areas.
9. The response to two issues that I raised directly with the NRW and the former EA, have not inspired me with confidence. In 2013 a farmer drove an excavator into the Towy near Manordeilo, and without NRW approval, removed a snag that had been there for many years, creating two heaps of excavated shingle and totally changed the tail of the pool. At the same time a considerable amount of concrete waste was illegally dumped by the farmer in

several locations along the river bank in this area of Special Scientific Interest. See photos. The NRW was informed and in return an NRW officer later indicated that all the rubble would be removed after the spawning season. The same NRW officer subsequently advised that all the rubble had been removed, even though it had not. The NRW officer was told of this false information, only for the same NRW officer to then completely change his original response, and said that removing the rubble could cause more damage than the initial dumping. This, to me, indicated total confusion within the NRW and was, in my opinion, a ludicrous and illogical conclusion. The absurd decision will provide a green light for other farmers to similarly dump waste into the river, rather than deter any future episodes.

10. In a similar incident several seasons back, and a few hundred metres downstream on the opposite bank from the event described in paragraph 9, a farmer had been excavating shingle at the water's edge over a considerable period. Over time the river broke through to create a new bypass channel taking flow from the main river and can be clearly seen on Google Maps. In high flows it was impossible to cross this by pass channel to get to the pools on the main river. The then EA was advised of this excavation and was followed by an EA site inspection. The then EA officer (now with the NRW and also an angler) declared the new channel was caused by natural erosion. In my opinion this defied logic and was an insult.

Judging by the comments I have heard from other far more knowledgeable anglers, and my own my limited experience as an 'angling tourist', it is debateable whether the NRW is currently safeguarding the natural resources of Wales.



Rubble dumped below Crewil Pool near Manordeilo





National Assembly for Wales  
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Response from Cambrian Mountains Society



Llwydd: Iolo Williams  
Cadeirydd: Prof. Roger Earis

President: Iolo Williams  
Chairman: Prof. Roger Earis  
[www.cambrian-mountains.co.uk](http://www.cambrian-mountains.co.uk)

8<sup>th</sup> April 2015

**Annual Scrutiny of the Natural Resources Wales (NRW)**

Dear Mr. Jones

1. The Trustees of the Cambrian Mountains Society (CMS) value this opportunity to comment on the work of Natural Resources Wales. The Society is concerned about the responsibilities and duties that NRW inherited from the former CCW, in particular its role in landscape conservation.
2. CMS's vision for the 'Cambrians' is to see this unique landscape receive greater recognition and protection. To this end Trustees of the Society have in recent years met with, amongst others, the late Morgan Parry and Professor Peter Matthews. At all of these meetings CMS has promoted; *Pathfinder - Testing the Appropriateness of Designation*, (CCW Research Contract NW3-054 080 EPG 08, March 2009). The Society is aware that that this publication largely dealt with the extension of the Clwydian Hills AONB but it also considered the case for the Cambrians.
3. Whilst the Society understands that NRW operations have to work within the annual remit letter from the Minister it believes that the organisation's landscape team should, over the last year, have been more active in exploring Protected Landscape status for the Cambrians (as well as other areas). This could have run alongside WG's Independent Review of Protected Landscapes and perhaps even suggested to Professor Marsden's team that the Cambrian Mountains would be a highly suitable area to pilot a new National Landscape designation. Indeed, the Society has, in the last few weeks, written to Minister Carl Sargeant suggesting this very possibility.

4. CMS believes that NRW over the last year should have been tackling the core question from the Pathfinder Report (page 5) with regard to the Cambrians. *“What does the area need to tackle the forces for change and what difference would AONB designation make?”* In the Society’s opinion NRW should have been progressing a strategy to conserve and enhance the natural beauty of these hills as well as ‘fire fighting’ the more damaging forces for change now threatening them.
5. Linked to the above, the Society is disappointed that NRW, over the last year has not promoted *Landmap* as a means of showcasing high quality landscapes. Many high scoring landscapes, often higher scoring than areas within our NPs and AONBs, are not receiving the attention they deserve from an organisation with conservation at its core!
6. Finally, CMS considers that the balance in NRW’s work, since its creation, has leant far too heavily in favour of seeking business opportunities for its natural resources rather than in defending and enhancing some of the best landscapes in Europe.
7. The Society has no objection to this evidence being published.

Yours faithfully

Mr. Peter Foulkes, Trustee, Cambrian Mountains Society

Mr. P. Foulkes,

CMS Chairman Prof Roger Earis,

**Observations on the first year of operation of Natural Resources Wales**

Visiting the NRW stand at the Anglesey Agricultural Show last August (2014) I looked for any mention of biodiversity or wildlife conservation on the display boards – I almost had to crawl on the ground to find any mention of what should be one of the prime activities of an organisation concerned with the “Natural” Resources of Wales.

The Welsh Assembly Government made the sustainable use of natural resources one of the main planks of its programme for government. However the natural environment of Wales is **not** “natural”: it is largely man made – the result of human activity working on the geology, fauna and flora of Wales over thousands of years. In order to sustain and enhance biodiversity, human activity to maintain the environment in a favourable condition is essential. (Agricultural activity is not enough: agricultural land may look “green and pleasant” – biodiverse it is not!)

Some recent changes in land management in Wales have been beneficial and are contributing to a sustainable future:-

Thus changes in agricultural subsidies have had the effect of reducing grazing pressure in the uplands allowing the recovery of natural ecosystems and enhancing biodiversity.

The blocking of upland drains, allowing the recovery of peatlands, is having beneficial effects in reducing erosion, improving water and carbon storage capacity, improving the quality of water for human consumption and again benefiting biodiversity.

The recent work by NRW to remobilise sand dune systems in National Nature Reserves along the Welsh Coast to maintain the specialised habitats of mobile sand and the uncommon plants and insects that need such conditions, is a bold and imaginative project. (It would be good to see some information boards on site to explain this work!!)

**BUT** to see whether the activities undertaken are having the desired effect scientific monitoring is essential.

Monitoring requires skilled taxonomists and ecologists, so it is dismaying to see NRW (and the National Museum of Wales) losing skilled personnel, through redundancy or early retirement, because their essential skills are no longer valued by the new managements of these organisations. I was not opposed to the amalgamation of CCW/FC&EA because all three organisations had developed active programmes, for the sustainable management of biodiversity, essential to meet our international obligations on the management of nationally and internationally important habitats. However it seems that there is a danger that the biodiversity baby is in danger of being thrown out with the bathwater of amalgamation.

Furthermore, organisations such as the Botanical Society of Britain and Ireland, Plantlife, and the Wildlife Trusts, which might have been able to plug some of the serious gaps in expertise opening up in NRW, have had funding reduced or totally removed thus destroying their ability to provide expertise and to mobilise the many willing and knowledgeable citizen scientists in Wales.

L.J.Rees (BA Cantab, PhD Wales, former member of the Nature Conservancy Committee for Wales)



Kate Evans  
Sw'n y Mor  
4 Bwlch y Fedwen  
Dwyran, Llanfairpwll,  
Ynys Mon, LL61 6LZ

30th March 2015

Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardif Bay CF99 19A.

Assembly Members.

Thank you for the opportunity to comment on the environment and sustainability of areas under the guidance of Natural Resources Wales in particular. This area is in the south west of Anglesey a local attraction vital to the economy of this area and the island is Newborough Forest and its environs. A local Liaison Committee was formed to develop a dialogue about the sustainable future of this area, unfortunately many concerns have been held in contempt by N.R.W.

We have repeatedly been told the F.U has ordered the constant felling of large areas of timber. The so called experiment to enlarge the dune system along the shoreline undertaken this winter was again at the behest of the F.U. Both instances have been denied by officials at the F.U.

Their Directive does not require the dune habitat to be artificially extended beyond what was present when the protected site was created in 2002. Why has this action, in both cases, been sanctioned by the Welsh Assembly?

We have seen substantial loss of rare orchids, lizards, insects etc. lost during the winter as machinery tore up their hibernation areas.

burying them under thousands of tonnes of sand along the coastline nearby at Abermenai point mobile dunes are clearly seen occurring naturally with the work of tides and winds onshore.

Why the need for the "experimenter"?

The forest tracks and areas are being badly degraded by the heavy machinery in use. Many species are being lost particularly orchids specific to Anglesey.

On September 21st 2011, a promise was made "to transform the Newborough Forest into a major asset for the Islands economy. The majority of the development would take place within the existing footprint of the site to minimise the impact on the sensitive environment"

Clearly this promise has been treated with contempt. It is impossible to understand why hundreds of thousands of pounds has been spent to improve the experience for visitors and now many thousands of pounds are being spent to destroy that wonderful area.

How encouraging it would be for a leaflet to be produced on the Forest and its environs which could be handed to visitors at the toll with a welcoming smile. The income from those tourists is vital to this, the poorest area of Anglesey.

Wales as a whole, Anglesey in particular has one of the lowest woodland covers in Europe for our environment, to be sustainable this must be reversed perhaps this could be a Welsh Assembly policy?

Abermenai Reserve is also part of the NRW remit. Sadly once again there have been dramatic losses of species particularly wildflowers and butterflies. I have lists of butterflies produced by Dr Paul Whalley with whom I spent many hours surveying the Abermenai Reserve. I also meet botanists who studied at Bangor University and are shocked at the loss of flowers. There were large beds of species such as butterwort, orchids wintergreen, adders tongue, Grass of Parnassus these have been lost due to the 365 day grazing policy, no flower seed - no renewal of plants.

Ponds on the reserve were a wealth of aquatic life a joy for adults and children to sit on the banks and watch amphibians, dragonflies, water beetles etc. now the grazing stock have been allowed to foul the water removing all the wonderful habitat.

The loss of experiences with our wildlife and plants etc has clearly reduced any sustainability of species on both sites.

The Welsh Assembly are the trustees of these areas for the next generations. There are scientists geologists, botanists, oceanographers, foresters a plenty on this Island who I have no doubt will express their concerns. They are after all not in the pay of the Welsh Government or grant aided by N.R.W so their comments are impartial.

The E.U has made sincere efforts through the Habitats Directive towards encouraging a holistic approach to environmental sustainability for habitats & wildlife within our communities perhaps Newborough Forest offers a wonderful opportunity to commit the Welsh Assembly to this principle.

4.

Thank you once again for this opportunity  
to put my views and opinions before the  
Committee.

Yours sincerely

Kate Gans

**National Assembly for Wales**

**Environment and Sustainability Committee**

**Natural Resources Wales – Annual Scrutiny 2015**

**Response from The Midland Flyfishers ( MFF)**

1. This response is written on behalf of the membership of MFF whose Members live mainly in the West Midlands and the Border Counties.
2. The Club was founded over 75 years ago and owns four miles of the Welsh Dee above Llangollen.
3. Members fish for salmon and seatrout from May to mid-October, often staying in local hotels and bed-and breakfasts, patronising local restaurants, shops and other facilities, thus contributing significantly to the £150 million generated for the Welsh economy annually by angling activity.
4. The MFF has supported over many years the work of EAW particularly in habitat improvement and restocking. The Club was one of the first in Wales to promote and encourage the practice of catch and release on a voluntary basis and currently achieves over 80% release rates on the Dee.

The Club has been instrumental in the reactivation and on going support of the Dee Fishery Association and the Welsh Dee Trust. The Club has been at the forefront in seeking a voluntary consensus between local fishing and canoeing clubs to permit agreed access to sections of the river in appropriate conditions, avoiding disturbance of salmon spawning areas, potential damage to the fragile eco structure of the river and bearing in mind that the river is not subject to Navigation Rights. This strategy has been followed in accord with the recommendation of the Welsh Assembly for access agreements between anglers and paddlers.

5. The Club regrets and deplores the loss of active support for matters relating to river habitat in general and the salmon and seatrout fisheries in particular, since the inception of Natural Resources Wales.
6. The delegation of responsibility for maintenance and improvement of river habitat to the woefully underfunded river trusts, failure to address the discrepancy between the close seasons for commercial nets – which kill all that they catch – and for anglers – who return the majority of what they catch - , failure to address the problems caused by predatory

birds and the progressive loss of effective enforcement staff are some of the factors which are the basis of a widespread absence of confidence in the management of NRW.

7. We are particularly concerned by the closure of the Maerdy hatchery. This, and the current policy towards restocking, appears to have been based on entirely spurious evidence and in the face of facts presented by a number of highly credible sources. The decision seems to have been taken by senior management before a dubious consultation process, the majority opinions of which were then ignored. There remains a statutory obligation to maintain mitigation stocking following the construction of the Celyn dam. To rely on stocking from the south of Wales does not seem credible.
  
8. In short we have no confidence in the senior management at NRW.



**RYLAND THOMAS. Chairman Midland Flyfishers.**

**4<sup>th</sup> April 2015**

National Assembly for Wales  
Environment and Sustainability Committee  
Written Evidence to the Environment and Sustainability Committee – Natural Resources  
Wales – Annual Scrutiny 2015.

I welcome the opportunity provided by this consultation, and appreciate the important role that the Environment and Sustainability Committee plays in scrutinising the performance of this relatively new Agency.

I would like begin by setting my brief comments on Cyfoeth Naturiol Cymru/Natural Resources Wales in an historic context, in particular with reference to its inherited functions relating to biodiversity. How well does the new organisation advance the vision set out in Command 7122 and the post-war consensus that there should be a place for nature in a civilised society? Is it delivering its functions in relation to the natural environment in a way which augments and updates this vision?

The merger of the Nature Conservancy Council and Countryside Commission in Wales overcame an anomaly in the establishment of countryside and environment agencies, and although there were teething troubles, it provided the opportunity to bring detailed ecological knowledge and executive function together with a greater sense of the public purpose of its environmental functions, and with the enabling role of grant-aid. It also brought the environment closer to the people, and the establishment of the Welsh Assembly enhanced the democratic process for public scrutiny of CCW's work. Despite the bumps along the way, that organisation proved itself in taking forward the original vision for nature in Wales.

The new organisation, which is understandably dominated by EA culture and functions, was supposed to be developing an approach to its work across the board based on ecosystem services, a difficult concept for most people to grasp. What does this mean for its work? What changes can the people of Wales expect to see as a result? So far I have yet to see evidence to answer these questions, or to show that NRW is aware of and taking forward the historic vision of a place for nature in a civilised society. This raises questions of NRW leadership and of Welsh Government oversight. As an example of the former, I was concerned at repeated comments by the Chief Executive emphasising that NRW has no policy role, and is a functionary of Welsh Government. Regarding the latter, I would cite concerns over the practical value of wordy documents like the Nature Recovery Plan, worthy as their aspirations are, and the predictable fiasco of the Nature Fund, which wasted so much Welsh NGO effort.

I am pleased to see some imaginative work being carried out by NRW, for example at Newborough Warren NNR, and in partnerships, such as with NT at Cwm Ivy. I appreciate the extremely difficult financial context, but note that valuable partnership work carried out by NGOs has been suddenly cut, with no consistent approach to the cuts. Former CCW staff admit to feeling unsupported and having to engage with an interminable bureaucracy to get anything done, and many have now left, taking early retirement schemes. This is creating a significant skills imbalance in the organisation. Good environmental decision-making and advice depends on having access to expert knowledge which, once lost, may be hard to restore.

Although I am optimistic that NRW will come good, I thought the Committee should be made aware of these concerns about vision, leadership, oversight, grant-aid and loss of expertise due to staff cuts.

  
James Robertson 5 April 2015

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 42  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Valero Energy Ltd



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Mr Alun Ffred Jones AM  
Chairman  
Environment and Sustainability Committee  
c/o Committee Clerk  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Our Ref: ET/WJ/1501

8<sup>th</sup> April 2015

**Re: National Assembly for Wales Environment and Sustainability Committee Consultation – Natural Resources Wales (NRW) Annual Scrutiny 2015**

Dear Mr Chairman,

## 1. About Valero

1.1. Valero Energy Ltd owns and operates Pembroke Refinery in south west Wales, as well as six terminals across the UK, and the Mainline Pipeline which links Pembroke with the Manchester and Kingsbury terminals. Valero markets fuel in the UK and Ireland under the Texaco brand, with around 850 independently owned and operated Texaco-branded service stations in the UK. In total, Valero employs approximately 800 people in the UK and supports several thousand other jobs at the refinery, terminals and service stations.

1.2. We therefore welcome the opportunity to respond to the Environment and Sustainability Committee's examination into the performance of Natural Resources Wales (NRW), particularly with regard to its impact on the energy sector in Wales.

## 2. Engagement

2.1. Valero welcomed the creation of NRW in April 2013, stating in our response to Welsh Government's 2012 consultation that "Valero welcomes any efforts that aim to streamline and simplify oversight mechanisms and which assist in our efforts to maintain our record of compliance with the Welsh Government's environmental regulations. The emphasis... on the removal of organisational boundaries, allowing for a single point of entry and simplification of discussions between the agency and stakeholders... is a development which Valero appreciates and looks forward to utilising."

2.2. Since 2013 Valero has benefitted from positive levels of engagement with NRW officials, particularly at the site inspector level. Valero previously enjoyed positive and proactive relationships with NRW's predecessor bodies, the Environment Agency Wales (EAW) and the Countryside Council for Wales (CCW); we welcome the continuity in professionalism from our site inspectors since 2013, and the continued willingness of site inspectors to engage with us on adopting an approach that satisfies both Valero and NRW.



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2.3. This positive experience of day-to-day interaction with NRW has been replicated by the engagement Valero has received from senior NRW personnel. NRW Board members and executive team have consistently displayed a willingness to conduct positive outreach to discuss industry-wide issues and develop key corporate relationships.

### 3. Resources

3.1. We do, however, have growing reservations that NRW's effectiveness is being impacted by a lack of access to its own technical resources and an overreliance on other organisations. Whilst the transition from the previous three organisation model to one single body has understandably necessitated short-term disruption, Valero has formed a distinct impression recently that NRW is unable to take decisions tailored specifically for Welsh installations because of their dependence on the Environment Agency (EA).

3.2. Until NRW has built its own resources to a self-sufficient and independent level, or data sharing arrangements between NRW and the EA are improved, Valero feels that there is an increasing potential for a divergent level of service quality for industry in Wales than that experienced by stakeholders in other parts of the UK. The implications that this could have on industry confidence and economic development in Wales is potentially significant.

3.3. The extent to which resource issues are having on the direction and decision-making abilities of NRW policy is unclear; however, Valero's experience suggests that differences of approach within the hierarchy of NRW on a number of policy issues affecting Valero's core business here in Wales could be a symptom of the aforementioned disconnect between NRW's priorities and the needs of Welsh industry.

3.4. Valero is not able to independently determine the cause of these issues. Nevertheless, a solution is vital to ensure the continuation of industry confidence in NRW's abilities to carry out its functions.

### 4. Policy and Corporate Priorities

4.1. On the detail of NRW policies as they relate to the Welsh oil refining sector, Valero again appreciates continued positive engagement with NRW officials, particularly at the site inspector level. Nonetheless, we feel more could be done when implementing policy to instil an attitude of flexibility and compromise that meets NRW's statutory obligations whilst protecting and enhancing economic indicators. A great deal of effort is expended by Valero in encouraging NRW to adopt a reasonable and constructive approach to the use of regulatory powers when implementing natural resources policies.

4.2. This includes, but is not limited to, issues such as implementation of new emissions standards as a result of the Industrial Emissions Directive (IED), – including the guidance Valero is receiving from NRW on what best available technology Pembroke Refinery needs to install to meet those standards and the delivery timeframe for their installation – and the potential redefinition of groundwater MATTE under the COMAH Regulations 2005. The potential capital costs for Valero from IED implementation and groundwater redefinition are considerable, with a significant impact on the overall long-term viability of the Welsh oil refining sector.

4.3. Discussions with NRW on IED implementation are ongoing; nonetheless the challenge remains to ensure natural resources policy is not implemented in a way the undermines business development in Wales' oil refining industry, which is under considerable pressure at this time, with the Pembrokeshire energy sector facing difficult global competition as well as extensive regulatory requirements in the UK.

4.4. This has been a repeated observation made by Valero since NRW's creation in 2013, not least in our response to NRW's 'Planning our Future' consultation, which set the direction for NRW and formed the basis of its corporate priorities for the 2014-2017 Corporate Plan. In that response we noted the positive commitment by NRW to developing enterprise opportunities, however were disappointed by the lack of reference to the importance to the Welsh economy of energy intensive industries, such as oil refining.



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4.5. As we stated then, and are happy to repeat now, “Valero would feel encouraged if NRW outlined its approach to supporting major industries... which plays such an outsized role in Wales’ economy.... The NRW Corporate Plan needs to include a more balanced set of proposals for supporting all sector businesses that NRW engages with in Wales, including heavy industry such as oil refining, if it is to truly support the aim of making Wales a destination of choice for inward investment and economic development.”

## **6. Conclusion**

6.1. Since the creation of NRW in 2013 we have consistently encouraged legislative and regulatory stakeholders to adopt a sympathetic understanding of the needs of businesses to be able to operate in Wales, whilst working collaboratively to ensure Valero fully complies with the necessary environmental regulations. For Wales to fulfil its stated aim of creating a positive environment to do business, we feel this sentiment needs to be reinforced at every available opportunity. Valero looks forward to the Environment and Sustainability Committee’s consideration of these points and hope they will add to a very important and ongoing debate.

6.2. Once again, Valero is incredibly grateful for the opportunity to air our views in this important debate, and we would be delighted to provide any further details at the committee’s request.

Yours sincerely,

Edward M Tomp  
Vice President and Refinery General Manager

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 43  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Merthyr Tydfil Angling Association



**MERTHYR TYDFIL ANGLING  
ASSOCIATION**

Web Site: <http://www.mtaa.co.uk>

President: Huw Lewis AM

Vice Presidents: Dai Havard MP

Geoff Pritchard FRICS

Ron Gover: Councillor Tom Lewis



1. The opportunity to make comments to the Scrutiny committee overdue. Starting from the beginning the first mistake was the Fishery Advisory Group and the local Fishery Groups. This left no consultation, the Local Fishery Groups have now been resurrected only because realisation has set in and the need to at least discuss what is happening, albeit late in the day.
2. We as an Association have been closely involved in fisheries improvement and protection on the Rivers Taff and Usk for nearly 50 years. It was obvious to us from the very beginning that the fisheries service was only being given lip service in all early dealings with Natural Resources Wales. We should point out that this was not at the local level we were normally dealing with but high up in the management structure.
3. The setting up of NRW has been a disaster for Welsh fisheries and some other correspondents make this case. The first indication of problems to come was the handling of the Rod licence system as it was. Welsh anglers pay for an **Environment Agency licence** and still do at the moment. Due to a previous negotiated agreement, between Environment Agency and the Welsh Region as it was, Wales was classed as a Region at that time, a right to a portion of the "top slice" of the licence revenue ie what was considered surplus funds as they were, was given to Wales at the end of each year. This was set up and negotiated by previous Environment Agency Wales **fisheries staff** who were clued up. Environment Agency England must be laughing up their sleeves at not having to pay out the £20K that did accrue to Wales at that time. This return of money was to develop more angling opportunities and increase the number of anglers – to increase Rod Licence revenue. It would have been irrespective as to what it was used for but the principle should have been maintained. We have never been given a valid explanation of why this extra funding was stopped except to say it was now incorporated into the Rod Licence money returned to Wales. There has been a reluctance to give a straight answer.
4. This also raises the point of Rod Licences and although we have been assured that the National licence as it is will be continued, **much to our relief**, we have no confidence in the current way decisions are taken. It would be a travesty for Welsh Anglers and a totally waste of money to attempt to bring in a Wales only rod licence fee. However shrewd negotiation should be able to give Wales a good deal as the current way the

- licence is sold through the Post Office should, with the help of the number of licences sold in Wales, help to negotiate a cost saving based on licences sold in Wales.
5. We work with Angling Cymru, set up at the time by WAG and Environment Agency as well as Sport Wales, and are recognised by Sport Wales, as the overarching body of Angling in Wales. Sport Wales Fund angling through Angling Cymru and previously funding was also given by Environment Agency to Angling Cymru direct but totally stopped by NRW in their second year, with the curt explanation that the Sustainable fisheries fund that was previously ring fenced for Fisheries is now in a large pot not ring fenced. That the fisheries budget had been cut by **over 60%** and because of that Angling Cymru's funding was nil. This shows in our opinion the total lack of concern regarding the Fisheries function in Wales. Some local funding has been maintained. Many who have worked with the previous body in Wales (Environment Agency) now look on in envy at the way the English Regions still get support. We note in the response from some consultees that other Governing bodies have suffered from the same loss of Funding with possibly no formal reason given as to why it has been stopped
  6. The closing of the hatcheries, another extremely contentious issue with the steady and continuous decline in the Salmon population, is another travesty. In all the reports and documents presented to the Board not one mention has been made of the outstanding contribution made by our own Cynrig Hatchery. A renowned centre of excellence and one that should at all costs be protected, we are being told it will become a centre of excellence, but at present again information and positive movement is slow. One would have expected the business plan to have made sure that after the decision to stop stocking things would have moved quickly. More importantly the records of the enormous work carried out by this hatchery on the salmon stocks on the Taff ranks as probably the most comprehensive data record available for any river in Wales or from our knowledge in the World. The Scrutiny Committee should be made fully aware none of the data was presented to the Board in any documents that were presented as reasons for closing the hatcheries. They should also insist that the data is published and preserved as its findings are of more relevance to Wales than all the other papers that were presented. Others will have presented more evidence for the other hatcheries that are to be closed, in great haste we may say.
  7. The other point on Hatchery closures was the mitigation programmes that were in place covering historical agreements that were **not discussed with the relevant funders before closure. This was even though the legal advice below stated.**
  8. **Whilst NRW may be able to enter into discussions with relevant parties as to the possibility of agreeing alternative mitigation measures in place of salmon stocking, and notwithstanding the provisions in certain agreements which allow for a variation in the current mitigation measures eg Cardiff Bay Agreement, and whilst relevant parties may be willing to enter into discussions concerning any such variations, we need to be conscious of the fact that until such time as those discussions are complete and any agreed variations are formally documented, there does remain a risk that we may not be able to agree the same. We are high lighting this as an example of what we feel is mis management in that a decision was taken to carry out a change of circumstances when NRW knew that this advice had been given. Not what we would**

**consider good business practice.** Other comments posted indicate the total lack of understanding from the Top.

9. The stopping of third party stocking has also had an effect on at least one Welsh business that has lost at least 50% of its turnover. It has also put in jeopardy a programme being funded by the Wye owners association at their expense to increase the knowledge and survival of salmon on the Wye. This was previously supported by the Environment Agency and in doing so was carrying out one of the new aims of NRW of working as a knowledge based organisation. This programme is now in jeopardy. In the interest of the decline in Salmon stocks this should be addressed. The worrying factor in all this is that previously all these programmes were supported by the then Environment Agency. All the supposed evidence to curtail stocking has been available for years. It therefore appears that the cessation of stocking has more to do with cost and New Ideas than a genuine concern for the welfare of one of our iconic fish species and one that has seen a dramatic decline in the last years, The Salmon.
10. We note with some concern that the list **attached** from the CEO of Natural Resources Wales indicating a list of stakeholders that could be consulted by you does not mention one organisation or group that represents the owners on the rivers of Wales. In fact not one fishing governing body from Game Sea or Course is mentioned as well as Angling Cymru. We note that for the first time in two years angling has been given a profile on the home page of the Natural Resources Wales web site. It goes at length to describe the benefits of Angling to the economy as well as the health benefits that accrue from the outdoors it also promotes the need to buy a rod Licence!! There needs to be recognised, there was until the ring fencing was taken off the Sustainable Fisheries Fund, many benefits to support Angling in Wales.

W G Davies

Chairman Merthyr Tydfil Angling Association

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 44**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Andrew Thomas**

Having fished and enjoyed the West Wales countryside for the last 46 years I've witnessed a gradual decline of migratory fish over the last thirty years with the last five years seeing a massive decline. Obviously there are lots of factors contributing to the decline that are out of the hands of NRW, but where they can help, they're simply not fit for purpose, some examples are the increased poaching on rivers like the Teifi where not enough resources are put in place to catch the offenders. Walk the many tributaries of the Teifi valley many are polluted, the Ceri a prime example, this small stream would produce many Brown Trout and Sewin in a few hours fishing when I was a lad, those days are long gone, that's all you get now is the smell of slurry!

How in this day and age are anglers and netsmen allowed to catch so many fish, Sewin catches are at a historic low and Salmon on the point of collapse and knowing this an angler can kill five Salmon a week and four Sewin a day and netsmen unlimited!!

Come on NRW it's now 2015, what are we leaving for our children and grandchildren?

Andrew Thomas.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 45**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Tony Brown**

Mr Tony Brown

I am grateful for the opportunity to give my personal views on the newly formed Natural Resources Wales /Cythoeth Naturiol Cymru.

I am no scholar so bear with me with my mistakes.

I would like to bring the following points to view regarding the rivers i fish Seiont Gwyrail llyfni

- The recent hatchery review and decision to stop all stocking of salmon and sea trout in all rivers in wales and to offer different form of mitigation this cannot bring back what is not there
- Seiont suffered badly with pollution up to the present date green blue algae and sewage
- Hydro power scheme at the top lake which destroyed vast areas of spawning beds introduction of 2km tunnel to divert fish to top waters
- Further hydro power scheme intended in Glyn rhonwy where abstraction of water from Padarn lake site of sssi and endangered stocks of charr this is now under planning with CNC/NRW for environmental license
- Sewage treatment works which are placed along the river and discharge into system
- Poaching on increase enforcement officers trying their best but only 7 now in northern district when years ago there were 6 locally, more enforcement officers needed
- Gwyrfai dam at cwellyn hindrance to fish also work carried out at Nant mill falls needs addressing
- Llyfni continuous dredging of bottom pool without discussion of owners sewage problems that need addressing also silt from near by quarry
- 0800 807060 number totally useless time wasted trying to inform operators of location better scheme needs to be introduced

This is my own personal views as a member of the public not as a member of any fishing organisation although many anglers or public persons might share these views

Tony Brown

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 46**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Iolo Williams**

Dear Sirs

I am writing as an individual who has worked extensively in nature conservation in Wales for 21 years and who, for the past 16 years, has reported on the status of Welsh wildlife. As such, I have worked alongside staff members from the Countryside Council for Wales and, for the past two years, Natural Resources Wales. Unfortunately, this consultation has not been widely publicised and has only now come to my attention therefore I have not been able to allocate as much time to it as I would have liked.

1. Our rivers are currently in a sorry state. Fish stocks have declined rapidly since the 1980s and an industry that formerly attracted thousands of fishermen and millions of pounds to rural Wales is now a shadow of its former self. Whilst the decline has accelerated over the past two years, NRW has cut the staff that are patrolling and helping to manage our rivers. Further observations on the declines of our fish stocks are made by many other individuals and organisations on here.
2. Glastir, the Welsh Assembly Government's agri-environment scheme, has never delivered for wildlife. Whilst its precursor, Tir Gofal, was by no means perfect, there were several examples where it did deliver for key species. Glastir should be delivering curlew, skylarks, yellowhammer and hay meadows to the wider countryside. It is not. It is suffering from a lack of funding, a lack of focus, a lack of monitoring, a lack of adequately trained staff and a lack of support. Glastir has proved disastrous for Wales' wildlife and should be scrapped in order to be replaced by an adequately-funded, biodiversity-led scheme.
3. Wales' National Nature Reserves (NNRs) are the jewels in the natural history crown and include iconic locations such as Cwm Idwal and Skomer Island. NRW has seen fit to cut the NNR budgets by up to 60%, resulting in inadequate management and monitoring. This includes pulling funding for a long-running research project on breeding guillemots on Skomer. It is hugely disappointing that an English university has had to step in to fill a void left by NRW.
4. NRW prides itself on being an evidence-based organisation. Some of its important decisions, however, appears to be based on scant evidence at best.. One prime example is the granting of licences to shoot goosanders and cormorants on Welsh rivers and lakes. The evidence presented by NRW makes no reference to the alleged damage the birds are causing nor the population of birds affected. As such, issuing such licences may well prove to be unlawful.
5. The Greenland white-fronted goose is a migratory species of waterfowl that breeds in Greenland and winters in the UK and Ireland. Whilst the bulk of the population overwinters in Scotland and Ireland, one flock spends the winter months on and around the Dyfi estuary. NRW and WAG have repeatedly refused to give full protection to this species making Wales the only country in the whole of the goose's range where it is offered no statutory protection.

6. The £6 million Nature Fund was launched by WAG in response to the State of Nature in 2013. So many constraints of time and guidelines were put on this funding that it proved inaccessible to many conservation organisations, including several who had put forward projects involving priority habitats and species. Approximately £1 million of this money was given to NRW for 3 Natural Resource Management Trial areas (Tawe, Rhondda and Dyfi). The focus of the fund is on Natural Resource Management (whatever that means), not biodiversity, therefore it begs the question of how species and habitats are benefitting from this money and is the work adequately monitored?

7. Staff morale within NRW is at a critically low level. A recent staff survey found that only 20% agreed with a statement that the organisation was well managed. This figure was barely above 10% amongst some parts of the organisation, particularly departments dealing with nature conservation and biodiversity.

8. Whilst there have been significant budget cuts in the fields of nature conservation and biodiversity, the salaries paid to the Senior Executive Team have increased significantly, as has the number of members on this team. Every one of the 11 members of the team now earns a minimum salary of £95,000 per year with several reportedly earning well in excess of £100,000. At a time when significant cuts have been made elsewhere, this is clearly unacceptable.

9. Of the 11 Senior Executive Team members, not one is a recognised and respected expert in the field of nature conservation. Indeed, since the sad loss of Morgan Parry, the input of biodiversity expertise at a higher management level has been consistently notable by its absence.

In summary, since its formation in April 2013, Natural Resources Wales has proved to nothing short of disastrous for wildlife in Wales. It is consistently failing to meet its biodiversity targets and its hard-working conservation staff are hampered by a lack of clear and transparent leadership from senior management. NRW is THE public body that was set up to protect and enhance Wales' wildlife and its landscapes. Under its guidance, I genuinely fear for the future of our countryside.

Iolo Williams  
Conservationist and broadcaster

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 47**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Neil Thomas**

I welcome the opportunity to comment on the newly formed NRW from my own experiences of fishing the River Towy for the last 25 years on many of its association & private waters along its entire length.

Over the last 15 years, I have seen a dramatic decline in the number of Sewin running the Towy. 15 years ago, it would not have been uncommon to hear 100 Sewin jumping at night in the pools on the tidal limits of the river in the peak months of June & July and to have a “pull” on every other cast. Over the last few years, I have fished these same beats in similar condition and not heard a single fish jump or had any takes. I believe the following issues are a major contributing factor to the decline in our fish stocks.

1. **Illegal Nets in Carmarthen Bay** – It is well known that there are a huge number of gill netters operating in Carmarthen Bay (approximately 90 licences granted last year). There are also a couple of larger vessels operated by criminal gangs that can be seen operating in Carmarthen Bay most nights in the spring & summer. These netsmen are free to fish every night of the week and are totally unregulated. There has been one recent prosecution but I believe this to be the tip of the iceberg. Why are the NRW not doing more to tackle these illegal netsmen?
2. **Legal Nets (Seine & Coracles)** – In 2014, the coracles declared a catch of 791 Sewin for a total weight of approximately 5000lb. Most larger Sewin are usually hen fish that can produce approximately 800 eggs for every 1lb in weight. If we assume conservatively that 3000lb of fish caught were hens (3000 x 800 = 2,400,000 eggs). These are rough calculations but how can this be justified when fish stocks are at an all-time low? These net fisheries have no catch limits and no thought for future stocks whilst the NRW stand idly by encouraging anglers to release all rod caught fish. Surely it's time for the netsmen to fall in line with others who are doing their best to safeguard Sewin & Salmon for future generations. I myself like many other anglers, voluntarily release a large percentage of fish caught but it seems all this good work by anglers is being undone by a small number of netsmen who's only concern is finding the best price for their fish.
3. **Fish Eating Birds** – The number of cormorants and goosanders are increasing on the river every year. Last year, I witnessed 21 cormorants on one pool alone on the upper Towy! I understand culling licences have been applied for but yet again, the NRW have done nothing. Anglers who fish the river on a regular basis are fully aware of the scope of problem. Unfortunately, when listening to senior representatives of the NRW speak at club AGM's & CFF meetings, it seems they no idea how many FEB's are currently on our rivers and are oblivious to the damage they are causing.
4. **Farm Effluent** – The Towy valley now contains a large number of “super dairy farms”, all of which produce huge volumes of slurry. This slurry is spread regularly onto the fields and in periods of wet weather, the runoff from the slurry can be seen entering the watercourses which I assume must have a detrimental effect on the water quality. Is there a suitable and effective water quality monitoring programme in place to ensure our watercourse aren't been polluted by the excessive slurry spreading?
5. **Stocking Policy** – Our hatcheries have been closed based on “scientific evidence”! Other rivers such as the Helmsdale in Scotland and Ranga in Iceland have successful long term stocking programmes. Both of these rivers produce a phenomenal number of fish that attract anglers from all over the world. How can the NRW justify closing our hatcheries at a time when rivers in Wales probably need them more than ever when they have been shown to be so effective on other rivers throughout the world?

I seriously doubt whether the NRW realise how valuable an asset Salmon, and especially the Sewin is to the rural economies of Wales. Anglers travel all over the world in pursuit of Salmon & Sewin spending considerable sums of money in local economies on hotels, food, & fishing generating hundreds of jobs. It is difficult to quantify how much a rod caught fish is worth to the local economy but studies carried out in Scotland estimate that a rod caught salmon could be worth £10,000 to the local economy whilst a net caught one £5. Do the NRW realise or understand the potential value of rod fisheries to the local economy? I doubt it very much.

. Alun Davies, minister for natural resources and food stated recently that "*The passing of this order is the culmination of a great deal of time, effort and hard work and means that Natural Resources Wales now has all the legal powers it needs to hit the ground running.*

*"The order will enable Natural Resources Wales to take important decisions that affect Wales' environment and economy, whilst also ensuring it remains accountable to Welsh Ministers"*

The evidence if there from this and the many other documents submitted as part of this consultation. Surely it's about time the NRW woke up and started exercising its legal powers before it's too late and our fisheries suffer a total collapse.

Regards  
Neil Thomas

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 48**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from David Gartside**

Dear Sir

Please find below my response to the above consultation.

I have been involved in Angling and work to conserve the rivers of North Wales for more than 35 years having been an active member of four Angling Clubs fishing the Dee Conwy Llugwy Lledr Clwyd and Elwy. I also sit on the committees of the following bodies. Dee and Clwyd LFaG, Clwyd Conwy and Gwynedd Rivers Trust and the Federation of Clwyd Angling Clubs.

I have serious concerns about the way NRW seem to be treating the concerns of Angling and there statutory duties under the Salmon and Freshwater Fisheries Act.

The recent apparent disregard of almost unanimous objections to the closure of the Hatcheries in Wales, refusing to even acknowledge any merit in any other research as credible beggars belief. I attended at Coed y Brenin and left shaking my head!!

The role of NRW in the debacle of the spawning redds in Llanwrst seems unclear and I await the publishing of the official report on the matter with interest.

On my local river the Elwy the way NRW have again disregarded any local objections to the Hydro Scheme at Maes Elwy is very disappointing. Permitting is done in Cardiff so any local input is diluted. A scheme further up the Elwy at Cefn has been beset with problems and has caused considerable decolouration to the river for many months. A sink hole stopping all water going through the fish pass at Maes Elwy took NRW 3 months to fix. Their main concern was finding someone to pay for the repair rather than getting the job done. They had a duty to sort this out as it happened during the main run of Sea Trout in the Elwy. The temporary repair only took a few hours to complete.

The reorganisation of staff in North Wales seem to have left us without a dedicated fishery team here. Several key team members seem to have taken voluntary redundancy and have not been replaced. This is to say the least very disappointing.

NRW's role just now seems to be as an arm of the Assembly pushing through policy with no regard to any local concerns.

There seems to me to be a diminishment of any residual EA policies with CCW's ideals now coming to the fore.

I fear for the future for our rivers in Wales if this type of administration continues.

Yours

David Gartside.

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 49**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Leighton Rees**

I welcome the opportunity to comment on the NRW from my own experience as an angler.

Having fished on the Rivers Amman, Loughor & Towy for almost 20 years & have seen a noticeable decline in the number of migratory fish in those rivers, especially in the last 6-8 years. This undoubtedly is a common theme amongst other anglers too.

As a young lad growing up I remember being taken down to the river side to watch leaping salmon and sea trout on the river Amman, a real treat and am convinced that it's from here my passion for fishing for these great fish arose. There seemed to be an abundance of fish back then, even with the mines still working. However these days, I regularly speak to older generation who cannot believe the state on our rivers from a fish stock point of view.

I find it frustrating that for several factors that our fish stocks are being decimated and not looked after as they should – surely the NRW should be doing this on our behalf? I am paid for doing a job and if I did not perform then I'm sure I would have some consequences to face!

I feel that the NRW should ensure that they have the resources and determination to address several issues that I believe are a factor in our migratory fish being exposed, do the NRW realise how important that these fish are? The revenue from visiting anglers to the Towy, Teifi & Dovey bring in Millions of pounds to the rural economy and also have the hidden knock on benefits of returning visitors, B&B, local pubs and shops, fishing tackle shops all benefiting from the desire for people to fish for these magnificent fish.

The concerns I have, are as follows;

- **Poaching:** It is well known that there are a number of illegally operated nets being used in Carmarthen bay and the Burry Inlet. These illegal nets are just left to get on with it and take what they want, not policed in any way at all. I know of several people who have alerted the NRW to suspicious or known netting – what was done about it? Nothing. We cannot put figures to the numbers of fish that these nets are taking, but can all use common sense to see what damage this activity is doing to our fish stocks. This needs to be stopped and more stringent measures put in place to police this. These gangs need to be prosecuted and made examples of to make the others think of the consequences.

There is also the issue of poaching or illegal fishing within the river systems / headwaters, there seems to be occasions every year where there are reports of poaching activities on the rivers, from those fishing with no licences with rod and line to the serious poachers taking fish for selling on. Most of the fish taken are during the tail end of the season when these fish are ready for spawning. How much resource is allocated to policing our rivers? I cannot remember the last time I was asked by a Bailiff to see my licence. Again, this needs to be policed and examples made of people in the form of prosecutions.

- **Legal Nets:** A large number of large migratory fish, mainly Sewin are taken by the nets men on the Towy prior to the fishing season (rod and line) commencing, in my opinion these fish are the large early season fish that run the river – prime breeding stock that should reach the spawning grounds to spawn and produce our future stocks. I’m sure that the nets men will speak of their heritage and traditions dating back to their great grandfathers, but in essence they are only after the best price for the fish they are harvesting from the river. Surely this situation needs to be looked at. The fishing community brought about a buy out some years ago, this needs to be looked at and instigated by the NRW.
- **Fish Eating Birds;** it is evident that the number of Goosanders and Cormorants that are seen on our rivers in the last 5 years has dramatically increased. Common sense tells any man that if the number of FEBS is on the increase, they need and will take more food to sustain this population growth – what are they eating? Yes juvenile fish.  
Fishing associations / clubs and other interested parties are pushing for a licence for culling FEBS, again, the NRW are not on board with this issue. So our fish stocks are being impacted by poaching, nets men and FEB’s– what hope do we have? NRW need to be on board with controlling FEB’s
- **Pollution;** I personally feel that a lot more could be done by the NRW in a proactive manner for dealing with pollution of our watercourses from industrial / construction sources. A difficult one to police, but educating companies would certainly help.
- **Maintenance / Protection Works:** Could more be done by the NRW to ensure our rivers are well maintained and provide a suitable habitat for our fish.  
River banks are naturally eroded, but a little fore thought and planning could prevent a lot of large scale damage, the siltation from erosion has many effects on aquatic life and our fish. Other factors that can effect erosion is debris / blockages in the river channel, fallen trees and snags have an effect on the hydrology of a watercourse, this causes erosion issues. Could more be done by the NRW to be more proactive with these issues and deal with them before they become an issue?  
Again another influence beyond the fisherman’s control.
- **Agriculture;** I personally think that more should be done by the NRW to work with our Farmers and assist in reducing the number of pollution incidents from agricultural sources. Education and collaboration would go a long way in reducing these incidents such as slurry spills, pesticides, etc. the use of pesticides and their effects on water courses and aquatic life are again an effect on the health of our rivers. We must also consider the effects of run off from the land entering our rivers – in 2014 it was reported that 2.2 Million tonnes of top soil was lost by erosion in the UK, where does this end up being deposited? Mitigating measures must be put in place, margin strips around watercourses etc.
- **Fish Passes etc.;** I also believe that more could be done to open up more of our headwaters to spawning fish, removing obstacles and providing easier passage to our migratory fish. Bodies such as they Wye Usk Foundation have made inroads in to this, yes they’re funded and work with the NRW / EA but surely NRW should be the driving force here?
- **Stocking:** it amazes me that last year it was announced that a number of hatcheries would be closed – in a time when our stocks are at a very low state – what a decision! There is solid

evidence that stocking / hatcheries have made significant improvements to rivers around the world, but NRW close our hatcheries. Surely this decision needs to be reviewed for the benefit of our future fish stocks and the income generated by angling.

- **Catch and Release;** Most angling associations have now brought in C&R rules and encourage the larger sewin over 26" to be returned for spawning – a brilliant idea that shows commitment and looking to protect our stocks. There are also the restrictions on the number of fish that can be taken in a session or season. However, the poachers and nets are taking whatever they feel like taking for their own benefit. We anglers are the ones that pay our licence fee and association permits annually, are told how many fish of what size we can keep and encouraged to return fish to the river – all for the damage to be done by others that are not controlled.

It's fair to say that there is plenty of evidence out there that should make the NRW stand up and address these issues.

Other countries around the world have transformed their fishing by making changes for the good; there is no reason why Wales cannot be up there with countries such as Patagonia and Norway when it comes to world class fishing for migratory fish.

Regards,

Leighton Rees

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 50**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from West Wales Biodiversity Information Centre and**  
**South East Wales Biodiversity Records Centre**

9<sup>th</sup> April 2015

In response to your request for the views of stakeholders and their recent relationship with Natural Resources Wales, there are a few points I would like to make on behalf of our organisations.

The period of transition has caused some difficulties as staff with whom a long standing relationship had been built up had changed roles, or left the organisation. It is to the credit of certain staff members that they have worked with us through this obviously challenging time to maintain continuity of our agreements and service provision, albeit with some changes to this and the funding amounts we receive.

Members of NRW staff with a direct relationship and understanding of the services we provide are our principal contacts when it comes to payment for our services. We understand that recent changes to NRW internal finance arrangements have caused difficulties in late payment and there has been no explanation for this. These changes appear to have distanced us in the process and there is a lack of clarity about who to approach when invoices, for amounts that can be critical to our small business, are not paid in the expected time. It seems inefficient that officers with other responsibilities than finance, should have to be badgered for unpaid invoices. Communication and a good dialogue are essential to maintaining good relationships not only at the strategic level as this consultation process seeks to achieve, but also in our business dealings with NRW.

It was stated by Welsh Government at the Making the Best of Wales Natural Resources Conference in 2013 that one of the reasons for the need for change to natural resource management was that evidence was being used inconsistently by decision makers. We are keen that developments to our service to bring together biodiversity data for all Wales and to streamline its delivery into our partners' systems are widely utilised by NRW. These developments were begun under our agreements with the legacy bodies, are largely now in place, and we have sought the opportunity to demonstrate how they can enhance the service we provide and better inform officers of the new organisation. We look forward to our relationship with NRW further developing and continuing long into the future.

Colin Russell, Manager, WWBIC  
Adam Rowe, Manager, SEWBReC

10 Ebrill 2015

Annwyl Gyfeillion,

### **Ymgynghoriad: Cyfoeth Naturiol Cymru**

Cyfeiriaf at llythyr Alun Ffred Jones AC, Cadeirydd Pwyllgor Amgylchedd a Chynaliadwyedd.

Dyddiad y llythyr yw “27 February 2015”. Gwelais ond y fersiwn Saesneg ar eich safle we Cymraeg. Credaf eich bod wedi anwybyddu Polisi Iaith y Cynulliad trwy ddodi’r fersiwn Saesneg yn unig yna.

Ysgrifennaf fel unigolyn. Mae fy sylwadau yn seiliedig ar brofiad fel swyddog cynllunio efo Awdurdod Parc Cenedlaethol Eryri a Chynllunwr Trefol Siartredig.

#### **1. Cyfoeth Naturiol Cymru a cheisiadau cynllunio**

Mae’n rhaid i awdurdod cynllunio lleol ymgynghori â Chyfoeth Naturiol Cymru ar rhai ceisiadau cynllunio. Cyfeirir Rheol 61(3), y Rheoliadau Cynefinoedd, 2010. Bydd rhai ohonynt yn ymgynghori ar geisiadau cynllunio rhag ofn bod angen dan Rheol 61(3). Bydd rhai ohonynt hefyd yn ymgynghori lle bydd effeithiau posibl ar ystlumod neu fwyd gwyllt arall o statws Ewropeaidd.

Bydd awdurdod lleol da yn cyflogi ecolegydd. Hoffwn weld cytundeb rhwng awdurdodau lleol a Chyfoeth Naturiol Cymru er mwyn osgoi arbenigwr o’r dau gorff ymweld â’r un safle i asesu’r un cais cynllunio. Dylai’r cytundeb hefyd ceisio sicrhau ni fydd Cyfoeth Naturiol Cymru yn rhoi gwasanaeth israddol fel cosb i awdurdodau sydd yn cyflogi ecolegydd da. Hefyd, ni ddylai ymateb Cyfoeth Naturiol Cymru i gais cynllunio danseilio sylwadau ecolegydd awdurdod cynllunio lleol o safon – yn enwedig lle mae’r swyddog llywodraeth lleol wedi ymweld â’r safle, a’r swyddog Cyfoeth Naturiol Cymru ddim. Efallai, buasai Cymdeithas Swyddogion Cynllunio Cymru (POSW), yn medru drafftio cytundeb efo Cyfoeth Naturiol Cymru.

#### **2. Cyfoeth Naturiol Cymru a Pholisi Cynllunio Llywodraeth Cymru**

Mae paragraff 5.2.7, “Nodyn Cyngor Technegol 5, Cynllunio a Chadwraeth Natur” (Llywodraeth Cymru, 2009), yn annog camau gorfodaeth gan awdurdodau cynllunio lle mae datblygiad yn brifo safle cadwraeth natur statudol. Mae difrodi safle cadwraeth natur statudol yn drosedd. Serch hynny, nid Pack Page 108 am Gyfoeth Naturiol Cymru ym

mharagraff 5.2.7. Credaf fod erlyniad neu “*injunction*” neu’r dau gan Gyfoeth Naturiol Cymru yn llawer mwy effeithiol na gorfodaeth cynllunio.

Os oes rhybudd gorfodaeth dan y Deddfau Cynllunio, bydd hawl i apelio. Ni ddylai bod yn anodd cadw apêl gorfodaeth ar y gweill am dros flwyddyn. Ni ddylai bod yn anodd perswadio llys i ohirio unrhyw erlyniad tan y penderfyniad apêl.

Heb dyst Cyfoeth Naturiol Cymru, bydd apêl gorfodaeth yn debygol o fod yn llwyddiannus. Heb erlyniad, sut bydd tyst Gyfoeth Naturiol Cymru yn ymateb i honiad “*If this site is worth conserving, you would have prosecuted my client*”.

Credaf fod Rhybudd Gorfodaeth yn haeddu ystyriaeth wedi erlyniad er mwyn sicrhau gwelliannau ar y safle.

Yn gywir,

John Bowers BA (Hons), MRTPI, MBA,



By virtue of paragraph(s) ii of Standing Order 17.42

Document is Restricted

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 52**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Keith Noble**

To the Environment and Sustainability Committee for its Consultation on Natural Resources Wales 2014/15

These are personal comments.

1. My experience

As a keen naturalist I am a member of several wildlife conservation organisations, and an active volunteer in various capacities. I have no direct involvement with NRW but take a keen interest in the environment and wildlife of Wales, and regularly meet others with similar interests including some NRW staff (whose expertise and commitment I value). On these occasions the formation of NRW and its performance are sometimes discussed. The following comments are my own, but I think that they may reflect the views of other concerned people.

2. The NRW and its remit

The merger has been difficult, diverting effort from the real purposes of the agency, with cuts in budgets and staff. On the NRW website and accompanying documents I find little reference to biodiversity, the ongoing declines of so much of our wildlife (clearly set out in The State of Nature 2013) and the ways in which NRW will attempt to reverse those declines and measure success or failure.

3. The NRW and its partners

As well as reducing its own capacity, NRW will be giving less support to its natural partners among the wildlife conservation charities. These employ dedicated staff and great numbers of loyal volunteers. NRW is making less money available and making access to funding more difficult and competitive. Charities with their strong popular and expert support carry out much of the work which NRW is required to deliver, and the weakening of this partnership threatens to result in real losses of activity.

4. The NRW and payments

NRW, like CCW for years previously, pays invoices and agreements with its partners weeks or months after they are due. These are not occasional lapses but happen so regularly as to appear the result of a deliberate policy. NRW's performance in this matter does not meet required standards.

5. The NRW and licences

I survey and record birds on the River Usk. I am aware that NRW grants licences for the culling of fish-eating birds – Cormorants and Goosanders. It is my opinion, in line with ornithological bodies which have collected and examined the evidence, that these licences are not justified by good

science. The birds do not cause serious damage to fish stocks. I understand that NRW is to commission further surveys. Until this has happened I think that culling should be suspended, and that licences should only be reinstated if there is conclusive proof that they are necessary.

#### 6. NRW's profile

When controversial developments are proposed, such as the Circuit of Wales and the M4 relief road around Newport, the visible defenders of the environment, wildlife and designated Sites are bodies such as the RSPB and the Wildlife Trusts. I would like to see NRW taking a stronger and more public stand in such matters, and in education about climate change and loss of biodiversity. These are crucial issues which are not sufficiently understood and appreciated by many people in Wales and its government.

Keith Noble

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 53  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Roger Cooper

1. I wish to draw the Committee's attention to the lack of sufficiently detailed financial information on NRW's forestry activities and particularly its management of the Welsh Government Woodland Estate (WGWE). These comments draw partly on my experience as a non-executive member of the FCW National Committee from 2007- 2013.
2. The WGWE is a major commercial asset and source of income to NRW and Wales. It is vitally important that the public is able to judge whether NRW's management of this resource is yielding good value for money. My view is that the information currently available makes it impossible for interested parties to reach an informed judgement on this. The only financial information in the Annual Report and Accounts for 2013/14 attributable specifically to forestry activities is as follows:  
**Income: Table 6: Income analysis.**  
Timber Income £13 million.  
**Expenditure: Table 5 Other expenditure**  
Timber harvesting, marketing and restocking £6.8m  
Forest roads £2.8 m  
Other forestry costs £0.3m  
There is little additional financial information specific to forestry in the business plan, the corporate plan and the publicly available papers presented to the NRW Board.
3. I believe NRW should publish more detailed information on its income and expenditure attributable to its commercial forestry activities. This could possibly take the form of appendices to the Annual Report and Accounts. I believe this would increase public confidence that NRW's management of the WGWE was providing good value for money. It could be argued that NRW's commercial forestry activities should be seen as a profit centre within the organisation and that the annual profit/loss on the operations on the estate should be published based on a full assessment of the income and expenditure attributable to the estate.  
Listed below are suggestions of the information that should be published annually.
4. **Income attributable to the WGWE**  
Information should be provided for both timber and non-timber income.  
The **timber income and volume** figures should be broken down by:
  - a. NRW administrative areas,
  - b. clear fell/thinnings for standing sales,
  - c. product mix for direct production,
  - d. point of sale(standing, roadside, delivered)
  - e. species.
  - f. type of market (sawmills, board mills, energy)Figures for **non-timber** income should include:
  - g. recreation income (e.g. mountain biking, car rallying)
  - h. rental income from leisure companies based on the WGWE and income from NRW visitor centres
  - i. renewable energy income from projects on the WGWE (e.g. wind and hydro)



**5. Expenditure on the WGWE**

The figure currently shown for timber harvesting, marketing and restocking (£6.8m) should be disaggregated into the three components and further broken down to show:

- a. costs and volumes of timber harvested by type of harvesting (e.g. timber harvester, wire rope), size of coupe, timber size
- b. costs of marketing for standing and felled timber sales
- c. costs of restocking by size of restock area, species, post-restock maintenance

Other expenditure related to the WGWE which needs to be identified includes:

- d. costs of forest management. These costs are presumably aggregated in other figures in the accounts but key costs need to be identified separately. (e.g. costs of tree health, fencing)
- e. costs of managing the licencing system for forestry, including EIA's
- f. costs of the "habitat creation programme" on the WGWE if applicable
- g. costs of running forest based leisure activities (e.g biking, visitor centres)
- h. forest road costs
- i. staff costs attributable to commercial forestry activities.

Roger Cooper

9<sup>th</sup> April 2015

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 54  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Margaret and Iain Aitken

9<sup>th</sup> April 2015

Alun Ffred Jones AM, Chair  
c/o The Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

**Annual Scrutiny of Natural Resources Wales**

Thank you for this opportunity to comment. We do have concerns, particularly regarding the operation of NRW in their role as statutory consultee for Welsh planning applications.

1. It seems clear that the central purpose of NRW, not least as reflected in public statements by the chairman, Peter Matthews, is the promotion of the exploitation of Wales's natural resources and creation of a 'new economic model'<sup>1</sup>. In the pursuit of this objective there is the danger that the fact that rural Wales is a great deal more than a fund of resources to be tapped is overlooked. For a great many of us rural Wales is our home, where we have chosen to live, to work, to raise families, to take our holidays and walk or ride the hills, and we love the landscapes around us. For those of us involved in any form of tourism the rural landscapes are also our bread and butter, critical to our livelihoods. A body which exists to promote development has a clear conflict of interest when it also responsible for safeguarding landscape and biodiversity. The existing rural 'economic model', containing many diverse and creative enterprises, must not be jeopardised by insensitive development or an overarching agenda for development at any cost. Those of us living in rural areas may not even agree that we need a 'new economic model' or that our interests should be sacrificed to someone else's 'new economic model'. Exploitation of natural resources which does not give full consideration to needs of rural communities and existing businesses, including protection of landscapes, will cause untold damage to rural life and the rural economy.
2. Linked to the above point is the diminution of NRW's role as statutory consultee for Welsh planning applications in relation to landscape. Worse, there seems to be a lack of clarity which is allowing councils to believe that a lack of objection from NRW on landscape grounds to an application is sufficient for the council to assume that landscape impacts are acceptable. This confusion is not helped when NRW fail to state clearly the limits of the advice given or the precise remit to which they are working. NRW advice on Powys application P/2014/0860 exemplifies the potential for confusion.
3. There are councils which do not have a landscape officer to take over the role of statutory consultee on landscape so this retreat from an active landscape role in the planning system on NRW's part is creating a

<sup>1</sup> <http://www.utilityweek.co.uk/news/interview-peter-matthewschairman-natural-resources-wales/1027682#.VSbCDNh0yUK>

democratic deficit and a lack of attention to landscape issues. Clarity is needed for councils to understand the way in which they must adapt their own structures and practices to fill the gap NRW has created. At the same time NRW could be more active in promoting the consistent use of Landmap data, and application of Landmap guidelines, to ensure consistency of decision making and evaluation of landscape impacts across Wales.

4. There is a further source of confusion concerning NRW's role as statutory consultee on ecological matters. Where councils have their own well qualified and experienced ecologists it is not necessarily helpful to ecological interests to have two sources of potentially conflicting advice. There needs to be far greater clarity as to where the council's responsibility ends and NRW's begins. I have only just now attended a planning committee meeting in Powys where not only the planning committee but also all the officers appeared to have no understanding of the respective responsibilities of NRW and the council's own ecologist.
5. There is great concern in Powys about the deterioration in the water quality of our rivers. To some extent this can be laid at the door of NRW who have a policy of not addressing cumulative issues when smaller scale intensive agricultural units are applied for. These, particularly in the form of chicken sheds, have been applied for in great number in Powys, and so with considerable cumulative impact, and there is now a serious problem with water contamination (soluble reactive phosphates) both within Powys and downstream on the Wye. It is disappointing that a government organisation which must have inherited from its predecessor bodies a great deal of scientific expertise and experience has allowed a situation such as this to arise or to worsen under its watch. It may again be that a policy of promoting development is at the root of this problem, and that the impacts of development have been insufficiently assessed and monitored.
6. Finally, I am aware that the issue of deterioration of river water quality was known as far back as 2012. Radnorshire Wildlife Trust, and I doubt they were alone in raising this concern, were even then advocating greater controls on intensive agricultural developments. However, NRW, despite having effectively been in operation for a couple of years, has failed to respond to these concerns and react effectively to prevent the worsening of the situation.

This is our personal response to the consultation. We do not object to publication.

Yours sincerely

Margaret and Iain Aitken

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 55  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Dolgellau Angling Association

Dolgellau Angling Association wishes to express our concerns and frustration at recent developments within Natural Resources Wales. Whilst appreciating that one of the objectives in the creation of a single body has been to reduce costs we feel that angling is under a very real threat as a result of these proposals.

This is particularly disappointing in view of the progress that we believed we were making in working in co-operation with both Environment Agency Wales and CCW prior to this point. Typical examples of this would include the Mawddach Habitat Improvement Scheme, our participation in brood stock collection, assisting in the stocking out of juvenile fish, habitat survey work in conjunction with Afonydd Cymru and the Water Framework Directive Partnership Project to eradicate invasive species. In all of these we have freely given both our labour and financial backing because of our passion for angling, our concerns for the environment within which it takes place and our desire to hand this on to future generations in a fit and healthy state.

The proposals for the Mawddach Hatchery were sprung upon us. For some time we had been aware that its future was under threat as a result of the proposed development of a new hatchery and salmon centre immediately downstream of Llyn Celyn. **However to find that the Mawddach hatchery was to be ‘mothballed’ at the end of 2013 whilst the new hatchery was unlikely to go ahead despite considerable amount of money that was wasted on surveys and equipment having already being purchased)** came as a real blow, particularly when the following points are considered:

- A decision seemed to have been made about the future of the hatchery before the findings of an internal review of hatcheries which was due at the end of 2013 was known.
- Angling bodies, given that we are major stakeholders in the hatchery, had not been given any adequate notice of the proposal.
- The expertise of the Mawddach Hatchery staff, both of whom had been there since its opening in 1987, could not be passed on to any potential successors and that their knowledge and expertise was therefore lost.
- ‘Mothballing’ the hatchery was likely to result in damage to equipment as a result of lack of proper maintenance and the effects of winter floods as well as the potential risks of vandalism. Surely it would have been better to keep it running until it could be handed on to a successor in a fully operational state.
- There was a desire by DAA and other angling bodies to actively participate in the running of the hatchery, possibly as part of a partnership project, but we do not believe that we were given reasonable time or the interest to formulate a plan involving other catchment areas within North Wales.
- Our biggest concerns also center on the decision by NRW in 2014 to close all hatcheries in Wales and bring to an end third party stocking following the public consultation in which it referred that “they had only received 109

responses” to the consultation from anglers, but this did not show that many angling clubs had sent responses on behalf of their members.

- All our members are extremely concerned with the lack of enforcement officers and the geographical area’s they are expected to cover. Many of our members state they have not had their licenses checked for many years.

In conclusion we strongly believe that the way forward is a partnership between NRW and Angling clubs based on trust and co-operation. We understand that the depletion of the fisheries team will cause real difficulties but we urge you to give real consideration to the points which we have raised in order to secure the future of angling in North Wales, not only for ourselves, but for those who follow in our footsteps

Gavin Jones,

Secretary, Dolgellau Angling Association

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 56  
Natural Resources Wales – Annual Scrutiny 2015  
Response from William Gareth Davies

I noticed this response from one Andrew King, Breconshire County Bird Recorder.  
I do not think in the light of what is happening with Bird predation that you should have one side only to judge by.

**Mr Kings comments below.**

1. While I cannot comment on badger control to limit spread of Bovine TB, the issue of licences by NRW to control piscivorous birds on Welsh rivers has been grossly mishandled. Licences have been issued without questioning the inflated claims of damage caused by these birds by inland fishery interests. Prior to 2013 when the Natural Resources Wales took over this work, The Wildlife Team, Welsh Assembly (WA) previously responsible for consideration of applications, carried out this role using sound science. WA organised counts of these species annually along the Wye and other rivers to properly assess whether a licence was justified. Since 2013, NRW have issued licences wholesale, without any evaluation or policing of actual numbers shot, such that Goosanders have declined by over 60% in just two years. NRW needs to assess these licence applications using proper science to gauge population size, rather than wildly exaggerated claims by fishermen (and no doubt NRW Board members!). If in doubt, ask county recording networks. Old licences should be rescinded, with no new licences issued – otherwise, NRW risk total blame for extinction of another breeding species in Wales, and all the adverse media coverage that will accompany it.

Scrutiny Members.

2. I would respectfully request that you consider the following.
3. I have read the aforementioned note referring to fish eating birds and felt that I had to respond, fully understanding that the reply will not be admissible for scrutiny committee deliberations referring to NRW operations.
4. Firstly, I would draw your attention to the fact that this Association has employed a specialist company to assess the stock in our fisheries. The results I can forward to yourselves, if required. Their findings show bird predation as an issue causing an imbalance on our fisheries.
5. Secondly, One of our fisheries was drained for remedial work, this is an 8 acre pond. The result of the draining proved what we thought. The pond was denuded of fish. To prevent further depredation we had fish refuges built at a cost of £120K (taking into account block stone given 700 ton) Plus cost of restock @ £30K.
6. Thirdly, there is a programme in effect at present to eradicate foreign species from the country side. Where does that programme place goosanders, a native bird of

Scandinavia occasionally seen in Scotland. Surely this then classes the species the same as Japanese knotweed etc.

7. Granted cormorants used to be sighted occasionally in years gone by, especially on the coast, rarely inland.
8. A licence to cull must be applied for every year, not often granted and strictly controlled. Example the Usk cull last year 2014. A local Cardiff Association being refused a licence this year with some guidance that beggared belief from Natural Resources Wales such as the use of a lazer beam on a pond near an airport as a method of scaring. So contrary to the statement in Paragraph 1 above the issue of licences is not a fact it is something that is closely monitored.

The following is a note issued by Angling Trust after lobbying by Angling Trust in **England** for a relaxation on the culling of Fish Eating Birds.

1. Tuesday 4th February 2014  
Government Gives Go Ahead for,  
New Cormorant and Goosander Management Plan  
We've been campaigning for more than three years ( Angling Trust) for a change to the current bureaucratic and ineffective licensing regime that governs the control of cormorants and goosanders and have now concluded negotiations with the Government on the implementation of new measures, announced last year, to improve the protection of vulnerable fish stocks from predation by cormorants and goosanders. We need a similar approach in Wales.

W G Davies

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 57  
Natural Resources Wales – Annual Scrutiny 2015  
Response from The Wye & Usk Foundation



The  
**Wye & Usk**  
Foundation

Registered Charity No. 1080319

Brecon  
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## Wye and Usk Foundation (WUF) Response to Senedd Annual Scrutiny of Natural Resources Wales

### Background

1.1 WUF was formed in 1995 to meet a need in fisheries and riverine management – the actual delivery of improvements such as habitat restoration, fish passes and the like. WUF is restoring two of Wales' best known salmon rivers, both EU Special Areas of Conservation, covering approximately 6000 Km<sup>2</sup> (including Herefordshire). We have raised and spent approximately £1.5million annually and have engaged and trained our own skilled workforce. Our fisheries letting scheme brings in an addition £1.75million to the rural economy and we have created and sustained an estimated 65 FT job equivalents.

1.2 The Wye is one of the few salmon rivers showing an actual year on year improvement (based on 5 year average catches) and WUF has developed several original restoration techniques including the successful amelioration of acid rain, quick and effective ways increasing habitat cover and so on, now widely used in the restoration of rivers across England and Wales. We have 24 FT staff and offices in Talgarth.

### Natural Resources Wales

2.1 WUF has worked with a series of historic Agencies: National Rivers Authority, Environment Agency (EA), Natural England (NE), Environment Agency Wales, Countryside Council for Wales, Forestry Commission (FC England and Wales) either as partners or in their regulatory capacity. The author recalls previous incarnations: the Nature Conservancy Council and Welsh Water (as a fisheries agency). Today we work with NRW and its English counterparts (EA, NE, FC)

2.2 There were commonalities, not least the apparent need to reorganise every 5 or so years, adding or splitting off component functions. However in all cases the quality of the local staff has always played a very significant part in the success or failure of the relationship between stakeholders and the agency of the day.

2.3 For a country the size of Wales, it is probably difficult, even if it was desirable, to maintain separate environmental organisations (ie the three legacy bodies). We therefore applaud the creation of the Single Body despite the significant tensions between the constituents and in particular, the adoption of the "Ecosystem Approach". We hope it signals a much more environment friendly approach by the forestry section, formerly a serial water polluter.

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2.4 Wales' environmental legacy includes significant 'chronic' damage from the industrial revolution. More recently, unmanaged agricultural intensification and plantation forestry is now a significant cause of environmental problems on top of developmental pressures. Add Climate change and a reducing budget plus the 'baggage' of each legacy body and it is appreciated that NRW have very significant challenges ahead of them.

2.5 Important EU Directives set standards for rivers (the Water Framework Directive), protected sites (Habitats Directive) and our own SSSIs standards all presuppose high ecological standards while the principle of ecosystem services for the nation's benefit rely on either our citizens and stakeholders caring sufficiently for the environment or effective legislation (or ideally both). A brief look at the litter thrown from cars on Wales' scenic highways, into our rivers and down our cwms and valleys suggests that environmental concerns are not paramount for our citizens.

2.6 Another challenge for any environmental agency is being both regulator and service deliverer. Historic changes have tended to shed delivery services and focused more on regulation, there being no greater example than in 1989 when the National Rivers Authority was created to oversee inland fisheries and regulate the water industry. Today the challenge of delivery of inland fisheries for example, against historic expectations, with virtually no budget is a cause of much criticism.

2.7 With the offer of early retirement to reduce the size of the organisation, it is a concern that it may not always be the least useful staff member who retires.

### **The National Assembly's Environment and Sustainability Committee: Responses to date**

3.1 Scrutiny of the written responses submitted to date (9<sup>th</sup> April) include a large number from the freshwater angling community. Almost without exception, they are highly critical of NRW and since this is WUF's area of expertise we feel it appropriate to comment. The concerns include: reduced catches of salmon and sea trout, (obviously), increased percentage catch by the estuary and marine net fisheries, water quality, damage by fish eating birds and even invasive weeds. Many seem oblivious to the fact that NRW has only been in existence for two years when they refer to the long term element of these declines. We referred earlier to inherited 'baggage' and these criticisms were evident before NRW was formed.

3.2 Surprisingly, there was no concern that fishing licence money was being deployed to run NRW and not directly to the 'sharp end' of fisheries, nor that, as there were more visitors to Wales from England than vice versa, licence money was attributed to the home address of the purchaser rather than where they fished and that the sustainable fisheries funding was no longer ring fenced for that purpose.

3.3 Overwhelmingly however, the principal criticism is about the closure of all salmon hatcheries across the country. Allegations of failure to consider all available evidence, undue cost cutting and so on have been levied, unfairly in our view. There is no evidence that any welsh hatchery out preforms natural reproduction. Wales has one "index" river, the Dee where salmon are counted in and smolts (emigrating salmon juveniles) are counted out. It is possible to compare the success of natural spawning with that of reared fish. There are other similar monitored rivers in Ireland, England and Scotland and results are collated centrally: all confirm this.

3.4 The Wye suffered a thirty five year decline from the year (1974) when a hatchery was introduced. We believe that from that date, the essentials of fishery management were abandoned in the mistaken, almost religious belief that hatcheries would cure all fishery issues. Barriers to migration were built without passes

and an entire tributary system witnessed the extinction of salmon. However, the PR machine of the day promoted hatcheries and another river recovering from industrial pollution like our own Taff, the Tyne, had a hatchery.

The cause of the recovery of both these rivers was removal of the pollution barrier; the perception by anglers was that restoration was by hatcheries. A favourable rate of return of salmon and sea trout in the '80s appeared to endorse that view. Hatcheries do not work as well as natural spawning and NRW were brave to tackle this "Elephant in the room".

3.5 There will have been important lessons learnt on the PR aspect of this action: never assume that because you act on the best available science, logic and economics, you will carry the support of anglers.

### **Further Comments**

3.5 The inland fisheries of Wales today deliver an important contribution to our economy and is a truly natural resource, but it is a shadow of what could be the case if we had viable fish populations. Farming delivers £217 million to the rural economy with a grant of £360 million. Fisheries: about £75 million with a grant of about £2.6 million. We are missing an important potential gain here.

4.1 It is likely that NRW is or will be pressed just to find funding to manage its basic functions, let alone any significant environmental challenges. We suggest that what is available is used to ensure the regulatory side of the business is prioritised. Delivery of some functions could be (further) transferred to willing and competent partners. We refer specifically to the functions **of Biodiversity, Fisheries and Recreation** but include other aspects.

4.2 Rivers trusts (such as WUF), Wildlife trusts and other NGOs raise funds from supporters, other trusts and draw project funding from Lottery, EU, Landfill and many other sources. With a partnership with NRW in regulatory mode, much of these difficult issues could be managed successfully and much more cost effectively. While NRW has espoused the virtues of partnerships, why has this not happened more comprehensively to date?

4.3 NRW are nearly but not as critical about NGOs as the criticism they themselves receive. Separating regulation ("Bad Cop") from delivering NGOs ("Good Cops") is not the most attractive prospect yet it offers an ideal solution for Wales. Would anglers criticise NRW so much if they were more responsible for outcomes? It would however be necessary to develop certain NGO capacities in parts of Wales.

4.4 NRW has been by far the bravest fisheries regulator to date: NRA failed to tackle the hatchery issue in totality when given the chance in 1993, despite compelling evidence of poor value and survival. Perhaps critics need to understand that on top of national funding shortages, a massive organisational upheaval is taking place. It could and should lead to a more integrated service but ultimately will it have the necessary independence to guard and protect our hugely important national environmental assets and ecosystem services?

Dr Stephen Marsh-Smith OBE

Chief Executive, Wye and Usk Foundation

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 58**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Seiont Gwyrfai and Llyfni Anglers' Association**

9<sup>th</sup> April 2015

Sustainability Committee

I write in response to the request by the Sustainability committee to submit evidence about experience of working with NRW/CNC.

I am Chairman of The Seiont, Gwyrfai and Llyfni Anglers' Association. I am also a trustee of the Conwy, Clwyd and Gwynedd Rivers Trust. I am chair of the Gwynedd Local Fisheries Group held by NRW.

I have therefore some experience of working with NRW and EW Wales previously. The letter from the Sustainability committee asked for information about:

Experience of working with NRW

And/or accessing services from NRW

How it is delivering its statutory functions.

**1. Working with NRW.**

**2:** We have regular contact with local staff and I feel a good working relationship has continued since the days of EAW. It is obvious that resources are limited and this limits the practical help available for many local projects.]

**3:** There has been poor communication at times; Specifically in September 2014 - during our peak seatrout night fishing season flood defence engineers accessed the mouth of Afon Llyfni across our land and opened up the sea pool - thus reducing the depth of the pool such that seatrout would not lie there. When we complained at this discourteous and unwarranted intrusion and disruption of our fishing we were informed that the action was undertaken because fish were felt to be at risk from poachers. This could have been handled better, or avoided with simple discussion beforehand.

**4:** On a national level I am sure I am not alone in reporting the negative impact of the review of stocking policy and subsequent decision to stop stocking of salmon and seatrout in Wales. This was widely felt to be a "consultation" that needed to be undertaken to satisfy procedure before the decision was imposed. While evidence in favour of ending stocking was presented there has been considerable doubt expressed regarding the selective and inappropriate/irrelevant nature of some of the evidence, as has been pointed out since. There was widespread opposition to the closure of the hatcheries and I feel that the way it was achieved had left many anglers and angling bodies with extremely negative feelings towards NRW

**5.** This has significant implications for our fishery as we have a legal mitigation agreement in place since the 1980's following the construction of the Dinorwic hydroelectric plant. This provides for stocking to achieve a certain number of smolts produced. With no further stocking "alternative mitigation measures" (as outlined in the agreement) must take the place of stocking. Given the enormous loss of spawning and rearing habitat in the Dinorwic scheme

it appears unlikely that any amount of habitat work could achieve this. Such schemes as we have suggested (opening up further obstructed streams, re-establishing piped streams) meet the inevitable answer of cost limitations and flood defence issues etc that render them unattainable. We have been informed that the budget for mitigation for the Dinorwic scheme is £18,000 p.a for an initial 5 years. Realistically little can be achieved with such a budget.

#### **6. Accessing services from NRW.**

Much of the above applies to accessing services as well.

#### **7. Delivering its statutory functions.**

Much of my experience relates to the time of the EAW rather than NRW. However, during the past year we as an angling club, through the services of Fish Legal, have had to take legal action against NRW for failing to enforce appropriate action on Dŵr Cymru with regard to Llyn Padarn. During the time of EAW we raised the issue of Llyn Padarn's pollution repeatedly but were dismissed, until we took legal action in 2009. Since that time there has been data to confirm the ongoing pollution over decades. While this was on EAW's "watch" we remain disillusioned that at this stage-6 years after the acknowledgment of the pollution - that we are still in legal debate with NRW over their performance of their statutory functions.

7. Furthermore, on a local level we were pleased that EAW objected to the Quarry Battery development in Llanberis, which would have impacted on the SSSI of Llyn Padarn. We were dismayed, however, to see that in April 2014 the newly formed NRW no longer objected to the same plans. We have watched the piecemeal destruction of a once prolific salmon and sea trout fishery by the gradual accumulation of negative factors- road culverts obstructing streams/ornamental pond/lakes being constructed, repeatedly highlighted polluters ongoing/increasing activity over many years-both private individuals and Dŵr Cymru, and the major impact of the Dinorwic Scheme, while the previous EAW appeared to offer endless assessments and reports but no significant action.

**8.** Sadly, I feel that the Seiont would be an excellent example of how various factors can cumulatively harm a fishery. I am not certain that it would be a good example of how NRW can protect a fishery from such harm.

Dr. Robin Parry

Cadeirydd, Cymdeithas Pysgotwyr Seiont, Gwyrfai a Llyfni

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 60**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Andrew Williams**

Dear Sirs,

Thank you for this opportunity to express opinion on Natural Resources Wales actions / in actions. My opinion is based on over 40 years of angling experience on mainly the rivers of South and Mid Wales but also of the wider UK. Also of 25years involvement in outdoor leisure pursuits.

1. The NRW is failing in it's fishery protection role.

Our migratory fish stocks are being decimated by both legal and illegal netting. It has been noticeable that when fish are to be seen 'showing' on the lower River Tywi it has been on Saturday/ Sunday/ Monday the rest of the week the river appearing devoid of fish. As the legal Seine and Coracle nets do not operate over weekends it could be argued that it is only over weekends that fish are able to enter the river system. Restrictions such as shorter seasons and mandatory catch and release are put on anglers. Why are not more restrictions placed on commercial netters as this is just a seasonal income therefore not a full time income for them.

Illegal netting both intentional and unintentional is widespread in coastal and estuarine waters. Bass gill netters severely damage Salmon and Seatrout stocks. NRW and it's predecessor EA decimated an effective and experienced Baliff / fishery protection team who patrolled both the rivers and coastal waters. We had fish in our rivers then.

2. Failure to maintain fishery stocks.

In the guise of 'research' the NRW has closed it's fish hatcheries and ended it's migratory fish restocking programmes. This is nothing but a cost cutting exercise. The finest fisheries in the UK and worldwide are supported by restocking programmes, eg River Tyne and Ranga River, Iceland.

3. Failure to protect/ maintain spawning areas.

Many of our major river systems originate in the Cambrian mountains, eg Rivers Tywi, Teifi, Wye and Severn. Expansive forestry plantations and operations surround the headstreams of these rivers. Also in recent years windfarms are appearing on forestry lands / NRW lands. The construction operations and 1000's of tons of concrete used in their construction are a further threat. These headstreams are vital spawning areas for our fish stocks.

#### 4. Failure to protect landscape / Tourism/ Rural Economy

Windfarms are dominating many of the Mid Wales landscapes. Visitors for leisure pursuits provide an important financial injection to many rural communities. The Mountaineering Council for Scotland found that people avoid areas where windfarms are sited or dominate the views. This confirms what we have found as we avoid 'industrialised' landscapes. Many of the windfarms in Mid Wales are on NRW controlled lands.

I do not consider the NRW fit for purpose. It is not independent enough and too close to government / assembly influence, eg Energy Policy.

Thank you for the opportunity to express these views which I hope will be considered.

Yours faithfully,

Andrew Williams

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 60**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Dr. Richard Birch**

Dear Sir / Madam

I am inspired to write by the current parlous state of biodiversity conservation in Wales since the inception of the triumvirate NRW, which combined Forestry (a commercial venture) the Environment Agency and the Countryside Council: the latter with a remit to conserve biodiversity. As such, it had specialist personnel with whom one could consult on conservation issues in the wake of increasing pressures.

This is one facility that has been sorely denuded in the new NRW.

A raft of cuts, redundancies and internal redeployments has resulted in:

- Upland ecologist – gone and not replaced;
- Entomologist – from two to one;
- Marine ecologist – reduced to team leaders without teams;
- Ornithologist – down to one;

Indeed, some principle disciplines, without which conservation becomes meaningless, are no longer represented at all in the statutory service (notably botany).

In consequence there has been a loss of morale and a drift in focus away from conservation in favour of flood defence and generating an income! Not helped by the fact that the Executive Committee of NRW has no one in its higher positions with any background in natural science, let alone conservation. Its intention to appoint a chair also indicates that a background in natural sciences is not an essential prerequisite.

If you want proof of this, simply look at the ‘roadmap’, luridly painted across a wall in all the remaining offices. It does not mention biodiversity anywhere.

Further consequences of this have drifted down into the private sector. With a loss of the former expertise that one could legitimately expect from a statutory agency with a conservation remit, so the more unscrupulous elements of the private sector push the boundaries, confident that with a reduced morale and little support, they can get away with ignoring or steamrolling over their obligations.

As a private sector ecologist in North Wales I have personal experience of this. I now deal with representatives from the other two agencies who are

concerned only with their obligations on European Directives and seem unaware that the remit also included the Wildlife & Countryside Act and the Natural Environment & Rural Communities Act. At best, this is embarrassing. At worst, it results in the erosion of biodiversity, sometimes in situations that contravene the law.

And finally, if I wanted to speak to anyone in the local offices over issues such as this, I would have to speak to someone in Cardiff first. Long live decentralisation!

Yours Sincerely:

Dr. Richard Birch

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 61  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Carmarthenshire Fishermen's Federation



**Carmarthenshire Fishermen's Federation**

Secretary: Michael Davies

Cwmrhuddan Lodge  
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**Natural Resources Wales Scrutiny 2015**

The CFF was formed over forty years ago to represent the interests of angling clubs and fishery owners of Carmarthenshire. At present we represent over two thousand anglers including nine clubs and individual members.

Natural Resources Wales has been in existence for one year and we feel the following issues need to be considered and scrutinised further:

1 The policing of our rivers and estuaries is ineffective mainly due to cuts in personnel. We now have one bailiff when we previously had five on the Towy alone. There is a serious illegal netting problem in Carmarthen Bay which needs to be dealt with by a properly equipped fishery protection enforcement team. NRW seem to be dithering over this issue, we need some positive action now, before it's too late.

2 Cormorants and Gooseanders, able to consume their own body weight in juvenile fish daily have increased considerably on our rivers. There needs to be effective control of these predators, but when clubs apply for a licence to cull, the process is complicated and the application forms not user friendly. England seems to have a less complicated system and this needs to be adopted by NRW.

3 There are still pollution problems affecting our rivers emanating from agricultural, industrial and sewage farm sources, but when these incidents are reported the authorities seem to 'lack teeth' in their response, often the polluter gets away with a warning. There is also a conflict of interest within the NRA organisation itself, regarding the use of the pesticide Cypermethrin and also the planting by the forestry department of conifers, too near the nursery streams, which can be affected by acid rain.

4 The Brianne Dam mitigation stocking agreement on the Towy is an issue that has always had a high priority. This agreement was further confirmed at a meeting held near Llandovery on the 1<sup>st</sup> March 2013 with representatives from EA, DCWW, CRT, Coracle netsmen and CFF. When it was decided to stock the river with 23,000 0+ Salmon parr (a decision also supported by fishery scientists



## Carmarthenshire Fishermen's Federation

from the EA and APEM) The decision of NRW soon after to end all stocking and to close hatcheries in Wales came as a considerable shock, especially after a consultation period, where over eighty percent of participants were in favour of stocking. We question the rationale and arrogance of this decision which can only have been driven by financial motives over relevant scientific considerations.

5 The pollution of the river Towy with cold water from Llyn Brianne is another important issue yet to be resolved, although we know the W.S. Atkins report had identified the problems and provided the solution as far back as 2010. We urge the Welsh government to investigate the NRW's decision making on this issue, as the interests of clubs and other riparian owners have been damaged. Also the reputation of the Towy is at stake as one of the finest Sea Trout rivers in Europe, which could have major implications for the tourist industry in Wales.

6 Fish catch and release has always been encouraged by the CFF and its members although we would not support total or compulsory catch and release. All clubs and fishery owners impose restriction on the number of fish which can be kept. It is a bone of contention with anglers that the commercial coracle netmen do not contribute towards any conservation measures. We feel that this issue should be further considered by the fishery department, bearing in mind that fish stocks are in decline.

7 At the moment there is a danger of smaller angling clubs becoming bankrupt. If fish stocks continue to decrease local hotels and businesses could also suffer. A healthy river with good stocks of fish can be the 'jewel in the crown' to the tourist industry and especially for providing extra work opportunities in rural areas where employment is often limited. It is estimated that angling is worth over fifty million to the Welsh economy therefore to 'penny pinching' over providing proper funding for the fishery department to maintain, enhance and improve rivers like the Towy must not be tolerated.

8 In conclusion there are many aspects of NRW's current performance which needs to be improved. We are sure that proper funding and staffing would help. We hope that intervention at ministerial level can also help to rectify what is at the moment an organisation which is not fit for purpose.

I am happy for this document to be published.

Michael Davies

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Secretary: Michael Davies, Cwmrhuddan Lodge, Llandovery, Carmarthenshire. SA20DX Tel: 01550 720633

Treasurer: Pat Kiernan, 48 Waterloo Road, Penygroes, Carmarthenshire SA147NS

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## Carmarthenshire Fishermen's Federation

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**CYMDEITHAS PYSGOTA LLANDEILO Cyf**  
**LLANDEILO ANGLING ASSOCIATION Ltd**

Formed in 1893

Dear Sir/Madam

- 1 We appreciate the opportunity to express our views regarding the performance of Natural Resources Wales (NRW).
- 2 The situation regarding the decline in fish stock in the river Towy is of grave concern to all our 300+ permit holders and they comprise a real cross section of society today from labourers to barristers, they are the people for whom we as an Association provide the facilities for them to enjoy their pastime by angling.
- 3 Our permit holders are conservation minded and last season 70% of the fish caught were returned, this is a remarkable figure and the percentage of fish returned has increased year on year. Whilst anglers on the Towy are showing an awareness of the decline in fish stocks the same cannot be said for the netsmen on the Towy and it is the responsibility of N R W to address this situation.

We have introduced voluntary rules to protect the fish stocks:-

- All Sea Trout caught after the 1<sup>st</sup> September in any season must be returned
- There is a limit of 3 salmon to be taken in any one season.
- Only 2 migratory fish are to be killed in a 24 hour period.
- All Sea Trout over 8lb (3.6kg) must be returned carefully and immediately. These rules are over and above the current N R W byelaws.

The table below shows the decline in numbers of fish caught since 1966 on our water. The figures speak for themselves.

CATCH	RETURNS	
YEAR	SALMON	SEATROUT
1966	485	1426
1967	502	1475
1968	302	1227
1969	307	622

1970	101	178
1971	203	361
1972	392	420
1973	484	1245
1974	378	737
1975	405	428
1976	112	334
1977	267	448
1978	207	186
1979	229	619
1980	142	684
1981	319	979
1982	378	876
1983	130	521
1984	107	1878
1985	147	1200
1986	105	469
1987	131	1614
1988	144	2082
1989	72	832
1990	49	452
1991	63	696
1992	65	982
1993	95	1222
1994	90	937
1995	38	515
1996	40	363
1997	19	433
1998	14	672
1999	29	988
2000	42	971
2001	0 (F M D)	0 (F M D)
2002	10	765
2003	19	519
2004	24	349
2005	26	636
2006	32	363
2007	44	943
2008	53	840
2009	30	714
2010	70	698
2011	33	602
2012	74	564
2013	24	335

The figures for the last 3 years have been inflated due to the fact that we purchased additional water on the Cothi.

Of the 340 permit holders last season (2014) 244 did not catch any fish. Our waiting list for permit holders had in the 1980's well over 200 people on it and at that time it took 12 years to become one, this list has now disappeared and any applicants for a permit can be given one instantly. This is a very worrying trend as there are very few junior permit holders coming through the system, we only charge a £1.00 for junior membership.

The pool at Llandeilo road bridge is exclusively for the use of children of Llandeilo and Ffairfach where they can fish for free. This applies also to O A P's from the same areas.

- 4 We have had trees planted and bank protection work carried out on the Towy as well as the Dulais to encourage a better habitat for fish. We also recently provided a platform and easy access to the river for disabled anglers funded by a grant from the then Environment Agency.
- 5 In conjunction with the Carmarthen Fishermen's Federation we have and continue to work on the following issues:-
  - Carried out surveys in support of a licence to cull Goosanders and Cormorants.
  - By placing a levy on the number of permit holders we have contributed to the Llynfan Hatchery to stock the river with juvenile fish taken from brood stock caught on the Towy. It is extremely disappointing to see the N R W withdraw its support for this scheme not only for the voluntary restocking but also for the mitigation stocking due to Llyn Brienne. Since there was an Act of Parliament to create Llyn Brienne which included the mitigation stocking it would appear that in the absence of any attempt to revoke the Act of Parliament the legality of this move is questionable.
  - The buy out of some of the operating Seine nets and the lack of control in the number of fish taken by all netsmen, as well as the overfishing of Carmarthen Bay by trawlers.
- 6 The revenue to the area by anglers is critical and several guest houses, hotels and caravan parks depend on anglers staying in the area, a large portion of our permit holders live away from the area and spend their holidays and spare time in the area. We also supply Day and weekly tickets for visiting anglers and this is well used. There is no financial equivalent contribution to the area by netsmen.
- 7 **These are some of the issues that N R W should address**
  - End all netting in Carmarthen Bay and create a Marine Conservation Area.
  - Suspend all Seine and Coracle netting until such time as the fish population has recovered.
  - Finance an adequate enforcement regime, the fact that there is only one bailiff on the Towy is a joke as he is expected to police the netsmen as well as anglers.
  - Allow a substantial licensed cull of avian fish predators namely Goosanders and Cormorants.
  - Ensure that all effluent from farms is properly contained with a strict enforcement regime.

- Provide support for the restocking of the river with all restocked fish being identified by adipose fin clipping and educate all anglers as to how to identify these fish so that accurate records are made which will provide facts as to whether restocking is working or not.
  - Work in conjunction and provide a closer relationship with anglers for the benefit of the river.
- 8 The Towy has suffered dramatically in the last two decades and we would not wish to be the generation that has allowed the river to decline to its current state and be held responsible this in the future. The N R W needs to address the many serious issues that affect the river now and show a commitment to protect and improve a very valuable resource.

G A Stephens  
Secretary Llandeilo A A Cyf

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 63**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Peter Chilton**

I am writing to express my views regarding the recent actions and potential of Natural Resources Wales.

This does seem a little odd to be responding to a consultation in this way when its just this type of consultation that leaves the tax paying public and anglers breathless with the sheer audacity and pomposity displayed by NRW staff regarding just such consultations.

I refer specifically to the recent consultation on salmon and sea trout hatchery closures in Wales. There was little regard paid to the stakeholders in this decision, a decision that I must admit appeared to have been taken in advance of the consultation and based on financial issues and opinions rather than scientific fact.

The hatcheries have now been closed and remain so despite much ongoing conversation between anglers and NRW staff. There remains a new methodology, its called 'Alternative Mitigation' and apparently the cash available is what was spent on the hatcheries. This mitigation idea is a joke, there has been no public consultation, no one has much idea what is going on and the information that has trickled down on internet forums and by word of mouth suggests that these so called 'alternative mitigations' are in fact merely NRW 'day jobs', so to speak, simply re-packaged.

NRW claim to favor the 'ecosystem approach', this is all well and good if you can control all aspects of that eco system but that is impossible so we are left with more river gardening and fiddling with this and that, spending tax payers money without actually achieving much at all except unbalancing the ecosystem in a new and different way.

The NRW staffing levels are so low that its rare to see a bailiff on the river and people have stopped reporting incidents as the response historically has been either poor or nonexistent . Anglers who could be the NRW's eyes and ears on the river are ignored, I refer specifically to an 800+ name petition presented to NRW regarding the hatchery closure. Alienation seems to be the name of the game.

It seems that the plan (if there actually is one) is to aspire to make the wonderful game angling rivers of Wales into rivers with Salmon and Sea Trout in them rather than Salmon and Sea Trout fisheries that can have a positive impact on the economy of these rural areas and make Wales a top destination for Game anglers worldwide.

peter chilton

# Cymdeithas Pysgota Llandeilo Angling Association Cyf

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To whom it may concern,

As Vice Chairman of Llandeilo Angling Association and an avid fisherman, I am responding to your recent request for stakeholders and the public to help inform the NRW 2015 scrutiny session.

In light of the recent creation of Natural Resources Wales, I personally find it difficult to effectively and constructively comment on the effectiveness of the performance to date within Wales. This is simply due to the fact that, I am unclear with regards to the level of resource and funding that is dedicated to the area that is of greatest interest and concern to the angling club and it's members. And that's the fish.

What is the resources allocation? Are they being efficiently utilised? And is money/funding being well spent? Going forward, perhaps some clarity on these areas for angling clubs and anglers alike would provide a better starting point from which to make a more informed evaluation of NRW to date.

From both a club and personal perspective, what I can say is that:

## **1. Angling clubs may be under threat**

- a) Clubs are seeing declines in membership uptake
- b) Junior members (the future) are at an all time low.
- c) It is increasingly evident from catch returns and river reports that Salmon and Seatrout stocks have declined from what they once were. This is the primary reason why angling clubs are under threat and why points (a) and (b) above are an issue.

## **2. Netting is a big concern**

- a) This topic continues to be an area of great concern for clubs and anglers alike. Many clubs, including our own are now practicing voluntary catch and release and imposing catch limits far stricter than those imposed by NRW. This just exemplifies our commitment and dedication to helping our valuable stocks of Salmon and Seatrout thrive, without jeopardising the livelihood of the everyday angler that fishes for passion and not for profit. However, it has become very much apparent, that the same level of

restraint is by no means practiced or regulated when it comes to the net fishery, which operates for profit. This doesn't seem right?

### **3. No more stocking is a concern**

- a) The decision to continue to support the hatchery scheme on the Towy, despite the support of many anglers and clubs doesn't instil confidence in the anglers that NRW is committed to supporting, sustaining and improving the fishery.

As a club we predominantly manage approximately 7 miles of fishing on the river Towy, and we are dedicated to conserving and supporting the growth of fish stocks within the river, in the hope that one day in the future, or at least for next generation (who I hope are far smarter than we are), we will see Salmon and Seatrout returning to Welsh rivers in a manner reminiscent of many years gone by.

It would be a great travesty to see these majestic fish decline any further. As a species they are symbolic of Wales and they deserve far more respect.

I see opportunities for NRW to make some real positive changes, so I urge you to heed the advice of the many anglers and clubs that have responded, highlighting similar issues.

No one cares for these fish like we do and we see the demise with our own eyes from where it matters most...At the river.

Thank you for the opportunity to contribute.

Yours Sincerely

Anthony Peynado  
*Vice Chairman - Llandeilo Angling Association.*



## **Environment and Sustainability Committee.**

### **Annual Scrutiny of NRW**

**April 9<sup>th</sup> 2015**

As a trade organisation representing the whole forest industry our submissions to the Environment and Sustainability annual scrutiny of NRW must be viewed in the context of our own, and our members, interactions with NRW which are mostly restricted to matters concerning the forestry portfolio of NRW.

#### **1. Communications with NRW**

Members still report ongoing issues with day to day working communications between themselves and NRW, they report examples of phone calls and emails still going unanswered for sometimes weeks. Many of these concern questions which often have commercial implications for them that our members need an answer to urgently. They are able to provide examples which do seem to be concentrated to employees at the less senior levels of NRW, however as these examples do contain business specific information we are not able to share them in a public format but we would be happy to share these with NRW in a more confidential forum.

In contrast communication at senior level are well above what would be expected, for example, emails to senior staff posted to them out of normal working hours are often responded to very quickly, sometimes responses are received back before normal working hours resume which is above expectations.

#### **2. Consistency of standards across NRW**

There are concerns by members on consistency of the interpretation of H&S and environmental standards by NRW staff on working sites, members report some staff seem overzealous in their interpretation compared to other NRW staff who take a lighter touch approach, this subject was also emphasised at the Customer Liaison meeting in March.

#### **3. Regulation**

NRW as a competitor in marketing timber is an ongoing issue; there is a sense of unfair competition partly due to the scale at which NRW is capable of operating at which the private sector cannot emulate. Large scale forest design plans instead of individual felling licences or the ability to mobilise expertise at a country wide scale should enable NRW to reduce the cost of forest management when judged on a cost per cu m of timber produced. The private forestry sector would like to take advantage of the benefits that NRW enjoy by using NRW in house expertise or greater co-operation to be able to operate at scale and so reduce costs.

We would also like to explore ways that the private sector can have a lighter touch regulation which would also reduce the burden of cost on the private sector?

For example, we have previously asked for the level of detail on felling licence applications to be reviewed, whilst we still have not received a positive response to this it is being actively discussed and we look forward to an satisfactory conclusion.

In the UKFS and forest and water guidelines there is a requirement for consultation and assessment when contemplating clear felling which exceed 20% of the total forest area within acid sensitive

catchment areas. An example has been brought to our attention where owners were told it was unlikely they would receive permissions to fell as the 20% figure had been exceeded, it seems that NRW was the owner that had taken this quota.

The guidance on this is not that there is an absolute limit but that when felling is likely to exceed that figure an assessment should be carried out and mitigation measures stated whereby the impact could be resolved. We have brought this subject up before with NRW and were told it was extremely unlikely this threshold would ever be reached.

As there are often multiple owners of forests in these areas and the requirements in UKFS are to consult adjacent owners, there should be a greater level of transparency from NRW on their forest design plans, the timing of harvesting plans and how those may impact on adjacent owners. There is a real need for someone to coordinate activities to ensure that the industry does not fall foul of regulations. As NRW is the legislative authority and should have information on what all private sector owners propose to do are they the obvious public body to perform the function of coordinating all forestry activities in catchment areas and disseminating that information to adjacent owners.

#### **4, Private sector involvement with Policy and Strategy Planning**

Annoyance around private sector involvement in policy, strategy and action plans that are subsequently not taken forward, sometimes due to a change of circumstances or a change in emphasis or instruction from elsewhere. We can understand the reason but the private sector does put a large amount of time and money into working with NRW and WG and it is frustrating when that work comes to nothing.

All the items above are either being discussed with NRW at a senior level or will be taken to scheduled meeting between the sectors, the private forestry sector believes we have the systems in place to resolve much of this and is committed to working with NRW for the benefit of the whole industry.

#### **5, Habitat creation programme**

There are concerns about the Habitats Creation programme that NRW is pushing forward, this has the potential to incur large costs to purchase land and change the use of that land for the purpose of creating specific habitats which may be lost in the future, whilst not a forestry matter we are concerned that the costs of this programme will divert funds from others areas of NRW work and would like assurance that if pursued the habitats creation programme will be funded from other sources, preferably from outside the NRW budget.

#### **6, Accounts**

We have previously called for a greater transparency in the published NRW accounts, the diversity of the remit of NRW means it is difficult to judge the performance in regard to managing the PFE and marketing of timber.

We suggest that the accounts show an income and expenditure figure for timber and non-timber items and that these are broken down into categories that are easily understood and judged by the general public.

We are told that NRW incurs costs which the private sector may not, public access for example and we accept this may be true, but as NRW is a competitor in the marketing of timber we do need to compare like with like and itemising income and expenses associated with timber production is a direct comparison. As the NRW landholding is large and diverse there are many costs like the management or overheads costs for the renewable programme or facilities for public benefit like visitor centres which are not associated with timber production and if included can obscure an objective comparison with the private sector.

Martin Bishop, Confor National Manager for Wales, Rheolwr Genedlaethol i Gymru .

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INVESTORS  
IN PEOPLE



Grown in Britain

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 66**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Martin Snow**

**Submission by Martin Snow, local resident & recent member of the NFPG.**

Having recently become a member of the Newborough Forest Protection Group I readily admit I am not familiar with the technicalities. However, I regularly frequent the Forest, the Warren and adjacent coastline having been a local resident for 39 years. (Sorry English only)

My interest in the NFPG resulted from observed VANDALISM committed in Newborough Forest!

Newborough Forest is a major asset to Anglesey, it's Tourist Industry and residents.

Newborough Forest creates employment in an area of unemployment.

Areas of Newborough Forest and Warren are variously used by wildlife study groups and scientific organisations, some being **designated** areas in their own right. At various times under the control of CCW, FCW, EAW, WAG and ACC and in the latest incarnation, since April 2013, referred to as **Natural Resources Wales**. How grand is that!

The sum total of NRW effort is spectacularly mediocre (disastrous). Demonstrably NRW could not be accused of joined up thinking, in fact, it might enlighten to recall comments to the effect “NRW is in chaos” and “not organised” by those in a position to know.

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My personal concern was alerted early in January 2015, on visiting a particularly familiar area of Newborough Forest and seeing VANDALISM on an **Industrial** scale! Indeed the Industrial Plant could be found hidden in the undergrowth a half mile into the Forest. Hidden – because they understood well it would cause considerable public concern. Since then I have accumulated over 200 evidential photos some with GPS positions showing a total of 14 breaches of the sea defence sand dunes protecting the Forestry and Warren, plus many showing acres of bare sand denuded of trees.

Colleagues in NFPG are aware that some miss-informational communication from NRW was promulgated earlier. But (obviously) non of this was intended to indicate the scale and extent to which the Forest was to be VANDALISED.

Approximately 3 months work by a digger, a bulldozer and 2 heavy duty lorries has left the Forest looking like an industrial ground works scheme, denuded of all trees. As I understand it, there was no prior warning, consultation or explanation given to local residents before this excavation work started and unpleasant and unattractive scars remain.

Local residents were once again deliberately misled by NRW as to their intentions for Newborough Forest.

**Natural Resources Wales do not own Newborough Forest!**

NRW act as agent to WAG, who hold Newborough Forest on behalf of the people of Wales.

There appears to have been about three months of work done which has cost a very great deal of money and is in no way beneficial to the Forest area and its amenity, particularly with regard to its attractiveness to tourists

While acting like a bully NRW deceived residents into the conducting of experiments without explanation or accurate description of the type and extent of work (vandalism) to be carried out. NRW should endeavour to carry the local community with it by giving honest information and facilitating adequate consultation. Present autocratic imposition of deceptive information and practice is most unacceptable.

Most people who come to Anglesey as tourists would agree Newborough Forest and Warren is a major and invaluable asset to the area, where people can come to recover from the endless stream of pressure, haste and abuse in their everyday lives. The whole area including Llanddwyn Isle is a relaxing, peaceful and natural place to 'unwind'! (regain sanity) The tourist trade, who through their own initiatives and business activities bring considerable financial gain to Anglesey and the surrounding areas simply because NF brings great pleasure to thousands of visitors.

For the above reasons this very special place, absolutely must not be butchered and bulldozed into an unpleasant enervating rural equivalent of the centre of any major War Damaged city.

It is well known locally, that the forest is under threat of total clear felling. Given the slightest opportunity NRW would clear the lot – Oh yes, and they would deny that! But when one lives locally one sees how NRW behaves! One recent proposal would have clear-felled 100m into the forest all round the periphery. Equal to 1.275sq Km of trees. Some complain about “mono cultures”. At the slightest opportunity trees are felled. However, trees that are planted are of a similar nature, as opposed to deciduous trees.

As a resident, I have watched the blunderings that happen – over many years.

I am told there are several criteria imposed upon forestry by EC & UK directive. Are these correctly exercised, I understand not!

I understand there are some hydrological tests to be carried out.

It is proposed the trees within a certain radius of the test point are to be clearfelled. So, if the trees will affect the hydrological tests it seems obvious to move the test point away from the afforested area? Maybe even to the recently denuded area ..... ?

I am also given to understand that a certain person in an advisory capacity is 'offended' by the straightness of the south-east side of the forest .... he has proposed clearfelling of some of that side of the forest, in order that his eye shall not be offended ..... !

**ALLWAYS - ANY EXCUSE TO CUT TREES DOWN!**

Always remember! Every time a 'new' edge is created by removal of trees, further trees will be exposed to the wind and thus some will be forced down!

After obtaining a cost figure by FoI, we all know the 3 months work has cost considerably more than £100,000. Please can you tell me, can expenditure of this magnitude be justified. Are the few bugs and species saved by this vast violation of the Newborough Forest SO valuable? What will be the beneficial outcome of such great expenditure? At a time of National Austerity.

Why was the industrial plant hired from a firm in Bala, when it could have been hired locally ... ?

And who had a slice of that?! (there's a nasty smell round here!)

I am informed by management, the Car Park (new) and the Viewing Platform and access Boardwalk (new) is expected to be under water in a few decades.

As for the -

**NAW Environment and Sustainability Committee, scrutiny, of Natural Resources Wales.**

I expect that will read as *another* of the WAG's cover ups.

Is there no honesty ..... !

Sincerely. M. Snow, Rhwng y ddwydre, Brynsiencyn, Anglesey, LL61 6TZ tel: 01248 430 848

10 April 2015

e-mail response sent to: [SeneddEnv@assembly.wales](mailto:SeneddEnv@assembly.wales)

Dear Sir/Madam,

### **Response to: Natural Resources Wales - Annual Scrutiny 2015**

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to contribute views and evidence to this scrutiny session. Members of the RTPI Cymru Planning Policy and Research Forum have provided information about their experience of working with and/or accessing services from Natural Resources Wales (NRW) and how it is delivering its statutory functions, including the resources available to deliver these functions.

On the whole members have noted some difficulties in the transition from separate authorities to NRW and in general they view the organisation to be struggling to deliver in some key areas.

RTPI Cymru's main cause for concern is around resources and whether NRW are adequately resourced, particularly in taking forward the changes set out in the Planning (Wales) Bill.

### **Comments in relation to development management and planning applications**

We have been made aware that some Local Planning Authorities (LPAs) have been receiving poorer responses to consultations on planning applications from NRW in comparison with responses from the past separate organisations. Our members have raised a number of issues including delays/lack of responses to planning applications, inconsistent advice between officers and applications, a lack of communication (officers not responding to requests for pre-application and informal discussions) and officers not reviewing ecological information before providing responses.

Inconsistency also appears to be a problem area, in particular the amount of detail received in responses, which can range from being considered 'over the top' in some simpler applications, but not detailed enough in other cases. This alongside slow responses can be a real problem for development management teams, and in turn the applicants.

### **Comments in relation to Planning Policy**

One member commented that the regional contacts in the separate organisations generally worked well with the LPAs. However, they did experience some difficulties after the merger, particularly with communication e.g. email addresses not working. This resulted in delays in responses, at the time when the LPA was preparing their Local Development Plan (LDP) and going into the LDP examination. The LPA was fortunate to have flood risk representation at the examination, but unfortunately were unable to secure attendance by landscape / environmental representation; they instead had to revert to previous representations and consultee comments.

In relation to planning policy our members have raised timeliness in relation to responses as being a key issue. They also feel that coordination on issues within the NRW remit is important in particular to ensure they are adequately resourced as an organisation to deliver not only the existing requirements but also looking forward to future planning reforms.

### **Funding bids for partnership grants**

Members have also highlighted problems in funding bids for partnership grants. A lack of clarity has made the funding process for 2015/2016 challenging. Issues have included conflicting information in the guidance notes and from NRW officers, late changes to the funding available which in turn raised problems with match funding, and uncertainties over timescales.

### **General comments**

We note that although NRW anticipates playing a major role in future minerals planning in Wales, it is disappointing that there has been no representation at recent meetings of the South Wales Regional Aggregates Working Party.

The NRW website is still linking in some cases to predecessor organisations, which may cause confusion to members of the public (for example LANDMAP layers are still shown on the CCW website).

There is a lack of a consistent point of contact. It would be useful to have a consistent contact point for planning authorities to chase up any particular problems. NRW may consider undertaking some sort of customer survey or focus group sessions with LPAs. This may lead to a better understanding between organisations. We understand that the North Wales Planning Officers Group will be seeking to agree a Memorandum of Understanding between the North Wales LPAs and NRW.

### **Comments in relation to specific project work**

One member has been dealing with NRW primarily on a single project. They felt after the different authorities merged, there was some confusion around identities, but now feels this has been largely overcome and has a more positive experience to share.

From the experience of this project, they felt that NRW are now accepting of their revised remit. They believe that the *“change in remit to foster economic well being etc. from the narrow previous focus has now however enabled us to have positive and pragmatic discussions to allow NRW to secure betterment / improved enhancement works which are over and above that are required through the planning process. We have frequent meetings with the officer team and work closely on the discharge of planning conditions..”*

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at [walespolicy@rtpi.org.uk](mailto:walespolicy@rtpi.org.uk)

Yours sincerely,



Dr Roisin Willmott MRTPI

**Director  
RTPI Cymru**

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 68  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Alliance for National Parks Cymru



**EVIDENCE TO  
ENVIRONMENT AND SUSTAINABILITY COMMITTEE'S  
ANNUAL SCRUTINY OF NATURAL RESOURCES WALES**

1. The Alliance for National Parks Cymru welcomes the opportunity to submit evidence to the Committee. Our interest in the role of Natural Resources Wales stems from our concern for the future of Wales' landscapes and seascapes, especially those areas that have been recognised nationally for their outstanding natural beauty and cultural heritage and for the opportunities they provide for recreation and enjoyment.
2. We consider that it is particularly apposite to consider NRW's role in relation to these matters at this time, given the Welsh Government's emerging agenda in the Future Generations Bill, the forthcoming Environment Bill, which will introduce a whole new approach to natural resource management [including a specific role for NRW], and the Review of Designated Landscapes that is currently in progress.
3. We consider that NRW should be the champion of all matters relating to landscapes and seascapes, in particular the European Landscape Convention and National Parks and AONBs for which it has very specific statutory duties.
4. We are concerned that NRW appears to pay scant attention, at least overtly, to landscapes and seascapes in its current corporate plan and business plan. In stating its purpose of ensuring *"...that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future"*, NRW emphasises that what it does should be **"Good for the environment: ecosystems are resilient and secured for the future, wildlife and landscape are enhanced, and the use of our natural resources is carefully managed"** [page 5].
5. However, in indicating its wide range of role and responsibilities NRW cites its role [page 6] as *"principle adviser to Welsh Government, and adviser to industry and the wider public and*

*voluntary sector, and communicator about issues relating to the environment and its natural resources*". Although there is mention

- of its role as a designator of, amongst other things, National Parks and Areas of Outstanding Natural Beauty [page 6 of Corporate Plan]
- of the European Landscape Convention as an example of issues to be considered [see Corporate Plan page 21]
- of contributing to Welsh Government protected landscape policy including the review of their governance [business Plan 2014-15 page 17]

there does not seem to be any overt recognition, for example through a major work stream, of the importance of landscapes and seascapes in Wales, especially of the 25% of the land area designated as National Park and AONB and of the need to carry forward the leadership role performed by the Countryside Council for Wales. The Section in the corporate plan headed "Good Environment" mentions the need to "*care for our protected landscapes, including AONBs, National Parks, and historic landscapes*" as a challenge and opportunity [page 19 Corporate Plan], but does not appear to indicate any intention to take action.

6. Given the importance of Wales' landscapes and seascapes it seems pertinent therefore for the Committee to ask NRW in relation to:-
  - a) **the European Landscape Convention** - if and how it intends to take the lead on delivering the approach that it is set out in the Convention ; for example how does their work on the State of Natural Resources embrace landscapes and seascapes and has their work in ensuring that legislation [Heritage Bill, Planning Bill, Future Generations Bill] supports an integrated approach to natural resource planning similarly ensured that such an approach to landscapes and seascapes, especially those designated nationally, are supported
  - b) **the Environment Bill** - how it will be promoting the interests of landscapes and seascapes through the forthcoming Bill, especially as they are not now considered by the Welsh Government to be within the definition of natural resources.
  - c) **Duties towards Designated landscapes** - in the light of the Review of the Governance of Designated Landscapes that is underway it is especially important to understand what steps it is taking to fulfil its duties towards designated landscapes inherited from CCW.
  - d) **Sustainable management of designated landscapes** – in the light of
    - the new role in relation to natural resource management that the Environment Bill will give it, and
    - the duties of public bodies it will shortly be required to fulfil under the Well-being of Future Generations Act

how does NRW sees itself performing the leadership role implied by its duties towards designated landscapes? If so, what form does or might the leadership role take? For example, will it be setting Well-being objectives for designated landscapes and its duties towards them?

- e) **Management plans for designated landscapes** – given that management plans for designated landscapes cover 25% of Wales, that they already adopt an integrated approach and are well placed to incorporate wider aspects of natural resource management, what steps is NRW taking to ensure that these plans provide the framework for natural resource planning and become in effect the natural resource plan for their area?
- f) **Planning Bill** – in view of the powers Ministers have taken, against all evidence, to enable them to transfer the development control function of NPAs to Joint Planning Boards, what advice as to the benefits of NPAs being planning authorities and controlling development themselves, if any, has NRW given the Minister in coming to his decision to take the powers.
- g) **Planning casework**– One of key elements of the business case for establishing NRW was that it could provide ‘joined up advice’ on diverse matters such as landscape, recreation, wildlife, water quality and pollution. A number of points of concern arise from this aim of ‘joined up advice’:
- It is not clear how NRW ensures that diversity of professional opinion on these topics within the organisation is properly reflected and evaluated within the decision making process and made transparent. We feel that this is very important not least because there is a public interest in such diversity of opinion. What steps does it take to be transparent in that process of giving a single view on a whole number of matters?
  - It is also not clear how NRW applies its statutory duties towards developments affecting the protected landscapes of Wales [National Parks and AONBs]. There is a perception that it shows little concern for such situations, especially when giving ‘call-in’ advice to Ministers. Its processes appear to be neither clear nor transparent. In relation to these special areas, what criteria does it employ for involvement in individual cases and what, if anything, does it intend to do in terms of improving the openness and transparency of its processes?

**For further information please contact:**

**Edward Holdaway**

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 69  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Ammanford and District Angling Association

Ammanford & District Angling Association.



Dear Sir / Madam,

1. As all other key stakeholder, we are grateful for the opportunity to comment on the performance of Natural Resources Wales (NRW). Our committee appreciate your engagement with us as “partners”
2. Declining fish stocks is a big concern to all of our members and most anglers who fish the Loughor and Amman catchment. These days, most of the anglers along the river are conservation minded with many practicing voluntary catch and release.
3. There is an improved awareness amongst members of the need to return most fish and we as an angling association have gone far beyond what we may reasonably be expected to do to help sustain our fish stocks. We now hope and expect to NRW to show the same level of commitment. We have recently introduced rules to our club:
  - Mandatory catch and release of Sewin as from 1<sup>st</sup> September inclusive
  - Use of one hook (single, double or treble) on any fly or lure as from 1<sup>st</sup> September inclusive, e.g. one treble hook on Rapala’s, no flying trebles on flies, etc. This is to enable easier release of fish during the C&R period
  - Daily catch limit of 2 Sewin per 24 hour period from the start of the season up until the C&R period of September 1<sup>st</sup>. Salmon catch limits to match those of NRW. Once 2 Sewin have been killed, angler must cease fishing for that 24 hour period.
  - We encourage release of all big Sewin ( over approx 6lbs)
4. Last season, we set up a group which includes all angling clubs which have fishing rights on the Loughor and Amman. These include ourselves, Pontarddulais Angling, Gwaun Cae Gurwen and Clwb Godre'r Mynydd Du. It was our intention that all of these clubs would recommend the same rules to their members at AGM so that all anglers fishing the Loughor and Amman abide by the same rules. Again, we as a group expect support from NRW to support the cause in actions on the ground rather than just words.
5. We have worked with Carmarthenshire Rivers Trust to undertake fly life monitoring as well as identify areas of our tributaries which need clearance / improvement work to help fly life and remove obstacles to assist with the upstream migration of salmon and sewin.
6. There is a significant risk that smaller angling clubs like us will struggle to survive if fish stocks continue to fall and as a result membership will diminish
7. There is very little NRW bailiff presence on the river Loughor at present and reduced angling effort will reduce the activity of self-policing even further.
8. The numbers of fish caught reported to NRW via licence catch returns are far less that returns to each association on the river catchment. This is either because anglers fish with no licence at all, or more than likely fish with a non migratory trout licence and therefore have no need to return catch numbers to NRW. The lack of bailiff presence for many years has made this an easy option. As a result our river could have potentially be places on an “at risk” category, which in fact is not the case.
9. We have suffered a couple of pollution incidents on our tributaries in the last 12 months, one with a confirmed fish kill of 200+ fish and the other, a severe discolouration of a stream over a

8 month period which has potentially clogged and destroyed redds and suffocated fly life due to the large amount of sediment settling on the riverbed. This is allegedly as a result of a nearby development. The fish kill was reported and prosecution is apparently imminent. The discoloration is still ongoing and we believe it will kill the river for the next few years. This has been reported to NRW but the issue continues, to our dismay.

10. **As all other key stakeholders, we would like to see the Government and N.R.W. to deal with**

- Create a Marine Conservation area within Swansea and Carmarthen Bay and cease all netting activity legal and illegal within that area.
  - Suspend commercial netting (coracle and Seine nets) until such time as there is a significant improvement in fish numbers.
  - Support a larger licensed cull of fish eating birds (cormorants and goosanders) There are many more of these birds being sighted on our river system in recent years. They are no doubt having a significant impact on our native and migratory fish stocks-
  - Co-operate with the police and other key authorities to proactively and openly prosecute illegal netting within Swansea and Carmarthen Bay.
  - Prosecute all instances where agricultural or commercial practices are detrimental to the health of our river systems.
  - There are so many economic and social reasons for ensuring that our rivers are looked after for all to enjoy. We believe that NRW has a vital lead role to play here we as anglers are looking to them to manage our natural resources wisely and effectively.
11. Many of us are very worried and frustrated with the recent and current situation; we want the decline to stop. There is still time to put things right! These problems are not insurmountable if we all work in partnership Most of us anglers are eager to help, but we need NRW to take hold of the decision with a bit more steel than is currently being

Kind regards.  
Barry Hale  
Hon. Secretary  
Ammanford and District Angling Association

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 70**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from RSPB Cymru**

**1. Introduction**

- 1.1. In its first two years, NRW has maintained services and responded effectively to incidents such as the storms of 2014. With the creation of a new body on this scale the focus has been on establishing internal systems and managing immediate risks. In this context, it is perhaps inevitable but none the less concerning that we have not seen a coordinated response to the long term threat of the loss of our biodiversity emerging. We have therefore focused this evidence on the areas where we perceive improvements could be made.
- 1.2. Evidence shows that nature in Wales is in trouble<sup>1</sup>. Welsh Government and Natural Resources Wales (NRW) have both acknowledged biodiversity decline as a major threat to the well-being of nature as well as to the people of Wales<sup>2,3</sup>.
- 1.3. As such we would expect them both, but in particular NRW as the Government sponsored independent body with principal responsibility for the environment, to prioritise measures to address this major challenge by putting in place and delivering a well-thought out and funded plan of action to meet nature's needs on land and at sea. In doing so, NRW would be ensuring Wales' contribution to the international and EU target to halt and reverse the loss of biodiversity by 2020.

**2. Where is Welsh statutory nature conservation now?**

- 2.1. Despite calls from RSPB Cymru and others, we have not seen Welsh Government make the clear strategic policy commitment that would provide NRW with a strong mandate to spearhead the nature conservation action which is urgently needed to halt and reverse declines in Wales' biodiversity.
- 2.2. Welsh Government has continued to target its own and NRW's resources into developing the concept of 'Natural Resource Management' almost to the exclusion of biodiversity and nature conservation. We accept that there is merit in the development of this new approach, particularly if it adopts the UN Convention on Biological Diversity principles<sup>4</sup> in their entirety, and succeeds in joining up plans and policies to enable people across sectors to work more sustainably with and for the environment. However, natural resource management will not be wholly sufficient to halt the loss of our wildlife. Nature conservation interventions (such as protection and targeted management of key sites and species) will remain essential and consequently, must be a key element of natural resource management. To manage natural resources sustainably, we need to maintain and enhance biodiversity – as set out in the well-being goals of the recently passed Well-being of Future Generations (Wales) Bill, which will become law following Royal Assent.
- 2.3. However, despite the clear need for nature conservation action, the focus of the proposed new natural resource management approach has thus far been at the expense of the action needed to improve the state of nature in Wales. In short, nature conservation is at risk of disappearing as a priority from the statutory sector altogether.

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

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<sup>1</sup> State of Nature report, 2013 found 60% of the 3,148 species assessed have declined over the last 50 years and 31% declined strongly. In Wales, the report showed marked declines for butterfly species and over half of Wales' flowering plants, and twice as many birds suffered contractions to their Welsh ranges between 1970 and 1990 compared to species whose ranges increased.  
[http://www.rspb.org.uk/Images/stateofnature\\_tcm9-345839.pdf](http://www.rspb.org.uk/Images/stateofnature_tcm9-345839.pdf)

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

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

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

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

- 3.1. NRW needs a core purpose and direction to enable it to reclaim nature conservation. Loss of biodiversity is driven primarily by human pressures (habitat destruction, pollution, over exploitation). Our current economic model is predicated on environmental/natural resources being very significantly undervalued. The true costs of many activities are externalised, allowing a profit to be generated but essentially relying on the public purse picking up the cost of environmental (and social) impacts. Nature is often given little or no value in decision making, so is often sacrificed for short term financial gain. NRW's statutory purpose is too complex and obscure to allow it to clearly set out the needs of nature which are often long term.
- 3.2. The core purpose with which NRW was invested in 2013 does not enable the body to clearly prioritise action for the environment above other purposes and duties. The forthcoming Environment (Wales) Bill has the power to correct this problem. However, to date our discussions with Welsh Government leave us worried that the gap in NRW's remit for nature will not be repaired by the forthcoming Bill. Instead it seems that Welsh Government may focus NRW's purpose on a definition of 'Sustainable Management of Natural Resources', which yet again will leave NRW with many competing priorities, and implies a further de-prioritisation of nature conservation within its operations, powers and duties. We cannot afford for this to happen – for nature's sake and our own. NRW must have a clear, strong purpose that enables it to prioritise action and use its legal powers and duties for biodiversity. **We advocate a core purpose for NRW to achieve the 'Resilient Wales' well-being goal from the Well-being of Future Generations Bill – “to maintain and enhance a biodiverse natural environment with healthy functioning ecosystems”.** Once enacted the Well-being of Future Generations Bill will provide a sustainable development and well-being context for NRW, as one of the named public bodies in the Act. This legal context will ensure that NRW is operating sustainably, giving the body power to claim a unique primary purpose as a true environmental champion in the statutory sector, with a focus on environmental activities.
- 3.3. NRW needs the budget and direction from Welsh Government to act for nature. The starting point for this action is through Welsh Government providing NRW with sufficient funds to fulfil its legal duties and deliver its nature objectives, either itself or through funding partnerships and external stakeholders to undertake work. Additionally, direction from Government in its remit letter must place action for biodiversity front and centre as a priority.
- 3.4. NRW must be fully independent of Welsh Government and actively demonstrate to the people of Wales how it makes its big decisions for our natural environment. We would expect to see a clear and transparent decision-making process with information being shared with stakeholders without recourse to Freedom of Information Act or similar requests. NRW should actively explain their position and approach and be proactive about nature conservation in public fora. We expect NRW to employ their substantial powers, e.g. in relation to planning law, vigorously and in full without political interference to protect and enhance biodiversity. In incidences where there may be conflict between economic development and nature conservation we expect NRW to clearly articulate and champion the nature conservation case to Welsh Government and civil society. This has the effect of ensuring that decisions are made based in the best available information and that there is transparency in difficult cases.
- 3.5. It should be noted that once the Well-being of Future Generations Bill is enacted and its provisions commence from April 2016, NRW will be legally bound under Section 7 of the Act to explain – 'why the body considers that meeting its objectives will contribute to the achievement of the well-being goals'. NRW will therefore have a future legal obligation to increase its transparency regarding actions in pursuit of the 'Resilient Wales' goal to maintain and enhance biodiversity and ecosystems and should take steps to move towards this new way of operating as a priority.
4. **What evidence is there that NRW's new direction is leaving nature conservation by the wayside?**
- 4.1. **Remit letter** – in his letter in February 2015, Natural Resources Minister, Carl Sargeant put social and economic priorities ahead of environmental priorities for NRW<sup>5</sup>. While there are some

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

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

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

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

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

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

- 4.8. The discontinuation of the Resilient Ecosystems Fund has also removed funding for nature conservation. We understand that there is a proposal to support nature recovery through a future Welsh Government 'Nature Fund' within the RDP (Rural Development Fund) however, there are challenges to this as the RDP is complex, limits costings for land management actions (based on agricultural income forgone) and may not be accessible to all. This loss of funding for biodiversity itself as well as to nature conservation bodies is having a pronounced negative impact on nature's future by excluding certain projects and on-going management activities from funding<sup>8</sup>, and in some extreme cases, is also threatening the very future of some specialist conservation charities in Wales.
- 4.9. The solution to these issues include ensuring that NRW has a clearly prioritised role in delivering nature conservation and has sufficient budget allocated from Welsh Government to achieve their nature conservation and biodiversity duties and responsibilities, which they use to deliver nature conservation directly or in partnership with others.
- 4.10. **Staffing and organisational culture** – we are concerned that the balance of staff resource against NRW's duties is disproportionate. Specialist knowledge and expertise within nature conservation and biodiversity related disciplines have been lost through the various staff redundancy rounds and not been replaced, for example, there is currently no upland ecologist, no biodiversity advisor to senior management for strategic planning and policy development, and fewer taxonomic experts. NRW is also lacking resource / expertise to demonstrate its independence from Government, for example there is no longer a liaison officer to the Assembly who can communicate policy issues to the Senedd/AMs directly.

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

- 5.1. **Independent and transparent decision-making** – there remains an ongoing concern over how conflicts of interest that were publically visible between the legacy bodies of NRW are dealt with internally within this one organisation. Welsh Government is also taking a very active role in the development of the two-year old organisation, both in terms of developing policy direction for natural resource management and an area based approach, and creating a legislative foundation for these processes and changing NRW's powers and functions through the forthcoming Environment (Wales) Bill. This naturally leads to questions over how independent NRW is.
- 5.2. **Site Condition** – we are concerned that NRW is unable to provide an up-to-date assessment of the condition of Wales' network of designated sites. The most recent assessment of condition was conducted nearly 10 years ago by CCW in a rapid review in 2006<sup>9</sup>, and this exercise was by no means comprehensive due to evidence gaps. We see no evidence of a systematic plan being in place at NRW to monitor feature condition and specifically make progress towards the outcomes and milestones set in the current plan, the Environment Strategy for Wales 2006<sup>10</sup>. We acknowledge the important work being conducted for Natura 2000 sites through the Natura 2000 Programme and monitoring of condition of SACs under Article 17 of the EU Habitats Directive, but this is a requirement under European law and we believe that domestic legislation and policy should be used to embed Wales' work towards improving condition and coherence of a network of internationally and nationally important protected sites. We believe the Environment (Wales) Bill and Nature Recovery Plan should make firm legislative and policy commitments respectively, to help NRW progress and take action to improve site condition across the range of site designations, by working both directly and with partners.

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

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

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



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**National Assembly for Wales, Environment and Sustainability Committee  
Annual scrutiny of Natural Resources Wales 2015  
Response from the Open Spaces Society**

- 1 The Open Spaces Society is Britain's oldest national conservation body, founded in 1865 and this year celebrating its 150<sup>th</sup> anniversary. The society campaigns for common land, town and village greens, open spaces and public paths and people's right to enjoy them, in town and country throughout Wales and England. We are pleased to have the opportunity to make a submission to the annual scrutiny of Natural Resources Wales (NRW) and wish to make the following points to the committee.
  - 2 When NRW was established we expressed concern that its work on landscape and public access (ie the areas covered by the former Countryside Council for Wales) might become subordinate to the work of the former Environment Agency and Forestry Commission, which were much larger bodies. This concern remains: we do not find that NRW champions the cause of landscape and public access as well as it might.
- Common land**
- 3 In particular, we continue to argue that the common land of Wales (around 175,000 hectares, covering about 8.4 per cent of the land area, with immense public interest) is not sufficiently regarded by NRW. Common land has immense public interest, 45 per cent is within a national park, 36 per cent is a site of special scientific interest, and all commons have a public right to walk and on many there is a right to ride too.
  - 4 So commons contribute enormously to the natural habitat and landscape and people's enjoyment of Wales. Yet NRW seems rarely to consider commons as an entity. It should appoint a member of staff whose job it is to champion common land and ensure the public interest is maintained and enhanced.

- 5 An example is NRW's position on and evidence to the recent public inquiry into the exchange of common land, under section 16 of the Commons Act 2006, to allow the construction of the Circuit of Wales motorsports development on a square mile of registered common land. NRW put together evidence which demonstrated that the criteria of section 16 of the Commons Act had not been met, yet it undermined the force of this by not objecting to the application.
- 6 NRW could also ensure that more use is made of the Commons Forum, which at present meets only occasionally and whose views and input are rarely sought or heeded.

### **Public rights of way and access**

- 7 NRW's work on public rights of way is pretty low-key. For instance, we cannot find anything on the website about its concordat with the British Horse Society regarding encouragement of riding on forestry land which it owns. It does not appear to be monitoring the work of the highway authorities in getting the public paths in good order for enjoyment by all. While its work on the Wales Coast Path is commendable, it needs to have full regard to the thousands of routes which are not promoted but which are a part of our historic highway network and of vital importance to the Welsh people and culture, and to visitors.
- 8 We are concerned that there is too much focus on funding for new cycle tracks and not enough on ensuring that the mass of ordinary paths are maintained to a basic standard.
- 9 While we are pleased that NRW completed the review of access land under the Countryside and Rights of Way Act 2000 in a swift and efficient manner, we do not find that it is promoting public access to access land, or helping to address encroachment issues such as fencing.
- 10 Kilvey Hill near Swansea is an example where access should be promoted, for the population living on its door-step (walkers, riders and carriage-drivers). Much of it is mapped as access land but is not available for public access. Despite our pressure and questions NRW appears to do nothing.

### **Urban spaces**

- 11 Green spaces in cities, towns and villages are of immense importance to the local population, as green lungs for refreshment and relaxation. We should like to see NRW championing these.

### **Website**

- 12 We find the website astonishingly uninformative. We would have expected there to be clearly-signposted sections on landscape, public access, public rights of way, nature conservation etc. Instead we can only find information by using search terms, but these are unhelpful too.

13 A search for 'common land' only gave us a reference to open access land; searches for 'right of way', 'rights of way', 'public paths' and 'village green' drew a blank. 'Access' gave us three references. This is deeply regrettable.

### **Conclusion**

14 NRW is well placed to provide leadership, clarity and profile to Wales's unparalleled landscape and ecology and people's enjoyment of them. It seems not to be doing this, instead keeping its head down with little promotional activity. We believe it should seize these opportunities to celebrate, champion and promote its areas of concern and interest, to the public benefit.

Kate Ashbrook  
General Secretary  
10 April 2015



National Assembly for Wales  
Environment and Sustainability Committee  
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Response from Welsh Ornithological Society



Welsh Ornithological Society  
Cymdeithas Adaryddol Cymru  
[www.birdsinwales.org.uk](http://www.birdsinwales.org.uk)

Committee Clerk,  
Environment and Sustainability Committee,  
National Assembly for Wales,  
Cardiff Bay,  
CF99 1NA.

Dear Sir

### Natural Resources Wales - Annual Scrutiny 2015

A response to The Environment and Sustainability Committee consultation from the Welsh Ornithological Society.

#### 1. Background

The Welsh Ornithological Society (WOS) is a membership organisation that promotes the conservation of birds and their habitats across Wales. The Society encourages the study of wild birds and a high standard of bird recording in Wales through its publications, annual conference and grant scheme.

WOS is pleased to respond to this consultation. However we only received details of it very recently and therefore the following response is not as detailed as we would like. We would be happy to give further verbal evidence to the Committee if required.

#### 2. NRW priorities

Whilst we recognise that the creation of NRW is complicated and will take time to settle down, we are very concerned about the lack of progress towards achieving biodiversity targets. The Society is concerned about the declines in the populations of many of Wales' birds and of the failure to meet the 2010 target to halt the decline of biodiversity – this was one of the drivers for the creation of NRW but there seems little progress on trying to meet the new 2020 target, which is now only 5 years away.

NRW's website makes little or no mention of wildlife or conservation and we can find no mention of the 2020 target or how NRW plans to work towards meeting this target.

#### 3. Evidence-based decision-making

We agree strongly that NRW should be an evidence-based organisation. However, we are very concerned about the quality of evidence that is currently being used to make important decisions.

President: Iolo Williams

Foremost of these is the granting of licences to shoot birds indigenous to Wales, such as cormorants, goosanders and even starling (a red listed species). The evidence that we have seen is very poor, makes no reference to the population of birds affected nor the supposed 'damage' the birds are causing.

We have seen no robust evidence that justifies the granting of licences and consider that, as it stands, such licensing may be unlawful. From discussions we have had with NRW about this matter, we understand that a Wales-wide survey of piscivorous birds is proposed (and hopefully has already started). Whilst we are pleased to see this happen and very much support NRW in doing this, we believe that there should be a moratorium on the issuing of further licences to cull these species until appropriate scientific evidence has been gathered.

#### **4. Data-gathering**

As an organisation that helps gather and disseminate information on Wales' birds, we are concerned that the NRW grant scheme specifically excludes survey and data-gathering. If NRW decision-making is to be evidence-based, it must ensure that it has the most up to date and accurate data available. The use of the voluntary groups in helping gather that information has a long and noble tradition in the UK and is a very cost-effective way of obtaining the information required. In particular, long term monitoring and studies which support the understanding of the population drivers are a bedrock for proper understanding of changes on bird populations in Wales but funding has been withdrawn. A lack of understanding and appreciation of the detail behind population changes seems to be to the fore here.

#### **5. Conservation delivery**

We are concerned that the amount of money being spent on conservation delivery has reduced, not only in real terms, but as a proportion of the organisation's overall budget.

It would appear, from the outside, that - notwithstanding the large sums being spent on Glastir – that NRW is putting less money into the delivery of biodiversity conservation than did the three constituent bodies. We appreciate that the grant-in-aid from the Welsh Government has been reduced, but are concerned that the proportion being spent on nature conservation has been reduced. In particular, we would suggest that the Committee enquires as to the funding contributed to partnerships with the NGO sector, which often helps to make projects happen by unlocking funding from other parties, such as lottery funding and the NGOs' own supporters.

We call on the Committee for a transparent analysis, perhaps in a year's time, of the money being spent on nature in Wales by the Welsh Government/NRW so that is evident what percentage of the WG budget is being spent on nature conservation delivery with clear outcomes. Residents of Wales will want to know whether statements made about such funding can be regarded as accurate ahead of the next Assembly elections.

#### **6. Conclusion**

We support the staff of NRW in the difficult transition to the new body but we think that NRW needs much stronger leadership in the area of wildlife conservation to provide the resources and profile needed to meet our international commitments.

Yours faithfully  
Ian M Spence

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**Representation to  
The Environment and Sustainability Committee of the National Assembly for Wales  
by Plantlife Cymru on our experience of working with Natural Resources Wales.**

**Preamble**

1. Plantlife Cymru is part of Plantlife International, a charity established in 1989 to campaign for and protect wild plants and fungi in their natural habitats, to educate people so as to improve their understanding, appreciation and awareness of the value of plants and the need for conservation and to undertake research and study to further their conservation.
2. Plantlife Cymru has been active in Wales since 2002 and has two grassland nature reserves, one at Lampeter and the other on the Llŷn peninsula. It also operates in partnership with other bodies such as the RSPB, National Trust, BSBI and NRW to carry out active conservation of Wales threatened flora. For example for the last 5 years we have worked with Bridgend County Borough Council and NRW to undertake practical work at Kenfig NNR/SAC to remobilise dunes and conserve threatened plants such as the fen orchid.
3. One of the most important areas of work that has been undertaken in Wales, as elsewhere throughout the world, is the scientific identification of Important Plant Areas (IPA's). There are currently 24 IPA's in Wales covering an area of 830,000 hectares. Many of the IPA's overlap with the existing Special Areas for Conservation (SAC).

**Our views on working with Natural Resources Wales**

4. In our operations in Wales we have dealt with over 30 staff from NRW in a wide variety of roles over the last 12 months. We would wish to record here that we remain impressed by their dedication, enthusiasm and professionalism, especially during a period when they are losing colleagues and expertise, taking on additional responsibilities and operating in an environment where budgets are increasingly restricted due to the constraints of public funding.
5. We would also like to record the proficiency with which staff at NRW managed the Resilient Ecosystem Fund, of which we were a recipient, and the aims of the fund which we feel have enabled essential conservation work to be undertaken. For example, our award within the Meirionnydd Oak Woodlands has allowed us to carry out essential work to conserve lower plants and to lay the foundations of a much larger project which we are working on with RSPB that, if successful, would draw down £3m of EU LIFE funding into further practical conservation work. This is in stark contrast to, say, the management and distribution of the Nature Fund.

**Joint Working Partnership and Competitive Funding**

6. Plantlife Cymru has been a participant in a funded Strategic Partnership with CCW (later NRW) since 2010.
7. Like many conservation organisations we sought to refresh our Strategic Partnership with NRW when a new round of funding for Joint Working Partnerships was announced in 2014.
8. Unlike the previous arrangement that existed between CCW/NRW and Plantlife Cymru, the new partnership did not entail any agreement between the parties on what the conservation priorities were for Wales for plant conservation nor what each organisation would mobilise in terms of staff and financial resources to deliver a jointly agreed programme. Rather the partnership, if it could be called one, sought to deliver NRW's Business Plan which made little reference to plant conservation other than Business Plan Priority Area E3 - *'Play our part in halting biodiversity loss, to ensure that by 2020 ecosystems are more resilient'*. In effect, NRW were offering third sector conservation organisations a grant to help deliver parts of their Business Plan and this is not a partnership.
9. In sending out the information connected with the JWP a copy of the Business Plan was provided and indications of where organisations were allowed to make submissions for partnership funding. It subsequently came to light on the 9<sup>th</sup> September that an out of date version of the Business Plan had been used and, crucially for conservation bodies, that the Business Plan Priority Area E3 was the section affected. This is the one section where conservation bodies could assist NRW and therefore make proposals. Bearing in mind that the bids had to be submitted to NRW by 30<sup>th</sup> September, this left just 15 working days for charities and other organisations to revise and redraft their bids.
10. As part of the development process for both the JWP & Competitive Funds, two workshops were held to inform applicants. At the Cardiff event, held on the 18<sup>th</sup> July, following a specific question about Full Cost Recovery (FCR), it was asserted that NRW would support FCR and this was further established in the documentation - on page 2 of the guidance document. The principle of FCR is also one of the Funding Principles set out in the Welsh Government 'Code of Practice for Funding the Third Sector'<sup>1</sup>. Having submitted bids for both funding streams we were dismayed that in awarding funds NRW had unilaterally capped the amount allowed for FCR to just 7%. In our view this is unrealistically low and in contravention of the spirit of the Third Sector Scheme. In my 5 years as a Chief Executive of a Wildlife Trust the percentage for FCR varied between 12% and 16% dependent on the project. Such figures were accepted by funders such as HLF and the Big Lottery. For most organisations that were offered funding this means that they will now have to raise additional funds or subsidise their grant offers from NRW as the explanation for the 7% cut off was, *"to make our funds go further"*.
11. Similarly after applications had been made under both programmes NRW also capped the mileage rate at 25p/mile which is contrary to the recommended allowance on the HMRC website<sup>2</sup>, currently 45p/mile, and which is used by most charities to determine mileage rates as well as the Welsh Assembly. This too will mean further fund raising or charities and groups using their own finances in order to receive funds from NRW.

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<sup>1</sup> Welsh Government, January 2014

<sup>2</sup> <https://www.gov.uk/rates-and-thresholds-for-employers-2014-to-2015>

12. This leads to a more general criticism that the whole process of grant and partnership working with NRW is not iterative or inclusive either with the applicant or it appears within NRW.
- 12.1. As a responsible conservation body we expended a great deal of effort in trying to match the conservation needs of Wales for plant conservation with the Business Priority Areas within NRW's Business Plan and to further prioritise so that only the most important and significant projects were submitted. In addition we consulted NRW staff pre-deadline, restructured our bid accordingly and submitted it in such a way that elements could be removed without compromising the whole programme. Once submitted there was no further discussion with anyone, other than our contact officer at NRW. We had expected, due to the general environment of austerity, to be approached with a view to reducing the scale and/or extent of the programme or to be informed where NRW's priorities were for plant conservation and adjusting the programme accordingly. This never happened. As both the Botanical Society for Britain and Ireland nor ourselves achieved funding through the JWP, this leaves plant conservation very much weakened in Wales, which is especially concerning considering that 40% of the section 42 species of the NERC Act are plants or fungi and that Wales holds 73% of UK moss and liverwort species and 74% of the UK lichen species.
- 12.2. The written feedback stated, *"Although this is a valuable proposal, the scale of it, when compared with the available budget, means that the individual projects need to be prioritised to bring costs down."* If there had been any discussion with Plantlife or with the contact officer in NRW then it would have been clear that the projects were already in priority order and that they could easily have been reduced in scale or extent albeit with reduced outputs/outcomes.
13. Like many conservation organisations we now feel that where we had once been valued as an active and contributing partner with CCW/NRW in conserving our Welsh wildlife and landscapes and engaging people in education and the understanding of it, we are now simply recipients of grant aid.
14. Decision informing and feedback.
- 14.1. Information in the written feedback was inaccurate. The feedback stated that, *"Plantlife should work closely with the WBP ecosystem, species, INNS and local groups to add value to delivery wherever possible"*. As an organisation we already attend WBP ecosystem, species and INNS groups and contribute to achieving their work plans. We also indicated in our application that we would be working with a minimum of 8 partner organisations.
- 14.2. One of the verbal criticisms of the Plantlife JWP bid was that it did not contain a 'Delivery Plan'. However we would point out that in none of the guidance sent out by NRW was there a specific request to supply such a Plan. To penalise us for failing to provide something that was not requested seems unfair.
- 14.3. For many third sector organisations the use of volunteers is both essential in the delivery of our work and an excellent way to engage with local communities, supply training and work experience and deliver education and understanding. We were therefore disappointed to hear in our verbal feedback that a bid which relied on volunteers to deliver part of its outputs was viewed as 'too risky'. The preference was for contractors to deliver despite the inevitably higher costs and the lower social

returns. We feel that NRW needs to review its approach and understanding of the role of volunteers in the third sector.

14.4. Our current NRW JWP has delivered over £500,000 of additional funding into the conservation sector in Wales. In setting out our new JWP with NRW we also calculated the value of additional external funding that Plantlife and its partners would bring to the sector over the next 10 years. This amounted to £7.6m. In terms of a multiplier effect, this would have meant that for every £1 invested by NRW in the JWP, £4 of external funding would have been generated. At a time of severe pressure on public funding we are surprised that NRW did not appear to consider the effect of such multipliers in its evaluation.

15. Timeliness of decisions. This is another of the Funding Principles set out in the Welsh Government 'Code of Practice for Funding the Third Sector Third Sector'. The letter informing us that we had not been successful in the initial phase was sent out on the 12<sup>th</sup> December but informed us that we were on a 'reserve list' and that a decision would be made in '*the first quarter of 2015*'. This is contrary to the timetable set out in the report to the NRW Board in April 2014 which, on page 9, indicated that "final recommendations on funding" would be made by the end of December 2014<sup>3</sup>. For charities such unknowns make financial planning very difficult and for some, such as BSBI, they have already served redundancy notices on their staff. A final decision of whether Plantlife Cymru receives any JWP funding will not be made until 13<sup>th</sup> April. There needs to be more certainty to allow charities to plan and more proficient delivery of results.

## General concerns

16. As a conservation body operating in Wales we remain concerned that NRW does not fully appreciate the legal obligations it has for nature conservation and the role of the environmental conservation sector has in trying to help it to meet them. It feels to us that Senior Managers in NRW don't fully understand its obligations under and its responsibilities for the Convention on Biological Diversity, the Global and European Strategies for Plant Conservation, the Aichi Biodiversity targets, the Habitats and Species Directives, the management and condition of Natura 2000 sites (SAC/SPA), the notification and management of SSSI's and NNR's and Section 42 species and habitat lists of principal importance in Wales under the Natural Environment and Rural Communities Act. The conservation sector wants to see a fully engaged NRW giving leadership in conserving both habitats and species within its role as curator and guardian of Wales's natural resources.

17. We remain concerned that the level of resources dedicated to conserving our natural heritage is diminished within NRW through the amalgamation of the three former constituent organisations and that assertions that it has not declined must be backed up by a much more open and accountable reporting of processes and finances. NRW's role, outlined in part in 16 above, should be enshrined in the forthcoming Environment Bill and it should have a statutory responsibility for delivering "A Resilient Wales" under the Well Being of Future Generations (Wales) Bill.

<sup>3</sup> NRW Board Paper, Partnership Funding Strategic Approach, 3 April 2014:ref NRW B O 25.14

18. In meeting its ‘*Good for the Environment*’ purpose of “*wildlife and landscapes are enhanced*” within its Business Plan, NRW needs to recognise the importance of biodiversity and seek to have a meaningful and genuine partnership with the environmental and conservation sector if we are to address issues of declining biodiversity, as outlined in the State of Nature Report<sup>4</sup>, and to make a contribution to the social, environmental, economic, cultural and spiritual life of Wales for those who live in and those who visit our wonderful country.

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<sup>4</sup> State of Nature ; Wales, RSPB on behalf of 25 conservation organisations, 2013

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 74**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Jamie Harries**

Dear Sirs

I am one of the two full time river keepers on the River Towy. I deal with NRW staff on a regular basis in connection with fishing, water quality, pollution and poaching.

NRW have some excellent staff, I just wish they had more. They are under funded by Welsh Government and as a result are not able to undertake the enforcement action which they need to take. There is no point in having all the laws that apply to rivers if the means to enforce them do not exist.

The Welsh Government/NRW consultation on river basin management plans which also closes today is an example of this. Despite the water quality in the River Towy which in many parts is moderate or poor (and see my comments below), the management plan suggests taking less action in the future not more.

As farming in the Towy Valley becomes more and more intensive so more pollution enters the river from things like the application of slurry. There is no doubt that for much of the summer the water quality of the section of the river which I look after does not comply with the law. Yet there is no enforcement action to prevent this.

A significant part of NRW's funding comes from rod licence sales yet these are seldom if ever inspected.

I could go on.

If more funding cannot be made available then much more thought needs to be given to how more of the existing funding can be spent in the field.

Yours sincerely

Jamie Harries

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 75  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Friends of the Earth Cymru

April 2015

# Submission to the Environment Committee

in its scrutiny of

# Natural Resources Wales



**cyfeillion  
y ddaear  
cymru  
friends of  
the earth  
cymru**

## Natural Resources Wales

### Introduction

1. Friends of the Earth Cymru had an open mind about the formation of Natural Resources Wales (NRW) and the dissolution of its constituent bodies.
2. However, such serious concerns have arisen about NRW – particularly over governance, its independence from government, transparency, planning and integrity and honesty – that we consider the time has come to reconsider whether or not the current model is an appropriate one.
3. Professor Neil Kay conducted a review of environmental governance of the environmental agencies in Scotland in 2007<sup>1</sup>. It is worth quoting one section from Professor Kay's paper:
 

*“the lack of possible major gains from conventional merger are only one part of the problem... not only could subsequent problems be difficult to rectify (say by demerger), they could be difficult to identify in the first place given the nature of public bodies compared to private, and the lack of closely comparable bodies in a Scottish context for comparison purposes. **Not only could the merger be a mistake, it could be a merger that would simply be perpetuated indefinitely because the combined bureaucracy would make it more difficult to identify where things have gone wrong. If you want to pursue the policy objectives that SEPA and SNH set out in their remit, then if you did not have a distinctive SEPA and SNH you would probably want to invent them. That being the case, and looking at the balance of the argument, I would argue that there is no net case that can be made for a conventional merger between SEPA and SNH. It is something that could be expected to deliver few, if any benefits, entails severe risks on a number of counts, and is likely to destroy value for a number of reasons outlined above.**”*
4. The UK Government's triennial review of the Environment Agency and Natural England in 2013<sup>2</sup> also concluded that the two agencies should be retained as separate public bodies with separate purposes and functions. The review included an assessment of their compliance with principles of good corporate governance<sup>3</sup>.
5. The Environment and Sustainability Committee's report on the single environment body (NRW) in May 2012<sup>4</sup> identified concerns regarding transparency and the resolution of conflicts (separation of functions), and the loss of relationships between stakeholder organisations and (specialist) staff.
6. We regret that many of Professor Kay's fears – and indeed those of this Committee – have come to pass in the case of NRW. The question is: will this merger “be perpetuated indefinitely” even though it appears to have delivered few benefits, entails severe risks and is likely to have destroyed value?

<sup>1</sup> [www.gov.scot/resource/doc/921/0088306.doc](http://www.gov.scot/resource/doc/921/0088306.doc)

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209382/triennial-rev-ea-ne.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209382/triennial-rev-ea-ne.pdf)

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209383/principles-corporate-governance-ea-ne.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209383/principles-corporate-governance-ea-ne.pdf)

<sup>4</sup> <http://www.senedd.assembly.wales/documents/s7329/The%20business%20case%20for%20a%20single%20environment%20body%20-%20Report%20-%20May%202012.pdf>

7. We recommend that there should be an independent review of environmental governance in Wales before the problems experienced manifest themselves in further environmental degradation, and before half of the staff of NRW have left (as is projected to happen within three years if the staff survey is to be believed – see paragraph 37). Such a review should consider the current arrangements alongside the risks identified in the Environment and Sustainability Committee’s report on the single environment body in May 2012, and the reviews of environmental governance and non-departmental bodies in England and Scotland.
8. This recommendation is not least because there are relatively few jurisdictions throughout Europe that have adopted the approach of placing regulatory and conservation environmental functions in one body. Northern Ireland and Sweden appear to be two such, and Northern Ireland is a case study in failures of environmental governance that surpasses all.
9. A useful indicator of good governance would be an assessment of NRW’s interpretation of and delivery of its purpose, duties and functions. Another would be an assessment of governance arrangements for compliance with legal obligations where potential conflicts of interest might occur (identified as potential risks in the creation of NRW) such as self-consenting and permitting, and the assessment of NRW’s own projects and plans under EU regulations such as the Environmental Impact Assessment Directive, the Strategic Environmental Assessment Directive and Habitats Directive.
10. An independent review of environmental governance would also be timely to inform the proposed Environment Bill, the draft of which included several provisions on the remit of NRW. Such a review should be set within the context of international, European and other environmental obligations, as well as new Welsh legislation, particularly the Well-being of Future Generations (Wales) Bill<sup>5</sup>.

### **Governance – The purpose of Natural Resources Wales**

11. The Welsh Government established NRW under two legal orders. Although the remit of the body did not fundamentally change from that of the legacy bodies, a new statutory ‘purpose’ was created<sup>6</sup>, which requires NRW to ensure that:
 

*“the environment (which includes without limitation living organisms and ecosystems) and natural resources of Wales are sustainably maintained, enhanced and used for the benefit of the people, environment and economy of Wales in the present and in the future”*
12. The Establishment Order<sup>7</sup> makes clear that the purpose does not give the body power to (a) do anything that it would not otherwise have the power to do, or (b) exercise any of its functions in a manner contrary to the provisions of any other enactment or any EU obligation. In simple terms, this

<sup>5</sup> <http://www.assembly.wales/laid%20documents/pri-ld9831%20-%20well-being%20of%20future%20generations%20%28wales%29%20bill/pri-ld9831-e.pdf> Part 2 (6)

<sup>6</sup> The Natural Resources Body for Wales (Establishment) Order 2012, Part 2 (4) – Purpose of the Body : <http://www.legislation.gov.uk/wsi/2012/1903/article/4/made>

<sup>7</sup> [http://www.assembly.wales/Laid%20Documents/SUB-LD-8922%20-%20The%20Natural%20Resources%20Body%20for%20Wales%20\(Establishment\)%20Order%202012-30052012-234816/sub-ld-8922-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD-8922%20-%20The%20Natural%20Resources%20Body%20for%20Wales%20(Establishment)%20Order%202012-30052012-234816/sub-ld-8922-e-English.pdf)

indicates that the purpose does not override the core statutory duties and functions that the body must fulfil under UK and EU law.

13. Whilst there is provision in the Establishment Order for the Minister to provide guidance to the body on the interpretation of its purpose in the delivery of its functions (Part 2.5 - Guidance with respect to the Body's purpose), no such guidance exists.
14. Notwithstanding our call for a review of environmental governance in Wales, the Committee might like to explore the absence of guidance on the statutory purpose of NRW, especially given that there is *"No shared understanding of what NRW is trying to achieve in its involvement in planning and development cases... staff are unclear whether they should be interpreting NRW purpose in their advice"* (see paragraph 27).

### **Governance – Economic considerations**

15. NRW has confirmed that it employs a grand total of two economists and one social scientist<sup>8</sup>. Part of the responsibility of these three staff members is presumably to weigh up the competing economic and social concerns of developments alongside the environmental impacts assessed by the 1,500 or so staff with particular specialist environmental expertise.
16. NRW has voluntarily adopted the Regulators' Code. This is a way of working designed by the UK Government for use by statutory bodies in England<sup>9</sup>. NRW describes how the Regulators' Code: *"is not statutory in Wales, although Welsh Government requires us to have regard to it... therefore we will adopt the Regulators' Code resulting in this being embedded into our regulatory approach"*<sup>10</sup>.
17. The Regulators' Code, which NRW has 'embedded into its regulatory approach', states that: *"When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities"*<sup>11</sup>.
18. The Committee may wish to explore to what degree it is desirable for the statutory environmental conservation body in Wales to be a vehicle for 'supporting or enabling economic growth', and how any conflicts between that (voluntarily adopted) economic growth function and its statutory environmental conservation function are resolved in practice.
19. The Committee may also wish to explore whether or not an organisation employing two economists (*vis a vis* 1,500 or so staff with environmental expertise) has the relevant expertise to discharge a function to support or enable economic growth.

<sup>8</sup> <http://www.senedd.assembly.wales/documents/s23273/Paper%205.pdf>

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

<sup>10</sup> <http://senedd.cynulliad.cymru/documents/s36821/03.02.2014%20Gohebiaeth%20-%20Cyfoeth%20Naturiol%20Cymru%20at%20y%20Cadeirydd.pdf> page 18 of 19

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf) para 1.2

20. There is disquiet in the conservation sector that a focus on facilitating developments has led NRW to downgrade ecological and conservation concerns. Evidence supporting this contention is presented below (particularly with relation to the Circuit of Wales – see paragraphs 30-33). It has also been eloquently stated by several other respondents to this call for evidence (see for example, that of Ivor Rees<sup>12</sup>).
21. Finally, we have grave concerns that the combination of the factors above has been used as a way to absolve Ministers from taking responsibility for weighing up the environmental, social and economic consequences of development. We consider the appropriate model to be for the environmental specialist to provide environmental information to the Minister, who then weighs up the environmental, social and economic consequences of development. It appears that NRW is to some extent becoming that *de facto* decision-making body – despite the tremendous imbalance in expertise – as a result of the creeping encroachment of economic considerations in the recommendations made and decisions taken by NRW. It means that contentious decisions are potentially determined away from the proper unit of democratic accountability: the Minister.
22. Emyr Roberts has stated publicly that “*we need to get the best possible solution for the environment*”<sup>13</sup>. It is difficult to reconcile getting the best possible environmental outcome when the organisation is moving towards a permissive approach for developments in pursuit of economic growth.
23. It is worth quoting the late Morgan Parry in his role as NRW Board Member in regard to the issue of economic consideration:  
*“I know that staff are finding it difficult to do anything other than give the same answer [on Circuit of Wales] as we would have done before vesting day. We are after all, required to advise planning authorities on the impacts of projects on protected landscapes, wildlife and other environmental assets, Nothing in our mission, our purpose or our business plan changes the balance of evidence we are required to consider in providing advice. We are not required to advise on the positive benefits for the economy and society and in my view we shouldn’t do that. That’s for the developer, the local chamber of trade, the CBI and all the other groups who promote economic development. It’s then up to the planning authority, as the democratically elected authority, to balance the competing views and come to a decision. How they do that is influenced by Planning Guidance, from WG. The only way our advice on issues such as Circuit of Wales is going to change is if we are directed by Government to have regard for other factors over and above the environmental ones. And that, I believe, would be a very sad day. As long as our advice was factually correct, based on sound evidence, and was consistent with our remit, and acknowledged the economic and social dimensions of the applicant’s proposal, I think we should support the staff. I also think we should patiently and modestly set out our opinion in the public domain, and emphasise the economic and social value of the national park, and if we did so we would retain public and political support, even if we make life a little difficult for the Government of the day”*<sup>14</sup>.

<sup>12</sup> <http://www.senedd.cynulliad.cymru/documents/s38763/NRW%202015%20-%2028%20Ivor%20Rees%20Saesney%20yn%20Unig.pdf>

<sup>13</sup> <http://www.bbc.co.uk/news/uk-wales-26827018>

<sup>14</sup> <https://naturiaethwr.files.wordpress.com/2014/02/cyngormorganparry1.pdf>

## Governance - Planning

24. NRW has a wide range of duties and functions. However, its role as a statutory adviser within the planning system is to provide independent and specialist advice to decision makers in government on the environmental impacts of proposed developments, and to provide advice on mitigation measures. It already has a statutory socio-economic duty, which does come into play in its advisory role, but its core duties relate to the environment, which after all, is its field of expertise. NRW's role in providing impartial specialist advice in this context is critical to good environmental governance within a sustainable development framework. NRW does not determine planning applications.
25. Correspondence from the Welsh Government indicates that it expected NRW's new statutory purpose to mean that the body would take a more permissive approach to development<sup>15</sup>. Alun Davies was also clearly of this opinion, complaining that *"the current NRW position [regarding the Circuit of Wales] does not reflect the totality of the statutory duties and the demands of the remit letter provided to NRW by the Welsh Government"*<sup>16</sup>.
26. NRW sought independent legal advice from a QC on this point, which was presented in a paper to the Board of NRW on Principles for Planning Advice in December 2013:  
*"Economic benefits which impact on the environment and natural resources do not satisfy the statutory purpose unless NRW considers that the development is sustainable"*<sup>17</sup>.
27. That same Board paper also highlights that staff involved in planning in NRW – by December 2013 at least – had:  
*"No shared understanding of what NRW is trying to achieve in its involvement in planning and development cases... staff are unclear whether they should be interpreting NRW purpose in their advice"*<sup>18</sup>.
28. The logical conclusion to be drawn from this legal opinion is that it is NRW's specific (prescriptive) duties and powers, rather than the new purpose, which are likely to be determinative of decisions we make with respect to planning, and that any legal challenge would focus on compliance with these specific duties.
29. An anonymous spokesperson from NRW recorded the following statements for BBC's *Wales Report* in March 2014:  
*"From day one of the new organisation it was clear that the Welsh Government Ministers and officials expected to have a strong day to day influence on the decisions and advice of Natural Resources Wales... Ministers and senior Welsh Government officials put pressure on NRW staff not to object to developments and not to support requests for applications not be called in... Officials*

<sup>15</sup> See email from Prys Davies to Ceri Davies and Trefor Owen here:

<http://gov.wales/docs/decisions/2014/environment/140801atn8610doc2.pdf>

<sup>16</sup> <https://naturaethwr.files.wordpress.com/2014/06/ati-request.pdf>

<sup>17</sup> <http://naturalresourceswales.gov.uk/content/docs/pdfs/our-work/board-meeting-agendas-minutes-and-papers/18-december-2013/paper-10-strategic-principles-for-planning-advice.pdf?lang=en>

<sup>18</sup> <http://naturalresourceswales.gov.uk/content/docs/pdfs/our-work/board-meeting-agendas-minutes-and-papers/18-december-2013/paper-10-strategic-principles-for-planning-advice.pdf?lang=en>

*have gone so far as to tell developers what NRW's position on a development plan will be, even before an application is submitted... NRW's Executive Team have not challenged the pressure being applied by the Welsh Government, and they themselves have put substantial pressure on staff to come up with the right answer for the Welsh Government, even where there is no evidence to support it."*

30. NRW's failure to get to grips with its planning obligations is exemplified in one of the worst cases by the Circuit of Wales application. For chapter and verse on the case, the Committee is invited to read the following articles:

<https://naturaethwr.wordpress.com/2014/01/15/cylchdaith-rasio-blaenau-gwent-i/>  
<https://naturaethwr.wordpress.com/2014/01/23/cylchdaith-rasio-blaenau-gwent-ii/>  
<https://naturaethwr.wordpress.com/2014/03/26/cylchffordd-rasio-blaenau-gwent-iii/>  
<https://naturaethwr.wordpress.com/2014/03/28/cyfweliad-emyr-roberts/>  
<https://naturaethwr.wordpress.com/2014/06/06/dylanwad-alun-davies/>  
<https://naturaethwr.wordpress.com/2014/11/24/cylchffordd-rasio-blaenau-gwent-mwy-fyth-o-lygredd/>  
<https://naturaethwr.wordpress.com/2015/01/09/cylchffordd-rasio-blaenau-gwent-beth-sydd-a-chnc-iw-guddio/>

31. A very brief synopsis of each article follows:

- NRW made a sudden U-turn on its strong opposition to the development based on an agreement with the developer of dubious quality that explicitly states it is not a legal contract. The Welsh Government has already spent £2 million on helping the scheme get to fruition and has promised £15 million more in the future.
- Concerns about the noise impact of the development on the National Park simply vanished from consideration by both NRW (from whom this formed one of the five bases of objection) and the Welsh Government. This was despite the Head of Environmental Health and Chief Planning Officer for Blaenau Gwent recommending refusal on this ground alone.
- One of the NRW Board Members (Harry Legge-Bourke), and at least two senior NRW staff members (Emyr Roberts and Graham Hillier) appear to have broken the Nolan principles through their actions relating to the Circuit of Wales.
- It appears that local authorities can give planning permission for a scheme the scale of the Circuit of Wales without obtaining input from the statutory environmental adviser (NRW).
- Alun Davies probably broke the Ministerial Code through attempting to influence NRW's planning advice on Circuit of Wales (this has subsequently been borne out through Sir Derek Jones' report).
- NRW concealed Board papers about the Circuit of Wales that raised serious environmental concerns *after* the date on which NRW had described the environmental factors as being of no greater than local significance. NRW appears to have a problem with transparency and openness (see below).

32. The Committee may wish to explore NRW's explanation for many of the questions that are posed about its role in permitting the Circuit of Wales and in planning matters generally.

33. The Committee may wish to commission or recommend the establishment of an independent investigation of the Circuit of Wales affair.

34. The Committee may wish to explore the problems that could stem from planning authorities granting planning permission for environmentally damaging schemes prior to receiving advice from the statutory environmental advisor, and explore means of redressing this planning inconsistency<sup>19</sup>.
35. The Committee may wish to consider at a later date whether or not the current arrangements for Planning Inspectorate Wales – in light of its relationship with the Welsh Government – fulfil the requirements of Article 6.1 of the European Convention on Human Rights<sup>20</sup>.

### Governance – Staff survey

36. We understand that the Committee has received a copy of the NRW staff survey. It reveals that there are serious problems with the management of NRW.
37. 17% of staff want to leave the organisation either as soon as possible or within the next 12 months. A further 30% see themselves staying for ‘at least a year’ but not three years. For any organisation – but particularly one employing many hundreds of highly specialist staff – these results must be horrifying. It leaves slightly more than half the 2,000 or so staff as wanting to remain with NRW for at least 3 years, or a desired<sup>21</sup> attrition rate of 1 staff member per work day.
38. Clearly there are serious management problems within the organisation:
- 9% of staff have *personally* experienced bullying or harassment at work *in the last 12 months*
  - Just 20% of staff feel that the organisation is managed well
  - 26% think that senior managers are sufficiently visible
  - 22% have confidence in the decisions made by senior managers
  - 14% think that change is managed well in the organisation
  - 17% think that changes made by the organisation are usually for the better
  - 26% feel they have the opportunity to contribute to decisions that affect them
  - 33% feel safe to challenge the way things are done in the organisation
  - 15% think that different parts of the organisation work well together
39. Based on the figures above it would not be overstating things to suggest that there is a management crisis in the organisation. After all, only 23% of staff believe that senior managers will take action on the results outlined above. It is highly unusual in such circumstances for such a crisis to emanate from anywhere other than the top of the organisation.
40. The Committee may wish to explore why staff feel so disenfranchised from their organisation. The Chair and Chief Executive may not be the most illuminating witnesses in this regard; consideration should be given to interviewing (possibly *in camera*) rank and file staff members.

### Transparency

<sup>19</sup> See <https://naturaethwr.wordpress.com/2014/03/28/cyfweliad-emyr-roberts/> for fuller details

<sup>20</sup> See <https://naturaethwr.wordpress.com/2014/11/24/cylchffordd-rasio-blaenau-gwent-mwy-fyth-o-lygredd/> for fuller details

<sup>21</sup> From the point of view of staff

41. It is worth quoting extensively from a paper presented to the Board of NRW<sup>22</sup> by the Communications Directorate in October 2013 in order to set out the context in which some of NRW's failures can be scrutinised:

*“Good communications is essential in helping Natural Resources Wales deliver its priorities, outcomes and services...*

*The reasons why we need to communicate effectively can be summarised as:*

*a) To fulfil a specific legal or statutory requirement to provide public information about our work. For example, public consultations around sites that we designate or sites that we regulate.*

***b) As an integral ‘tool’ for achieving our outcomes; recognising that communications is a powerful delivery tool in its own right.***

*c) To help the public understand our work, especially where they are directly affected. For example, community relations work around sites such as Newborough, **or contentious sites...***

*Natural Resources Wales needs to establish itself as a credible organisation with a clear purpose, vision and priorities. **It needs to be open in the way it operates, establish trust in the way it works and build a strong profile.***

***Public respect and trust in public bodies and Government has declined due to a number of high-profile issues. This means that all public organisations are under heightened scrutiny and need to be more transparent and open in their communications than ever before.***

***Honesty, transparency and accessibility will form the foundation of our communications.***

*The organisation has made good progress in the first six months in achieving its communications objectives. **Notable achievements include... Reputational management around issues such as Circuit of Wales”***

42. The UK Government has a clear drive towards transparency. It states that :

*“openness and transparency can save money, strengthen people’s trust in government and encourage greater public participation in decision-making”<sup>23</sup>.*

43. The Welsh Government “has followed the principles of openness in government for many years”<sup>24</sup>.

Regrettably, the Welsh Government’s Code of Practice on Public Access to Information is no longer available on the Welsh Government website, although an archived 2007 version is available<sup>25</sup>.

Principle 1 of the Code is ‘maximising openness’: “We will be as open as possible”.

44. Natural Resources Wales itself “aims to be as open and transparent as possible”<sup>26</sup>. In this endeavour, it has adopted the Information Commissioner’s model publication scheme.

45. The purpose of the scheme:

<sup>22</sup> See “Our approach to Corporate Communications” here: <http://naturalresources.wales/media/3585/october-16th-2013.zip>

<sup>23</sup> <https://www.gov.uk/government/topics/government-efficiency-transparency-and-accountability>

<sup>24</sup> <http://gov.wales/about/foi/?lang=en>

<sup>25</sup>

<http://webarchive.nationalarchives.gov.uk/20080814090248/http://new.wales.gov.uk/cisd/publications/codeaccessinfo2007/codee.pdf?lang=en>

<sup>26</sup> <http://naturalresources.wales/about-us/contact-us/request-information/publication-scheme/?lang=en>

*“is to make the maximum amount of information readily available at minimum inconvenience and cost to the public”<sup>27</sup>.*

46. It appears that transparency is a difficult concept for some in NRW. An email from the late Morgan Parry to fellow Board Member Madeleine Havard states:

*“Emyr clearly thinks he doesn’t need to respond to requests from the Board. I spoke to Peter M earlier and he says Emyr was reluctant to [send a copy of the final Circuit of Wales submission] because of his paranoia about putting things in the public domain, Fols etc”<sup>28</sup>.*

47. NRW appears to have concealed at least one Board paper. A paper exists (obtained under Freedom of Information provisions) that is not recorded on the Board Papers section of the NRW website, which raised serious environmental concerns over the Circuit of Wales *after* the date on which NRW had described the environmental factors as being of no greater than local significance<sup>29</sup>.

48. The Committee may wish to explore the reasons for this paper not being a public document, and to ascertain whether or not other examples of such unpublished Board papers exist.

49. At present the Disclosure Log (a list of responses to information requests) is not operational on the NRW website<sup>30</sup>. We hope that it is being updated to take account of the following criticisms<sup>31</sup>:

- NRW does not publish the information revealed under Information regulations in the same location as it lists the information requests. This is very poor practice.
- NRW requires people to send an email to the information team in order to obtain information that has previously been revealed by Information regulations. This is extremely poor practice: one of the principal purposes of Information regulations is that anyone should be able to freely examine information that has been revealed, not have to sift through information requests and email the body in order to examine them.
- NRW itself determines whether or not it will make public information requests:  
*“Please note that the disclosure log does not list everything that has been released under the Access to Information Legislation. The criteria for disclosing responses include:*
  - *A substantial public interest*
  - *Demonstration of internal procedures*
  - *Demonstration of how public money has been spent or information concerning resources”*

50. The Committee might like to explore who is best placed to determine whether or not there is ‘substantial public interest’ in information disclosed by Information regulations: the public themselves or the body that is under scrutiny.

51. The Committee may also wish to confirm that the information disclosure practices of NRW – practices which have no parallel within the public sector in Wales in their ability to obfuscate and

<sup>27</sup> <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf> p3

<sup>28</sup> <https://naturaethwr.files.wordpress.com/2014/02/emyr-paranoia.pdf>

<sup>29</sup> <https://naturaethwr.files.wordpress.com/2014/11/130831-circuit-of-wales-update-2-sept.pdf>

<sup>30</sup> <http://naturalresources.wales/about-us/contact-us/request-information/disclosure-log/?lang=en> No information available as of 14:00 on 10 April

<sup>31</sup> <https://naturaethwr.wordpress.com/2015/01/09/cylchffordd-rasio-blaenau-gwent-beth-sydd-a-chnw-iw-guddio/>

conceal – will be updated to the standards of being “as open and transparent as possible” that NRW itself espouses, that some in the organisation rail against but that the public rightly expects.

52. NRW appears to make a virtue of failing to provide broadcast interviews:

*“Throughout recent months the [Circuit of Wales] case has received substantial local and national media coverage. NRW has provided information to the media when requested but generally declined interviews”<sup>32</sup>.*

53. This, again, seems poor practice and appears designed to avoid being held accountable for topics that NRW finds uncomfortable. It also appears to be counter to the approach apparently adopted by the Communications Directorate, notably that “*all public organisations are under heightened scrutiny and need to be more transparent and open in their communications than ever before*”.

54. The Committee may wish to enquire as to the rationale for declining interviews on subjects of “*substantial local and national*” interest.

### **Integrity and honesty**

55. The Nolan Principles are a set of ethical standards expected of public office holders. They apply to anyone who works as a public office-holder, including all people appointed to work in non-departmental public bodies<sup>33</sup>.

56. There can be little doubt that they apply to the Chief Executive and Chair of the largest non-departmental environmental body in Wales.

57. Evidence has arisen that appears to show the Chief Executive to have misled the public on national radio. In an interview on Radio Cymru<sup>34</sup>, the following exchange occurred:

*“John Walter: But there was no pressure on you to change your mind [on NRW’s original opposition to the Circuit of Wales application], and having changed your mind, do you think that your relationship, and your image, has been tarnished?”*

*Emyr Roberts: There was no pressure on us at all...*

*JW: ...from no one, from the local authority or from Welsh Government?*

*ER:... no, not at all...*

*JW:... no one spoke to you at all, [it was] only your decision as an agency?*

*ER: Plenty of people spoke to us, but...*

*JW:... the Government and the local authority?*

*ER: **The Government didn’t speak to us at all, the local authority didn’t speak to us at all... There was no pressure on us**”<sup>35</sup>.*

58. The Chair of NRW, Peter Matthews, also appears to have misled the public and Members of this Committee. Appearing before this Committee on 7 May 2014 he said:

<sup>32</sup> <https://naturiaethwr.files.wordpress.com/2014/11/130831-circuit-of-wales-update-2-sept.pdf>

<sup>33</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

<sup>34</sup> John Walter, 26 March 2014

<sup>35</sup> <https://naturiaethwr.wordpress.com/2014/03/28/cyfweliad-emyr-roberts/>

*“Let me make it clear to this committee, and in public, that **there is no political interference or pressure on what we do from anyone**... I would say that the idle speculation driven in the media is unfounded, and I take this opportunity of rebutting it completely”<sup>36</sup>*

*“We let the executives get on, so decisions—and I do not want to mention any particular decisions—that have been a bit controversial where some people have been disappointed with the decision we took and some people have been pleased with the decision we took have been determined by our own technical people on the basis of evidence that they have given. **I have not applied pressure; Emyr has not applied pressure; and the Minister has not applied pressure to us.** We have gone about our business as a professional, wise organisation, using the evidence that is available to us”<sup>37</sup>.*

59. But it is manifestly clear that pressure was applied on Natural Resources Wales. The inquiry by Sir Derek Jones into the Alun Davies affair found:

*“The Minister for Natural Resources and Food should therefore ensure that his interactions with NRW could not be regarded as an attempt to influence NRW’s exercise of its professional responsibilities or lead to a perception that NRW had been unduly influenced”<sup>38</sup>.*

*“The content of Mr Davies’ emails indicates that he was taking a very clear position on the Circuit of Wales application”<sup>39</sup>.*

*“The focus of the emails is a criticism of the approach that NRW was taking towards the Circuit of Wales application... Mr Davies says ‘I am very anxious that this development goes ahead’... the emails could therefore give rise to the perception either that Mr Davies was using his Ministerial portfolio responsibilities to influence the way in which the Circuit of Wales application was dealt with by NRW; or, if that were not the intention, the effect could nevertheless be the same”<sup>40</sup>.*

60. The First Minister himself stated that: *“it is clear to me that the Ministerial Code was breached”<sup>41</sup>.*

61. An email from a senior Welsh Government official to two Directors of NRW in May 2013 asks:

*“... what if anything we might want to do relating to other ‘residual’ CCW objections within the planning system. Is there anything that we should be doing if it appears that the main risk to such developments are the environmental objections raised by CCW”<sup>42</sup>.*

62. It should be noted that CCW objected to the Circuit of Wales development on environmental grounds.

<sup>36</sup> <http://www.senedd.assembly.wales/documents/s27378/7%20May%202014.pdf> para 41

<sup>37</sup> <http://www.senedd.assembly.wales/documents/s27378/7%20May%202014.pdf> para 46

<sup>38</sup> <http://www.assembly.wales/deposited%20papers/dp-1432-11-16%20report%20to%20carwyn%20jones%20am,%20first%20minister,%20from%20derek%20jones,%20permanent%20secretary,%20regarding%20observance%20of%20the/dp-1432-11-16.pdf> para 47

<sup>39</sup> <http://www.assembly.wales/deposited%20papers/dp-1432-11-16%20report%20to%20carwyn%20jones%20am,%20first%20minister,%20from%20derek%20jones,%20permanent%20secretary,%20regarding%20observance%20of%20the/dp-1432-11-16.pdf> para 58

<sup>40</sup> <http://www.assembly.wales/deposited%20papers/dp-1432-11-16%20report%20to%20carwyn%20jones%20am,%20first%20minister,%20from%20derek%20jones,%20permanent%20secretary,%20regarding%20observance%20of%20the/dp-1432-11-16.pdf> para 59

<sup>41</sup> <http://www.bbc.co.uk/news/uk-wales-politics-28111244>

<sup>42</sup> <http://gov.wales/docs/decisions/2014/environment/140801atish8610doc2.pdf> Email from Prys Davies (WG) to Ceri Davies and Trefor Owen (NRW), 29 May 2013

63. Emyr Roberts' contention that *"the local authority didn't speak to us at all"* is flatly contradicted by a letter from the Director of Operations (south Wales), Graham Hillier, to Alun Davies on 28 June 2013:  
*"At our meeting on 18 June I promised you an update on progress by today. This follows several meetings held between the applicant's consultants, ourselves and Blaenau Gwent CBC over the last 10 days"*<sup>43</sup>.
64. New additional information has subsequently come to light to indicate that officials in NRW anticipated that Alun Davies would try to persuade them to drop NRW's objection to the development<sup>44</sup>. We look forward to sharing that information with the Committee.
65. The Nolan principles require holders of public office to observe:  
*"Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them or their work...  
Honesty: Holders of public office should be truthful"*<sup>45</sup>.
66. The Committee may wish to explore how, in light of the facts outlined above, the insistence by Emyr Roberts and Peter Matthews that NRW came under no pressure from Welsh Government or any other source (in relation to the Circuit of Wales), and that the local authority made no contact with NRW, squares with the Nolan principles of integrity and honesty.

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<sup>43</sup> <https://naturaethwr.files.wordpress.com/2014/03/circuit-of-wales-outline-planning-proposal.pdf>

<sup>44</sup> "we opposed the [Circuit of Wales] proposal initially because of the environmental impact. But what happened then, the local authority Blaenau Gwent gave outline permission to the application and we looked at the situation and decided that the best way of getting the best outcome for the environment was to work together with the developer..." Emyr Roberts  
<https://naturaethwr.wordpress.com/2014/03/28/cyfweliad-emyr-roberts/>

<sup>45</sup> <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 76**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from J.Thomas**

I am pleased to be given the chance to air my views on the NRW.

As a fisherman who has fished the river Tywi and her tributaries for thirty years or so i am at a loss to how the Sewin and Salmon stocks have been allowed to dwindle down to the present numbers which is evident in the fishermans returns at the end of every season.

A few questions that need to be answered by the NRW.

Why are commercial fishermen,being the seine nets and the coracle fishermen still allowed to net five days a week when the stocks are at an all time low,when we the rod fishermen are returning growing numbers of fish back into the river to try to help the fish stocks?

I haven t seen a bailiff on the river bank for over twelve years and many anglers say the same, the ones that are left where are they?

Where is our salmon licence fee going?

Why has funding been taken away from supporting the hatchery?

What is being done about the growing number of FEBs {witnessed 9 of these on a one mile stretch of the Tywi last season}?

I understand that there are a number of issues that are contributing to the decline in the fish stocks but unless some of the problems are met head on the and not brushed aside then there will be no fishery left for future generations to enjoy!

Regards J.Thomas

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 77**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Neil Evans**

Dear Sir / Madam,

1. I once petitioned the National Assembly to ban single use plastic bags. We didn't get a ban but they did introduce the charge and as a result use has dropped by nearly 90 %. I attended many committee's and was impressed with the environmental commitment demonstrated by the AM's I met. To be honest, I hadn't expected them to be so knowledgeable or for them to be so sympathetic. It's because of that experience that I am encouraged to add to the correspondence being sent to you in relation to the plight of our rivers and the current ineffectuality of NRW.
2. I, like many others, became interested in the environment through my love of fishing. When I was growing up in the 1970's and 80's the Tywi was literally stuffed with fish. When the water was low in the summer months, we used to sit transfixed as shoals, containing hundreds of fish, took up residence of the pool in front of us. All that has gone. Today, you'd be elated if you saw a single fish in that same pool. This is not an exaggeration, it's completely true.
3. Many of the causes of the decline were known back then. As a child I read about acid rain, poaching, over fishing by nets in the estuary and the same on the high seas. I even read about the 'green house effect'. But despite all the warnings and the letters and various campaigns by many good people, we've allowed it to come to this. Why?
4. Another memory I have of childhood was when ex. US President Jimmy Carter came to fish our river for its magical sewin. He was joined over the years by many other notable people from all over the world...and why not..after all the Tywi was the best sewin (sea trout) river in Europe! But the Tywi wasn't just a playground for the rich it was our playground too. We'd walk miles along the banks of our rivers trying to catch just one of those magical fish. More often than not we failed but, nevertheless, they were very happy days. No one had heard of the word 'obesity' then.
5. So why has it come to this? Would it be too simple to suggest that it's because short term economic interests have, almost without exception, been allowed to take precedent over the environment?
6. Returning to American politics, I recall that Bill Clinton, during his 1992 election campaign, used the catchphrase, 'It's the economy stupid!' when appealing to voters concerned with an earlier recession. How I'd love to hear a prominent politician come out with, 'it's the environment stupid!'. After all what good is any job or even a good education if you have no food to eat, no water to drink or no air to breathe. The environment is the base on which everything else is built. Without it there is nothing else. Why can't we take better care of it?
7. At the present time we are being consulted on the 'Wales we want'. This is what I'd like to see :  
  
A Country that moves away from a 'jobs at any cost' mentality to one that uses its resources in a truly sustainable way. A Country that grows its own internal green businesses' rather than one that seeks to encourage in multi-nationals that will inevitably, pull the plug at some point further down the line.  
  
A Country committed to restoring the richness of its environment so that future generations of children can enjoy the kind of upbringing we enjoyed.
8. I have written this letter from the perspective of an angler although I understand and sympathise with others who are equally concerned with declines in other wildlife populations. I imagine that many of the responses will come from others like me but that is understandable given that there are as many as 60,000 rod licences sold in Wales each year.
9. I can assure you that there are extreme levels of interest from angling circles in this consultation. Anglers are desperate for Government to step up to the plate and reverse decades of decline. Given the number of anglers in Wales I'm surprised this has not been spoken of during the current election campaigns.
10. Many others have written to you criticising NRW and those that went before them for presiding over this decline. Those correspondents have also indicated at length reasons for the deterioration in our environment. In its current form and with its current financing NRW has no hope of fulfilling the role it was created for. We hope that you'll act but most are sceptical – please prove them wrong!

Regards

Neil Evans

National Assembly for Wales

Environment and Sustainability Committee

NRW 2015 – 78

Natural Resources Wales – Annual Scrutiny 2015

Response from NFU Cymru

## NFU Cymru Consultation Response

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To : [SeneddEnv@assembly.wales](mailto:SeneddEnv@assembly.wales)

Circulation:

### NFU Cymru response to the Environment and Sustainability Committee - Scrutiny session of Natural Resources Wales (NRW)

NFU Cymru welcomes the opportunity to provide evidence to the Environment and Sustainability Committee to contribute to its annual scrutiny of Natural Resources Wales.

NFU Cymru is the professional body that represents farmers and growers across Wales and across all sectors. Our aim is to establish the background conditions in which farm businesses can be profitable and develop. Without profitability we believe that our shared goal of sustainability – in economic, environmental, social and cultural terms – cannot be realised.

NFU Cymru has followed the progress of the NRW closely since its inception in 2013. The period of transition has led to significant uncertainty for the farming industry as the three organisations, each with its own organisational culture and identity, have been brought together with the aim of ensuring that the environment and natural resources of Wales are maintained, sustainably enhanced and sustainably used now and in the future.

We would highlight that farmers own and manage 80% of the land area of Wales. Alongside our primary role of producing food, farmers now and back through the centuries have created and managed our treasured landscape which supports a diverse range of species, habitats and ecosystems providing an array of environmental goods and services. Against this backdrop the key challenge for NRW, in meeting its objectives, remains how to effectively engage with the 18,000 or so small rural farm businesses across Wales. These businesses tend to be sole traders or partnerships that find themselves operating in a highly complex regulatory context – of which environmental management is just one of a number of important facets. This is a stark contrast from 'big business' who operate on sufficient scale to be able to employ teams of staff to ensure environmental compliance and manage their relationship with regulators.

# NFU Cymru Consultation Response

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NFU Cymru would express concern that the merger of three organisations and subsequent restructuring has led to the loss of a number of key personnel, particularly those who were employed previously by Environment Agency Wales. Others with suitable expertise and experience, whilst still employed within NRW, appear to be consigned to different roles and are less accessible to farmers who would have, in the past, approached them for advice on regulation and best practice. The issue of where to access advice has been compounded by the fact that the NRW website remains under development and is incomplete as an information resource.

In terms of making progress on this issue, we would refer the Committee to the findings and recommendations of the Working Smarter Review of better regulation of Welsh farming undertaken by Gareth Williams in 2011. The Review refers to the Welsh Government Farm Liaison Service (FLS) which provides a 'one-stop-shop' service offering advice to farmers on schemes and regulations. A key recommendation of this review was to increase the FLS resource to support farming customers. NFU Cymru is of the view that a similar service with knowledgeable and trusted staff within NRW providing practical advice and support on both regulation and best practice across a range of issues would deliver beneficial outcomes. We believe that SEPA in Scotland have made efforts to provide this level of support to their farmers.

We would also highlight the opportunities presented by the Rural Development Plan 2014-2020, including the Human and Social Capital Measure and scheduled programmes such as Farming Connect which offer opportunities to improve engagement with farmers. We would stress that what is needed is an approach that is evidence-based, co-ordinated and targeted with clear communication between the organisations involved. This hitherto has been lacking and there is an opportunity for Welsh Government departments and NRW to make collaborative efforts to deliver synergistic benefits.

We would add that it has been the long held view of NFU Cymru that the best outcomes on a range of environmental issues can be achieved through voluntary, partnership approaches. NFU Cymru welcomed the opportunity to work with NRW, Dwr Cymru – Welsh Water and other partners on the development of an innovative project to help reduce levels of the grassland herbicide MCPA in the River Teifi and Upper River Wye catchment areas. This initiative supports farmers to try alternative methods of controlling rushes and weeds through offering the free hire of weed-wiper equipment using Glyphosate between April and October 2015. NFU Cymru looks forward to seeing how the project progresses over the coming months.

NFU Cymru is pleased to be represented on the NRW Land Management Forum chaired by Board Member Harry Legge-Bourke. This has provided a useful platform for providing updates on some of the work streams undertaken by NRW relating to the land-based sectors. Our concern here would be that the extent and scale of NRW's new role is such that it is not possible to cover and adequately discuss all areas to the level of detail required. In some instances, work streams have progressed to the stage of implementation with limited stakeholder representation.

The National Habitat Creation programme, is one such example. Designed to deal with the impact of 'coastal squeeze' of designated habitats as a result of rising sea levels through the provision of compensatory habitats, the programme has the potential to impact significantly on landowners. It is disappointing that, in this instance, farmers received correspondence without any prior stakeholder engagement and we were, therefore, unable to raise awareness or provide information resulting in significant concerns and worries for those farmers affected. We acknowledge that NRW have since engaged with the Unions' on this issue.

# NFU Cymru Consultation Response

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Another key area of concern would be the SSSI Designation and Appeal Process. In our experience this is not a fair process and it is heavily weighted against landowners/occupiers who wish to appeal new designations on their land. In addition, farmers have found it costly and more importantly difficult to employ specialists who can interpret the detailed JNCC Guidelines on designation qualifying criteria. NFU Cymru has put forward proposals to NRW on where this process can be improved with key measures including improved efforts to contact occupiers/owners of potential sites at an early stage; the appointment of liaison officers with appropriate interpersonal skills and knowledge to act as a point of contact throughout the process; together with a fully independent process to confirm new designations— possibly through the Planning Inspectorate Wales - that does not involve NRW Board members who are not perceived as independent. There is also a need for NRW to be transparent with stakeholders on the number of new designations coming forward.

NFU Cymru is also represented on the Water Framework Directive (WFD) Liaison Panels where, we would highlight, landowner representation is essential. Going forward, NRW must be challenged to work with stakeholders to find local solutions to local issues as opposed to generic solutions. There is also a need to recognise that environmental action on the ground will be dependent on buy-in from farmers so there is a clear role for NRW and Welsh Government to take final decisions and not be led by individual stakeholders who have no ongoing involvement in active land management.

Conversely, the Hydropower Stakeholder Group demonstrates where stakeholder engagement has led to improved outcomes. NFU Cymru is pleased that NRW have listened to our concerns and opted to introduce a tiered system of charging for abstraction licence applications for hydropower schemes following earlier proposals that would have seen the fees for all applications increase from £135 to £1500, challenging the viability of many of the smaller farm scale hydro developments. A further outcome of this Groups' work has been significant streamlining and efficiencies of the permitting process.

We would reiterate, that since some 80% of the land area of Wales is devoted to agriculture, the need to engage stakeholders from the outset, in all aspects of NRW work which relate to land in private ownership is vital. NFU Cymru would also stress the need for ongoing representation of farming and the agricultural sector at NRW Board level. This will be absolutely crucial going forward to ensure that the full impact and implications of proposed changes to the legislative framework can be fully represented and understood.

The proposed Environment Bill, for example, seeks to bring changes to the legislative framework through the development of a joined-up approach to managing our natural resources in a sustainable way. Whilst it is understood that behind proposals lies the concept of Natural Resource Management and a move to Area-Based Planning, there remains very little information available on how the Natural Resource Management approach will be delivered and what it will mean in practical terms for farmers.

The Bill also seeks to make sure the legislation is right for Wales and is aligned to Welsh Government priorities. NFU Cymru is aware that General Binding Rules have been put forward as a method of improving regulatory approaches to a range of environmental issues in a number of recent Welsh Government consultations.

We would take this opportunity to reiterate that NFU Cymru does not support the introduction of general binding rules which would set out rules for an activity working alongside proportionate penalties. Farmers in Wales are already governed by a raft of regulations together with Cross Compliance to deliver baseline standards. Those participating in agri-environment schemes also follow the rules set out in the Whole Farm Code. It is our view that the introduction of General Binding Rules would effectively result in the introduction of another layer of regulation and NFU

# NFU Cymru Consultation Response

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Cymru would conclude that it would be premature for NRW to have any additional regulatory powers at this stage.

To conclude, as stakeholders representing the interests of agricultural businesses across Wales, we would observe that the transition to NRW has not been without its problems. Whilst we can point to examples where our experience of working with NRW has been positive, there remain many aspects and examples where improvements can be made. Far more focus is required on effective engagement at all levels. At Board, Strategic and Implementation level, the need for significant landowner representation cannot be over-stated in all areas relating to land in private ownership; at the grassroots, a strategy for effective engagement in the form of pro-active advice and guidance provision to the 18,000 SMEs who manage 80% of the land area of Wales is essential if we are to deliver the ambition of the Welsh Government and the requirements of EU Directives in future. NFU Cymru looks forward to working with NRW to this end.

## 1. Background

One Voice Wales is recognised by the Welsh Assembly Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 70% of the 735 community and town councils are in membership. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors. We believe strongly that community councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, environmental issues and strategic planning.

Whilst individual councils, indeed individual members, may submit responses directly to this consultation exercise, this collective response is made on behalf of the sector as a whole.

## 2. General

Members see the work of NRW as contributing an important role for the nation, with teams of committed experts providing advice, guidance and other statutory and non-statutory services both nationally and locally. There are very many examples on an almost daily basis where NRW teams or officers have assisted or worked with members of the local council sector, possibly with other agencies, to solve issues or to progress developmental projects. In general, the feedback we have received from members is that this work has been rewarding, with NRW playing its part in the main in an acceptable and satisfactory manner.

## 3. Specific Issues

There are always individual aspects and issues that members raise, where there have been specific problems in relation to working with the NRW, although we are not aware that these

instances are particularly numerous. The one issue that has arisen in more than one situation is that of the (perceived) overly protective approach by NRW to certain planning aspects in respect of flood potential. One Voice Wales has at least two exemplars of this in the upper Neath Valley, should further details be required. In one case, the development of a residential care home has been blocked, whilst the other case exemplifies an instance where potential planning permission has been made easier by virtue of the outcome of site inspections by NRW personnel. Therefore, questions of consistency have also arisen from time to time.

Dr. J.D. Morgan  
Swyddog Datblygu/Development Officer  
9<sup>th</sup> April 2015

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 80**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Alan Roberts**

My name is Alan Roberts, and I am a member of the Seiont Gwyrfai and Llyfni Angling Club, and a keen aquaculturist. We have a 30 year old legally binding contract due to the Dinorwic Hydroelectric Power Scheme which Natural Resources Wales is legally obliged to mitigate, the only one in Wales except for the Taff which expires in 2020.

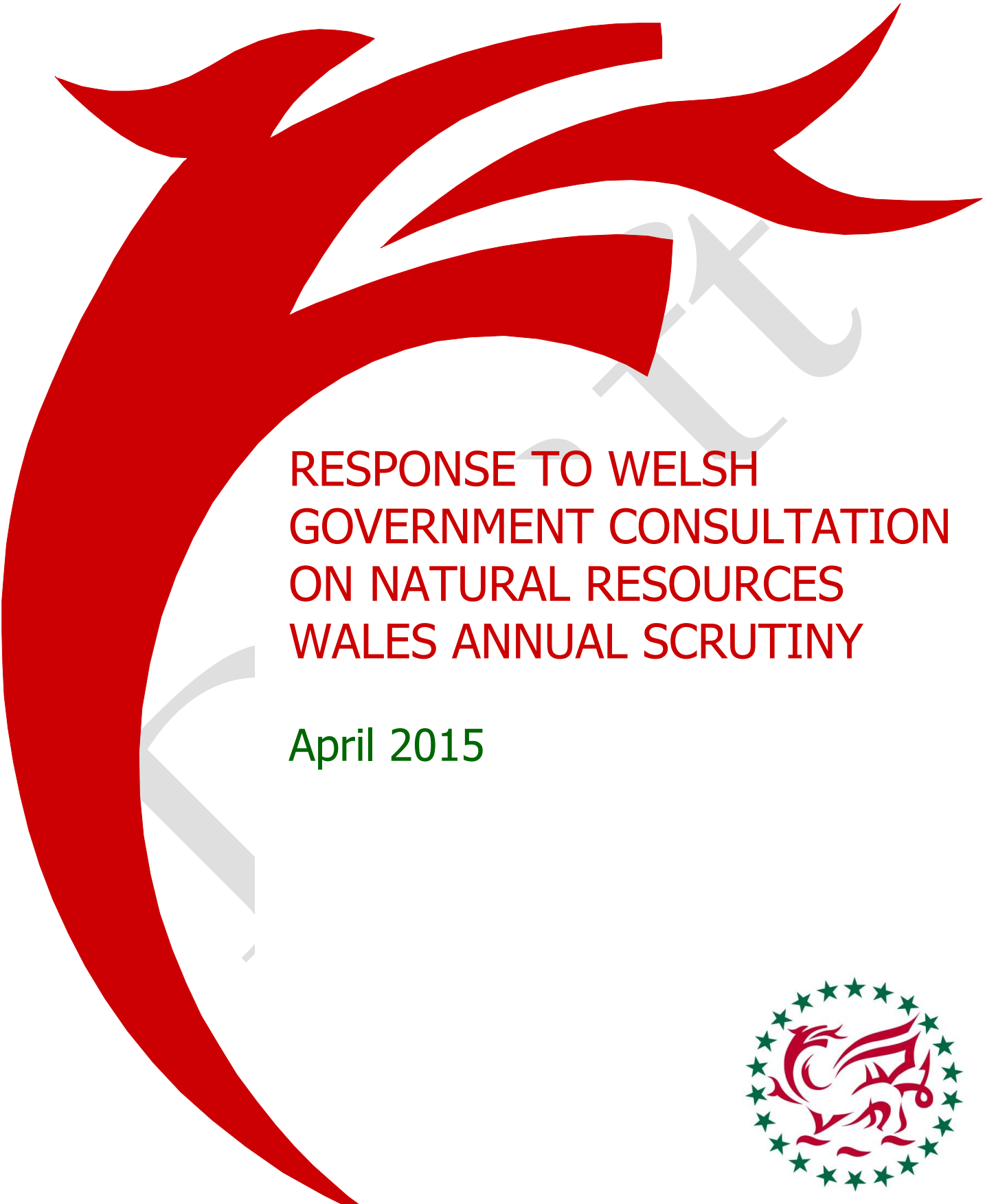
Here are some of the facts regarding the River Seiont. The Mitigation clearly states that the equivalent of 1050 wild salmon smolts in parr or fry and 450 sea trout smolts yearly, stocking of the correct amount has never been done in my estimation only 10% of the total stocking has taken place, 12 years out of 30 for the salmon, and 4 years for the sea trout, due to the total disregard of the stocking policy by the fisheries officers of the Bangor office of the NRW/EAW, the river stocks have fallen dramatically since 2004 to last year when only two salmon were caught, and no fish were seen running the river, the Seiont has now been placed at RISK and probably will be for the next 5 years and beyond, more likely will be classed as extinct of salmon and sea trout, again we are in the High Court due to the negligence of the NRW to correct the harm that is being done to the river by the effect of big business, we regularly report incidents on the river such as sewage release and high water when there has been no rain, and all we get is, we saw nothing.

As you know habitat restoration on its own does not work, and in a meeting last week, nothing encouraging came out of it, only 18k pounds was the sum they have to spend on restoring the River Seiont system, therefore I would like to know the criteria for stocking a river, such as ours which has fallen from such a great salmon and sea trout river to nothing more than a sewage pipe to the sea from the once great lake at its head, where Welsh Waters sewage plant sits.

In your review of Salmon and Freshwater fisheries review paragraph 49 you state that stocking with salmon should be employed only to address a decline in stocks, in my view the NRW have caused this decline and what has been allowed to be done is criminal, I hope that my concerns does not fall on deaf ears as the hatchery review did because the NRW does not take any notice of any views expressed by anglers.

Yours Sincerely

Alan Roberts



RESPONSE TO WELSH  
GOVERNMENT CONSULTATION  
ON NATURAL RESOURCES  
WALES ANNUAL SCRUTINY

April 2015



## INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
3. The WLGA welcomes the opportunity to contribute to annual scrutiny of Natural Resources Wales undertaken by the Environment and Sustainability Committee
4. The WLGA engaged with Environment Agency Wales and the Countryside Commission for Wales and to a lesser extent with Forestry Commission Wales prior to their merger into Natural Resources Wales across a range of environmental issues and at a range of different levels from operational up to strategic. We continued to do so across a wide and developing area of operation.
5. The environmental issues include:
  - i. Flood and Water (e.g. Flood Risk Management Plans, implementation of the Water Framework Directive and planning)
  - ii. Biodiversity ( including Invasive Non-Native Species)
  - iii. Well-being of Future Generations(Wales) Bill
  - iv. Climate Change ( Climate Change Commission for Wales, Adaptation sub group and development of Sectoral Adaptation Plans (SAP)
  - v. Marine ( Marine Strategy Framework, Marine Planning , Wales Marine Strategy Advisory Group)
  - vi. Planning consultation
  - vii. Energy ( renewable energy and hydropower)
  - viii. Waste (regulation)
6. The WLGA acknowledge that the establishment of Natural Resources Wales would be and continues to be an evolving process. The merger of the three bodies, with different terms and conditions, staffing arrangements, areas of expertise and functions will take time.

7. The transition continues and the WLGA and Local Authorities across Wales recognise that there have been and will be 'teething problems'. The initial approach, particularly from an operational perspective has been to continue with 'business as usual' in so far as the operational staff working with their opposite numbers has been concerned, which in the majority of situations works well, however there are areas of inconsistency
8. In terms of Flood Risk Management (FRM), regional partnerships, good practice and a pragmatic approach to FRM, have in some areas been beneficial and enable a pro-active approach.
9. However, recent standardisation of approaches across the two operational areas (North and South), by NRW have reduced the support and advice from good practice to a minimum standard requirement. The most recent example of this approach has been in respect of planning responses related to surface water runoff
10. NRW's operational area north whilst frequently reviewing detailed drainage designs, requested specific conditions and provided detailed comment on reserved matters relating to these conditions. This approach was very useful and offered a much needed second opinion. By contrast, in the south, NRW responses in similar situations have primarily been confined to agreeing a suitable surface water runoff rate for the site and, where relevant, agreeing an appropriate point of discharge. The south approach will now be the standard response.
11. As with all public bodies there are resource implications which can have an impact upon operational delivery, however consistency and standards have to be established and good practice to be maintained, accepting minimum should not be acceptable.
12. There are further inconsistencies between areas in relation to consenting for flood defence works. Some officers from NRW have a pragmatic approach and work closely with Lead Local Flood Authorities to ensure that proposed works get the necessary consent and properties are protected, whereas officers elsewhere have been more dogmatic, refusing to approve consent or to enter into any discussion to resolve the issue, and afford flood protection.
13. A pragmatic and holistic approach to FRM with officers encouraged to use their expertise and judgement when necessary within the law would be beneficial.

14. In addition to FRM the lack of pragmatism from NRW officials can be seen within Waste Management Services. Initiatives have been proposed to make recycling collection more efficient with no risk to the environment, to which some NRW officials displayed a lack of practicality / realism and remained dogmatic and unprepared to consider the merits of the proposal.
15. Furthermore, NRW inspectors, whilst remaining pleasant and civil on inspection visits have an unwillingness to raise issues on site, instead leaving and sending inspection report through up to 2 weeks later. Any issues with site inspections should be raised at the time so that the operator can understand what the issues are and provide the opportunity for early/immediate remedial action, the written report could still be sent as confirmation.
16. We understand that efficiencies can be achieved through centralising functions and developing skills and expertise but this must not be at the expense of service delivery for example a draft environmental permit was received by a local authority for comments, the comments were compiled and sent back to NRW within 3 days. It took 6 months for NRW to reply.
17. At a more strategic level the WLGA engages with officers from NRW as co-members of Welsh Government reference groups, as co-representatives of Wales at UK national level, as a member of stakeholder groups chaired by NRW officers and Directors. NRW are diligent in their responsibilities and make appropriate contributions to the meetings.
18. In the consultation regarding the establishment of NRW concern was raised with regards to potential 'conflicts of interest' in respect of the regulator function of EA, the environmental/ecological function of CCW and the commercial functions of FC (W). This can be illustrated where there is apparent internal difficulty in reconciling the objective of NRW to generate and receive income from motor sport events as previously achieved via the Forestry Commission (Wales) and the concerns with regards to biodiversity and managing protected species, SSSI (Sites of Special Scientific Interest) and European designated sites previously under the remit of the Countryside Council for Wales. NRW being the landowner and the ecological screener from whom local authorities must receive satisfactory consent in order provide authorisation under s33 Road Traffic Act 1988 for the events to take place.
19. There are established communication links with and from NRW and WLGA, with regular dialogue both formal and informal between officers of WLGA and NRW at

all levels. NRW regularly sends out its bulletins and newsletters together with notification of NRW Board meetings, agendas and invitations to attend, followed by minutes after the event.

20. The WLGA has most contact with NRW at a strategic level so in compiling this report we sought the views of local authorities in their operational engagement with Natural Resources Wales, the examples illustrated are from a limited number of replies and may not be representative of all areas of NRW operation.

**Neville Rookes**

**Policy Officer - Environment, Welsh Local Government Association**  
Swyddog Polisi - Amgylchedd, Cymdeithas Llywodraeth Leol Cymru

**029 2046 8625 / 077 7134 7829**  
[www.wlga.gov.uk](http://www.wlga.gov.uk)

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 82**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Phil Davies**

I am aware of all the financial cuts but you tell me that a private run hatchery which is conforming to all the various regulations, with private funding which has been successfully taking rod caught wild salmon and therefore rearing pellet fed but still wild salmon parr and smolts, for over ten years. Why have they been stopped breeding these salmon. Are you going to stop the hatchery schemes on the Tyne and several rivers in Scotland. There are hundreds of hatcheries in Canada and all over the world, it seems to work. Please can you send me an answer I sure you must have a scientific answer to why it is allowed to work on some rivers with Atlantic salmon and not on others, it is not money as it was being financed by the rod anglers via the fishing clubs and private individuals.

Phil Davies

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 83**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Chartered Institute of Ecology and Environmental Management (CIEEM)**

**Introduction**

1. The Chartered Institute of Ecology and Environmental Management (CIEEM) is the leading organisation representing and supporting professional ecologists and environmental managers in the UK and Ireland. CIEEM was established in 1991 and received its Royal Charter in 2013. The 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 training programme, and best practice through disseminating technical guidance.
2. CIEEM has more than 5,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisation.
3. Natural Resources Wales is the largest employer of ecologists and environmental managers in Wales.
4. CIEEM (Welsh Section) welcomes the opportunity to respond to this consultation. We have the following comments to make on our experience of working with Natural Resources Wales and the delivery of its statutory functions in its first two years of operation.

**Skills and knowledge in NRW**

5. CIEEM (then called IEEM) commissioned a review on the availability of ecological skills in the UK (IEEM, 2011). This concluded that ecological skills in the UK are in such short supply that, if neglected further, could seriously undermine our capacity to deliver good natural resource management. The main gaps highlighted were:
  - Species identification - especially for invertebrates, plants and fish
  - Ecological survey, evaluation and monitoring - especially for invertebrates, plants and fish)
  - Ecological Impact Assessment techniques across a range of habitats
  - Strategic Environmental Assessment techniques
  - Habitat creation, restoration and management in marine, coastal and upland environments
  - Techniques to control the spread of invasive species and wildlife diseases.
  - Microbial ecology – particularly poorly understood, especially in relation to biosecurity and ecosystem processes.

6. Wales has high and laudable ambitions to deliver natural resource management and recovery of its biodiversity. NRW clearly has a crucial role in achieving this.
7. Over the last 2 years, it is clear from our members' experience of dealing with NRW that there has been a significant loss from the organisation of ecological skills, precisely in the areas listed above. This is an important issue which we hope that the Committee will address. Voluntary Exit schemes for staff were run in 2013-14 and 2014-15. In 2013-14, we understand that there were a disproportionate number of former Countryside Council for Wales staff (i.e. those mainly with ecological skills) amongst those who left, compared to the proportion of former CCW staff in the current workforce as a whole.

### **Ecology, nature conservation and biodiversity – profile, resources and statutory duty in NRW**

8. Over the last 2 years, it has been noticeable to our members that the profile of NRW's work in the areas of ecology, nature conservation and biodiversity has dropped considerably. This is evident in the organisations media profile and in the jobs it has recruited externally. We had hoped that NRW would play a leadership role for this area of work and for the profession in Wales.
9. We do not have access to data on trends in the level of resources that NRW is putting into ecology/nature conservation/biodiversity and this is an area which we hope that the Committee will investigate. It is noticeable that in the area of European Protected Species (EPS), personnel resources, and their experience, appear to have declined resulting in confused and conflicting approaches and responses; additionally it has also been noted that responses to, and indeed apparently interest in, ecological issues other than those surrounding EPS (e.g. reptiles) have been devolved to Local Planning Authorities which do not themselves necessarily have the resources or appropriate experience to deal with as necessary.
10. It is important to note that NRW's work in this area is based on statutory duties and is not discretionary and is essential to meet biodiversity targets. We recommend that the Committee should seek data from NRW on the achievement over the last 2 years of specific statutory functions on nature conservation and biodiversity (e.g. designation of Sites of Special Scientific Interest, National Nature Reserves) and the allocation of resources to this work.

### **Culture of NRW**

11. Our members have had a positive experience over many years of working in partnership with the predecessor bodies of NRW and clearly wish this to continue with the new organisation. However, we have noticed what is best described as a change in NRW's culture in working with other organisations: from a partnership-based, enabling, approach to a more contract-based (supplier) approach. We appreciate that NRW is now a large multi-faceted organisation and has to ensure value for money. However, it would be a backward

step to lose the co-operative, partnership-based ethos which will be needed to meet Welsh Government's objectives on integrated natural resource management.

12. Our members report that over the last 2 years NRW has become a very Cardiff-centric organisation. The profile of the organisation in North and Mid Wales has declined. The majority of senior (Executive Team) staff are based in Cardiff and new appointments at this level have all been in Cardiff. There is a feeling of resources draining from North and Mid Wales where the Forestry Commission and Countryside Council for Wales HQs were sited.

### **Independence of NRW**

13. The Welsh Government's 2012 consultation on Natural Resources Wales stated that the body would be "independent, respected and professional" and CIEEM supported this aspiration in our consultation response. We recommend that the issue of NRW's independence, its track record to date in providing timely, objective advice and how decisions have been made, should be examined by the Committee. CIEEM members are aware of the emerging concerns about NRW's independence and the extent to which the NRW has responded to pressure to change its position on some contentious planning cases. These concerns undermine the image of NRW as a respected and professional organisation which can take a leading role in the profession of ecology and environmental management in Wales.

### **Summary**

14. We would recommend that the Committee:
  - a) looks at the level and diversity of ecological skills and experience of NRW's staff, and makes recommendations as necessary;
  - b) looks at NRW's overall ecology/nature conservation/biodiversity staffing levels and resources and makes recommendations to ensure that staffing levels are in fact sufficient to deliver NRW's statutory functions across Wales (i.e. its geographical representation);
  - c) examines the leadership role of NRW (to include co-operative and partnership working) in respect of ecology and environmental management and make recommendations as necessary
  - d) gathers, reviews and publishes data on nature conservation and biodiversity statutory functions and achievements since NRW's inception and provides a forward looking response to any issues raised; and
  - e) examines the independence of NRW in exercising its statutory functions.

**Ymgyrch Diogelu Cymru Wledig**  
**Campaign for the Protection of Rural Wales**

Cadeirydd      Chairman      Dr Jean Rosenfeld  
Cyfarwyddwr      Director      Peter Ogden



The Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Pierhead Street  
Cardiff Bay,  
CF99 1NA  
April 10<sup>th</sup> 2015

Dear Sir

**The National Assembly for Wales' Environment and Sustainability Committee**  
**Natural Resources Wales: Annual Scrutiny 2015**

**Response by the Campaign for the Protection of Rural Wales (CPRW)**

Please find enclosed the Campaign for the Protection of Rural Wales' submission in respect of the Environment and Sustainability Committee forthcoming annual scrutiny of the performance of Natural Resources Wales.

CPRW trusts that our comments prove helpful in the Committee's deliberations and should there be any further information which you or the members of the Committee require, I will gladly provide this upon your request

Thanking you in anticipation.

Yours Sincerely,

Peter Ogden  
Director

**The National Assembly for Wales' Environment and Sustainability Committee**

**Natural Resources Wales: Annual Scrutiny 2015**



**Submission by  
the Campaign for the Protection of Rural Wales: (CPRW)**

**April 10<sup>th</sup> 2015**



## Natural Resources Wales: Annual Scrutiny 2015

### Submission by the Campaign for the Protection of Rural Wales: (CPRW)

#### Summary

1.1 The Campaign for the Protection of Rural Wales welcomes the opportunity to submit its representation on the performance of Natural Resources Wales for the Committee's consideration.

1.2 CPRW was an organisation that optimistically welcomed and supported the consolidation of the three public bodies whose responsibility it was to manage the various dimensions of the environment of Wales. We anticipated and indeed promoted this change as a means of ensuring a more integrated, sustainable and therefore more effective way of managing the environment in a coordinated manner. We looked forward with enthusiasm to building on the long standing, amicable and forthright partnership relationship which complemented the collaborative working arrangements we had established with NRW's predecessor organisation, the Countryside Council for Wales, on issues of common importance in ways which each organisation pursue its mutual agendas to safeguard and enhance the interests of all Welsh landscape and those of rural areas.

1.3 Regrettably after the first two years of Natural Resources Wales operational existence, the reality of our expectations has proved very different. Contrary to our anticipations, Natural Resources Wales has

- **Chosen to be highly selective in terms of the scope and manner in which it pursues and fulfils the full range of its inherited statutory remits and responsibilities.**
- **Misplaced its ethic of Partnership and collaborative working in favour of approaches driven by selective and mechanistic operational procurement processes.**
- **Become an organisation propelled by political narrative and rather than one visibly championing and defending its statutory remit and responsibilities in an independent and objective manner.**
- **Appeared to have lost its desire to challenge and provide robust, independent and authoritative advice to Government on issues for which it has clear statutory environmental responsibilities**
- **At best lacked consistency and at worst abdicated its statutory role and obligations to be a robust and impartial advisor to Government on key environmental issues and the impacts of development proposals**
- **Failed to establish an emblematic national leadership role as a champion and guardian of the environment and in the context of the Welsh landscapes particular those which are nationally protected and internationally recognised.**
- **Shown little signs of advising, pursuing, and monitoring the implementation of the principles of the European Landscape Convention through its work**
- **Created an indifferent relationship with many environment NGO's and discounted the value of informed challenge and constructive criticism**
- **Created a hierarchical management system which is less approachable and difficult to engage with in an open manner.**
- **Become an organisation dominated by process which is failing to achieve sound and balanced environmental stewardship.**

1.4 We do not see Natural Resources Wales as either the stoic guardian or the progressive ambassadors of the Welsh environment we anticipated, but more an organisation which focusses on an environmental regulatory function and has become a facilitator for a less constrained use of the countryside of Wales

1.5 Notwithstanding this, CPRW recognises there are still individuals within the Natural Resources Wales who strive to maintain the integrity of the environmental ethics of CCW but whose efforts appear to be thwarted by prescribed political agendas, the conformist ethic of the new organisation and an acquiescent leadership attitude.



## Recommendations

In the light of our submission and that of others, CPRW trusts this Committee will strongly recommend that

1. **Natural Resources Wales is subject to a comprehensive and independent audit to establish the extent the organisation is fulfilling the full range of its statutory legacies responsibilities.**
2. **That the current NRW leadership and stewardship role of championing the management of Protected Landscapes in Wales is devolved to an enabling and facilitating “National Landscapes Executive Board”**
3. **Welsh Government establishes an independently chaired National Landscape Advisory Forum.**
4. **The Minister of Natural Resources establishes an autonomous Environmental Assessments and Advisory service, independent of Natural Resources Wales, to provide Government with impartial technical advice and evidence on strategic environmental policy issues and the environmental implications of developments proposals and those land use changes which have sustainability implications.**
5. **NRW is mandated to give greater strategic and operational focus and resources to securing the integrity and wellbeing of Wales’s landscapes and seascapes especially those in Wales’ Protected Landscape areas.**
6. **The Minister of Natural Resources undertakes an independent Inquiry to investigate the processes and probity by which NRW discharges its Statutory Planning functions.**

In recognition of the cumulative implications of these deficiencies;

7. **A comprehensive and independent Inquiry is commissioned to review and establish whether the existing Environmental Governance arrangements in Wales are fit for purpose and meet the competence required to ensure the desirable standards of guardianship and stewardship of all Wales’ environmental resources are achieved.**



## 2. The context for our submission

2.1 The Campaign for the Protection of Rural Wales (CPRW) is Wales' foremost landscape charity. As a campaigning organisation we aim to raise public and political awareness of the value and role of Welsh landscapes as national assets. We believe individually and collectively our landscapes are national assets which contribute not only to the nation's well-being but are to our international heritage. We therefore actively defend the integrity and values of Welsh landscapes and seascapes especially, when they are threatened by inappropriate use or incongruous development.

2.2 Given their role and the benefit landscapes provide, we maintain their responsible management is a matter of public interest and responsibility, especially as they provide the overarching framework within which natural resource management must be creatively but sensitively promoted.

2.3 We believe that when the nation's landscapes and seascapes are responsibly cared for and their management adequately resourced, these assets can deliver the huge range of public benefits and outcomes the Welsh Government seeks in promoting its sustainable development and wellbeing ambitions

2.4 In this context and given its stated purposes, Natural Resources Wales, being the responsible environmental agent of Welsh Government, should be the organisation responsible for safeguarding and defending the integrity of these assets. By implication it should therefore likewise demonstrate creative and positive leadership in delivering this agenda. In so doing one would expect it to pioneer and actively showcase how all Welsh landscapes are sustainably managed. In particular it should have a specific focus on promoting the stewardship of the 25% of Wales which have the finest landscapes and are recognised and designated as being internationally important. (**Appendix 1** highlights the important relationships between landscape stewardship and biodiversity management.)

2.5 CPRW therefore welcomes the opportunity to express its views on how Natural Resources Wales, (our lead public environmental body), has fulfilled this role since its establishment. In particular we reflect on the manner in which the organisation currently exercises and fulfils those statutory landscape stewardship responsibilities it has inherited from its predecessor organisation, the Countryside Council for Wales.

2.6 Regrettably our experiences and evidence demonstrates from a variety of perspectives that NRW is neither adequately fulfilling these inherited responsibilities in the manner expected, nor taking and discharging its role as Advisor on and Advocate for landscape of Wales in a manner which reflects or befits the leadership role bestowed on and expected of it, as the independent body expected soon to fulfil the provisions of the forthcoming Environment Bill.

2.7 We explain our concerns in respect of four separate but inter related issues

- **The Legacy responsibilities of NRW**
- **The Leadership responsibilities of NRW**
- **The Advisory role of NRW**
- **The Guardianship role responsibilities of NRW**



### 3. Evidence to support our opinions

#### 3.1 The Legacy responsibilities of Natural Resources Wales

3.1.1 CPRW has always advocated that Wales' landscapes are the nation's unsung environmental heroes, important not only because of their scenic quality and diversity but because they also provide the invaluable frameworks which inextricably link nature with culture, the past with the present and man with his environment, in a distinctively Welsh way.

3.1.2 Sensitively managed, resilient and healthy landscapes underpin the quality of Welsh life, and the national well-being of Welsh people. They also act as powerful economic and tourist resource for the many who visit and enjoy Wales and provide opportunities to increase public health and wellbeing. Distinctive landscapes are an unmistakable and crucial dimension and should be the quality trademark of the well-being, in 21st century Wales.

3.1.3 This multi-functional and strategic role that landscapes provide is the basis of the European Landscape Convention and was identifiable and strongly traceable through the scope and effectiveness of the Countryside Council for Wales' work. This similar landscape imprint is not characteristic of the profile, policies or priorities of NRW's work.

3.1.4 This view is substantiated by the fact that

- a) NRW's current Corporate Plan makes little reference to its role or intentions in protecting, conserving or enhancing the landscapes and seascapes of Wales.

The only reference to landscapes in their current Corporate Plan (at Page 5) is in respect of NRW's Purposes and reads

*"...that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future",*

NRW emphasises that what it does should be

*"**Good for the environment:** ecosystems are resilient and secured for the future, wildlife and landscape are enhanced, and the use of our natural resources is carefully managed"*

Thereafter, in indicating its range of roles and responsibilities, NRW cites (at Page 6) its role as

*"Principal adviser to Welsh Government, and adviser to industry and the wider public and voluntary sector, and communicator about issues relating to the environment and its natural resources".*

Apart from these statements of intent there seem to be no other overt recognition, or any indication in any of its major work streams, of NRW's intentions or priorities with regards to the landscapes and seascapes of Wales,

- b) NRW's Operational Business Plan includes no reference to or provision for any priority to be given to the stewardship of landscape and seascapes.
- c) Even more significantly, this same Business Plan makes no direct reference to the importance of NRW's custodial role in respect of the 25% of the land area of Wales which is designated Protected Landscapes.

3.1.5 To reinforce this point we have identified in **Appendix 2**, an extract from a document CPRW produced in October 2013 highlighting the issues and areas of work we expected NRW to brigade and proactively engage in pursuing.

3.1.6 Of the eight thematic areas we expected NRW to engage in, there still appears to be no obvious evidence to indicate that either the Board or the Executive Directors of NRW has deemed it appropriate to engage in at least **six of them**.

## **Conclusion**

3.1.7 CPRW considers that despite having inherited the legacy of all the landscape duties and responsibilities previously promoted by its predecessor organisation the Countryside Council for Wales, these are not now being pursued in any systematic or convincing manner by Natural Resources Wales.

### **Recommendation 1**

**Natural Resources Wales is subject to a comprehensive and independent audit to establish the extent that it is fulfilling the full range of its statutory legacy responsibilities.**



### **3.2. The Leadership role and responsibilities of NRW**

3.2.1 In CPRW's view it is essential that Wales has a public body which provides leadership for and champions the values of all our landscapes and seascapes. This body must also vigorously protect the integrity and the multitude of values these assets provide and guide their use in ways which retain the diversity and resilience of their character.

3.2.2 By definition any such organisation charged with safeguarding the natural resources of Wales, must demonstrate creative and proactive leadership and promote responsible landscape and seascape stewardship by example. When those charged with these responsibilities do not fulfil these expectations at either an Executive or professional level or worst still do not recognise the immeasurably contribution Welsh landscapes make to the public's well-being, then it is clear to us that organisation is not only failing the nation but also abdicating its legal duties and public responsibilities.

3.2.3 In terms of fulfilling a leadership role in respect of Welsh landscapes/ seascapes and in particular in respect of promoting the interests of the eight Protected Landscapes (National Parks and AONBs) we would therefore expect Natural Resources Wales to be undertaking the following range of benchmark functions as their norm:

- Visibly demonstrating and regularly reporting how it is furthering the principles of the European Landscape Convention in respect of all landscapes and seascapes and in particular in the context of those eight internationally important designated landscapes which are protected.
- Providing regular advice to Welsh Government on matters relating to the furtherance of the landscape stewardship objectives in general and the Purposes of nationally designated landscapes and seascapes in particular.
- Recognising the need for their activities to reflect the close management relationship which must exist between the stewardship of Wales' natural, cultural and its heritage assets
- Keeping under review the Protected Landscape designation system, bringing forward new areas for designation and reviewing the boundaries of existing Protected Landscapes
- Securing adequate funds from Welsh Government to further the purposes and activities of Wales' Protected Landscapes
- Regularly reviewing and monitoring the performance of the Protected Landscape system and the leadership achievements of those responsible for these designated areas
- Developing a collaborative high profile Wales Landscape Forum to actively engage those bodies and organisations who have a direct involvement in promoting progressive landscape stewardship approaches.
- Developing outward facing collaborative partnership arrangements which secure the responsible stewardship of landscapes at all scales and in particular promote the innovative sustainable management of Protected landscapes

- Promoting research and sharing knowledge about new approaches to natural resource management in and beyond designated areas
- Increasing public awareness and understanding of benefits that landscapes provide and in particular the special qualities of our nationally important landscapes
- Establishing and maintaining International links with other Protected Landscapes in Europe and beyond to share knowledge and experience of good practice

## Conclusion

3.2.4 In reviewing the range and nature of NRW's current activities and proposed future priorities for action, CPRW finds it difficult to establish how these objectives are being fulfilled and sees little evidence to suggest that the majority of them are being addressed in a positive or proactive manner.

3.2.5 We are similarly concerned that the heritage and cultural dimensions and associative traditions of the Welsh environment and the significant contribution these make to the concept of "Sense of Place ", do not appear to register or feature sufficiently in the ethic or priorities of NRW's priorities.

### Recommendation 2

**NRW national leadership and stewardship role and its responsibility to champion the management of Protected Landscapes in Wales, is devolved to an enabling and facilitating "National Landscapes Executive Board"**

### Recommendation 3

**Welsh Government establishes an independently chaired National Landscape Advisory Forum.**



### 3.3 The Statutory advisory role of NRW

3.3.1 NRW is a Statutory Consultee under the provisions of the Town and Country Planning legislation and also a Statutory Advisor to Welsh Government in respect of all the responsibilities it has inherited from its former legacy organisations.

3.3.2 Given its independent role, it is therefore incumbent upon NRW to undertake these functions in a comprehensive, impartial and unfettered manner.

3.3.3 In so far as being able to demonstrate that it is undertaking these functions in an accountable manner which also reflects due diligence and a recognition of all the relevant landscape and environmental conservation issues, CPRW has serious reservations that this is indeed the case with NRW. The following examples provide we believe sufficient cause for concern to challenge the probity of NRW modus operandii

3.3.4 We cite by way of an example and in respect of its deficiencies to fulfil its landscape advisory role appropriately, NRW's failure to respond to and express clearly its opinions as to whether National Park Authorities in Wales should retain their planning responsibilities.

3.3.5 We note that when this issue was raised in the Welsh Government's "Positive Planning" consultation document<sup>1</sup> as to whether Park Authorities should retain their planning powers, NRW responded as follow

#### Question 24

***Do you think that a National Park Authority should continue to have responsibility for planning in their area?***

#### Comments:

*The evidence base, Delivery of Planning Services in Statutory Designated Landscapes in Wales (Land Use Consultants, October 2012) and analysis of the Planning Performance Indicator Dashboard indicates that the NPA Planning Service is comparable to other local planning authorities. The Commission on Public Service Governance and Delivery highlighted the need for service delivery to reflect the direct legislative and functional requirements of an administrative area for National Parks and did not identify a convincing case for transferring their functions to local authorities whilst emphasising the importance of collaboration and partnership with local authorities.*

*WG propose to undertake a Governance Review of National Parks in Wales, commencing in the autumn. The issue of whether or not National Park Authorities should continue to have responsibility for planning its area should be taken forward and considered within the overall context of the proposed Governance Review*

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<sup>1</sup> NRW Consultation Representation number WG 20088230, December 2013- February 2014

3.3.6 It is clear from this response, that despite NRW being the Government advisor on landscape and development and land use matters in Protected Landscapes and the need for it to provide clear and definitive advice to Government regarding the long term approaches which are required to maintain the integrity of Wales most important landscapes, the organisation made no attempt to provide a clear objective value judgement on this matter but merely fudged the issue.

3.3.7 Equally when the Planning Bill was tabled at Stage 1 of the legislative process and scrutinised by the Environment and Sustainability Committee, despite the fact that the Minister had indicated that he was minded to introduce an Amendment at Stage 2 to change the planning status of all Wales National Parks, NRW yet again chose not to provide any clear advice or evidence to Government on the merit of such a proposal, despite the outcomes of various WG consolation documents having indicated that the status quo was desirable .

3.3.8 In a strategic context we are therefore astonished, that the body with direct responsibilities for the future wellbeing of the landscapes and amenity of Wales' finest landscapes has abstained from commenting on this crucial issues. We contend NRW has failed to fulfil what we believe to be one of its primary and statutory Advisory functions.

3.3.9 We therefore can find little if any evidence to confirm that NRW

- Is providing clear, independent, informed and publically accessible advice to Government on strategic landscape issues especially those affecting Wales' Protected Landscapes
- Has established appropriate mechanisms to assess how the European Landscape Convention is being implemented in Wales
- Has given no indication of how it will continue to monitor and report on the manner in which the Convention is being implemented in Wales

## **Conclusion**

3.3.10 Ostensibly and unforgivably Natural Resources Wales appears to have abandoned its desire to maintain the Countryside Council for Wales' legacy of providing robust and proactive advice to Government aimed at safeguarding the future integrity of Wales' landscapes. It appears now to be giving scant / selective regard to its strategic responsibilities in this respect.

3.3.11 As the organisation responsible for implementing the spirit and principles of the European Landscape Convention, we again highlight the fact that Natural Resources Wales appears to be merely paying lip service to its statutory landscape responsibilities.

#### **Recommendation 4**

**The Minister of Natural Resources establishes an autonomous Environmental Assessments and Advisory service, independent of Natural Resources Wales, to provide Government with impartial technical advice and evidence on strategic environmental policy issues and the environmental implications of developments proposals and those land use changes which have sustainability implications.**

#### **Recommendation 5**

**NRW is mandated to give greater strategic and operational focus and resources to securing the integrity and wellbeing of Wales's landscapes and seascapes, especially those in Wales' Protected Landscape areas.**



### 3.4 The Guardianship role and responsibilities of NRW

3.4.1 Natural Resources Wales describe on its website <http://naturalresources.wales/about-us/what-we-do/?lang=en> amongst its range of roles and responsibilities, its Guardianship role as :

- **Adviser:** Principal adviser to Welsh Government, and adviser to industry and the wider public and voluntary sector, and communicator about issues relating to the environment and its natural resources
- **Regulator:** Protecting people and the environment including marine, forest and waste industries, and prosecuting those who breach the regulations that we are responsible for
- **Designator:** for Sites of Special Scientific Interest – areas of particular value for their wildlife or geology, Areas of Outstanding Natural Beauty (AONBs), and National Parks, as well as declaring National Nature Reserves
- **Statutory consultee:** to some 9,000 planning applications a year
- **Evidence gatherer:** monitoring our environment, commissioning and undertaking research, developing our knowledge, and being a public records body

3.4.2 NRW role as “Statutory Consultee” on planning application affecting the environment of Wales is a crucial role in safeguarding the inherent value, integrity and resilience of Wales’ landscapes as well as the diversity and quality of their natural and cultural assets and the benefits they provide. This fundamental role in guiding change and defending the environment is fundamental to the organisation’s *raison d’être*.

3.4.3 Whilst it is appreciated that NRW face a significant task in responding to the 9000 development proposals which it indicates it is required to comment upon, it is clear that in a number of very high profile instances, the organisation has changed or it appears significantly amended its response regarding the landscape and / or environmental impacts of certain developments

3.4.4 It is common knowledge that the Countryside Council for Wales vigorously opposed the Circuit for Wales planning application in its twilight period. Prior to this application being determined by the relevant Minister but after the establishment of Natural Resources Wales, whilst the physical circumstances and technical aspects of the application did not change, Natural Resources did however changed its initial position in respect the impacts and hence acceptability of this proposal.

3.4.5 It is clear and we believe that other environmental NGOs will provide information which clearly indicates that this change in position by NRW was instigated by the Senior management, if not the Chief Executive of NRW, at the behest of the relevant Minister. If this is the case and the information provided by others demonstrates this is so, then this represents a serious and indefensible dereliction of NRW’s statutory responsibilities to protect the environment of Wales. On this count alone the Committee should require the Minister to take immediate measures to sanction those responsible in NRW.

3.4.6 We likewise believe that the same interference took place in the context of the initial representations which were made by CCW's in respect of their opposition to a number of the wind farm proposals which were subsequently the subject of the Mid Wales Joint Planning Inquiry. Once again the strength of the eventual representation made in respect of these proposals from an environmental perspective by NRW changed and we are lead to believe watered down on the instruction of Senior management in NRW.

3.4.7 Both these instances if correct and substantiated, they highlight the fact that those responsible in NRW, were either purposely negating their responsibilities as statutory consultee or deliberately acquiescing to political pressure. Given the supposed independent and impartial nature of the professional judgement NRW is required to provide on the environmental impact of developments, the adulteration of any statutory responses in this manner is both deplorable and wholly indefensible. We therefore respectfully request the Committee to establish the reality of these circumstances in all these cases and any others, when scrutinising National Resources Wales' Chief Executive

3.4.8 In so far as NRW having not fulfilled its landscape and nature conservation guardianship role adequately, CPRW would also further cite the example of the Flood Alleviation works which was recently undertaken in Llanwrst and highlighted in the media. We cannot imagine how such a proposal could have been granted consent by NRW in such an obtrusive and destructive manner.

3.4.9 We also believe the over engineered and unsympathetic Flood Alleviation works currently being undertaken in Dolgellau on the Afon Wnion by NRW, may well also be destined to fall well short of the standards expected of the nation's primary environmental organisation in the Conservation Area of a historic market town in a National Park.

3.4.10 We find it unacceptable that the organisation charged with and publically promoting a Catchment based ecosystems approach to the management of water resources, despite being challenged as to the legitimacy of their proposed hard engineering solution, persisted with their preferred combination of an over engineered concrete / stone faced retaining wall and canalised river solution. The justification for perusing this option we were told was because the money to undertake this scheme had fortuitously become available and needed to be spent quickly!

## **Conclusion**

3.4.11 CPRW is highly concerned that despite the professional efforts of many NRW's staff, the importance of NRW's environmental guardianship role is being selectively interfered with for motives other than those which reflect the organisation's statutory responsibilities and stated function

### **Recommendation 6**

**The Minister of Natural Resources is required undertake an independent Inquiry to investigate the processes and probity by which NRW currently discharges its range of Statutory Planning responsibilities.**



#### 4 NRW Partnership ethic

4.1. NRW web site once again states that one of its key functions is to be a

***Partner, Educator and Enabler: key collaborator with the public, private and voluntary sectors, providing grant aid, and helping a wide range of people use the environment as a learning resource; acting as a catalyst for others' work***

4.2 CPRW totally supports this objective, but again our experience reflects the fact that the relationship which we built up with CCW over more than 15 years has changed dramatically over the last two years.

4.3 Our previous open and frank working relationship with CCW was one which could best be described as that of a "Critical friend". We now find that this has changed significantly. Whilst working well with individual officer in the NRW, CPRW and in particular through my role as Director, I have noticed a significant change in the formal nature of our relationship with the organisation.

4.4 The culture of "constructive challenge" is not well received by Senior Management in NRW, to the extent that I have been directly and forcefully criticised by the Chief Executive of NRW for publishing a manifesto style document entitled "Why Landscapes Matter"<sup>2</sup> (See Appendix 2) which outlines in our view, the issues which NRW should have focussed upon and been promoting soon after it was established.

4.5 CPRW does not consider such a negative reaction is either conducive to collaborative working or helpful in achieving the common goals which our two organisations seek to promote.

4.6 In the light of this and having benefitted from over 15 years of grant aid funding from CCW through its Partnership programme, we are not surprised that when this last tranche of funding came to an end in April 2015, this 3 year Partnership funding Programme also ceased and has not been renewed.

4.7. CPRW along with a great many other organisations in the landscape sector and beyond, therefore treats with some scepticism the sincerity of NRW stated function as

*A key collaborator with the public, private and **voluntary sectors, providing grant aid, and helping a wide range of people use the environment as a learning resource; acting as a catalyst for others' work***

4.8 We regret the fact that the resources made available to drive the partnership ethic which existed in CCW has evolved into a fund which procures cut price work which NRW prescribes from "partner organisations" on a mechanistic, competitive and unrealistic funding basis. We believe a number of other environmental NGOs feel strongly about this issue and have submitted detailed evidence to this Committee regarding this change in attitude and behaviour by NRW.

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<sup>2</sup> "Why Landscapes Matter" CPRW, October 2013

## 5 Our overall conclusion

5.1 The range and detail of our submission provides the Committee we trust, with a helpful and informed insight into the significant failings which CPRW believes characterise the manner in which NRW is currently fulfilling the statutory landscapes remit it has inherited.

5.2 In recognition of the significant cumulative implications of these deficiencies, CPRW believes:

### **Recommendation 7**

**A comprehensive and independent Inquiry is commissioned to review and establish whether the existing Environmental Governance arrangements in Wales, are fit for purpose and meet the competence required to ensure that the desirable standards of guardianship and stewardship of all Wales' environmental resources is achieved**

## Appendix 1

### **The relationship between Landscapes and Biodiversity in promoting creative approach to Natural resource management**

For some time there has been an obvious difference of attitude and understanding as to how the responsible stewardship of Landscapes and Seascapes equates with the protection, restoration and enhancement of biodiversity, within the context of an ecosystem approach.

Many see biodiversity (in combination with the natural process which take place in the environment), as the driving force and indeed the underlying and foundation approach which should be pursued to ensure effective and sustainable natural resource management.

Whilst the management of biodiversity is undoubtedly important, the need to create resilience and integrity in ecosystems relies on more than just this single thematic approach. Viewing biodiversity as the cardinal principle for implementing a sensible approach to natural resources management CPRW believes is both short sighted and indeed incorrect.

Any approach to natural resource management must recognise not only the importance of ecological integrity and connectivity but also overarching need to maintain landscape integrity and connectivity. Only by doing so, can the various palimpsests of human influences, imprints and associations, which have been created over time and which create the unique identity or “sense of place” of a location be accounted for. These relationships provide the critical dimensions and context which ultimately link nature and man, the tangible with the intangible and the past with the present / future.

The reversal of the fragmentation of landscape character is every bit as important to rectify as is the recovery of species and habitats.

To suggest that this can be represented merely by referring to and using the phraseology “working at a landscape scale” is again an incorrect interpretation and inappropriate use of the term landscape.

Landscapes exist at all scales and not just on a big scale. The crucial requirement is that they work collectively in a readable and coherent way and not in a dysfunctional manner which is increasingly the case. The main reason for biodiversity failure is often the loss of the correct **landscape context** within which species exist and ecosystems operate.

The following diagram and approach to the characterisation of landscapes illustrates this principle perfectly.

## Landscapes as the architecture within which an ecosystems approach should be promoted



Natural Resource management should not simply be confined to managing biodiversity any more than it should to carbon management or specific species protection but must be based upon the principle of managing those elements of the environment which define **its functional integrity and character** and in ways which ensure these intrinsic values and inter relationships are maintained and enhanced and hence the functional resilience of all these elements are safeguarded.

Viewing our environment in this way therefore means that the benefits of

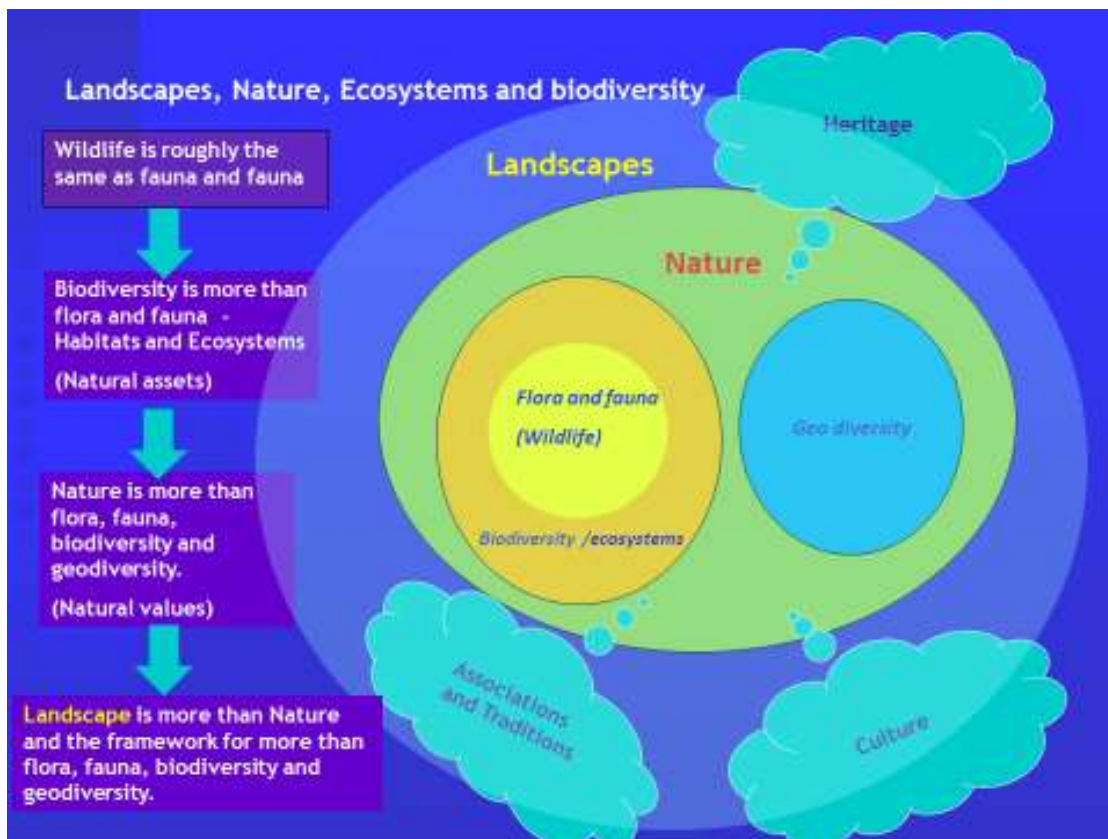
the whole will always be greater than those of any of its individual parts.

Natural Resource Management should provide the means and NRW the mechanisms to coordinate the management of individual landscapes in a manner which ensures that all spaces and resources work together as a coherent network,

Protected Landscapes and Areas ( in particular but not exclusively) should therefore be the dynamos of an outward facing Natural Resource Management approach which reconnects the fragmented elements of our current landscapes and provides successfully integrated biodiversity, heritage stewardship, access, education and community led approaches to environmental responsibility and stewardship.

This is exactly why the much ignored European Landscape Convention provides not only such an important overarching framework but the sensible architecture for the implementation of a Natural Resource management approach. Within this approach the management of biodiversity is a crucial constituent part and not the determinant of it.WEL.

The following diagram hopefully explains these relationship neatly



### A Landscape approach to sustainable Natural Resource management

It is therefore clear from the above diagram that no matter where they are, what their size or shape, landscapes are the canvas on which we build and live our lives and the pillars which underpin our national wealth. They not only link the wellbeing of Welsh people but unite us with our culture and natural heritage in so many distinctive and fascinating ways. They are the foundations on which our inheritance is built.

Accepting therefore that landscapes are more than just views and their qualities are the product of values accumulated over long periods of time, it is clear that those management approaches which create places with a positive character and where change is responsibly directed, are those we need to duplicate.

Adopting a “Landscape approach” to the management of our natural and cultural resources, so that the quality of the places which surround us and provide for our needs are maintained, is the only way this can happen.

Wherever they exist landscapes must be recognised as valuable assets, remain resilient, adaptable and the quality of their constituent assets (including biodiversity), must be of such a standard that any change protects these critical values and the resilience of the range of services they provide.

## Appendix 2

### Extract from CPRW statement: “Why Landscapes matter” October 2013

To fulfil this ambition, the Welsh Government, Natural Resources Wales and those making decisions affecting Welsh landscapes should:

- Champion increased awareness of the European Landscape Convention and report more comprehensively on its effective implementation in Wales.
- Adopt a long term vision which safeguards and enhances the heritage of all Welsh landscapes and seascapes.
- Promote a “landscape approach” to enhance the distinctiveness, value, resilience, and public appeal of our landscapes and their associated natural and heritage assets.
- Produce inspiring and creative landscape planning and management guidance.
- Work energetically with partners and stakeholders to increase the opportunities landscapes and seascapes offer for public enjoyment.
- Work collectively to unify the stewardship of the land and sea within the Living Wales programme.
- Explain if or how the further designation of Wales’ finest landscapes and seascapes should occur.
- Secure the resources necessary to manage Wales’ iconic landscapes to standards which reflect their national status and public value.
- Assist Welsh Government prepare and publish a National Resource Management Plan and its local equivalents to guide the delivery of successful frameworks of action

Peter Ogden  
Director  
Campaign for the Protection of Rural Wales

April 10<sup>th</sup> 2015

## Brecknock Wildlife Trust



### Natural Resources Wales - Annual Scrutiny 2015

I write as a Trustee of Brecknock Wildlife Trust (BWT) one of the 6 Wildlife Trusts in Wales forming a network with WildlifeTrust Wales that will be giving a full response to the Natural Resources Wales (NRW) Annual Scrutiny and which has the support of BWT.

Whilst we have exceptionally good and constructive operational relationships with the NRW (and former CCW) officers locally, my issues are concerns about the procedures that NRW has concerning funding and other relationships with us as an external and Third Sector body.

These are:

- 1 The late payment of grants that can cause cash flow issues and mean that we have to fund the work from other sources before payment is forthcoming.
- 2 The processes used in the recent application funding round during late August and September 2014. These concerns relate to the very short time scale and the apparent lack of clarity about what funding could be applied for. This involved a lot of hard work by the staff member concerned and several consultations with the NRW officer, who while being very helpful, had to go back several times to seek internal clarification about the detailed guidance in the business plan concerning the relevant conservation issues to be funded. This resulted in the bids being submitted at the last possible moment.
- 3 BWT is very pleased at having a successful outcome in the above process. However it is of concern that only 7% of overheads could be costed in as this does not reflect the true costs of the organisation in supporting this work. Additionally there are concerns that this was only made clear after initial acceptance of the bids which involved more work in recosting the bid.
- 4 Whilst there has been communication that the bids were successful currently there is no offer letter of work that is due to start this financial year. This puts the organisation in a position that we either have to fund our suitably qualified members

of staff in the expectation that they will be able to work on the projects or release them and thus losing their expertise. As Trustees we have to adhere to good business practice for charitable organisations and not start work where there is no formal offer in writing. This situation compromises us and our governance principles.

I draw your attention to the guidance produced by the Welsh Government for the Third Sector Scheme dated January 2014 (link below) which describes good practice between the Welsh Government and the Third Sector. For example, in the Annex Code of Funding for the Third Sector there are good practice guidelines concerning; timely funding decisions page 26, full cost recovery page 28, and possible payments in advance of need page 30.

Paragraph 2.3 page 7 and paragraph 2.8 page 8 of the main document makes the case for Third Sector involvement in the delivery services and the value to *the long term economic, social and environmental wellbeing of Wales, its people and communities*. Appendix 3 page 48 includes the list of organisations that should comply with the code of which NRW is one. It is of concern that NRW is not demonstrating compliance with this guidance.

Veronica Wilson  
Vice Chair  
On behalf of Brecknock Wildlife Trust  
10th April 2015

**Brecknock Wildlife Trust/ Ymddiriedolaeth Natur Brycheiniog**

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[www.brecknockwildlifetrust.org.uk](http://www.brecknockwildlifetrust.org.uk)

Welsh Government Third Sector Scheme January 2014

<http://gov.wales/docs/dsjlg/publications/comm/140130-third-sector-scheme-en.pdf>



## Campaign for the Protection of Rural Wales

Brecon and Radnor Branch

Brynhyfryd, Scethrog, Brecon, LD3 7EQ

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**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 86  
Natural Resources Wales - Annual Scrutiny 2015  
Response from Campaign for the Protection of Rural Wales**

Committee Clerk,  
Environment and Sustainability Committee,  
National Assembly for Wales,  
Cardiff Bay,  
CF99 1NA

10<sup>th</sup> April 2015

Dear Madam/Sir

### **Natural Resources Wales – Annual Scrutiny 2015**

The Campaign for the Protection of Rural Wales (CPRW) established in 1928 is Wales' foremost countryside Charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well being of those living in the rural areas of Wales.

The Brecon and Radnor Branch of CPRW is very pleased to have the opportunity to set out our concerns about NRW. We have limited our response to a number of very basic general points because we wish to place maximum emphasis on the huge importance of these for the future of our countryside, particularly our biodiversity and landscapes, the public enjoyment of the countryside, and rural regeneration depending on a tourism that is based on walking, cycling and horse-riding in the Powys countryside.

#### **1. Natural Resources to be exploited: Natural Resources to be protected and enhanced**

“Natural resources Wales brings together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of the Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future”.

We regret that the word ‘protection’ does not come into this mission statement and, while NRW claims responsibility for how resources are managed in the future, it does not claim any responsibility for seeing that

natural resources are maintained and enhanced for the benefit of future generations of either people or natural species.

When NRW was formed by amalgamating the EA, Forestry Commission and CCW, we had grave doubts about how the new organisation would manage its comprehensive role. The very name 'Natural Resources Wales' embodies the problem. Are Welsh 'natural resources' assets to be exploited for development or are they natural species and landscapes to be preserved and enhanced for the sake of future generations? Clearly they are both and clearly the two sets of aspirations and activities frequently conflict. 'Sustainability' may be a comforting concept but, in many contexts, it is little more than a new de rigueur piece of emperor's clothing. To take an obvious example: how do you sustain the quality of a downstream aquatic environment for biodiversity when your presumption in favour of development leads to over-exploitation of resources and pollution by intensive agriculture upstream? These conflicts cannot be wished away and they are rarely resolved by 'mitigation' or 'compensation'.

In our view it is dangerous to have a single nation-wide organisation responsible for the two functions of development and conservation. Development attracts and creates financial wealth while conservation of natural species, habitats and landscapes costs money and often holds up development. We live in a politico-economic environment where public funds are ever more limited. In this climate, how can the function of protection and enhancement of natural species, habitats and landscapes possibly avoid becoming subservient to the drive for development?

B&R CPRW would like to see a clear division of functions with clear safeguards for the protection and conservation role of NRW.

## **2. NRW Personnel**

Other responses have mentioned 'poachers and game keepers': in the NRW situation, the richer development arm (poacher) can blackmail the conservation arm (gamekeeper) with threat of job-loss. 6.1 of Development Planning Advice 2014 V4.0 says "in keeping with the main drivers for planning reform we are encouraging our staff to look for ways in which to support Welsh planning policy in the delivery of sustainable development"

We are aware of discontent among NRW staff who, under pressure not to stand in the way of particular developments, are not always able to exercise their professional judgement.

We are also concerned about the possible drain of scientific expertise among NRW staff and wonder if NRW always has the human resources necessary to adequately match their responsibility for natural resources. For example, we have been particularly troubled by decline in quality of Welsh rivers, increase in intensive poultry farming, and loss of peat soils in wind-farm landscapes.

B&R CPRW would like to see evidence that well-qualified experts are dealing with matters that require specialised scientific training.

B&R CPRW would like reassurance that qualified staff are able to express their views and exercise their professional judgement without censure (See <https://www.gov.uk/whistleblowing/overview> where 'damage to the environment' is a legitimate subject for whistle blowing).

### **3. NRW, LPAs and Planning Decisions**

NRW is regarded as a very important statutory consultee. There are problems with this role.

Sometimes NRW does not respond at all. Responses that are made are inconsistent in quality, degree of detail and in which of NRW's areas of responsibility they actually address (landscape, biodiversity – and then which species, water quality, important PROWs etc.). Without over-burdening this document, by way of example, we ask you to compare the sparse and limited NRW response to P/2013/0702 67m wind turbine at Upper Farm, Dolau with the detailed and careful response to P/2014/1011 for a much smaller 35.4m wind turbine at Maesmedrisiol, Llanbrynmair.

NRW Development Planning Advice (15.9.14 V4.0), Section 1.4 describes the development applications requiring response, most of which relate to special designations, and 1.5 says NRW will rely on standard advice or LPAs to fulfil legal obligations. Thus NRW often declines to comment on any habitats or landscapes that are not designated or on impacts on natural species that do not have EPS status. Increasingly NRW responses have standard disclaimers directing the LPA to have regard to biodiversity and landscape issues. However LPAs often do not acknowledge this responsibility and the result is that the majority of our habitats and landscapes are not protected at all. NRW appears to have no mechanism for obtaining local knowledge and views from a well informed public.

B&R CPRW would like to see NRW make more careful, comprehensive and consistent responses to planning application which acknowledge the importance of landscape, habitats and biodiversity throughout Wales.

### **4. Public Rights of Way and Tourism**

PROWs including National Trails and long-distance bridleways and cycle routes are of prime importance to Welsh residents and tourists. NRW, LPA Countryside Services Departments and National Trail Organisations all have some responsibility but none of these gives proper attention to preserving the quality of the landscape through which these routes pass. Since many of them cross local political boundaries, as a national organisation NRW should take a more active role.

B&R CPRW would like to see NRW protecting the landscape corridors of major rights of way and thus enhancing public enjoyment and rural regeneration through tourism.

### **5. Overview of Development**

NRW personal may recall Iolo Williams' 'State of Nature' address to the Welsh Assembly on 22.5.13. NRW is the organisation entrusted with halting the distressing decline in habitats and species he described.

As a national organisation, NRW is in a prime position to have an overview of development and conservation issues in Wales. If NRW's interests are restricted to designated landscapes and habitats, there will be no national organisation to conserve and enhance natural resources outside these. And if these restricted interests are mirrored in the planning system, all the remaining landscape and habitat resources will suffer a mixture of neglect and unsympathetic development.

B&R CPRW would like to see NRW maintain data-bases of major types of development such as types of renewable energy (wind, solar, bio-digesters), intensive poultry farming, etc. to assess the impacts of these on Wales and use feed back on negative impacts to modify Welsh Government Policy.

B&R CPRW would like to see NRW develop over-all policies to address the decline in the 'State of Nature' in the whole of Wales.

We believe that NRW is involved in many individual positive initiatives and we would like to acknowledge these, however they are outweighed by negative factors. The public has lost confidence in the ability of NRW to defend our landscape and biodiversity and regards it with some cynicism as an agent in the progressive decline of our natural environment, more concerned with a corporate image than with public concerns. We hope it is not too late to rescue NRW from the predicament into which it has been lead by its contradictory aspirations.

Yours sincerely,

A handwritten signature in black ink that reads "Peter Seaman". The signature is written in a cursive, flowing style.

Peter Seaman MBE

Chair: Brecon and Radnor Branch.

Registered charity number 239899



**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 87**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Dr Christine Hugh-Jones**

10.4.15

I am grateful for the opportunity to respond to NRW.

I wrote to Emyr Roberts on his appointment to the newly formed NRW, congratulating him but also expressing my misgivings about nature of the organisation. He had said to the BBC "The model that the Welsh government wants here is slightly different from other arms length organisations in that the expectation is that this body will work very closely with the Welsh government in developing policies, and their operational impact."

I have been very disappointed in my experience with CCW and later NRW over the role as Statutory Consultee for the Planning applications for Reeves Hill Wind Farm (in Herefordshire) and Access to Reeves Hill Wind Farm (in Powys).

I do not think proper attention was given to through, critical reading of the Developer's Environmental Statements, to conservation of priority habitats, to Welsh Planning Guidance or to prompt responses to letters. I have had the distinct impression of a corporate pre-determination not to raise problems in relation to these related applications whereas NRW has responded with clear objections to projects with negative impacts of much lesser degree.

My original misgivings have been borne out by this experience and by the experience of those investigating the impacts of intensive poultry farming on local rivers. I believe that development interests are overshadowing NRW's duty to protect our environment.

It is impossible to know to what extent the plan to "work very closely with the Welsh Government in developing policies" is responsible for this failure to protect our natural heritage.

Dr Christine Hugh-Jones

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 88**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Sorrel Jones**

Dear Committee Members,

1. Thank you for opening your scrutiny of Natural Resources Wales to the public and seeking their views.
2. I work as a Conservation Officer for Gwent Wildlife Trust, and we will be submitting a formal response through Wildlife Trusts Wales, but I wanted to respond as an individual. Our official response will be factual and evidence based, and will probably use words like 'disappointed' and 'serious concerns' – but these do not convey the depth of my feelings about NRW.
3. I am heartbroken.
4. I had foolishly thought that because I was still seeing and talking to the same faces, only the letterhead had changed. But I could not have been more wrong.
5. I have worked to oppose the development of the Circuit of Wales motor racing facility for over two years, coinciding with the period of transition from CCW to NRW. I can tell you that officers from CCW were deeply concerned about the development, and made considerable efforts to place their initial objection prior to being absorbed by NRW – they knew what was coming.
6. Once NRW came into being, they engaged in talks with the developer, and (subsequent to correspondence with the then Minister for Natural Resources and Food) submitted a second response to the application, stating how their objections could be overcome. It is of note that the Minister's correspondence stated that *'I felt that NRW would be taking an entirely different approach to planning matters'*.
7. Equally, at the recent Public Inquiry regarding the deregistration of common land for the Circuit of Wales development, I found myself in the strange situation of being in opposition to NRW, who had signed a Memorandum of Understanding with the developer. It meant that individual NRW officers, who still expressed serious concerns, were undermined by their own organisation's position of non-objection.
8. When I challenged a senior officer subsequent to the inquiry, he simply stated, *'We're a different organisation now.'* And for me, that just about sums it up. Anything that I would have expected as a matter of course from CCW – protection of wildlife, and promotion of biodiversity, is no longer valid. It is, as the minister said, entirely different,

and NRW values and objectives no longer place the conservation of biodiversity as a priority.

9. So while I am sorry for myself – I have lost an ally, in my role of standing up for wildlife - my grief is far greater for officers within NRW. Firstly, that there is the ongoing chaos of not knowing what your new role is, not knowing where you are going to be based, not knowing who is doing what, or how to contact them (one of the local officers didn't even have a phone for quite a while). After two years, I still speak to officers who don't know where they're going, or don't understand the new structure.
10. But more fundamentally, there is this: very few people work in nature conservation for the money, and it's never 'just a job'. I cannot imagine working for an organisation where the whole ethos has changed, and where the motivation to do the job has been eroded. For the NRW officers who congratulated us at the inquiry for standing up for wildlife, when they are no longer able to, my heart breaks.
11. Thank you again for conducting this scrutiny session.

Yours sincerely

Sorrel Jones (*personal capacity*)  
Conservation Officer  
Gwent Wildlife Trust.

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 89  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Gwent Wildlife Trust

Dear Sir/Madam,

Gwent Wildlife Trust welcomes this opportunity to submit comments to the Committee's annual scrutiny of Natural Resources Wales (NRW).

Whilst our broader comments on NRW's performance have been incorporated within the submission from Wildlife Trust in Wales, we have felt it important to submit specific comments on the issue of Circuit of Wales. In particular, we felt that it was important to highlight our concerns over NRW's role and its functions within the March 2015 Public Inquiry into the proposed Commons Deregistration (Section 16) held in Ebbw Vale. We hope that our comments are useful.

**Circuit of Wales Planning Process:**

The original CCW response raised several objections and recommended refusal:

*'As the proposal is likely to have significant direct and indirect environmental impacts (as outlined below), CCW are of the opinion it is contrary to national policy in particular PPW para 4.4.3.'*

*'CCW is strongly of the view that the proposal will be widely seen and heard from these moorlands and beyond and will have a major adverse impact on the character and special qualities of Mynydd Llangynidr and Mynydd Llangatwg parts of the Brecon Beacons National Park.'*

*'As a result, CCW are concerned that the proposed development in this location will have a negative impact on the tranquillity qualities of the BBNP.'*

*The proposal lies within and would have a significant adverse effect on the Trefil and Garnlydan Special Landscape Area (Blaenau Gwent).*

*'CCW are of the view that loss of habitats and species associated with these habitats is likely to be substantial and the ES has not shown that this can be adequately mitigated.'*

*'CCW are strongly of the view that the loss of peat soils and associated release of greenhouse gases is unacceptable.'*

*'Finally, we are minded to write to the Welsh Government to advise them that we consider this application raises planning issues of more than local importance and recommend that it be called in for their determination. We are of the opinion that issues of significance in this context are:*

- *Departure from national planning policy*
- *The implications for the Brecon Beacons National Park*
- *The loss of Biodiversity including BAP habitats and peat soils resource'*

NRW initially appeared to maintain their objection, but stated a willingness to work with the developer – ‘On 12th June, NRW confirmed their objection but expressed a willingness to work with the applicants to address areas of dispute. They requested a more accurate survey of the site and that the mitigation area be larger to compensate for the impact. If these two issues could be addressed, then subject to there being no European Protected Species on site they consider their concerns would be alleviated and they would work to agree a suitable management strategy with the applicants and the Council.’(Circuit of Wales Officer Report for Planning Committee para 19.7)

The extent of the peat loss was later found to be less than originally thought, but we believe that the detailed peat study was carried out after the planning decision, so there was no way it could have informed the NRW decision.

Sadly, the planning committee didn’t even discuss the biodiversity issues. The officer report implied that as the developer and NRW were ‘in talks’ the matters could be resolved.

### **Circuit of Wales Public Inquiry (Commons Deregistration – Section 16) March 2015**

- At the start of the PI NRW’s legal representative stated that NRW was not objecting to the Section 16 Application from CoW developers.
- At the start of PI NRW and developer (CoW) produced an MOU.
- The MOU was in draft form throughout the PI.
- The fact that a draft MOU was in place and being worked on throughout the PI meant that GWT were denied access to and questioning of NRW witnesses (NRW staff and contractors)
- GWT were not happy with this – not least because the MOU was not signed off for the duration of the PI (it was signed off on the Final Day of the PI).
- This prevented GWT from fulfilling its charitable objectives because NRW witness’ concerns were only scrutinised by the CoW Applicant and NRW’s legal representatives. The scrutiny was ineffective in GWT’s view.
- In GWT’s view, this seriously narrowed the exercise of public scrutiny and undermined the scientific credibility of the PI in key areas.
- Each of the NRW witnesses had submitted serious reservations and problems concerning the ecological mitigation – these were actively pushed to one side because NRW were not objecting.
- The NRW witnesses were prevented from asking questions of the CoW developer, their ecologists and consultants.
- CoW developers submitted mitigation proposals that claimed full biodiversity offsetting. However, there was no methodology or data supplied to back this assertion. NRW did not respond to this. Serious lack of scientific analysis resulted. A very poor precedent set for any future dialogue over ‘biodiversity offsetting’.
- The Ecology Management Plan (EMP) presented by the CoW developer had been written with NRW support (in an unidentified form). This not only brought into doubt NRW’s independence, but led to serious concerns because the EMP was poorly written and based on insufficiently and inappropriately surveyed data.
- Nothing within the CoW EMP made reference to ecosystem approach, ecosystem services, or landscape ecological connectivity (all stated NRW objectives). NRW made no comment whatsoever on these serious omissions.

- The EMP and mitigation proposals from the CoW developer gave little, if any, attention to hydrological issues, water quality or flood/flow management. The CoW development will permanently remove 250ha of upland habitat. That such habitat forms the source of clean water within the relevant catchments was not mentioned by NRW within the PI. The various proposed attenuation ponds associated with CoW are not isolated from racetrack drainage – this represents a serious water pollution hazard that was not commented upon by NRW during the PI – this may have Water Framework implications.
- NRW’s comments on peat destruction associated with the CoW were not forthcoming during the PI. At a time when NRW is disbursing public funds elsewhere within Wales to conserve and enhance peat bog, the loss of 700,000m<sup>3</sup> of peat should have been discussed by NRW at the PI. It was not – this may have serious Habitat Directive implications.
- NRW’s legal team presented closing remarks on the 5<sup>th</sup> day of an 8-day PI – before GWT or any other Objectors had given any evidence whatsoever – this came across as contemptuous.
- In sum, in the face of a ‘silenced’ and inadequate response from NRW, GWT felt that it was doing the job of a statutory environment body within the PI. GWT felt that it was the only body within the Inquiry that was asking serious and critical questions of the CoW developers. In GWT’s view, NRW’s apparent acquiescence seriously undermined the efficacy of the PI process. It stymied public scrutiny and made the Planning Inspector’s job harder than would otherwise be necessary.
- GWT’s opposition to the Commons Deregistration/CoW development was maintained on the basis of the precautionary principle. NRW’s apparent acquiescence and our exclusion from access to NRW witnesses meant that we had no option but to maintain this position to the bitter end of the PI.
- If the Planning Inspector finds in favour of Commons Deregistration on the basis of such low-quality and ambiguous EMP and ecological mitigation plans then it sets a very dangerous precedent for future development and planning processes within Wales.
- The effectiveness of NRW within this process was of such a low degree that it was barely discernible.
- The role of NRW within this process was ambiguous.
- Should NRW repeat this performance in the future, then the threat to NRW’s future credibility, integrity and independence remains very high in the view of GWT.

## **Conclusion**

GWT has a proud track record of working in partnership with statutory environment bodies within Wales. We have not always agreed with the decisions made by such bodies, nor would we expect to agree on all occasions. We are, nonetheless, convinced of the vital importance of a fully functioning and independent statutory environmental body. We would argue that such a body (or bodies) should be fully resourced in order to advocate and promote best environmental and ecological practice, and to enforce environmental legislation and standards where appropriate.

Our experience of NRW’s work as it has unfolded around the Circuit of Wales development suggests that many of these desirable qualities of a statutory environmental body are currently under threat from an agenda that is pushing NRW too far towards uncritical acceptance of a pro-development

agenda. Despite various meetings and conversations with senior NRW staff the causes of this cultural shift are unclear. If this shifting agenda continues to define the work of NRW to the exclusion of well-tested environmental and ecological concepts and processes, then the wildlife and ecosystems of Wales will face increased risks of permanent damage and loss.

**Ian Rappel, CEO, Gwent Wildlife Trust**

**Sorrel Jones, Conservation Officer, Gwent Wildlife Trust**

**Document evidence enclosed:**

Original CCW objection to the Circuit of Wales development

Subsequent NRW comments regarding the Circuit of Wales development

Officer report (recommending approval) for the Circuit of Wales development

*Unfortunately, we do not have an electronic copy of the MOU between NRW and the Heads of the Valleys Development Company (HotVDC). This may be available from NRW, HotVDC, or the Planning Inspectorate (PINS).*

**National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 90  
Natural Resources Wales - Annual Scrutiny 2015  
Response from Peter Turnham**

Dear Sirs

I would like to comment on NRW policy concerning the management of migratory fish, and specifically the management of River Wye salmon. The Atlantic salmon population has declined by more than 80% in recent decades; that decline has accelerated considerably during the last two years. The situation for the River Wye is even worse; the decline from its heyday is likely to be in the order of 99% and this can only be viewed as a part of a potential extinction event.

It is against this background that NRW has decided to close down the existing salmon hatcheries and effectively exclude stock enhancement and research as an option. While habitat improvement is highly desirable, it has not addressed the decline of the Wye salmon; indeed there is not a single river in the UK where habitat improvement has restored the salmon population back to pre-industrial levels. It is self-evident that the reasons for the decline lie at sea, and as such NRW policy - as far as it is designed to increase salmon numbers - is obviously powerless to affect the situation. There is the very real possibility that the Wye salmon may decline even further, and numbers are currently so low that it is easy to envisage a complete collapse of the population. In this situation, NRW has no alternative plan; there is no contingency to deal with this quite likely scenario. This can only be regarded as reckless, and effectively relinquishing responsibility.

Hatchery enhancement is certainly not without its problems, but it is the only alternative. The salmon is an iconic fish, once ubiquitous in Welsh rivers; its loss would be a disaster both economically, and culturally, and that loss would be all the more disgraceful if it is precipitated by poor policy decisions.

I attach a paper that explores in some detail the decline of the Wye salmon, and some of the scientific research. While it is considerably longer than the submissions you have requested, I strongly urge you to read it.

Regards Peter Turnham

# **ATLANTIC SALMON**

**Decline or Extinction?**

**A paper discussing the decline of the Atlantic Salmon  
and the future implications of Climate Change  
set against the historical context of the River Wye**

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**Peter J Turnham**

# FOREWORD

It was when I was asked by the Trout & Salmon Magazine to review Peter Gray's book "Swimming Against The Tide" that the idea for this Paper came to fruition. Gray's book makes the practical case for Hatchery enhancement crystal clear, but it is not happening; this is not to say that the Hatchery process is without problems – it clearly isn't.

The purpose of this Paper is to look objectively at both the evidence and the emotive issues which surround this debate, and the long decline of the River Wye provides an informative historical context within which to explore these issues.

I come to this debate about the future of the Atlantic salmon primarily from the perspective of a passionate salmon fisher, but I own a small Trout Fishery, where I have also bred trout for 27 years. I am not a scientist, but I take a keen interest in the subject; however, any opinions expressed must be viewed as personal and unqualified.

November 2011

When I started this Paper in 2011, it was written largely for my own amusement and for the pleasure of the research, and so it sat on the shelf. When I now periodically re-visit and revise this Paper, my predictions for continuing extreme weather events and changes to salmon runs seem to be happening at an increasingly alarming rate.

(Latest revisions January 2015)

Peter Turnham

[peterturnham@gmail.com](mailto:peterturnham@gmail.com)

## **ABSTRACT**

The managing authorities of England & Wales, and several of the Scottish River Boards seek to address the decline of the Atlantic salmon by the single expedient of Habitat improvement.

It is the central tenet of this Discussion Paper that Habitat degradation and its improvement - however important - is neither the principle cause nor the sole solution to the salmon's decline.

If the Habitat improvement programmes fail in their ambitions, there is no alternative plan, and the salmon will become locally extinct.

Hatchery enhancement of wild fish is the only alternative, and – while it is currently imperfect – research offers the hope that the poor Relative Reproductive Success which has been observed may be traced back to some mundane and correctable aspect of Hatchery practice.

It is clear that the biggest obstacle to the research and development of a truly effective Hatchery programme is ideological opposition.

**Peter Turnham**

January 2015

# **The Atlantic Salmon – Decline or Extinction?**

## **WWF 2001 REPORT**

The WWF say in their 2001 report that North Atlantic salmon have declined by 80% since 1970, and it is now locally extinct in at least 309 rivers in Europe and North America. This is a dramatic reduction, but 1970 was in no way a high point for the salmon - if the figures were available from 1870 or 1770 then the decline would be far greater. The WWF goes on to predict that the Atlantic salmon is likely to become extinct within the next 50 years, and this of course takes no account of the mounting evidence of Climate Change that has accumulated since the Report.

## **GEOLOGICAL RECORD**

Geographically widespread species have left considerable geological evidence that extinction events occur over relatively long periods of thousands or even millions of years. An event that occurs within a few hundred years is effectively instantaneous in geological terms, and only occurs as a result of some catastrophic event. The Atlantic salmon has survived the complete loss of a large range of its habitat during periods of glaciation on several occasions, and yet within just a few decades, it has declined by 80% or more.

This requires a catastrophic event as causation. Quite clearly there have been no natural events during this time period that would qualify as catastrophic.

The only catastrophic event that can account for such a dramatic decline in such a short time-frame is human activity, the result of gross over-exploitation, habitat degradation and pollution!

## **DECLINE OF THE RIVER WYE**

To appreciate just a little of the scale of exploitation to which we have subjected the salmon, the River Wye provides a graphic example. Even as long ago as the reign of Queen Elizabeth I, there were attempts to regulate the exploitation of salmon. There is even a Clause in the Magna Carta requiring the removal of fish weirs in the Thames. The salmon was looked upon as a never-ending resource which was to be killed by any method and at any time. By the middle of the 19<sup>th</sup> Century the river was netted from below Monmouth to as far as Builth; virtually every Riparian Owner would have operated nets. In addition to the nets, spearing salmon was quite the norm and a perfectly respectable pursuit for all classes, and spawning salmon were routinely speared on the redds as well as kelts, the argument being that if the locals did not kill the “old salmon” the nets-men further down the river would.

The misguided belief was that, because this mass slaughter had gone on for so long, it would simply continue the same; there was no accepted correlation between exploitation and reduction of numbers. Nothing illustrates this popular misconception better than the exploitation of salmon parr and smolts.

“Last Spring” - as they were known - were netted with just the same enthusiasm as mature salmon, and were sold by the hundreds of thousands.

The only limitation to this exploitation was getting the salmon to market. Once the local population had had their fill, further exploitation became less profitable. This all changed with the arrival of the steam train, and the easy availability of the London market.

We can only wonder at the scale of this bounty which was able to satisfy such huge demand for so long, while - throughout the period - the salmon had to negotiate a river that was netted from end to end! Inevitably the industrial scale of netting took its toll, and the salmon population finally collapsed. The result was a Royal Commission in 1860 which led to the Salmon Fisheries Act of 1861. The Commissioners reported that the river was in a “state of extreme depression” and in a “lamentable condition”. It seems incredible to us now, but following the Act there was serious civil unrest and riots; people fought for the right to continue to kill the salmon.

Despite the 1861 Act, progress was slow because, incredibly, the nets were still not seen as the problem; it was the Chairman of the Wye Fisheries Association John Hotchkis who had the vision to make a start at buying out the nets. Among the last of the commercial nets-men was Alexander Miller who even as late as 1892 killed 12,000 fish but by 1901 their catch was below 3,000 a year - the Wye salmon run continued to collapse.

With all the freshwater nets finally removed by 1924, the salmon made something of a natural recovery, and 1927 was a high point with 10,807 salmon killed, but of course this pales into insignificance compared with the historic numbers of salmon running the Wye.

If the Wye was an individual tragic event, then for the salmon this would, in the scheme of things, be no more than just an unfortunate side-show, but of course that is not the case. The Wye has fared far better than several other rivers; the Thames for example, which had a prodigious salmon run in the past, saw its last salmon caught from Boulton's Lock in 1821 - the exploitation was universal.

Today Wye salmon numbers have declined to just a few hundreds caught. If we could return to the “depressed and lamentable condition” of the Wye in 1860, it would appear to us today as if the river was full of fish! This relentless decline needs to be seen within a far broader context, and not just from the perspective of our human time-frame. It is impossible to piece together an accurate figure for the total number of salmon entering the Wye in its heyday, but it was obviously in excess of 100,000, probably far more, so the decline to the present day could even be as high as 99%, and that can be viewed as nothing less than the final stage of an extinction event!

## WHY NO RECOVERY?

We know survival rates at sea are poor, and we know from the history of the Wye that once the salmon population crashed in the 19<sup>th</sup> Century it has never recovered despite the cause of the crash – the river nets – being removed, and here is the obvious clue to the salmon's success, and its final demise. You only have to consider how many eggs a hen salmon produces to understand its reproductive strategy. A modest 10 pound hen salmon will produce 10,000 eggs or 1,000 eggs for every pound of weight. If you then multiply this by the probable number of hen salmon entering the Wye in its heyday, then it quickly becomes apparent that egg production was numbered in the millions. Evolution is nothing if not ruthlessly efficient, and if the salmon evolved to produce so many eggs then it is simply because this is the number required to maintain a healthy population in the face of such huge losses - a simple ratio between production and predation.

This is the salmon's survival strategy – abundance. It may appear to us to be inefficient, even profligate, but this naturally-evolved process of overwhelming predators with sheer numbers is common in Nature, and effectively ensures that sufficient numbers survive. Quite clearly, the relationship between predator and prey is symbiotic and, in Nature, a balance would normally prevail. As a consequence of our netting and disregard for the environment, we have disrupted that natural balance, and the salmon can no longer produce sufficient migratory smolts to overwhelm predation and netting at sea.

## NETTING AT SEA

There are numerous examples of environmental degradation that have contributed to the decline of the salmon, but the single most overwhelming cause has been over-exploitation by the nets. We can all see, with the aid of hindsight, that the scale of the 19<sup>th</sup> century netting could only have one outcome, but very few at the time accepted it. The scale of today's netting is still significant as a proportion of the remaining salmon population, and much of it is licensed by the same people that purport to protect the salmon. We seem unable to learn the lessons from history but, as absurd as this situation is, there is another greater absurdity.

On the one hand there is a group of people who have spent vast amounts of money, and given endless hours of their time trying to restore salmon numbers. On the other hand there is a group of people who do their best to reduce salmon numbers. All the work and money invested in our rivers actually goes towards subsidising the nets-men who contribute nothing.

The question we all should ask about netting is – why do we net our estuaries and the vastness of the North Atlantic as opposed to our rivers? The salmon feeds cost- and pollution-free at sea, and then obligingly returns home to the narrow confines of its natal river, where it could be easily and cheaply harvested. The answer is that it is not remotely cost-effective to net at sea

compared to a narrow river; its only advantage for the nets-men is that it is unaccountable.

## **PREDATOR RATIO**

Losses exist in two separate environments:- in freshwater and in saltwater; but there is one crucial difference. In freshwater the losses are suffered by individual river populations; in salt water the losses are shared by all river populations. In the first instance a river system is dependant only upon its own production, but in the second in saltwater it is dependant upon all river systems to maintain the predator ratio.

This is significant, because – while some rivers still have what we perceive as reasonable salmon runs – many have none, or virtually none at all, and they tend to be the big ones that were once huge producers of salmon, for example:- the Thames, Rhine, Seine, etc, and of course the Wye whose once-massive contribution is now insignificant. It is clear that the Atlantic salmon's overall production has been reduced by orders of magnitude.

It seems likely that once a “critical mass” has been lost, then the salmon's recovery is in doubt, and logically why should it not be in doubt. In order to disagree with the strategy of abundance, you would have to re-write Darwinian evolution!

Not only has the ratio between prey and predator shifted, so has its nature and distribution. Changing ocean temperatures are altering the distribution of both the salmon's prey and those species which prey upon the salmon. The abundance and distribution of sand eels, which is affecting many sea bird colonies, is one very tangible example. Sea bass are becoming far more numerous around the UK coast, and as any sea-fisher knows, the fish are particularly numerous around estuaries where a migrating smolt must run the gauntlet. Seals are now without control and are increasing in number and perhaps of even greater concern are the increasing number of dolphins which are specifically targeting salmon.

## **CLIMATE CHANGE**

Within this sobering context, it is difficult to envisage any new threat that the Atlantic salmon has not already encountered, but of course there is a new danger. Climate Change will be a challenge for all animal species, especially those unable to adapt quickly.

Historically, the salmon has faced Climate Change many times before; they simply adapt to where conditions are more favourable. This time, however, there are significant differences – the speed of Global Warming is without precedent, and of course the salmon is not starting from a position of abundance. In the short term, the challenges which the salmon faces will likely be confined to drought and flood events on the freshwater side of the equation, and to changing ocean temperatures on the saltwater side. For the longer term, say 40 to 60 years hence, the danger for the salmon is far more

acute. Salmonids generally are a cold-water species, and temperatures could – as a worst-case scenario - rise by as much as 4°C within this time-frame. If and when this happens, there will no longer be any salmon remaining in the UK, other than in the far North. Between now and then, our remaining salmon will face gradually increasing heat stress and more extreme weather events.

Extreme weather events are not some vague possibility for the future – they are having devastating effects around the World, and they are happening now. In the UK, 2011 was a severe drought year; 2012 was the wettest year on record to date. Then the Winter of 2013/14 was the wettest ever recorded. Droughts prevent salmon from reaching safer head-waters; it also encourages them to remain in estuaries where they are vulnerable to nets, seals and dolphins. Floods simply wash redds away. It is perfectly reasonable, therefore, to speculate that recent weather events - which have been the worst on record – have most probably, in terms of the salmon’s spawning success, also been the worst on record.

Once again, we choose to believe what it is convenient to believe, and the usual response to the danger of extreme weather events is that the salmon has survived extreme weather events for thousands of years - which is quite correct. The difference now is that, while the salmon could cope perfectly well with a major flood or drought once in a hundred years, we are now suffering these once-in-a-hundred-year events almost annually - the drought of 2011, the floods of 2012 and the floods of 2013/14 being the latest manifestation.

The reality is that, far from coping with these events for thousands of years, the salmon has not faced such a rapid change in climate for hundreds of thousands of years, if ever; this is not business as usual. We must at the very least expect huge variability in spawning success, and large swings in migration timing.

## **MANAGEMENT POLICY**

Two hundred years ago, the river Wye had one of the largest salmon runs in the UK. Today the salmon population is counted in hundreds, not thousands. It is quite possibly the largest numerical decline of salmon for any single UK river during this 200-year period, and we have presided over every decade of its fall from grace.

There is a common thread that extends from the 19<sup>th</sup> Century right through to the present day; we have continually failed to accept reality or to recognise the obvious. Throughout the 19<sup>th</sup> Century, we never once considered that the mass slaughter might affect salmon numbers. Even after the 1860 collapse, it took another 60 years to fully remove the river nets, because people would not accept that they were the problem. Following the final removal of the river nets, we then failed again to realise that the estuary- and sea-nets would further deplete salmon stocks - a situation that continues to this day.

Current Environment Agency (and now NRW) policy is predicated upon the belief that if we improve the in-river habitat, the salmon will make a natural recovery. In other words, the balance between in-river production, afforded by good habitat, and saltwater predation including nets, would swing in favour of the salmon if the river habitat was improved.

This theory is appealing for many reasons, but there is no evidence to support it. Pristine rivers may be quite rare in the UK, but some near-pristine examples do exist, and none of them have good salmon runs remotely approaching previous peak levels, and the reason is perfectly clear – the balance between in-river production and salt-water predation is firmly in favour of the latter.

The reality of the situation is actually quite simple; if the salmon run of any river was able to reproduce in sufficient numbers to consistently over time increase the numbers of returning salmon by an average of just a hundred fish each year, which as a percentage of egg production is an immeasurably small amount, then over a relatively short period, the population will have increased by thousands. We can then add to this scenario the “magic of compounding” as a small increase in returning fish increases still further recruitment. The very obvious fact is that there is not a river in the UK where salmon runs have naturally increased to levels of pre-industrial abundance. The conclusion is obvious: natural recruitment cannot keep pace with predation and netting.

The Environment Agency’s response to this catastrophic decline has been on a river-by-river basis; in effect the management of each river is a stand-alone policy. There is no coordinated approach in fresh water that addresses the decline of the North Atlantic salmon population as a whole.

There is no evidence that an individual river’s salmon population can thrive in isolation; there is only evidence that an individual river’s population can become extinct.

The tragedy of the uncoordinated individual river approach is that we inevitably create the individual salmon. As soon as a river’s salmon population is considered in isolation to the North Atlantic population as a whole, we have de facto given it special status which, once applied, becomes a self-fulfilling prophecy, which then “requires near certainty regarding lack of adverse effects” (NRW Policy Statement).

We can only assume that these Agencies cling to the notion that the Wye salmon represents a distinct species for which the loss of its genetic integrity represents a greater threat to its existence than even the huge losses at sea.

The very existence of the “stray” salmon negates the theory of a population specifically adapted to a local environment. *(Page 15)* Such a fish would be unable to stray into another river, and breed successfully. Evolution does not recognise this special status, as is demonstrated by the constant genetic exchange provided by “stray salmon”. The nets-men do not recognise this

special status, and the salmon's predators at sea certainly do not recognise this special status.

The real effect of special status, indeed its intention, is to “ring-fence” the population and to prevent any human intervention. This is our response to the North Atlantic salmon's drastic decline. By creating a “special-status” salmon, whose protection from adverse effects only extends to its fresh-water environment, we have once again failed to follow the logic of our decision making to its obvious conclusion.

The only alternative to a “wait and see” policy is Hatchery enhancement and, while there are undoubtedly problems with relative reproductive success (*page 12*), this is not really the issue. The issue is that the Environment Agency is ideologically opposed to Hatchery enhancement. This is evidenced by the fact that while there is research sponsored by the Environment Agency to demonstrate that previous examples of stocking have been ineffective, the Agency has not sponsored any genetic research at the mechanistic Hatchery level with the aim of improving results. There is clearly no desire to see an effective Hatchery programme.

In the absence of a stocking policy, the only management tool is habitat improvement which, however desirable, essentially requires the salmon to make a natural recovery. It is the central tenet of this Paper that today's vastly reduced salmon populations are not capable of reproducing in sufficient numbers to overwhelm the continued sea-netting and predation.

## **IDEOLOGICAL OPPOSITION**

Those who oppose Hatchery enhancement are quick to point out the problems, and there are indeed some issues (*page 12*); but one seldom hears the question:- how can that problem be overcome, or how can we improve that? The reason is quite clear; for the vocal minority who oppose Hatchery enhancement, even a perfectly flawless enhancement program would still not be desirable; this is opposition on ideological grounds, not evidence-based science, and this goes to the very heart of the debate.

A good example can be seen on the banks of many of our trout streams. Ask anyone who has just caught a trout, if his trout is a wild fish or a Hatchery fish. The chances are that, especially if it is a good fish, it will be vehemently pronounced as ‘wild’, and yet in all likelihood it will be a trout of Hatchery origin. This classic case of the Emperor's Clothes persists because – for the fisherman – only a wild trout possesses those intangible qualities that make it a noble and worthy adversary. The paradox is that the proud captor sees all those attributes in his Hatchery fish!

This may initially seem to be no more than a harmless nonsense, but the reality is the complete opposite because, in order to sustain the illusion of the wild and worthy adversary – we must also create its antithesis – the inferior and unworthy Hatchery fish. It seems nothing short of incredible that the

management of our trout and salmon stocks in the UK is influenced to a greater or lesser extent by this illogical belief.

To be clear in the context of this Paper, we are only concerned with the Hatchery enhancement of wild fish; in other words, brood fish taken from the wild, whose progeny are returned to the river in far greater numbers than would otherwise be the case.

In this situation, the wild fish of Hatchery origin is exactly the same fish as if half the egg production had somehow been left in the river. Anything that is added or taken away is in the eye of the beholder. There is a problem related to Reproductive Success (*page 12*) but this is a relatively new issue, and is not the principal reason for the prevailing ideological opposition.

Stocking with fertile fish (trout or salmon) from closed breeding programmes is a totally different issue, and the evidence indicates that this should not be used to support wild stock.

## **HATCHERY ENHANCEMENT**

The fact that Hatcheries can increase salmon recruitment by orders of magnitude is surely not in dispute. There is only one river system where salmon runs have improved significantly in recent decades, and this is the Tyne. The Rod Catch for the Tyne for 2011 was 5,611 salmon; the Wye in contrast caught 705 salmon. In fact, the Tyne accounted for about 25% of the total English and Welsh Rod Catch for 2011. Despite the Environment Agency's attempt to dismiss these results, can anyone seriously doubt that Peter Gray's work at the Kielder Hatchery has not been the key to the recovery of the Tyne?

The Aberdeenshire Dee provides another example of Hatchery enhancement from a Century earlier. The Dinnit Hatchery alone was producing a million fry each year, and there were numerous other small-scale Hatcheries often run by local ghillies. (There is interesting archive film at Cairnton, of A.E.Woods helping to net salmon for the Hatchery). The Dee example is interesting because, for most of the years that we now regard as the river's "heyday", the salmon run was being supported by the Hatcheries. It may also be relevant that commercial fry food was not available until well into the 20<sup>th</sup> Century, and so before this time fish must have been released as unfed fry. This may be significant with regard to Reproductive Success (*page 12*).

The issue for some people is:- are Hatchery fish still wild fish? This is a hypothetical argument often motivated by ideology, and it is essentially the wrong question. The real criteria for the success of a wild fish of Hatchery origin is not if it returns from migration, or if it adds to Rod Catch statistics. The real question to ask of the Hatchery fish is:- how successfully does it reproduce in the wild, and here at least there is research to refer to.

Genetic Science is proving to be a very useful tool in this regard and many studies use DNA microsatellite-based parental assignments to evaluate

reproductive fitness. Not all the studies referred to here are based upon the Atlantic Salmon, but it is perfectly reasonable to assume that most of this research is applicable. This is not to say that the studies are unequivocal in their results; there is considerable 'noise' generated, especially in studies where some form of stocking has been going on for a length of time. Assigning parentage in conditions where wild / Hatchery interaction has taken place over many generations obviously confounds the results. Another confounding factor is incomplete evidence and data which is an unavoidable situation when research is outside laboratory conditions. Where such data voids exist, assumptions have to be made, and often complex mathematical formulae are used to extrapolate results. Such results should be viewed objectively, but despite this, there is some consistency emerging from the research.

## **REPRODUCTIVE FITNESS**

There is plenty of evidence which indicates that current Hatchery practices – particularly closed breeding - can have detrimental effects upon the reproductive fitness of wild fish:- (Araki et al 2007B, 2009); (Blanchet et al 2008); (Christie et al 2012); (Williamson et al 2010); (Chilcot et al 2011); (Theriault et al 2011); (Milot and Perrier et al 2012).

The research indicates that reproductive fitness - referred to as Relative Reproductive Success (RRS) - which is defined as the ratio of average numbers of wild-born offspring from one type of parent (eg Hatchery fish), compared to those of another parent (eg wild fish) returning to the same river - seems to decline per generation in the Hatchery. (Araki et al 2007B, 2009) (Theriault et al 2011); (Milot and Perrier et al 2012). These changes are most strongly observed in the closed-breeding situation, and are far less pronounced when wild fish are used as Brood Stock. (ARAKI et al 2008). The time that the fry / parr/ smolts spend in the Hatchery environment also seems to be a factor in RRS. (Theriault et al 2011); (Milot and Perrier et al 2012). It is possible that the longer a juvenile fish spends in the Hatchery, the greater is the observed effect, although such effects are difficult to quantify because early release of un-fed fry will suffer high mortality, and smolts will suffer the least as a percentage of fish released.

The evidence, however, strongly suggests that RRS of Hatchery fish released as fry is greater than those released as smolts. The reason appears to be strongly linked to the number of winters spent at sea. MSW fish of both wild and Hatchery origin have better reproductive success than SSW fish. This is probably linked to size, where a MSW fish is larger than a SSW fish, and size relates to fecundity. In one study of North Atlantic salmon (Milot & Perrier et al. 2012) the percentage of returning MSW fish was lower among smolt-stocked fish (12.7%) than among fry-stocked (33.3%). The overall percentage of MSW fish was 21.8% for Hatchery-born and 38.5% for wild-born. Clearly, in this Study, the overall percentage of returning MSW Hatchery fish is reduced by the greater number of smolts returning after a Single Sea-Winter. Once again, the reasons for this are not clear, but the faster growth rate of

Hatchery smolts may be a factor. However, this kind of research has implications for current smolt-release programmes.

If the reduction in RRS is shown to be related to the time spent in the Hatchery, then this will be a very important observation because, if the observed effect is time-related within the Hatchery, then it must therefore be quantifiable. It therefore follows that, if the reduction of RRS is an exponential effect, then the effect must be happening at all stages of the Hatchery process. This effectively rules out input variables such as how wild brood stock are collected, selected, and how eggs are fertilised and hatched.

The significance of the observation that RRS is probably reduced relative to the time spent in the Hatchery cannot be over-stated. It makes clear how detrimental escaped farm salmon might be to wild stocks, and when the number of escapees is considered, this is potentially an enormous problem. It also casts serious doubt upon such practices as kelt reconditioning, where fish spend possibly years in captivity. It also has implications for smolt production due to the extended Hatchery time, and maybe adds support to the use of semi-natural rearing ponds which, by definition, is a more natural environment than the Hatchery.

## **EPIGENIC EFFECTS**

If the observed reduction of RRS proves to be related to the time spent in the Hatchery, then this narrows the possible causes considerably, and epigenic effects would appear to be the prime suspect. Epigenic effects occur where external environmental stresses affect gene expression.

This is not the same as genetic alteration; the genome is unaltered but the expression of some genes may be affected. Provided that water quality is good, it is difficult to see an environmental condition which might have a significant epigenic effect, other than stress or food quality. Stress-related epigenic effects are recognised in animal studies, and there is now evidence that altered gene expression is heritable. Stress in the Hatchery environment is nearly always related to overcrowding. There is a critical density of fry for any given size of Hatchery tank, beyond which stress becomes apparent in the form of fin biting. It is perfectly reasonable to assume that overcrowding at any stage of growth might have epigenic effects upon the fish. Whether or not those effects are significant, and if so, how significant, seems not to be known; this is an essential area for research.

Fish feed is another possible cause of environmental stress, because the only diet available is the feed specifically designed for the salmon farm industry, and their requirements are completely different.

Epigenic inheritance has always been a mystery; the effects of environmental stress upon the expression of genes is recognised, but it has not been understood how this effect is heritable when the genetic code is unaltered. The latest research published in 2014 (Mansuy 2014) identifies a mechanism for this heritable effect. The research suggests that the process relies on tiny

fragments of RNA in sperm which can be passed into the egg during fertilisation without the requirement for genetic alteration. This study is based upon mice, and it remains to be seen if the same applies to fish but, if so, it provides a mechanism for the effects of environmental stress in the Hatchery to be passed on to future generations without alteration to the genetic code.

## **NATURAL SELECTION**

The question of natural selection and the absence of it in the Hatchery is very difficult to quantify. Most fry, parr and smolts which are lost to predators in the wild are probably lost with a high degree of random chance. However, it is undeniable that an otherwise “weak” fry might survive in the Hatchery environment, and this is very likely the important issue. It could well be argued that nothing is produced in the Hatchery that could not have been produced in the wild. The difference is possibly not genetic mutations introduced, but genetic mutations that are not removed. In other words, selection is important, but the really necessary requirement is de-selection. If this is the case, then the longer that fry are exposed to natural selection, the better, and perhaps early stocking-out of fry would be indicated. There is obviously a trade-off between early fry stocking and high mortality, and smolt stocking and low mortality.

Natural selection is obviously an ongoing process, and selective pressures come to bear as soon as the Hatchery fish is released. That selection process is on-going into future generations in the wild; it is self-evident that poor Reproductive Success will be rapidly de-selected, and any second- or third-generation of salmon returning to spawn must be regarded as genetically successful.

## **GENETIC DIVERSITY**

Another argument against Hatchery fish is paradoxically their success; it is often claimed that genetic diversity is lost because so many fish are produced from relatively few brood fish. Once again, Hatchery procedure can reduce this effect by using more brood fish, and perhaps by using mixed milt rather than using one cock fish per one or two hens. There is, however, an element of nonsense in the diversity argument.

Consider the often-acclaimed success of a newly-opened tributary that had previously been denied to the salmon for generations due to an obstruction. In this instance, the tributary can only be colonised by a few fish that “stray” from their previous natal rivers. At today’s depleted levels, the initial number of colonising fish will very likely be in single figures; indeed, there may only be a single cock or hen fish contributing to a mating. Such a colonisation would, however, be heralded as a great success, despite the fact that this initial cohort of fish will all be of single parentage. There is an inconsistency here, sufficient to dismiss this as an argument against Hatchery enhancement.

It is also interesting to note that in a review of 266 peer-reviewed papers conducted by (Araki Schmid 2010), no studies were found which provided direct

evidence for either positive or negative effects of Hatchery stocking on stock enhancement in this regard.

## **GENETIC INTEGRITY**

Another objection is the importance of genetic integrity. The theory is that local populations of salmon are very specifically adapted to their local river environment, such that anything which might affect that finely-tuned genetic balance will adversely affect the whole population. This assumption has far reaching implications because this is presumably the reasoning behind the creation of “special status” salmon, such as is the case for the River Wye, where the river is a special area of conservation and the salmon “require near-certainty regarding lack of adverse effects”. *(page 9)*

Certainly in the case of Brown Trout, they have been shown to have among the highest reported levels of polymorphism of any vertebrate species, and so we should expect the salmon to display a high degree of genetic variability. It would appear that geneticists have found a range of genetic variability as would be expected, but then assumptions appear to have been made about the reason for that variability, and – rather than accepting that random genetic drift is a constant factor – the variability has been attributed to specific local adaptation. This author can find no evidence for this assumption, not a single gene can be attributed to a specific local adaptation.

The evidence indicates that any animal living in genetic isolation will suffer inbreeding depression. The salmon has evolved to avoid this and a percentage of returning fish will stray into non-natal rivers. The “stray” salmon makes a nonsense of the genetic integrity argument, because the constant genetic exchange, both in and out of the river, simply negates the notion of specific local adaptation. It would be impossible for a salmon to “stray” if they were uniquely adapted to a specific environment. There is an inconsistency here, sufficient to dismiss this as an objection against Hatchery enhancement.

## **MATE SELECTION**

There is an argument that spawning fish select mates, and certainly cock fish can be seen driving other cock fish away, but at the same time, precocious parr are well known for their fecundity. It seems highly unlikely that mating selection is a significant factor. In the case of the restored tributary, where very few “stray” fish are present, the result is regarded as a success, despite little or no mate selection. Again, there is an inconsistency here sufficient to dismiss this as an argument against Hatchery enhancement.

## **LEARNED BEHAVIOUR**

It is sometimes suggested that salmon are capable of a learning process in the Hatchery with a resulting modification of behaviour. If modification of behaviour is possible, then my own 27 years’ experience of closed breeding should have demonstrated it, especially regarding feeding. Does a captive-bred Hatchery trout learn to obtain Hatchery food at the expense of natural

food? The answer is absolutely not. A wonderful demonstration is to draw a pencil dot one inch above the water-line of a Hatchery trough, and to watch a fry at swim-up stage - which has never eaten food of any kind - jump up at the "insect" it perceives above the water-line. Even something as basic as feeding from a pendulum feeder is not a learned behaviour, and as soon as the stock density drops to a level where the pendulum is no longer accidentally knocked, it ceases to be useful. In all respects, the observable behaviour of a Hatchery Trout certainly appears to be unaltered; their basic reactions are clearly innate, and while this is anecdotal evidence, it does indicate that the same applies to wild fish of Hatchery origin.

## **CARRYING CAPACITY**

The ability of a river to support a given number of juvenile salmon is obviously limited by its productivity, which will be variable on a yearly basis. It is often claimed that a river's carrying capacity is a significant limitation to Hatchery enhancement; it is even mentioned that some of our rivers are at, or are near, their carrying capacity at today's reduced population levels.

This appears to be an issue that is impossible to quantify. All that we can do is to extrapolate back to presumed previous peak salmon populations as an indication of this limiting factor. There might also be some loose correlation provided by the Pacific salmon, where - even today - salmon runs for some rivers - and even specific tributaries - is numbered in millions.

It might appear that most of our rivers today are a long way from maximum carrying capacity; perhaps this might not be such an unwelcome problem.

## **NEED FOR RESEARCH**

Hatcheries can enhance a river's salmon population - the Kielder Hatchery has clearly demonstrated that, as have other examples.<sup>(page 11)</sup> The Tyne success also demonstrates that the success can be on-going, but equally there are examples where the on-going success has been poor. Proponents of Hatchery enhancement need to understand that there is far more to success than just the number of Hatchery salmon which are returning to our rivers. Opponents of Hatchery enhancement need to see past what is often an ideological opposition, and that they should look for solutions not for problems.

In the absence of research and development, there is very little evidence with which to form an opinion regarding the poor RRS observed in wild fish of Hatchery origin. We can only speculate in this regard. Having studied the research, and with the benefit of some Hatchery experience, it seems likely that the causes of poor RRS will be traced back to some aspect of Hatchery practice. The possible areas of concern can probably be viewed on a scale from likely to unlikely. What seems unlikely to this author is learned and modified behaviour, mate selection, genetic diversity and genetic integrity

issues. What seems likely are epigenetic effects and natural selection. Between these parameters, there is a range of other possible causes.

Of all these factors, for this author, epigenetic effects sound the most plausible, and – if so – the environmental cause will almost certainly be overcrowding stress, or feed or water issues. If genetic research can pinpoint the cause of such effects, then the solution should be self-evident and probably quite straightforward to achieve. This kind of research will obviously happen, and because it can be carried out in controlled conditions, the results should be clear.

This is reflected in one research paper “A Mechanistic Understanding of the Genetic Effects of Hatchery Rearing Is a Top Priority Issue because it will provide a way of Mitigating Negative Effects without giving up Stock Enhancement via Hatchery Stocking” (Araki Schmid 2010)

## **THE SPORT FISHER**

The fact is that current policy is not interested in restoring the salmon to a state of abundance for the benefit of the sport fisherman. The River Wye is designated as a special area of conservation, and it is the salmon not the fishing culture that is the subject of conservation. Salmon fishing tradition is a generational concept, and today on many Middle Wye Beats that culture and tradition is gone, replaced by coarse fishing.

It is a strange paradox that those who pursue the salmon for sport are in fact its greatest champion. We should never forget that the principle architects of efforts to materially help the salmon have usually come from sport fishermen, not from Managing Authorities; John Hotchkis, Orri Vigfusson and Stephen Marsh-Smith would be just three examples. The sport fisher wants the salmon to be abundant, and the salmon needs to be abundant for its own survival; there is a symbiotic relationship between fish and man in this respect. When the sport fishing fraternity finally becomes irrelevant, or worse, banned, because we are fishing for an endangered species, the salmon will have lost its most passionate supporter and, with it, probably any hope of a future.

## **CONCLUSION**

The Wye salmon population “require near-certainty regarding lack of adverse effects”<sup>(page 9)</sup> and this status effectively excludes any intervention other than habitat improvement. The inevitable consequence of such a policy is to protect the status at the expense of the species.

The situation, therefore, is at least clear:- if habitat improvement and natural recruitment does not of itself reverse the decline, then there is no alternative plan, and the salmon will become locally extinct. The only remaining question is the time-scale of these events.

Hatchery enhancement is the only management tool with the arithmetical possibility of reversing the decline within the time-scale available. (page 11). First, the issues of Relative Reproductive Success (RRS)(page 12) must be investigated by genetic research at the mechanistic Hatchery level. Once Hatchery best-practice is established, it needs to be put into place on a National level, and on a scale significant enough to reverse the decline.

Sadly, now that the decision has been taken to abandon all existing Hatcheries in England and Wales, none of the above will happen, and so a sensible approach would appear to be a managed retreat, where we might try to reduce some of the losses. Towards this end, we might like to consider not killing the salmon as a useful first step towards reducing losses. Obviously unaccountable estuary- and high-seas netting should be stopped before it is too late, and an important step that the Sport fisher might take is a universal Catch & Release policy. Catch & Release will not restore the salmon, but it is important that we are not seen to be a part of the problem.

The Atlantic salmon's decline is the consequence of at least 200 years of greed and mismanagement. Central to that mismanagement has been the belief that the salmon will always make a natural recovery. This irrational belief has held sway for 200 years, and for those 200 years the salmon has declined. The fact that, in England and Wales, habitat improvement and natural recruitment remains our only management option, tells us more about our human perceptions and thought processes than it ever will about the salmon.

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January 2015

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National Assembly for Wales  
Environment and Sustainability Committee  
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Natural Resources Wales – Annual Scrutiny 2015  
Response from Margaret and Iain Aitken

10<sup>th</sup> April 2015

Annual Scrutiny of Natural Resources Wales

We would like to add some further concerns, having had the opportunity to look at the remit letters for NRW during its years of operation.

1. Extract from 2013/14 NRW remit letter: *“...we look forward to Natural Resources Wales delivering a streamlined programme of work which reflects our Government priorities on living sustainably, reducing poverty, and improving equality. It will help improve the lives of the people of Wales...working for sustainable development with healthy people enjoying a better quality of life in safe and more cohesive communities...”*
2. The above intentions are worthy but are perhaps somewhat distant from what should be the core priorities of a body taking on the remits of the Countryside Council for Wales (CCW), the Environment Agency and the Forestry Commission. Attention to these inherited priorities might indeed result in achievement of these intentions.
3. **CCW:** The stated aims and policies of this organisation are clearly set out on the CCW website and the role of the organisation in responding to planning applications set out with great clarity and precision in ‘Countryside Council for Wales: A Service Statement for Planning and Development’. In summary, CCW state on their website: *“CCW champions the environment and landscapes of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning activities. We aim to make the environment a valued part of everyone’s life in Wales.”*
4. NRW seem to be in retreat from either this commitment to championing landscapes, or recognising their importance ‘for economic and social activity’, and seem, by reference to their own Service Statement, to have contracted the role formerly played by CCCW as statutory consultee. This is nothing short of tragic. Wales has outstanding landscapes which draw visitors from across the world, and which are a large part of what attracts people to remain in rural Wales to live, or draws them to move to rural Wales. The rural economy does indeed depend very significantly on protection of landscapes, and this was recognised by CCW. Managed sensitively, development within Wales’s outstanding landscapes can be reconciled with the aim of protecting the high quality of rural landscapes. However, for this to happen requires an agency with understanding of the importance of landscapes and a commitment to their protection and an active role as consultee to the planning process.
5. **Environment Agency Wales'** role included: reducing industry’s impacts on the environment, enforcing pollution legislation and reducing the harm caused by flooding and pollution incidents. It also oversaw the management of waste, water resources and freshwater fisheries; cleaning up rivers, coastal waters and contaminated land and improving wildlife habitats.

6. **Forestry commission:** responsible for the protection and expansion of forests and woodlands. Also responsible for scientific research, promotion of outdoor activities within its holdings and protecting and improving biodiversity around woodlands.
7. The effective continuation of the roles of these two organisations requires retention of staff with the appropriate scientific qualifications to understand the interrelationships between developments, both individually and in aggregate, and consequences for water quality, contamination by airborne pollutants, impacts on biodiversity etc. It also requires that the expert scientific opinions of qualified staff are given their proper weight in decision making. There is some concern that this is not always the case.
8. In any case, the desired outcomes of NRW's work, as stated in remit letter 2013/14, are not always matched by the realities on the ground in rural Wales. To take one example, the removal from NRW of an effective consultee role in the approval of smaller wind development applications outside designated landscapes, has caused huge disruption and upset in rural communities, with one person's financial interest being all too frequently allowed to eclipse his neighbours' rights to quiet enjoyment of their homes and gardens and landscapes. Not to mention the widespread complaints about noise impacts on sleep and health, the damage to the tourism economy and the likelihood of substantial damage to the rich wildlife of rural Wales. In this respect, in rural areas our lives are not improved by NRW's activities, quite the reverse, and our communities are split by the divisiveness of these improperly regulated applications and our environment is degraded.
9. The same remit letter includes in Annex 1 as a priority for 2013/14: "...facilitating new business opportunities, including tourism..." Tourism in rural Wales is highly dependent on our high quality landscapes. Protection of these by way of ensuring the sensitivity of development is essential to the achievement of this priority. Sadly it appears that protections, by way of an active role as statutory consultee on landscape issues in planning applications, which were offered by Countryside Council for Wales are not consistently offered by Natural Resources Wales.
10. The theme which emerges most strongly from a reading of the remit letters is the extent of Welsh Government control of NRW's direction and activities and the consequent lack of independence afforded to an organisation which has as one of its key functions operating the necessary checks and balances on development. To perform an effective watchdog role, NRW must be free of heavy handed controls and political direction. It is already evident in rural Wales that development decisions are being made which have caused genuine distress and upset and are beginning to erode the key attractions of living in a quiet and beautiful rural area.
11. We would wish to see that part of NRW responsible for comment on development applications wholly independent of government agendas so that it is indeed free to offer the advice which is necessary to protect our natural environment.

This is our additional personal response to the consultation. We do not object to publication.

Yours sincerely

Margaret and Iain Aitken

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
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**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from KJ.Gibbs**

Personal Observations for the Annual Scrutiny 2015

I had the opportunity of hearing Morgan Parry speak about his hopes for the new organisation Natural Resources Wales. He knew that it would take time for the three merging organisations to work as a single effective unit. It is Wales's great loss that he did not live to help this process and I hope that his place will be taken by someone of equal stature.

1. Loss of expertise. With changes to personnel, roles and job descriptions a number of key posts do not seem to have been filled. For example Barbara Jones was senior mountain ecologist with CCW and has not been replaced by someone with her experience and seniority. I have known Snowdonia for 45 years; its importance is not just in Wales. It merits having sufficient well-qualified staff to monitor the montane habitats and special features with the increasing pressures of tourism, recreation and climate change at this time

2. Support for non-governmental organisations. There is a huge amount of interest in the wildlife and natural history of Wales reflected by the large membership of organisations such as the Wildlife Trusts, Butterfly Conservation, Marine Conservation Society, and RSPB.

A significant number of these members have a wealth of knowledge and give their time volunteering in many ways. NRW could capitalise on this human resource by giving the 'seed corn' to the NGO's to enable them to organise, train, supervise and lead their volunteers. Thereby generating (for example) more valuable conservation work on SSSI's, biological recording on nature reserves, and wildlife gardening in schools and communities. These activities would also lead to improved health and well-being for the participants as they improve biodiversity in their local area.

The 'seed corn' is needed by the environmental NGOs to run all the back office services such as: publicising the opportunities to volunteers, rotas, reports, doing risk assessments, carrying out first aid training, phone bills, vehicles, insurance, membership recruitment. It appears that the senior staff have their hands tied as resources are pared to the bone. How can these small teams of staff mobilise the hundreds of volunteers who could then be a great support to the aims of NRW?

3. Short-termism. In the past a good working relationship with CCW developed and an agreed grant aid programme lasting two or three years was in place. This process has been replaced by NRW so that NGO's have to compete for short term grants that have to be spent in a specified few months. This has led to a huge waste of time as criteria for grants have sometimes been changed after the first announcement; dates for steps in the process alter when it is already underway. The % allocated for managing the project is unrealistically small so that directors are left wondering how they can achieve their aims and still pay their skeleton staff.

4. Reintroductions. NRW has taken the lead in a number of reintroductions following research, detailed planning and now helped by regular monitoring by partner organisations. In Magor Marsh, Gwent, the water vole population is thriving following reintroduction. A similar scheme at Ffrwd Farm nature reserve in Carmarthenshire began in 2014. Mink control is integral to the success of these projects and it is hoped will also continue.

During the last 5 years research and consultation into the feasibility of reintroducing beavers to a Welsh catchment has taken place. This was initially supported by CCW and later had the full support of NRW. These exciting projects can capture the public's imagination, as well as helping to enrich the habitats for other species and so increase biodiversity. I hope that these successes for NRW will lead to more in the future. Wildlife enthusiasts such as me want to have confidence in the new organisation which has responsibility to restore and safeguard our biodiversity for future generations.

(KJ Gibbs BSc Wales, MSc UC London. I belong to a number of environmental charities in Wales and completed a 4 year term as Chair of the N. Wales Wildlife Trust in 2014).

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Response from UPM Tilhill**



**UPM TILHILL**

**Environment and Sustainability Committee  
Annual Scrutiny of NRW**

UPM Tilhill's interaction with NRW is extensive but confined mainly to Forestry activity as both a customer and supplier to NRW throughout Wales and as an organisation whose activities are regulated by NRW. As a customer we are buyers of timber from the Welsh Government Estate (WGE) managed by NRW and users of Grants and Regulation services. As a supplier we undertake a range of Forestry based contract activity. Such exposure to NRW in differing capacities does we think give UPM Tilhill a unique insight into Forestry activity within NRW

UPM Tilhill recognise the positive steps taken within NRW to engage with the Private Sector in general and UPM Tilhill in particular. We welcome regular access to Senior NRW staff to meet with the Private Sector and with UPM Tilhill. The willingness to listen to our concerns is encouraging. We recognise the positive action Wales Harvesting and Marketing (WHaM) within NRW have taken to ensure that the customers' requirements are met. This has included establishment of a working group to discuss contract performance and the annual customer liaison meeting. Productive customer level meetings have also been held in order to resolve contract level issues. Although there are still contractual issues to be resolved there is now a clear line of communication between the customer and NRW.

UPM Tilhill recognise that the policy not to advertise vacancies outside of NRW is very restrictive. This restriction means that vacancies take time to be filled and can be taken up by inexperienced staff and especially staff lacking in Forestry experience. This delay often results in harvesting contracts taking longer to progress due to the workload on existing staff and in overly strict interpretation of "rules and regulation" where in the past experienced individuals were able to exercise their own judgement.

As an industry we need to promote the benefits of a Forestry career and NRW should be pivotal to this in order to attract new entrants. Forestry students within Wales do not currently have an opportunity to apply for a career with NRW which we believe to be counterproductive to the future of the industry in Wales. This has the potential to deepen the gulf between the state organisation with a "diluted" Forestry experience and the Private Sector who continue to recruit Forestry staff with the necessary competencies.

Is it good for the future of NRW to restrict qualified applicants from outside the organisation to apply for vacancies? We do not think it is.

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*A member of the UPM Group*

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The Civil Engineering element of the harvesting operations within NRW is an issue. Contracts are often 'On Stop' due to either the lack of resources or misunderstanding of the requirements from the Civil Engineering Department. This delay in repairing roads or even constructing internal infrastructure causes unplanned shortage of timber to both the sawmill and adds cost to the general harvesting operation. As previously mentioned, UPM Tilhill recognise the positive moves made by NRW in relation to contract management but immediate attention should be given to the Civil Engineering department to ensure contract obligations are met.

UPM Tilhill welcome the initiative put in place in partnership with Local Authorities and the Private Sector to allow use of WGE Forest Roads by the Private Sector to reduce the impact of timber traffic on fragile rural roads and communities. This is an example of all parties working together and NRW using the WGE for the tangible benefit of local communities. The continued development of such initiatives would be very welcome.

UPM Tilhill welcome the move towards Civil Sanctions as a way of managing relatively minor unauthorised felling. We welcome the apparent recognition within NRW that a "heavy handed" approach is not conducive to managing the Private Sector Estate. We also believe NRW need to be seen to be even handed in how they apply regulation to the WGE

UPM Tilhill are long-time supporters of the WG Strategy "Woodlands for Wales" but we remain concerned in the way it is being interpreted by NRW. Support for WfW Wales is based on a balanced approach and our concern is that elements are being pursued in an uneven fashion when the strategy is that certain actions can only be taken if compensated for elsewhere. This one-sided approach has the potential to undermine the consensus status of WfW. It is not always clear what actions are being taken on behalf of WG and what is simply an NRW agenda?

We have concerns that there is not a level playing field between the Private Sector and NRW when it comes to forest management. This is a concern because NRW compete with the Private Sector in timber production but operate under a different regulatory regime. In particular the WGE is managed under long term Forest Design Plans (FDP) which provide approval for felling for 5 years with options for amendments within that time. The Private Sector has no such long term approval and requires to apply for a Felling Licence for each felling or thinning operation. One area where this 5 year approval is likely to prove contentious is in acid sensitive catchments where there are limits on the amount of felling which can be undertaken within fixed periods. If NRW have the advantage of longer term approvals than the Private Sector they have the potential to prevent or delay Private Sector felling and give themselves an unfair advantage. This issue could be overcome by giving Private Sector plans certified as complying with the UK Woodland Assurance Standard (UKWAS) similar status to NRW's own FDPs? This is an example of the perception that NRW don't play by the same rules and we believe addressing this issue would greatly improve their image.

In summary although issues remain to be overcome, and we are only too aware that some of these are out with the control of NRW, we are very encouraged by the willingness to engage at all levels with the

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**UPM TILHILL**

Private Forestry Sector to try and find solutions and we look forward to continuing work with NRW to secure a sustainable future for the Forestry Sector in Wales for the benefit of all

UPM Tilhill

April 2015

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Response from Flintshire County Council

**Andrew Farrow**  
Chief Officer (Planning & Environment)  
Prif Swyddog (Cynllunio a'r Amgylchedd)



Your Ref/Eich Cyf

Our Ref/Ein Cyf

Date/Dyddiad 10<sup>th</sup> April 2015

Ask for/Gofynner am

Direct Dial/Rhif Union

Fax/Ffacs

NRW Scrutiny Consultation 2015

FCC welcomes the opportunity to contribute to this consultation. FCC works regularly with NRW on a range of issues across departments and wishes to raise the following issues/points/concerns.

- FCC recognises there is still work to be done to achieve internal cohesiveness between the three legacy bodies. The importance of local contacts are invaluable in all aspects of working with NRW, whether this is from the value of local officers on the ground to enable projects to be realised to easily accessing advice from biodiversity specialists. It is currently unclear how all the different sections/departments within NRW are arranged and FCC would welcome the final structures with contacts (not just a general email address, direct line phone numbers are particularly time consuming to obtain).

- Partnership Working

There is a very varied approach dependant on the officer involved and their background within the organisation. All NRW Officers need to have recognition of the full range of NRW's responsibilities and corporate priorities, rather than just their regulatory function and particularly with the management of their own land.

County Hall, Mold. CH7 6NF  
[www.flintshire.gov.uk](http://www.flintshire.gov.uk)  
Neuadd y Sir, Yr Wyddgrug. CH7 6NF  
[www.siryfflint.gov.uk](http://www.siryfflint.gov.uk)



The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

- NRW licensing/consents

NRW licences are mostly turned around within set times, however there are some issues with NRW consents where internal consultations can be overly bureaucratic with an inflexible approach to practical delivery and can have an effect on project timetables.

Section 15 management agreements are valued but there needs commitment to improve officer workload to turn around agreements in a timely manner.

- Grants – Joint Working Partnership and Competitive Fund.

FCC welcomed the forward planning associated with these grant schemes and the valued advice from the grant officers involved. However, it is now the new financial year and no formal offer of grant aid has been provided.

- Consultations (Planning)

There needs to be greater clarity and consistency particularly with regards ecological comments, so that Planners and Applicants can easily understand what the issues are if any. Similarly covering ecological issues is important so that procedures don't vary between officers/areas.

The NRW mission statement often over-rides the actual response which can get overlooked especially by applicants if it is in the final paragraph and there is a previous "no objection in principle" paragraph. Ideally the first line of any letter needs to refer to consideration of the application and conclusion; whether this is an objection for given reasons, no objection subject to conditions or cannot formulate an opinion because need further information with specific requests for this information. FCC Officers would be happy to assist and also with the drafting of relevant guidance

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 95  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Vattenfall



10<sup>th</sup> April 2015

Sirs,

**Natural Resources Wales – Annual Scrutiny 2015**

Vattenfall is the Swedish state owned utility and one of Europe's largest generators of electricity and heat. Growth in renewable energy, and wind power in particular, is at the core of our business.

Vattenfall is a major inward investor in the UK, investing over £2bn since 2008 operating four onshore and three offshore wind farms with a significant portfolio in development. Vattenfall has made final investment decisions worth a further £0.6bn in 2013, onshore at Pen y Cymoedd and Clashindarroch and offshore on the Kentish Flats Extension.

The 228MW Pen y Cymoedd Wind Project is on track to be operational in 2017. It is potentially worth £1bn to the Welsh economy over the lifetime of the project and Vattenfall has already awarded £45m in contracts to Welsh business supporting over 600 Welsh jobs in the first four months of construction. The community benefit fund is worth £1.8m annually over the lifetime of the project. Vattenfall has a further c. 150MW of onshore wind in development in Mid Wales and seeks to create similar economic and community benefit on these projects.

Vattenfall has a long standing and productive relationship with NRW, in particular at Pen y Cymoedd and in Mid Wales. We welcome the opportunity to comment constructively on our relationship to help ensure NRW fully achieves its stated purpose of sustainably maintaining, enhancing and using Wales' environment and natural resources.

I confirm I am pleased for our written evidence to be published but on this occasion, Vattenfall do not wish to give oral evidence to the Committee.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Piers Guy".

**Piers Guy**  
**UK Country Manager**  
**Vattenfall**

Vattenfall Wind Power Ltd

Registered in England and Wales Registration number:06205750 Registered Office: 1 Tudor Street, London, EC4Y 0AH

**Page 338**

Tel: +44(0) 20 7451 1150 [www.vattenfall.com](http://www.vattenfall.com)

Vattenfall recognizes the good start that has been made in bringing the founding organisations together to provide a holistic approach as NRW. It is our general experience that NRW's vision and values are supported and implemented at a senior level and within the Energy Delivery Team (EDT). Vattenfall's experience with the EDT at Pen y Cymoedd has been positive and has already delivered significant value on the project, for example in delivering the Pen y Cymoedd mountain bike trail and Habitat Management Plan. We have found the team to be flexible and proactive on the ground and willing to accommodate discussion about the best way forward for the project in line with NRW's objectives.

This success is partly a result of the team implementing NRW's vision and values on the ground and embodying the principles of early engagement and collaboration consistently delivered through transparent, clear processes and frameworks of cooperation.

Unfortunately, this positive experience is not consistent in all our interactions with NRW. There is a clear need to ensure that the vision and engagement experienced at a senior level and within some NRW teams is replicated consistently and at all levels of the organization, including local officers.

- Vattenfall has experienced matters where local teams and individuals seem reluctant to enact NRW's values and approach in practice, for example in Mid Wales. This can result in developers and stakeholders being unable to access NRW's services and not fulfilling the opportunity of sustainably managing, using and enhancing Wales' natural resources. NRW's quality management processes must continue to develop to ensure that principles are enacted throughout the organization.
- Vattenfall is lacking confidence that NRW staff engaged with NSIP scale projects appreciate the importance of their statutory responsibilities. The process is not new to stakeholders and Vattenfall has made particular effort in Mid Wales to be flexible and proactive in engaging. However, in our recent experience key officers continue to work to old planning process models that have previously led to a Public Inquiry. The NSIP process allows for agreement and disagreement on all matters to ultimately provide the Inspector with a clear schedule of outstanding contentious issues prior to the examination. From Vattenfall's perspective, it is good practice to endorse this method, which involves Position Statement or Statement of Common Ground type documents, early in the pre application process. Anecdotally, there is also concern regarding the consistency and status of previous planning decisions and a lack of willingness to potentially support these when they're likely to be applicable to other planning applications in a similar area with similar characteristics. Early engagement and collaboration is fundamental to the successful operation of the NSIP process and to NRW fulfilling its duties as a statutory consultee.
- Clarity is required regarding the role of Energy Delivery Team (EDT). Vattenfall's experience is positive where we have had extensive engagement but the EDT's remit across Wales is not clear to stakeholders or to some NRW officers. It is not clear whether the Team's remit covers all energy policy and projects only specifically for projects on NRW land. The EDT should be fully resourced to ensure appropriate and consistent access is available to all developers.

- Availability of NRW resource remains an issue (particularly in Mid Wales/areas of significant renewable development). This continues to impact our ability to progress projects within the appropriate timescales.

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**Response from Pembrokeshire County Council**

**April 2015**

Pembrokeshire County Council (PCC) works with Natural Resources Wales across a number of functions, including Planning and Development, public protection, waste planning/waste management and nature conservation / biodiversity. PCC welcomes the opportunity to respond to the Environment and Sustainability Committee's examination into the performance of Natural Resources Wales (NRW). As a rural county with an extensive coastline Pembrokeshire's environmental quality and its richness of biodiversity which provide the context for its economy – for agriculture / agricultural services, for tourism and maritime services, including the economic development surrounding the Haven Waterway.

The County Council works in partnership with Natural Resources Wales across a number of partnership programmes and plans, including the Single Integrated Plan for Pembrokeshire, the Pembrokeshire Biodiversity Partnership and the Relevant Authorities Groups for the Pembrokeshire Marine, Carmarthen Bay and Cardigan Bay Special Areas of Conservation.

The Authority enjoys good working relationships with NRW staff, including regular Planning liaison meetings and co-working through various partnership projects.

Within Pembrokeshire NRW officer(s) participate in the Pembrokeshire Environment Forum (NRW chair) (sub-group of the Pembrokeshire Single Integrated Plan), the Sustainable Agriculture Network for Pembrokeshire, the Pembrokeshire Biodiversity Partnership and in each of the Marine SAC Relevant Authorities' Groups pertaining to Pembrokeshire.

Good examples of joint working locally include recent Good Practice Guidance on Slurry lagoons, NRW ecosystems services work with First Milk to secure compliance with DCWW discharge consent at Merlins Bridge Works, the Pembrokeshire Bathing Waters Strategy and pivotal work in support the establishment and operation of the WG Nature Fund project on Ecosystems Banking.

The knowledge, expertise and understanding of NRW staff is to be commended, as is the commitment of staff to securing pragmatic and workable problem solving solutions to environmental issues.

PCC has concerns however with:

- continuing non availability of Site Condition Reports for Special Areas of Conservation,
- responses to Planning application consultations and
- the resourcing / management of resourcing for the various partnership projects.

Site Condition Reports for Special Areas of Conservation

NRW had committed to providing comprehensive site condition reports by end 2014, recognising that these were 'crucial in helping to focus future management actions that will contribute towards achieving favourable site conservation status for all European marine

sites'. In December 2014 the Chairs of the various SAC RAGs were advised by NRW that they would not be able to meet the target and, further that, notwithstanding good progress towards this end, there will be a considerable delay in producing these, attributed to competing priorities for officer time, including organisational changes associated with establishment of the new organisation and high levels of casework and non specified 'other priorities' and reference to diminishing resources. It is disappointing that no revised target has been offered, either in December 2014 or since.

Whilst PCC recognises the difficulties implicit in resource allocation and prioritisation the Authority would very much welcome a revised target for this work together with regular (say three monthly) reporting of progress to this crucial goal.

#### Planning Application Casework

In relation to planning application consultations PCC would welcome:

- Improved response rates and timeliness,
- Improved consistency in the advice given ,
- Improved capacity to respond to requests for pre-app/informal discussions,
- Consultation responses that better reflect the ecological information submitted.

#### Resourcing of Partnership projects

- PCC has longstanding and successful working relationships with NRW and its constituent predecessor bodies, with the previous partnership grants enabling significant outcomes for the environment over many years. The process for funding for 2015/2016 and beyond through the Joint Working Partnership Fund, for Pembrokeshire Biodiversity Partnership, European Marine Site Officers (Pemb Marine, Carmarthen Bay and Cardigan Bay SACs), has presented particular challenges throughout, including:
  - Conflicting information between the guidance notes and later advice from officers at NRW.
  - Changed amounts offered, with implications for associated match funding.
  - Uncertainties in relation to the timescales offered – 3 year versus one year programme .
  - Overheads at 7% (and what qualifies for overheads).
  - Short time scales for revisions to application forms to meet NRW requirements.
  - Risks to PCC and other partners arising from unconfirmed funding prior to the beginning of the 2015/16 financial year.

It is understood, informally, that funding for the SAC RAGs will not be routed through the JWP fund and will be for 1 year only, despite EMS officers being given to understand that funding would only be available through this fund and would provide a 3 year commitment.

PCC has reservations that, in the transition from predecessor bodies to NRW, resourcing previously provided to the environment has been reduced, as for example for the Pembrokeshire Marine SAC RAG, notwithstanding that this is the SAC with the greatest commercial pressures on its environment and noting that despite

financial pressures on all partners that NRW is the only partner to reduce funding to the partnership. The role of the SAC RAG is crucial in seeking to secure favourable conservation status and improved water quality in the Haven Waterway alongside much needed economic growth in and around the Haven.

Once again PCC welcomes the opportunity to inform this important debate and would be willing to provide any further details at the committee's request.

PCC  
10 April 2015

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
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**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from G L Radford**

1. This is a personal response but largely based on dealings with NRW through the North Wales Wildlife Trust. My background is as an ecologist working for NC, ITE and, under contract, to IUCN, NCC and CCW. I am a trustee of North Wales Wildlife Trust and Chair of its Conservation Committee (North West).

2. I am concerned at several aspects of how NRW has been developing and seek reassurance that these will be addressed. First, I should say that in my time with the above-mentioned organisations, I have almost always found the life sciences staff to be committed and conscientious in their approach to biodiversity and conservation and that view remains. My concerns relate primarily to management and administration.

3. These began with the early consultations on NRW's strategic and business plans. The main apprehension at that stage was that funding for the responsibilities covered by CCW would become marginalised by demands on the other two agencies joining NRW, particularly by the increasing requirements for flood risk control. The continuing loss of life-sciences staff and an increasing work load for those remaining do nothing to offset that concern. Poor outlook and low morale are understandably evident. NRW's ability to support marine legislation at a time when momentum in its implementation is critical is a particular worry.

4. NRW's relationship with NGOs and how CCW's strategic partnership working is to develop or be replaced is still working through but lengthy delays in the payment of funding remains a constant. Successful outsourcing of work to NGOs, some of them hard-pressed under increasing difficulties of funding, requires fair dealing.

5. Biodiversity and the natural environment have a long-awaited opportunity to be fully recognised for the part they play in the functioning of society, thereby attracting the funding that is due to the safeguarding of resources that underpin sustainability. While promoting the use of these resources is a legitimate plank of NRW's strategy, that part of its operation charged with ensuring their ability to sustain it is inadequate. Being faced with the challenge of playing a major role, if not driving, the reversal of biodiversity loss in the wake of the failed BAP process is clear enough evidence of the expectation.

## Wildlife Trusts in Wales – Natural Resources Wales Scrutiny Evidence

### 1. Introduction

Thank you for the opportunity to give evidence to the Committee's annual scrutiny of Natural Resources Wales (NRW).

Wildlife Trusts Wales (WTW) is the representative organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales - working together in partnership to protect wildlife for the future. This evidence is submitted on behalf of the all the Wildlife Trusts in Wales.

WTW has previously responded to the many consultations relating to the formation of, and proposed arrangements for, establishing and directing a new body for the management of Wales' natural resources. WTW also gave evidence to the committee regarding Natural Resources Wales (NRW) and its statutory purpose and remit.

WTW was generally supportive of the formation of a single *environmental* body as we hoped it would create significant opportunities to benefit nature conservation; principally that:

- a) the ethos of NRW was intended to be about the ecosystem approach, a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way, as endorsed by the Convention of Biological Diversity<sup>1</sup>
- b) the nature conservation of Countryside Council for Wales (CCW), Forestry Commission Wales (FCW) and Environment Agency Wales (EAW) would be magnified within the new organisation (e.g. more natural flood alleviation measures being introduced) with NRW becoming a strong, independent, environmental champion with a clear purpose of protecting, conserving and enhancing the environment.
- c) the re-investment of the expected £158m<sup>2</sup> savings from the merger over 10 years, to be targeted towards nature conservation and research and monitoring .
- d) allowing cross departmental co-operation to facilitate key biodiversity management projects such as Newborough Forest managed by FCW and dunes managed by CCW.

We are aware that merging the three legacy bodies Countryside Council for Wales (CCW), Forestry Commission Wales (FCW) and Environment Agency Wales (EAW) was a substantial task and achievement. The Wildlife Trusts in Wales see themselves as natural partners for NRW as we complement many of their responsibilities such as nature conservation and education. As such, we have had, and continue to have, exceptionally good and constructive operational relationships with the former legacy bodies' offices locally and now NRW local officers. We have also noticed some benefits from the formation of NRW. For example:

- a) conservation staff from EAW and CCW working as one team
- b) it can be easier to get NRW staff with different skills out on site and to get the combined support for actions.

However, it has now been two years since NRW's launch and while there have been a number of positives that have resulted from the merger, **we had hoped to see more**

<sup>1</sup> <https://www.cbd.int/ecosystem/>

<sup>2</sup> <http://www.bbc.co.uk/news/uk-wales-politics-19844497>

**progress with NRW becoming a strong, independent, environmental champion.** However, this has not yet materialised.

**At the time of merger, we expressed fundamental concerns that the new body might not be a single environmental body but one that puts socio-economic considerations ahead of environmental protection.** We were also concerned that CCW's voice and the conservation elements of EAW and FCW would be diluted or lost. Our evidence to this inquiry is that **not only have these concerns been realised, but further concerns, that are even more worrying, have emerged.**

Wales needs a clear environmental champion with a strong purpose of protecting, conserving and enhancing the environment. Currently, NRW is not that champion. Our concerns relate to the following:

- NRW is not acting as an independent environmental body.
- NRW is putting perceived (rather than evidenced) socio-economic considerations ahead of environmental protection. For example, by not objecting (but rather suggesting mitigation measures) to developments that have an adverse impact upon the environment.
- If NRW sees environmental considerations as a tradable consequence of development as this would result in an increase in the loss of biodiversity.
- If NRW does not object to inappropriate planning applications, due to a perceived '*wider statutory purpose*', it is being interpreted as a definitive statement that there are no material environmental issues by Local Planning Authorities. By not objecting NRW is allowing Local Planning Authorities to routinely dismiss non-statutory conservation organisations concerns because the statutory body does not object. Also, a lack of access to expert advice from NRW specialist staff will hinder organisations wishing to challenge inappropriate development.
- NRW's imposed socio-economic cultural change has led to a feeling that NRW's environmental and conservation advice, specialisms and expertise are being eroded and ignored. We have been informed that this is having an impact upon staff morale and that this was evidenced recently in an internal staff survey.
- The nature conservation, planning and land management experience within NRW is being lost through specialist conservation or planning staff:
  - leaving
  - having their responsibilities broadened
  - being given different responsibilities or reallocated to different divisions with no back filling of that specialism

We believe that this weakens NRW's capacity to deliver its legal obligations to further nature conservation. The impact of this is to make the organisation less effective in its various roles.

- The reduction or cessation of funding to specialist conservation organisations further exacerbates the lack of availability of conservation expertise in Wales.
- That the nature conservation budget within NRW is being significantly reduced meaning that it cannot meet its statutory duties.
- That NRW is not prioritising funding for research and monitoring of biodiversity. For example, the removal of the £12,000 that supported Professor Tim Birkhead's 40-year long-term study of Guillemots on Skomer Island.
- Environmental organisations do not feel a sense of partnership with NRW and even the Joint Working Partnerships are more akin to contractual arrangement between organisations rather than a true partnership. This is disappointing considering that, over the years, conservation organisations have built up close working relationships and excellent partnerships with the three legacy bodies, especially CCW. **This former relationship gave a 1:4 return on investment (e.g. external match funding and volunteering hours). Under the new funding arrangements there will be less added value.**

- The way in which NRW funding is administered is wholly unhelpful (e.g. constant conflicting advice within limited criteria), not transparent and was not undertaken in consultation with the third sector. **The most worrying outcome has been the imposition of a capped overhead rate of 7% for projects** - as NRW only fund half of the project costs, this means NRW is funding 3.5% of the overhead rates. This is forcing third sector organisation to run projects at a loss which is not sustainable.

The evidence for the above concerns is listed below in either reference to documents or annexed. We have also highlighted concerns from NRW staff about the change in culture and direction that NRW is taking.

As Wales' statutory nature conservation body, **NRW is required to show clear, strong and strategic leadership that recognises the need to protect our environment and understand how biodiversity underpins the ecosystem based approach.** This has not emerged and NRW risks losing credibility as an independent environment body.

We believe that the relationship between non-government nature conservation bodies and NRW will only blossom when we have confidence that NRW will:

- safeguard and enhance the natural environment
- maintain and enhance their conservation expertise
- champion biodiversity research and monitoring

We have listed a number of recommendations and questions at the end of the paper to aid this purpose.

## 2. Independence from government

Natural Resources Wales is a Welsh Government sponsored body and receives an annual remit letter from the Minister for Natural Resources.

We believe that to be credible and effective, NRW needs to demonstrate a significant and recognisable degree of independence from government, not least in relation to, and exercise of, its statutory roles for independent assessment and advice under EU and UK law. This is the case for instance, where an agency exercises regulatory powers over government (e.g. Environment Agency) or has quasi-judicial powers (e.g. through a statutory or advisory role related to the planning system, or the protection and designation of sites or areas of national conservation significance) for which the Welsh Government is the ultimate decision maker. A lack of independence in such cases could leave the Welsh Government open to challenge under EU legislation or the Human Rights Act. Moreover, environmental policies should be informed by sound scientific evidence, which in turn requires an independence of judgement. Reviews of Environmental Governance elsewhere (for example the Macrory Report 2004, relating to Northern Ireland) have highlighted this need for formal independence from government.

Welsh Government also requires NRW to be an independent and expert organisation so that it can deliver on their aspirations to create resilient ecosystems (as in the goals in the Well-being of Future Generations Bill). Having independent advice on environmental impacts in planning nationally and locally is critical to achieving the FG Bill.

However, from the outset there appears to have been significant pressure placed on NRW from Welsh Government to be an enabler of development<sup>3</sup> and thus put perceived (rather than evidenced) socio-economic considerations ahead of environmental protection.

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<sup>3</sup> See wording of the Welsh Governments 'Frontloading The Development Management System' consultation<sup>3</sup>

This was highlighted in the BBC Wales Report last year regarding the Circuit of Wales. CCW originally objected to the development and stated that they were reminded to ask for the application to be 'called in'. NRW originally maintained this objection (Appendix 1). The Wales Report highlighted emails (Annex 1) from the then Natural Resources Minister, Mr Alun Davies AM, who appeared to put pressure on NRW to change its advice:

*“NRW would be taking an **entirely different approach to planning matters** and would be seeking to **adopt a positive approach, working with applicants to deliver developments... I do not believe that the current NRW position does reflect the totality of the statutory duties and the demands of the remit letter provided to NRW by the Welsh Government.**”*

NRW subsequently worked extensively with the developer to overcome the objections. We are informed that NRW wrote the mitigation strategy, which is usually undertaken by the developer. The resulting strategy, in our view, is inadequate as the mitigation and compensation proposed is not sufficient to balance the loss of over 200ha of important habitat.

The BBC Wales Report obtained evidence that showed NRW staff were frustrated at being asked to change their recommendation, from objection to no objection, despite no new evidence coming to light<sup>4</sup>.

It would appear that this was not an isolated incident. Another email (Annex 2) again highlighted by the Wales Report, showed that a senior Welsh Government official wrote to NRW asking them:

*“if anything we might want to do relating to other 'residual' CCW objections within the planning system... Is there anything that we should be doing if it appears that the main risk to such developments are the environmental objections raised by CCW?”*

*“That objections were based on “CCW's purpose and statutory functions. NRW, of course, has a wider statutory purpose”*

*“constitutes a reputational risk that nothing has changed with the establishment of NRW...”*

The email also states that Welsh Government will “consider and address...the significant weight accorded by Planning Officers to the views of statutory consultees...”

We believe that this means that NRW should either mitigate away concerns and/or not object to planning applications that have an adverse impact upon the environment.

Another such 'residual' CCW objection that was overturned was the Land and Lakes development on Anglesey. We are therefore concerned that CCW's objections were overturned in favour of economic benefits.

However, as the statutory nature conservation body, **it is not for NRW to take a wider view of decisions to include economic, social and environmental – but for the decision maker such as the Local Planning Authority to balance competing interests.**

**Our experience has been that economic considerations are outweighing social and environment considerations, so these are not sustainable decisions. Therefore, NRW are not acting as a specialist independent and transparent environmental adviser and cannot give Welsh Government the independent advice that it requires.**

The above raises additional concerns, namely:

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<sup>4</sup> <http://www.bbc.co.uk/news/uk-wales-26762807>

- How NRW will look at fresh applications, especially Welsh Government proposed or funded projects that adversely impact the environment. For example, the proposed M4 'black route' that will directly impact 9kms of the Gwent Levels SSSIs and the River Usk SSSI and SAC?.
- If NRW, as the statutory nature conservation body, does not object then who is left to defend statutory habitats, species and sites and the wider environment from inappropriate development - nature conservation charities (see Section 6 – Planning and Transparency)?

### 3. Remit

We believe that the role of NRW should be, as the **Statutory Nature Conservation Body**, to contribute to sustainable development by delivering a healthy natural environment that contributes to sustainable development and therefore the well-being of the people and the economy of Wales.

However, as explained above, a narrative has emerged suggesting that NRW has a different remit from CCW, FCW and EAW. The narrative states that NRW '**has a wider statutory purpose**' and should take an '**entirely different approach to planning matters**'. We believe that this means either not objecting to adverse planning applications or mitigating away concerns.

That NRW has '**a wider statutory purpose**' is a political narrative in order to support development at the expense of the environment, and not a legal reality. However, the purpose of the body, as set out within Article 4 (1) of the Establishment Order<sup>5</sup>, states:

*The purpose of the Body is to ensure that the environment and natural resources of Wales are*

- (a) sustainably maintained;*
- (b) sustainably enhanced; and*
- (c) sustainably used.*

*(2) In this article—*

- (d) "sustainably" ("yn gynaliadwy") means—*
  - (i) with a view to benefitting, and*
  - (ii) in a manner designed to benefit, the people, environment and economy of Wales in the present and in the future;*

*(b) "environment" ("amgylchedd") includes, without limitation, living organisms and ecosystems.*

This provision indicates that, in fulfilling its purpose (which must include the discharge of its statutory duties), NRW must balance the interests of people, the environment and the economy. But this drafting is very broad and seems to set out principles rather than impose a specific duty. **We, therefore, feel that NRW's duty should be strengthened in the proposed Environment Bill.**

As Article 4 (5) sets out that "*Paragraph (1) does not give the Body power to—*

- a) do anything that it would not otherwise have the power to do, or*
- b) **exercise any of its functions in a manner contrary to the provisions of any other enactment or any EU obligation**(2).*

Article (4)(5)(b) indicates that all CCW obligations and duties are still legal. In addition, NRW's conservation duty<sup>6</sup>, subject to exceptions (e.g. pollution control), imposes upon NRW

<sup>5</sup> Natural Resources Body for Wales (Establishment) Order 2012 (Establishment Order)

[http://www.assembly.wales/Laid%20Documents/SUB-LD-8922%20-%20The%20Natural%20Resources%20Body%20for%20Wales%20\(Establishment\)%20Order%202012-30052012-234816/sub-ld-8922-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD-8922%20-%20The%20Natural%20Resources%20Body%20for%20Wales%20(Establishment)%20Order%202012-30052012-234816/sub-ld-8922-e-English.pdf)

an **absolute duty to exercise its functions to further nature conservation**. We believe this means that, similar to the 'Sandford Principle' regarding designated landscapes:

***"If it appears that there is a conflict between those purposes, {NRW} shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area."***

However, the narrative that NRW's remit has changed appears to have come from Welsh Government to the NRW leadership and cascaded downwards through the organisation. However, as explained above, NRW's legal remit is still the same as that within CCW, EAW and FCW – to "further nature conservation and the conservation and enhancement of natural beauty and amenity". Also, NRW is subject to the same legal nature conservation duties and obligations that all public bodies are subject to through European Directives such as the Birds and Habitats Directive, the Water Framework Directive, the Wildlife and Countryside Act 1981 (as amended), the Natural Environment and Rural Communities Act (NERC) 2006 etc.

In addition, and especially with a reduction in staff numbers, NRW staff are being stretched too far and asked to take on too much, especially in areas outside the expertise of the three legacy bodies such as fuel poverty and energy efficiency.

**It should not be the role of NRW to achieve sustainable development in its entirety but to contribute to it by delivering a healthy natural environment that contributes to sustainable development and therefore the well-being of society and the economy.** We believe that it is possible in many, if not most cases, for NRW to be able to improve environmental management that will also provide economic and social gains and therefore contribute to the delivery of meaningful sustainable development. This can be achieved by maximising the potential ecosystem services from the natural environment. However, NRW are not taking these opportunities to take an ecosystems based approach to solving the demands of modern society.

An example of this is the **Circuit of Wales**, where the development would remove over 200ha of peatland. NRW, along with Welsh Government who gave financial backing to the scheme, should have followed the 12 Convention on Biological Diversity (CBD) principles<sup>7</sup> and first asked, based on the ecosystem approach, whether this was suitable site for this development. If the answer was no, NRW should have maintained CCW's original objection and suggested that the development should either:

- find a more suitable venue in Wales or
- be broken up into a number of smaller components to minimise impacts and relocated to a number of the employment allocations in the LDP

In this way, the economic benefits to Wales will remain as the development goes ahead but the people of Blaenau Gwent still benefit from the ecosystem services that the 200ha of peatlands provide them (flood alleviation, carbon storage and healthy environment to enjoy for their own health and well-being). Instead NRW has not objected and the 200ha of peatland will be lost forever along with the benefits it provides for the local community. While there will be some economic gain there will be no social, cultural or environmental gain.

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<sup>6</sup> Natural Resources Body for Wales (Functions) Order 2013 - "**Nature conservation duties 5A.**—(1) The Body must exercise its functions so as to further nature conservation and the conservation and enhancement of natural beauty and amenity.

<sup>7</sup> The 12 CBD principles can be found at <https://www.cbd.int/ecosystem/principles.shtml>

#### 4. Compliance

As a country within the UK, Wales is subject to EU law, and is party to a number of international environmental treaties and conventions. These legislative measures cover all environmental sectors, including water, air, nature, waste, noise, and chemicals, and others which deal with cross-cutting issues such as environmental impact assessment, access to environmental information, public participation in environmental decision-making and liability for environmental damage. This body of law is continually under assessment with significant developments such as updates on existing laws from European case law.

Achieving better and timely implementation of EU environment legislation will help avoid or reduce the incidence of environmental infringements and non-compliance. This could help resolve issues at the source and therefore not risk expensive infraction proceedings.

We believe that NRW needs to demonstrate credibility and demonstrate compliance with our international obligations, in an area where public interest and confidence is crucial. However, this will be made difficult with the loss of specialist staff (see below – Nature Conservation experience).

#### 5. Nature conservation expertise and resources

Instead of being magnified within NRW, the nature conservation duties of CCW, FCW and EAW appear to have been eroded within NRW. **We are aware that there has been a loss of nature conservation specialists within NRW throughout Wales from the three legacy bodies. It would be of interest to see a breakdown of those who have or are leaving under voluntary severance and their area of expertise and legacy body.**

Where conservation staff have been retained, many of their remits have been broadened (therefore they will be less effective in their conservation roles) or have been allocated completely different responsibilities and with no back-filling of that specialism. For example, Stanner Rocks, one of three key NNRs in Radnorshire. For several decades these have been managed by Andrew Ferguson (a former CCW member of staff) who retired in December 2013 and has not been replaced. As elsewhere in Wales, these internationally important sites need very specific management. They also require detailed specialist and technical monitoring to ensure that their features and interest are maintained. NRW (and before them CCW) were aware of Mr Ferguson's impending retirement, but no adequate strategy appears to have been put in place to protect this extremely important site.

We also understand, from several reliable sources, that the NRW budget has been cut, and we are also concerned that the nature conservation budgets may have suffered disproportionately. As a result we do not believe NRW has the resources and capacity (including conservation staff) to fulfil its statutory responsibilities. For example, we are aware that the budget to manage the National Nature Reserves, which are owned or managed by NRW, was £1.8m at its peak during the latter years of CCW and even at that time the resource available was not entirely adequate to meet their aspirations. NRW has cut the budget to just over £1m. Taking additional substantial commitments and inflation into account we can only conclude that the NNRs are seriously threatened and site infrastructure in particular provisions for visitors will begin to fail almost immediately. As a consequence of the lag effect the inevitable ecological impact of management neglect will only become apparent in years to come thus disguising the consequences of this budget cut.

This has, and will continue to have, a significant impact upon the ability of NRW to deliver its statutory duties in terms of nature conservation advice, planning, land management and research and monitoring. **Conversations with NRW staff, especially those with specific specialisms, reveal that they are demoralised and feel that they have no choice but to leave NRW.** We believe that this is reflected in a recent internal staff survey.

It is important to note that the reduction or cessation of funding to specialist conservation organisations further exacerbates the availability of conservation expertise in Wales.

We are also aware that there are a number of occasions when specialist internal advice was ignored, not sought, or that CCW advice was overturned. This includes:

- **Circuit of Wales** - A CCW objection which highlighted significant ecological concerns and suggested that the application be 'called in' (as it raised concerns of local/county importance) was originally upheld and then withdrawn by NRW. EAW also originally objected to this development. NRW also did not request the application to be 'called in' (See Section 3 – Independence from Government).
- **Land and Lakes** – CCW objected<sup>8</sup> to the development because the scale of the development would have a “severe detrimental impact” on an Area of Outstanding Natural Beauty (AONB). Natural Resources Wales said it did not object to the proposal in principle but was concerned about the impact on the Area of Outstanding Natural Beauty<sup>9</sup>. This suggests that NRW can highlight concerns but not use the term 'object to developments' (See Section 7 – Planning and Transparency).
- **Development Plans** - We know that CCW planners used to, in their representations on Unitary Development Plans (UDP), address the 'need' for a development if the development adversely impacted the environment such as a SSSI. However, NRW now only make representation on the environmental impact. For example, at the Cardiff Local Development Plan examination NRW gave evidence on the environmental impact of a business park on the Wentlooge Levels SSSI but did not address the 'need' for the development even though 'need' was absolutely central to the developers' arguments. NRW is currently not using CBD principles to question whether the development is needed and whether it is an appropriate site before entering into any mitigation discussions. NRW seems to be by-passing these first two critical CBD steps.
- **Mid-Wales public Inquiry** – following a third party objection to NRW a proof of evidence was changed at the public inquiry removing reference to current government policy on energy<sup>10</sup>. This highlights the inconsistency of remits and a lack of understanding of planning process (e.g. once a position is taken at an inquiry, a change should not be made unless clear evidence emerges to justify that decision).
- **Llanrwst flood alleviation** - our concern is that on this site flood mitigation work took place in the fish spawning season when thousands of eggs should have been laid in one of the most important nursery streams for salmon and sea trout in Wales. Reported by the BBC<sup>11</sup>: “NRW said its Fisheries Officer has visited the area five or six times over the last year” and that NRW’s “*initial advice was not to conduct the work during spawning season, but they were told this would jeopardise the whole scheme* {as there was a funding deadline}. This is clear evidence where economic factors have over-ridden environmental and social concerns.
- **Sawmill Pool** – A development site was found to have an otter den (known as a holt). Against the recommendations from their ecological consultant the developer cleared the site (in breach of EU regulations) and applied for retrospective planning permission. CCW objected to the development, but this objection was withdrawn by NRW<sup>12</sup>. We believe that previously, CCW would have prosecuted.
- **NRW internal co-ordination/advice systems – Forestry** – We are told that there is no formalised system of internal consultation on any commercial letting contract within NRW (e.g. for open cast coal, wind energy, small-scale hydro, on the Forest Estate). This represents a missed opportunity to build in sustainability (appropriate restoration, protection of air quality, protection of water and discharges) at the contract level, providing early warning to developers on the level of mitigation and

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<sup>8</sup> <http://www.walesonline.co.uk/news/local-news/ccw-oppose-holyhead-holiday-park-2506258>

<sup>9</sup> <http://www.bbc.co.uk/news/uk-wales-24355528>

<sup>10</sup> <http://www.ynnycmru.org.uk/blog/peter-minto-brought-nrw-disrepute/>

<sup>11</sup> <http://www.bbc.co.uk/news/uk-wales-31165871>

<sup>12</sup> All the planning documents relating to the case are

here:<http://planning.powys.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=107092>

enhancement that would be expected. Given the amount of forestry land that can potentially be used for windfarms, open cast, coal bed methane and potentially fracking, this is especially important. This may help avoid major situations such as **Celtic Energy** which avoided its restoration liabilities.

There is also often no dialogue within the forestry section. For example, when money is taken for enhancement works on areas of land, this can prejudice any statutory consultee comments NRW intend to make on development /common land proposals at a later stage. This happened on areas of land that were proposed as common exchange land in the Circuit of Wales application, limiting NRW's ability to object to the proposed land exchanges

- **Local Operations – Forestry** – A Local Wildlife Trust consulted NRW regarding the restoration of a grassland site, identified by CCW as important, through the removal of mature scrub. The Felling Licence Team (FLT) at NRW informed the Wildlife Trust that they (the FLT) could not take advice from the NRW grassland specialists because they were supposed to make an independent decision and that they could not accept advice from other NRW colleagues. This seems contrary to the original purpose of forming NRW to promote communication and sharing of expertise and knowledge.

This is especially concerning as it has been proven that environmental considerations are not a constraint on economic activity in general (Davidson Review 2006<sup>13</sup>, the review identified that stakeholders' perceptions of gold-plating were often misplaced).

The lack of willingness for NRW to safeguard our environment is a move in the wrong direction if Wales is to deliver on its aspirations within a Living Wales, the Well-being of Future Generations Bill, Nature Recovery Plan, Pollinator Action Plan and the Environment Bill. It was also hinder Welsh Government's current environmental legal commitments such as the Water Framework Directive and the EU Environment Strategy aim to halt the loss of biodiversity by 2020.

The aim of NRW must be to safeguard and enable the recovery of biodiversity which provides the building blocks required to take an ecosystem based approach. We believe that NRW would agree that a healthy natural environment where biodiversity loss has been halted and reversed would be a key test to monitor whether Wales becomes a sustainable nation. However, this philosophy is not borne out in its approach to development, monitoring, research and site management.

## 6. Planning and transparency

When setting up the new body, the then Minister made a commitment to the Environment and Sustainability Committee<sup>14</sup> that NRW would ensure transparency in the decision-making processes of a new body and that all assessments and advice on which decisions would be made would be published. Therefore, we expect NRW to make their planning decisions more transparent and make public all internal advice, along with a rationale for the final decision taken in such cases. We have not seen this to date. Therefore, there remains an ongoing concern over how conflicts of interest, that were publically visible between the legacy bodies, are dealt within NRW.

If NRW does not object to inappropriate development, this leaves charities/the third sector in a position where they are the only organisations who will form this independent advice (See Section 3 – Independence from Government).

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<http://webarchive.nationalarchives.gov.uk/20121212135622/http://www.bis.gov.uk/files/file44583.pdf>

<sup>14</sup> See Committee Report - the business case for a single environment body, May 2012 <http://www.senedd.assembly.wales/documents/s7329/The%20business%20case%20for%20a%20single%20environment%20body%20-%20Report%20-%20May%202012.pdf>

Previously, organisations that wished to protect biodiversity and conserve protected sites from inappropriate development relied on:

- CCW/EAW to object to inappropriate development
- expert advice and evidence from CCW/EAW to use in their defence of important sites

However, the expert advice from NRW conservation staff, for the reasons mentioned above, is now unavailable to assist organisations wishing to challenge inappropriate developments.

We are concerned about this lack of **transparency** and accountability within NRW will contribute to the net loss of biodiversity and forms potential conflicts between the different functions of the new body. These are important issues in the modern devolved Wales, especially as the UK is a signatory to the **Aarhus Convention**<sup>15</sup> and the **EU biodiversity strategy to 2050**<sup>16</sup>.

Also, as NRW is the statutory nature conservation body, if it does not object to a planning application, **due to its perceived new 'wider statutory purpose (rather than on nature conservation grounds)'**, local authorities may deem environmental objections from non-statutory environmental bodies as groundless or not material and therefore approve inappropriate developments. Therefore, given the weight that Local Planning Authorities give to NRW comments, NRW is effectively making the environmental planning decision on their behalf.

We are concerned that in current and future applications NRW will attempt to mitigate problems rather than object to them. See Section 6 – Nature Conservation expertise for examples.

**Objection or not objection** – Another area of confusion, based on feedback from Local Authority Planners to the old EA(W) comments, NRW has agreed that one of the following would be used:

- No Objection
- Objection until.....
- Objection unless.....
- Objection
- No interest

However, "No Objection" means that NRW have reviewed the limited information in the planning application and there is no reason in principle why the development is not acceptable, but until they have seen the permit application (if required) and provided that appropriate mitigation is used they cannot give a definitive answer. Following that introductory paragraph, NRW details their concerns, and gives all the responsibility to the planning authority - who are the Competent Authority at the planning stage.

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<sup>15</sup> The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment namely, the right to access environmental information, a right to environmental justice and a right to public participation in decision making - <http://ec.europa.eu/environment/aarhus/>

<sup>16</sup> The 2020 headline target: "Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss"; the second is the 2050 vision: "By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided."

We are informed that by NRW that the Local Authority Planners have been trained to understand what "No Objection" means, and it is the planners' responsibility to train the councillors on the planning committee. However, the words "No Objection" are being taken out of context - by both planning officers and councillors - and **we consider that they are being taken as an indication of approval of the application**. NRW will then, post planning permission consider an environmental permit (e.g. Poultry sheds). However, a scenario could easily arise that, a business secured a planning application based on a 'no-objection' from NRW but then was refused an Environmental Permit. This would not be helpful for the business. It is important to remember that planning consent is in perpetuity, but a permit may be amended or withdrawn at some time in the future.

Examples of the above include

**Wrexham Prison** - The application site was regarded by many experts to be of SSSI quality for invertebrates such as Grizzled Skipper, a Welsh Priority Species (Section 42 NERC Act). The site was also important for Barn Owls (Schedule 1, W&CA 1981) and Great Crested Newt, a European Protected Species ('Habitat Regulations' 1994). However, the application was not opposed by NRW despite some unusual and concerning planning decisions.

Firstly, the application was processed with insufficient ecological information, particularly with regard to invertebrate species and Great Crested Newt, resulting in what is considered by many experts (including former CCW staff) to be inadequate mitigation for the adverse impact of the development. Secondly, although mitigation included a conservation area, there was no plan for the funding of its management beyond an initial five-year post-construction period. Furthermore, part of this mitigation land was then sold by Wrexham County Borough Council to a developer to pay for the management of the remainder of the mitigation land, thus effectively trading mitigation sites with an overall net loss to biodiversity. This was all done with the support of NRW.

Even if the development should not have been opposed outright, NRW should have insisted upon more rigorous ecological surveys, a smaller footprint for the prison (as around half of the land-take is for possible future expansion) and a properly funded and guaranteed mitigation plan with funding secured from the MoJ directly, rather than via a third party. Currently, there is still no mitigation plan for a European Protected Species beyond the initial five-year period.

**Poultry Sheds in Radnorshire** - Pollution from these developments has been identified by NRW and others as having a significant impact on designated sites and Water Framework Directive (WFD) obligations. We know that since 2008, 134 planning applications have been consented in Powys by the Local Authority (who received comments from CCW and EAW and now NRW). This equates to millions of chickens, and the waste that arises from these sheds contains significant amounts of nitrogen, phosphorous and ammonia which are released into the environment either through:

- ventilation systems of the poultry sheds released dust (which contains complex mixture of organic and inorganic particles, faecal material, feathers, dander mites, bacteria, fungi and fungal spores) which contains nitrogen, phosphorous and ammonia and can be deposited on designated sites some distance away.
- being spread on fields as manure which in turn, after rainfall, can run into rivers.

Nitrogen, phosphorous and ammonia are in a form that is quickly absorbed by both terrestrial and aquatic plants. In turn, this causes nutrient enrichment which can cause eutrophication, for example:

- in freshwater lakes and rivers, nutrient enrichment causes an explosion of algae (known as algal blooms) that absorb oxygen from the water and starve other plants and animals of oxygen.

- in terrestrial environments via deposition, such as wildflower grasslands and ancient woodlands and hedgerows, the extra nutrients allows one or two species to dominate at the expense of other species – thus losing biodiversity and species richness.

It is apparent that the culmination of poultry units in this area is having a significant impact on nationally and internationally important sites (e.g. Marcheni, Gilfach and Gamallt & River Ithon SSSI, River Wye and Elan Vole Woodlands SACs) (See Appendix 2 – Alan Loveridges letter to Radnorshire Wildlife Trust).

However, while NRW Officers are giving the right ecological advice to Local Planning Authorities they are not objecting. For example, NRW advice to Powys County Council Planning regarding application P/2014/1246, states:

***“NRW does not object to the proposal as submitted but we are concerned about the potential cumulative effects that the proposal may have on the notified features of designated sites from airborne and water pollutants...the proposed development is located in close proximity to the River Wye SAC, River Ithon SSSI....The River Ithon already shows high levels of phosphate and given the number of poultry units located within the catchment, we consider that there is a potential risk of significant cumulative effects on the water quality of the River Ithon SSSI / River Wye SAC.”***

They continue that all the poultry sheds in the area ***“will be contributing to what is an already high background level of ammonia and nitrogen deposition in this part of Powys”***.

Whilst NRW recommended that Powys County Council should undertake an ‘appropriate assessment’ to assess whether the application may have a cumulative impact upon the European sites, they did not object. However, if the development, as NRW suggests, will have an adverse cumulative impact on the European site is approved, Wales risks breaching the Habitats Regulations<sup>17</sup> and Directive<sup>18</sup> and the potential for infraction proceedings against Welsh and UK Governments as a result.

The NRW letter also states that:

***“The existing high ammonia and nitrogen levels in this part of Powys could hinder the progress towards achieving these targets {target – 95% of all SSSIs into Favourable Conservation Status 2015}”***.

It is worth noting that, as of 2006, only 47% of SSSIs were in favourable status<sup>19</sup>. As Section 28G authorises under the Wildlife and Countryside Act 1981 (as amended), NRW (and the Local Planning Authority) have a duty to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

A letter from Professor Steve Ormerod (a leading UK freshwater expert) raised the issue of cumulative impact of poultry sheds on the water quality of designated sites in Radnorshire. In his reply, Professor Peter Mathews recognised these concerns but also highlighted:

***“We are mindful of the economic benefits that these units bring and we are keen to find ways of ensuring that we can reconcile those benefits with protection of the environment”*** (see Annex 3 – Letter from Professor Peter Mathews to Professor Steve Ormerod).

<sup>17</sup> <http://jncc.defra.gov.uk/page-1379>

<sup>18</sup> [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>19</sup> Sites of Special Scientific Interest (SSSIs) in Wales Current state of knowledge Report for April 2005 – Mar 2006 [http://www.ccg.gov.uk/PDF/SSSIs\\_Report%20SMALL.pdf](http://www.ccg.gov.uk/PDF/SSSIs_Report%20SMALL.pdf)

**This raises the question; at what point is a material consideration of cumulative impact on nationally or internationally designed sites such that the NRW will object to planning applications or refuse Environmental Permits for such developments?**

## **7. Biodiversity offsetting**

As mentioned above, NRW appears to be moving towards a concept known as ‘biodiversity offsetting’ (as evidenced by the Circuit of Wales proposals). Biodiversity offsets are conservation activities that are designed to give biodiversity benefits to compensate for losses - ensuring that when a development damages nature (and this damage cannot be avoided) new, bigger or better nature sites will be created (this was not the case in the Circuit of Wales).

However, it is seen by many conservation organisations as justification to destroy nature rather than to halt the loss of biodiversity. We are concerned that:

- certain habitats or species cannot be easily replaced or replicated ecologically - spatially or temporarily.
- developers and land-users will just carry out an activity leading to a loss of biodiversity by simply paying for the damage caused
- A lack of governance (e.g. long term monitoring, enforcement) will lead to failure

Biodiversity offsetting is intended to give benefits that compensate for losses but this does not always happen, and frequently difficulties arise when the compensation habitat does not have the same value or interest as that which is being lost (as per Circuit of Wales proposals). The above was recently confirmed by peer reviewed evidence (Curran et al 2014<sup>20</sup>) which stated that biodiversity offsetting leads to a net loss of biodiversity, and represents an inappropriate use of the otherwise valuable tool of ecosystem restoration.

Therefore, we would be concerned if NRW continues to see environmental considerations as a tradable consequence of development. Then we will see an increase in the loss of biodiversity.

## **8. Conflicts of interest**

The Wildlife Trusts would like greater clarity on how NRW issues permits to itself or Welsh Government; for example, species licencing (as previously, CCW granted licences to FCW or EAW).

## **9. Research funding**

We have seen inexplicable decisions to cut important research studies. For example, the removal of the £12,000 that supported Professor Tim Birkhead’s 40-year long-term study of guillemots on Skomer Island. Guillemots, as a higher level predator are a good indicator of marine ecosystem health in Wales’ only Marine Conservation Zone and the various international designations around the Pembrokeshire coast, including Pembrokeshire Marine Special Area of Conservation (SAC) and the Pembrokeshire Islands Special Protection Area (SPA). Such studies can help answer questions about fishing intensity and climate change (as a result of warming seas the movement of the guillemots’ prey, such as sand eels, has been witnessed in Scotland).

While this is an important piece of research – long term data sets are the most valuable – it highlights a worrying lack of priority that NRW gives to researching and monitoring of biodiversity. NRW should be an evidence based organisation and this requires long-term, scientific studies. The cessation of this grant suggests misplaced priorities in NRW’s funding priorities.

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<sup>20</sup> Curran M, Hellweg S, Beck J (2014) Is there any empirical support for biodiversity offset policy? *Ecological Applications*, 24(4), pp. 617–632 Ecological Society of America

The Wildlife Trusts would like clarity on the budget dedicated to the research and monitoring of biodiversity and how this compares with the CCW budget.

## 10. Partnership and procedure

NRW staff seem to be overwhelmed due to cuts in their budget and resources (such as appropriate staffing levels). This has resource implications for delivering satisfactory services. For example, there have been significant delays in the Section 15 grant renewal because NRW simply do not have the capacity to deal with it.

The original NRW business plan cost savings would be gained from efficiencies, not from **reducing front-line services (nor in reducing grants). We expected to see the re-investment of the expected 158m<sup>21</sup> million savings** from the merger over 10 years targeted towards nature conservation. This has not happened.

We believe that NRW considered removing all elements of grant funding to the third sector. Thankfully, this did not happen, and this is important considering that:

- conservation organisations undertake much of the conservation work within and outside designated sites and also educate the public on environmental issues (all statutory responsibilities<sup>22</sup>)
- conservation organisations create significant added value by using public money to match fund money from elsewhere and though the use of volunteer time (e.g. **1:4 return on investment - for every £1 of money the Wildlife Trust received from the legacy bodies we delivered £4 of additional benefit e.g. attracting external match funding and volunteering time**).

It is worrying that the NRW leadership is not working in true partnership and this gives the impression that it does not value the third sector. Even with the advent of Joint Working Partnership (JWP), the Wildlife Trusts and other eNGOs do not feel a sense of partnership with NRW. It has been criticised by many as neither joint working nor partnership – it is more like a contractual arrangement between organisations. This is disappointing considering that, over the years, the Wildlife Trusts and other conservation organisations built up close working and excellent partnerships with the three legacy bodies, especially CCW.

**This former relationship gave a 1:4 return on investment but under the new funding arrangements there will be little added value.** Although organisations are appreciative of the tight deadlines to which the NRW funding team had to meet, the manner and way this **funding was administered was wholly unhelpful, not transparent and not in consultation.** There was constant conflicting advice within limited criteria. But the most worrying outcome has been the **imposition of a capped overhead rate of 7% for projects.** It is simply not sustainable for organisations to deliver projects without covering costs. It has to be remembered that charities are also businesses and have running costs. We were informed after the decision that *'someone'* decided on this as they had heard that this was the overhead figure for EU Life funding. This hap-hazard decision process is very worrying when it has such an impact on the overall viability of the third sector in Wales. What this person failed to recognise is that EU funding covers up to 75% of costs and is a source of funding that allows organisations have time to secure the remain match funding. The NRW grant

<sup>21</sup> <http://www.bbc.co.uk/news/uk-wales-politics-19844497>

<sup>22</sup> For example, all Public Bodies are required conserve and enhance biodiversity via the Natural Environment and Rural Communities Act 2006 (section 40), All Public Bodies are section 28G authorities and thus required to must conserve and enhance SSSIs via the Wildlife and Countryside Act (WCA) 1981 (as amended by the Countryside and Rights of Way Act 2000), and Local Authorities are required to educate the public, especially school children, on the provisions of the WCA Act (see Section 25 'Functions of local authorities' of the WCA 1981)

only covers 50% of costs the remaining costs coming from the third sector. However, **this new condition means that the figure is much nearer to 70-75% of costs being met by the third sector.**

Also, NRW's financial management small grants (REF) are unlike any grant system the Wildlife Trust has previously experienced. The system had very little flexibility which creates problems for Wildlife Trusts, other conservation organisations and probably NRW too. For example, most grant funders will let you delay claiming for something, with a reasoned explanation such as weather related delays, as long as it isn't an actual risk to completion. If you are late claiming from NRW, even by a day, NRW may not look at your claim for months which causes operational and significant financial difficulties for the Wildlife Trusts and contractors.

It is worth noting that Welsh Government guidance<sup>23</sup> recently produced for the Third Sector Scheme dated January 2014 describes good practice between the Welsh Government and the Third Sector. It is of concern that NRW is not demonstrating compliance with this guidance.

It would be interesting to examine the overall budget of the three legacy bodies for grants to external partners compared to NRW's budget.

## **11. Connecting people to nature**

The NRW Corporate Plan includes statements on helping people to understand how important the environment and our natural resources are. Connecting people to 'what nature does for us' is a central tenant to the ecosystem approach and natural resource management. Sustaining a Living Wales states that *"We will work with partners to identify ways in which we can reconnect people and communities with the natural environment"*.

However, we feel that the majority of communications from NRW to the public are based on the former EAW remit. If Wales is to overcome the significant environmental, economic and social problems (obesity, depression, social isolation and stress, including work place stress), people need to be inspired to connect with nature. Therefore, we recommend that the NRW Communications Team promotes more wildlife and nature stories.

## **12. Marine**

As with terrestrial matters we are concerned that there is an over-riding focus on economic concerns when considering development by NRW within the marine environment.

NRW is responsible for conservation of Wales's marine environment and licencing of activities. NRW's own report (CCW Marine Science Report No 12/06/03) in 2012 states that less than 50% of Marine Protected Areas are in favourable conservation status. This is particularly concerning given the requirement under the Marine Strategy Framework Directive to have Good Environmental Status of all European Seas by 2020.

Our main concern with the marine work of NRW is the resourcing and budgeting to fulfil their statutory duties to ensure a healthy marine environment. Given that there is a lot of scope for growth in sectors such as marine renewables and aquaculture, we welcome the Minister's statement, in his financial scrutiny to the Committee, that he is looking into cost recovery of licencing and consulting on marine projects. We would like clarification on this and a commitment that the costs recovered would be used to manage and conserve Wales's marine resources.

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<sup>23</sup> Welsh Government Third Sector Scheme January 2014  
<http://gov.wales/docs/dsjlg/publications/comm/140130-third-sector-scheme-en.pdf>

### 13. Sector representation

As part of the Well-being of Future Generations Bill, Local Service Boards (LSB) and Well-Being Plans will be a statutory requirement. LSBs will deliver the Well-being Plans, and NRW will be the only organisation representing the environment on these boards. We therefore have concerns that NRW will not (for the reasons highlighted above) or cannot (depending on the expertise of the NRW representative appointed) adequately represent environmental and conservation considerations.

### 14. Questions

- a) We would be like to see a breakdown of those who have or are leaving NRW (including under voluntary severance) and their area of expertise and legacy body. How is this expressed as a percentage of total legacy staff numbers.
- b) With a loss of specialist staff how does NRW intend to undertake its statutory nature conservation duties including giving advice on land management, planning (planning applications and Local Development Plans) and legislation.
- c) How will NRW maintain, manage and monitor its suite of designated sites including NNRs and how has the budget changed (including as a percentage of overall spending) over the last 5 years.
- d) What was the overall grants funds for external partners for the three legacy bodies and what is the total sum of grant funds now available?
- e) How much is spent on nature conservation and how has this changed (including as a percentage of overall spending) over the last 5 years.
- f) How does NRW ensure that its comments are taken into account by Local Planning Authorities especially when planning decisions could negatively impact upon designated sites?
- g) How does NRW ensure that its forestry estate throughout Wales maximises its biodiversity potential? Will these be incorporated into Forest Design Plans across Wales and when will the revised Forest Design Plans be available.
- h) How will NRW ensure it has done all that it can to set the highest quality targets that will achieve Favourable Conservation Status (SSSI) and Good Ecological Status (Water Framework Directive) for Wales.
- i) What is NRW research budget and how is it prioritised?

### 2. Recommendations

- a) NRW needs to demonstrate a significant and recognisable degree of independence from government, not least in relation to, and exercise of, its statutory roles for independent assessment and advice under EU and UK law and planning and land management.
- b) As the **Statutory Nature Conservation Body**, NRW has an absolute duty to exercise its functions to further nature conservation. As such, NRW should deliver a healthy natural environment that promotes to sustainable development and thus contributes the well-being of people and the economy of Wales; this can be achieved by;
  - i. Realigning the NRW Corporate and Business Plan, and Welsh Governments annual remit letter, to prioritise and spearhead action for the environment above other purposes and duties including protecting, conserving and enhancing the natural environment.
  - ii. Integrating the 'Sandford Principle into its all operations including planning advise ; "If it appears that there is a conflict between those purposes, (NRW)

shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area".

- iii. Making comments on planning applications, without political interference, in order robustly protect and enhance biodiversity. This requires clear and transparent decision-making in consultation with stakeholders (e.g. appropriate environmental non-governmental organisations) with information being shared with stakeholders (without recourse to Freedom of Information Act).
  - iv. Delivering a clear focused plan of action to implement the Lawton Review in Wales.
- c) A review should be undertaken, in consultation with stakeholders including environmental NGOs, regarding NRW's planning responsibilities including advising on Local Development Plans and planning applications. This should include the requirement to address the 'need' for a development, if that development has a detrimental impact on nature conservation. The review should recommend best practice when giving planning advice, for example, NRW should not state 'no objection' when there are conservation concerns, when they request an appropriate assessment is undertaken, the application does not contain sufficient information to make a decision, or when they have yet to determine whether an environmental permit would or would not be granted.
  - d) The Welsh Government use the Environment Bill to amend the purpose of NRW to better reflect, and achieve, EU Biodiversity 2050 targets, the principles within the Lawton Review and the 'Resilient Wales' well-being goal from the Well-being of Future Generations Bill – "to maintain and enhance a biodiverse natural environment with healthy functioning ecosystems".
  - e) The re-investment of the expected £158m million savings from the merger over 10 years, to be targeted towards nature conservation and research and monitoring.
  - f) Welsh Government must provide NRW with sufficient funds to fulfil its legal duties and deliver its nature objectives. This includes funding and working with, external stakeholders to undertake work.
  - g) There should be an independent review of environmental governance in Wales.
  - h) The Welsh Government should set up a Biodiversity Commission with a Biodiversity Commissioner similar to the Future Generations Commissioner.
  - i) NRW should set up a new version of FERAC (Fisheries, Ecology and Recreation Advisory Committee) with independent advisors guiding the organisation on its functions and actions.
  - j) The NRW Corporate Plan must include the Biodiversity 2020 and 2050 targets along with interim targets and CBD principles. This should be formalised within the Environment Bill.
  - k) NRW should carry out an audit of its staff to ensure that there is not bias within one area (e.g. commercial forestry) as opposed to nature conservation.
  - l) NRW should make its planning decisions more transparent and make public all internal advice, along with a rationale for the final decision taken in such cases.
  - m) NRW should only advise on those areas that they have statutory expertise in, i.e. environmental rather than socio-economic matters.
  - n) NRW should review the grant funding arrangements of stakeholders, including overhead allowance (including a comparison with NRW overheads) in consultation with stakeholders. This should help to create a more efficient system, with clear guidance, that delivers for conservation and reduces bureaucracy and administration costs.

- o) A review of grant funding relationships should make it more of an equal partnership with NRW (similar to the arrangements with CCW) rather than a contractor and contractee relationship.
- p) The NRW Communications Team should promote more wildlife and nature stories.
- q) There should be greater clarity on how NRW issues permits to itself or Welsh Government; for example, species licencing (as previously, CCW granted licences to FCW or EAW)
- r) We would like a commitment that the costs recovered from licencing and consulting on marine projects would be used to manage and conserve Wales's marine resources

ANNEX 1 – EMAIL EXCHANGE BETWEEN ALUN DAVIES AM AND NRW

**From:** Hillier, Graham  
**Sent:** 14 June 2013 15:11  
**To:** Davies, Keith  
**Cc:** Evans, Martyn P.; O'Shea, Gareth; Townsin, Carol; George, Jessica  
**Subject:** RE: Circuit of Wales

Thanks Keith – I agree it would be useful to have a quick discussion beforehand. I'd suggest we include all attendees (hence copied to Gareth and Martyn too). In Jessica's absence, I'll **ask Carol** to try to identify a mutually convenient hour on Monday (thanks Carol).

I'd like each of us to come prepared with a view on things like:

- clarity on what are the key issues,
- what may be possible in terms of finding a way forward, (process and solutions)
- the degree to which we're confident of the science/evidence behind our current position (vs 'scrubland' interpretation, for example),
- clarity over our duties, remit, purpose and aspirations, and
- what we need WG to do to make things clearer/easier in the future

I'm sure we'll be asked to withdraw our objection, so we need to be clear on how we should respond.

Thanks all,  
Graham

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South  
Cyfoeth Naturiol Cymru/Natural Resources Wales  
Ffôn/Tel: 02920 468879  
Ffôn symudol/Mobile: 07769 915953  
E-bost/E-mail: [graham.hillier@cyfoethnaturiolcymru.gov.uk](mailto:graham.hillier@cyfoethnaturiolcymru.gov.uk)  
[/ graham.hillier@naturalresourceswales.gov.uk](mailto:graham.hillier@naturalresourceswales.gov.uk)  
Gwefan/Website: [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)  
***Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.***  
***Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.***

**From:** Hillier, Graham  
**Sent:** 14 June 2013 12:46  
**To:** 'Davies, Alun (Assembly Member)'  
**Cc:** George, Jessica  
**Subject:** RE: Circuit of Wales

Thanks Alun;

A meeting for 11am on Tuesday with you and the Developer would be good, and we'll host it here in Ty Cambria, Newport Road, if that's still OK with you. I've asked a couple of colleagues to join me, to both hear your views and better inform mine.

Please let me know if you or the developer's rep need directions.

Many thanks – look forward to seeing you on Tuesday.  
Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South  
Cyfoeth Naturiol Cymru/Natural Resources Wales  
Ffôn/Tel: 02920 468879  
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E-bost/E-mail: [graham.hillier@cyfoethnaturiolcymru.gov.uk](mailto:graham.hillier@cyfoethnaturiolcymru.gov.uk)  
[/ graham.hillier@naturalresourceswales.gov.uk](mailto:graham.hillier@naturalresourceswales.gov.uk)  
Gwefan/Website: [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)  
***Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.***

***Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.***

**From:** Davies, Alun (Assembly Member) [<mailto:Alun.Davies@Wales.gov.uk>]  
**Sent:** 13 June 2013 14:39  
**To:** Hillier, Graham  
**Subject:** Re: Circuit of Wales

Thank you Graham. This second letter does begin to move us in the right direction. I do appreciate that and I am grateful to you for taking the time to review these matters.

**However I remain very concerned with the processes at work within NRW in this matter. In addition I do not believe that the current NRW position does reflect the totality of the statutory duties and the demands of the remit letter provided to NRW by the Welsh Government.**

It would be very useful to meet. Could I suggest 11.00am on Tuesday? I would be content to meet at Newport Road or alternatively we could meet at the Assembly in the Bay. I will also invite a representative of the developers to join us and I hope that between us we can agree a way forward.

Thank you for your help in this matter.

Alun

Alun Davies

On 13 Jun 2013, at 12:08, "Hillier, Graham" <[Graham.Hillier@cyfoethnaturiolcymru.gov.uk](mailto:Graham.Hillier@cyfoethnaturiolcymru.gov.uk)> wrote:  
Dear Alun;

As promised in my previous e.mail, please find attached a copy of our letter offering supplementary information to the local planning authority, following our original planning response.

I trust this is helpful and goes some way to addressing your concerns, while still taking account of our statutory duties.

We would be happy to arrange to meet with you next week if this would still be helpful (Tuesday would be slightly easier for me than Thursday, but we'll obviously try to work around your availability). Please let us know if you'd still like to go ahead, and if so your availability and preferences in terms of timing and venue – you'd be very welcome at our Newport Road office if that helps.

Regards,  
Graham

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South  
Cyfoeth Naturiol Cymru/Natural Resources Wales  
Ffôn/Tel: 02920 468879  
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E-bost/E-mail: [graham.hillier@cyfoethnaturiolcymru.gov.uk](mailto:graham.hillier@cyfoethnaturiolcymru.gov.uk)

/[graham.hillier@naturalresourceswales.gov.uk](mailto:graham.hillier@naturalresourceswales.gov.uk)

Gwefan/Website: [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk) / [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

*Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.*

*Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.*

**From:** Hillier, Graham

**Sent:** 12 June 2013 23:28

**To:** Davies, Alun (Assembly Member)

**Cc:** George, Jessica

**Subject:** RE: Circuit of Wales

Dear Alun;

Thanks for your note, and I understand your sentiments. For your information, we have today issued a further letter to the Planning Authority with some supplementary information, which has been provided with the intention of helping to identify potential solutions and (I believe) offering a more positive approach, including the desire to work together.

I'll ensure a copy of the note is sent to you tomorrow. Perhaps we could then arrange a convenient time to meet (eg Tuesday) next week, if this would still be useful.

Best regards,  
Graham.

Sent from Windows Mail

**From:** Davies, Alun (Assembly Member)

**Sent:** 12 June 2013 17:37

**To:** Hillier, Graham

**Subject:** Circuit of Wales

Dear Graham,

I have received a copy of the NRW response to the planning application for the Circuit of Wales in my constituency.

**I am very disappointed with the approach that NRW has taken in this matter. I felt that NRW would be taking an entirely different approach to planning matters and would be seeking to adopt a positive approach, working with applicants to deliver developments that will enhance the sustainability of communities across Wales.** This has clearly not happened in this case.

I am very anxious that this development goes ahead and does so in a way that enhances the community of Blaenau Gwent in the widest sense. I would therefore seek an urgent meeting with you to discuss these matters. I can be available in Cardiff either Tuesday or Thursday next week. **I would like to use this opportunity to discuss with yourself and the developers how we can move forward in an agreed way.**

I look forward to hearing from you.

Alun

Alun Davies AM  
Blaenau Gwent

## **ANNEX 2 – EMAIL FROM WELSH GOVERNMENT REGARDING NRWS WIDER STATUTORY PURPOSE AND RESIDUAL CCW OBJECTIONS**

**From:** Davies, Prys (Head of Energy, Water & Flood) [mailto:[Prys.Davies@Wales.GSI.Gov.UK](mailto:Prys.Davies@Wales.GSI.Gov.UK)]

**Sent:** 29 May 2013 14:21

**To:** Davies, Ceri; Owen, Trefor

**Cc:** Clarke, Carys (ESH - DT); Fudge, Laura (DES - DT); Pride, Jennifer (ESH - CCWD); Eccles, David (ESH - CCWD); Davies, Teresa (ESH - Planning); Thomas, Rosemary F (ESH - Planning); Daw, Chris (Energy Programme); Boddington, Wendy (Energy Water & Flood)

**Subject:** Renewable Energy Project in Bedlinog and wider issues

Ceri/Trefor,

Hope you're both well. I write regarding a proposed renewable energy development in Bedlinog which I think raises more general issues on which I'd welcome your thoughts.

The specific development is a proposed 3 turbine wind farm in Bedlinog. The attached correspondence from Awel Aman Tawe, who advise on the project, to Gareth Jones sets out some of the background. It is a project that is supported by the Ynni'r Fro Programme and as you can see, has a not insignificant community element to it. I'm not particularly close to this project (the WG interest here rests with Jenifer Pride in Gretel's team) but I understand that there is considerable community support for this proposal. However, it appears that the officials at Merthyr Tudful Council are minded to reject the application. The rejection appears to be largely based on the submission, in 2012, by CCW, which objected to the development on the grounds of visual impact and impact on the historic landscape (also attached) - the LPA appears to be attaching significant weight to the opinions of one of its statutory consultees. Tegni, the company who has helped the Community Council with the development, has also noted the difficulty of progressing projects in Wales and has noted its intention to relocate to Scotland. Notwithstanding the merits or otherwise of the concerns raised by CCW and other issues raised in the Planning Officer's report (which I can send you if required), the timing here is unfortunate. This is the type of project (small scale; community element; apparent support by the local community; in a deprived area) that Ministers, particularly the Minister for NR&F, want to see going ahead (The Minister for NR&F is also scheduled to visit the project in early June and will expect us to explore what can be done in this particular instance given that this is a project which receives financial support from WG). It also constitutes a reputational risk that nothing has changed with the establishment of NRW - I know that isn't the case but the impact of 'transitional' decisions such as this could be quite damaging.

Whilst some of these are for us in WG to consider and address (e.g. the significant weight accorded by Planning Officers to the views of statutory consultees), I'd be very grateful for a word with you regarding two issues raised by this case which raises issues for NRW/WG:

[1] Firstly, the nature of the specific objections by CCW were based on CCW's purpose and statutory functions. NRW, of course, has a wider statutory purpose, which made me wonder whether there might be an opportunity for NRW to set out its views on the development taking into account its wider environmental, economic and social purpose. I hasten to add that I have not explored this with legal or planning colleagues - and whether it is feasible given where we are in the Planning process - but would welcome views.

[2] Secondly, and related to the above, is what if anything we might want to do relating to other 'residual' CCW objections within the planning system. Is there anything that we should be doing if it appears that the main risk to such developments are the environmental objections raised by CCW? Dave Eccles, who works on the Ynni'r Fro Programme, is doing a quick assessment to see what other developments might be covered by this 'transitional arrangement'.

I'd be keen to have a quick telecon or meeting with you given Ministerial expectations/priorities in this area and consider whether there are any steps that we should take as a result of the above.

Prys

**Prys Davies**

Dirprwy Gyfarwyddwr: Is-adran Ynni, Dŵr a Llifogydd /

Deputy Director: Energy, Water and Flood Division

Llywodraeth Cymru / Welsh Government

Ffon / Phone - 029 2082 5031  
Symudol / Mobile - 07792615467

### ANNEX 3 – LETTER FROM PROFESSOR MATTHEWS TO PROFESSOR STEVE ORMEROD

Mr Steve Ormerod  
Professor of Ecology/Chair of RSPB Council  
Cardiff School of Biosciences  
Biosci 2 (Room 6.04)  
Cardiff University  
Cardiff  
CF10 3AX  
12 February

Dear Mr Ormerod,

Thank you for your email of 28 January 2015, concerning pollution of the River Wye by poultry units. We are in regular contact with Mr Loveridge and I can assure you that we are working with him to address his concerns.

We take a risk-based approach to our regulation and it is true that these types of development generally receive a lighter touch approach compared with high risk developments such as incinerators, landfill sites and major industrial processes. This is entirely in accordance with policy across UK regulators.

This is quite a complex area and we have a number of overlapping roles. We regulate poultry units with more than 40,000 birds under the Environmental Permitting Regulations (EPR) which implement the relevant European Directive for this sector. The Regulations provide for exemptions and Statutory Guidance issued jointly by DEFRA and the Welsh government provides that exemption to units with less than 40,000 birds, however the units are subject to planning regulations. We have some responsibilities as a statutory consultee under the planning regime and as the lead authority for the Water Framework Directive.

We regularly raise concerns at the planning stage about the potential impact on protected sites and Water Framework Directive objectives. Unfortunately these issues are not generally sufficient to object to planning permission unless the development is contrary to a strategic plan. For the sites that we permit there is an agreed impact significance threshold, which applies to certain key emissions. Where the impact of an individual development is below this threshold, the impact is considered to be insignificant. The current policy in Wales and England is that if the individual impacts are below these thresholds then cumulative impacts are not taken into account. We also use the same significance thresholds when commenting on planning applications for poultry units regardless of size.

For units with greater than 40,000 places, there is also European guidance which specifies the pollution control techniques to be applied for substances such as dust. Where a development meets the requirements of this guidance then there are generally no legal grounds to refuse the application or to require stricter controls.

**The dichotomy that arises is that when we look at a single case there will rarely be specific grounds to refuse an EPR application or to object to a planning application.** However, when we look at it in a holistic way, poultry rearing is just one of very many issues such as large dairy herds, agricultural fertilizer application or proposed infrastructure developments?

Notwithstanding all these issues, there are currently a significant number of these developments (both above and below 40,000 poultry places) being proposed in Powys and **we agree that we need to begin to take a strategic approach rather than look at each development in isolation. We are mindful of the economic benefits that these units bring and we are keen to find ways of ensuring that we can reconcile those benefits with protection of the environment.** We will be establishing a small project team that will consider the developing situation and its implications across our whole remit as statutory planning consultee, regulator, conservation body, and lead authority for Water Framework Directive. Although our direct regulatory powers have limitations we will work closely with colleagues at Powys County Council to develop a more integrated approach. We will also reflect

on what advice we can give to Welsh Government on this issue and any thoughts you might have would be welcome

Yours sincerely,

**PETER MATTHEWS**

**Cadeirydd, Cyfoeth Naturiol Cymru**

**Chairman, Natural Resources Wales**

phone 01597 870351  
[44janice@gmail.com](mailto:44janice@gmail.com)

Pencwm, St Harmon, Rhayader  
 Powys, LD6 5NG

6 November 2014

Julian Jones, Chris Ledbury and Ray Woods,  
 Radnorshire Wildlife Trust

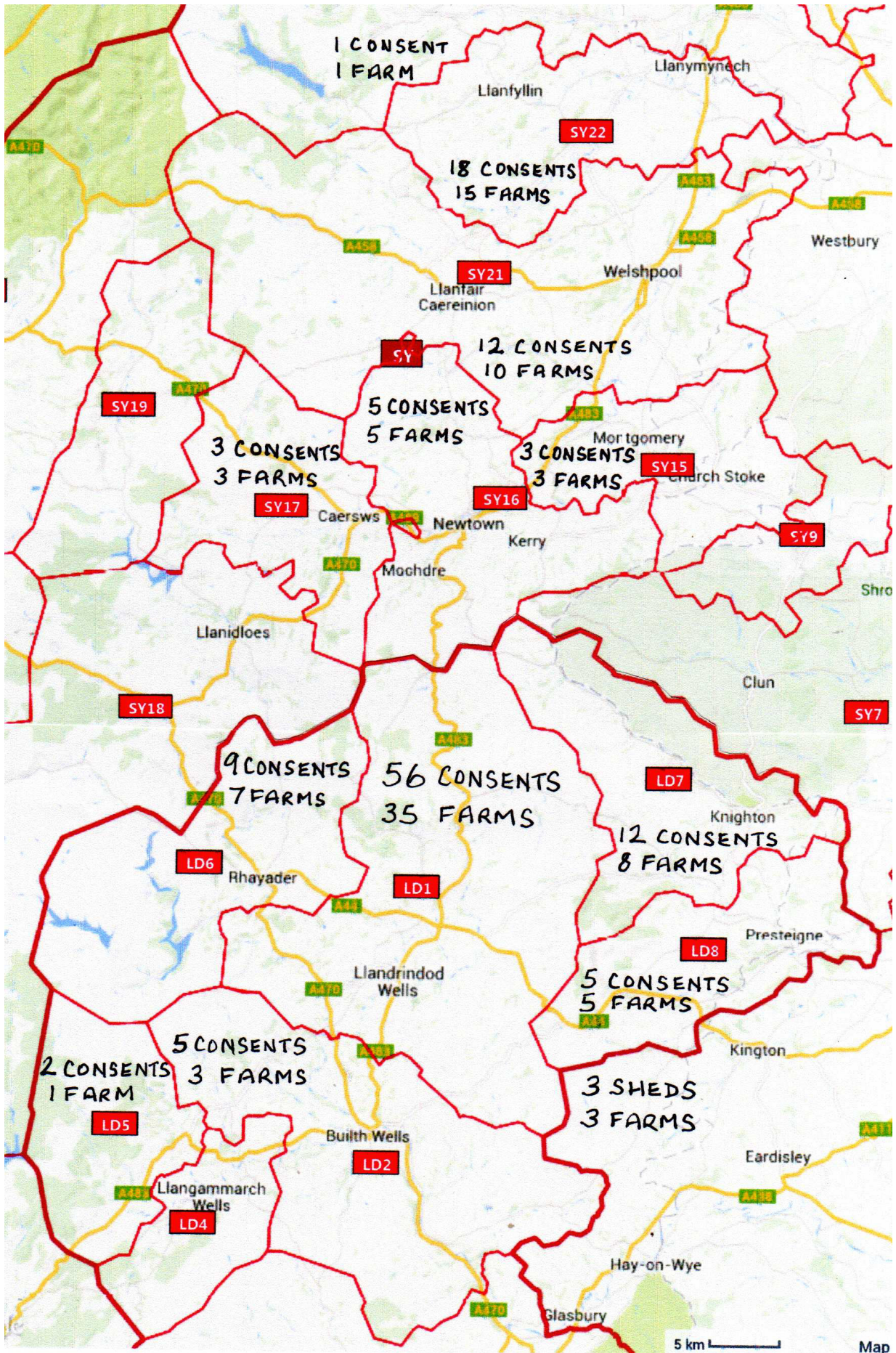
Dear Julian, Chris and Ray,

**Air Quality and poultry units**

We have completed an analysis of chicken shed planning applications in Powys since 1 January 2008 (please ask for a copy of our report, if required). There may well be more!

<b>number consented</b>		<b>134</b>
<i>including:</i>		
consented	133	
refused, then consented on appeal	1	
<b>number of farms</b>		<b>99</b>
<b>number of broiler units (over 1,674,000 birds)</b>	<b>16</b>	
<b>number of broiler farms</b>	<b>11</b>	
<b>refused</b>		<b>2</b>
determination outstanding		3
<b>others</b>		<b>20</b>
<i>including:</i>		
outline consent, replaced by full consent	4	
variation	4	
withdrawn	3	
withdrawn, re-applied, then consented	5	
withdrawn, re-applied, then withdrawn	1	
refused, re-applied, then consented	3	
<b>total number of applications since 1 Jan 2008</b>		<b>159</b>

	<b>post code</b>	<b># of consents</b>	<b># of farms</b>
	HR	3	3
	LD1	56	35
	LD2	5	3
	LD5	2	1
	LD6	9	7
	LD7	12	8
	LD8	5	5
	SY10	1	1
	SY15	3	3
	SY16	5	5
	SY17	3	3
	SY21	12	10
	SY22	18	15
		<b>134</b>	<b>99</b>



Poultry units consented in Powys since 01.01.08 illustrated by postcode area

We have now analysed the cumulative impact of poultry sheds. The map at page 4 illustrates 16 existing planning consents in this area since 1 January 2008.

I have used SCAIL to calculate the depositions at the 5 SSSIs and 3 European Sites within 5/10km of the proposed unit respectively. The results on pages 5 to 7 can be summarised as:

	Average deposition as percentage of average Critical Load from 16 consented units
Ammonia	561%
Nitrogen	336%
Acid	105%

These percentages represent only the impact of these 16 poultry units and do not include significant pre-existing background deposition.

It is apparent that the cumulative impact of poultry units in this area is having a significant impact on Protected Sites.

The impact of the 16 poultry units in this area on **Marcheini, Gilfach and Gamallt** is:

	Deposition from 16 units	Critical Load
Ammonia	4.83	1.0
Nitrogen	25.03	3.0
Acid	1.70	0.6

===

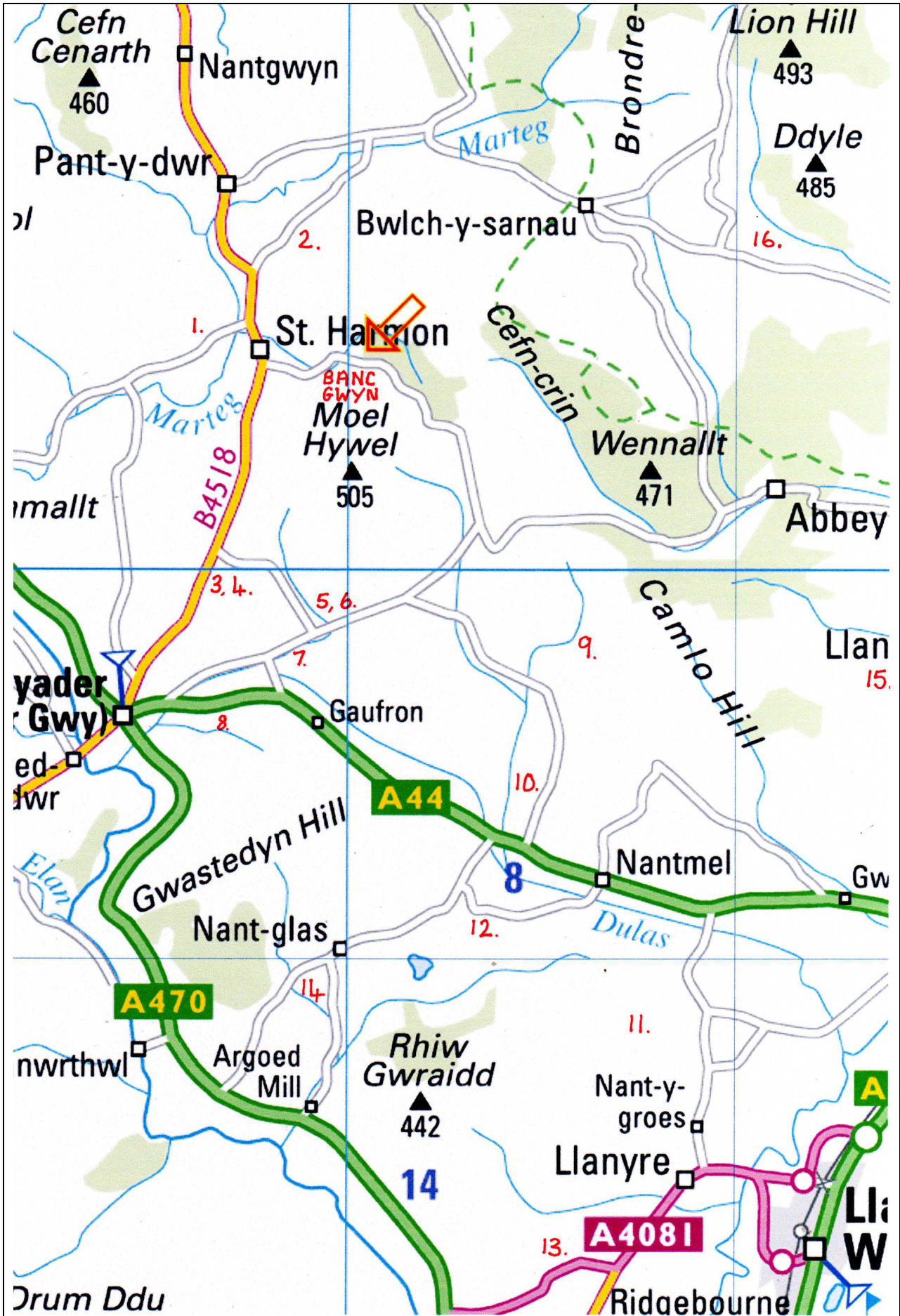
In addition, Environment Agency H1 Annex B requires modelling of depositions from the proposed unit at Banc Gwyn because they would be over 4% (SACs and SPAs) or 20% (SSSIs):

- Ammonia deposition at three European Protected Sites;
- Nitrogen deposition at one European Site and one UK Protected Site;
- Acid deposition at two European Protected sites

Please ask if you have any questions.

Yours sincerely,

Alan Loveridge



16 Poultry units neighbouring Banc Gwyn, St Harmon

**Powys County Council planning application P/2014/0009 - proposed poultry unit at Banc Gwyn, St Harmon**  
**Calculation of cumulative impact of poultry units**

farm	post code	grid reference	planning application	Ammonia deposition (µg/m <sup>3</sup> )											average
				Cae Coed - Gleision SSSI	Marcheini Gifnach & Gamallt SSSI	Caeau Wern SSSI	Upper Nantserth SSSI	Cors Cae'r Neuadd SSSI	Elenydd-Mallaen SPA	River Wye SAC	Elan Valley woodland SAC				
1 Shettingau	LD6 5LG	298222 272746	P/2008/1206	11.05	2.39	0.08	0.14	0.17	0.34	0.17	0.17	0.06			
2 Glan Marteg	LD6 5LY	299474 274329	P/2009/0725	0.28	0.28	0.09	0.10	0.28	0.21	0.11	0.06	0.06			
3 Llwyngwilym	LD6 5NS	298593 270049	P/2008/1109	0.82	0.91	1.04	3.00	0.32	0.89	0.88	0.62	0.62			
4 Llwyngwilym 2	LD6 5NS	298609 269922	P/2009/1238	0.21	0.24	0.30	0.80	0.08	0.24	0.25	0.17	0.17			
5 Beili Ddol	LD6 5NS	299903 269571	P/2009/0558	0.20	0.18	1.48	0.34	0.09	0.17	0.23	0.14	0.14			
6 Beil Ddol 2	LD6 5NS	299545 269697	P/2010/0751	0.17	0.15	0.67	0.32	0.07	0.15	0.18	0.12	0.12			
7 Llwyncwta	LD6 5NT	299016 268949	P/2009/0367	0.14	0.17	0.37	0.37	0.07	0.17	0.33	0.17	0.17			
8 Cefnceido	LD6 5NU	298670 268255	P/2010/0232	0.14	0.18	0.29	0.35	0.07	0.19	0.73	0.24	0.24			
9 Glenalders	LD6 5PE	302620 269067	P/2010/0235	0.10	0.08	0.62	0.11	0.06	0.08	0.24	0.07	0.07			
10 Llwyn Lane	LD6 5PE	302280 266919	P/2010/1141	0.05	0.05	0.20	0.07	0.03	0.07	1.07	0.06	0.06			
11 Gwynsan	LD1 6EE	303571 264096	P/2010/1026	0.03	0.03	0.06	0.04	0.02	0.05	0.30	0.04	0.04			
12 Cefillyn	LD1 6EW	301668 265640	P/2008/0964	0.06	0.06	0.17	0.08	0.04	0.12	1.65	0.09	0.09			
13 Cerrigoes	LD1 6EU	303496 261335	P/2009/0414	0.02	0.02	0.04	0.03	0.02	0.05	0.56	0.04	0.04			
14 Nantglas church	LD1 6PD	299159 264193	P/2010/1086	0.02	0.02	0.04	0.03	0.01	0.13	0.31	0.08	0.08			
15 Esgainwy	LD1 6PG	307137 268683	P/2013/0736	0.02	0.02	0.04	0.02	0.02	0.02	1.76	0.02	0.02			
16 Pen Brycennau	LD1 6PT	305195 274545	P/2010/0869	0.05	0.05	0.06	0.04	0.04	0.04	0.18	0.03	0.03			
<b>Total</b>				13.36	4.83	5.55	5.84	1.39	2.92	8.95	2.01	5.61			
Banc Gwyn	LD6 5NG	300283 272216	P/2014/0009	0.20	0.16	0.15	0.10	0.08	0.10	0.08	0.05	0.12			
<b>Total</b>				13.56	4.99	5.70	5.94	1.47	3.02	9.03	2.06	5.72			
<b>Percentage of ammonia deposition over Critical Level</b>				1356%	499%	570%	594%	147%	302%	903%	206%	572%			
				1.0 for initial assessment, ref EA document H1 Annex B											

Numbers in blue are the ammonia "Process Contribution" of the 16 poultry units consented since 1 January 2008

**The deposition numbers on this page do not include pre-existing background deposition, or consents prior to 2008.**

The average ammonia deposition of these 16 consented poultry units is 5.61, which is 561% of the critical level of 1.0.

The proposed broiler unit at Banc Gwyn would contribute an average additional 0.12 ammonia deposition

The average deposition of ammonia, including Banc Gwyn, would be 572% of critical load

At three European sites, the deposition of ammonia from the proposed broiler unit at Banc Gwyn would exceed the 4% of critical level when further modelling is required

**Cumulative impact of Ammonia Deposition by 16 neighbouring units**

**Powys County Council planning application P/2014/0009 - proposed poultry unit at Banc Gwyn, St Harmon**  
**Calculation of cumulative impact of poultry units**

farm	post code	grid reference	planning application	Nitrogen deposition (kg/ha/yr)										average
				Cae Coed - Gleision SSSI	Marcheini Gifnach & Gamallt SSSI	Caeau Wern SSSI	Upper Nantserth SSSI	Cors Cae'r Neuadd SSSI	Elenydd-Mallaen SPA	River Wye SAC	Elan Valley woodland SAC			
1 Shettingau	LD6 5LG	298222 272746	P/2008/1206	57.40	12.40	0.42	0.73	0.88	1.80	0.88	0.88	0.31		
2 Glan Marteg	LD6 5LY	299474 274329	P/2009/0725	1.50	1.50	0.47	0.52	1.50	1.10	0.57	0.31			
3 Llwyngwilym	LD6 5NS	298593 270049	P/2008/1109	4.30	4.70	5.40	15.60	1.70	4.60	4.60	3.20			
4 Llwyngwilym 2	LD6 5NS	298609 269922	P/2009/1238	1.10	1.20	1.60	4.20	0.42	1.20	1.30	0.88			
5 Beili Ddol	LD6 5NS	299903 269571	P/2009/0558	1.00	0.93	7.70	1.80	0.47	0.88	1.20	0.73			
6 Beili Ddol 2	LD6 5NS	299545 269697	P/2010/0751	0.88	0.78	3.50	1.70	0.36	0.78	0.93	0.62			
7 Llwyncwita	LD6 5NT	299016 268949	P/2009/0367	0.73	0.88	1.90	1.90	0.36	0.88	1.70	0.88			
8 Cefnceido	LD6 5NU	298670 268255	P/2010/0232	0.73	0.93	1.50	1.80	0.36	0.99	3.80	1.20			
9 Glenalders	LD6 5PE	302620 269067	P/2010/0235	0.52	0.42	3.20	0.57	0.31	0.42	1.20	0.36			
10 Llwyn Lane	LD6 5PE	302280 266919	P/2010/1141	0.26	0.26	1.00	0.36	0.16	0.36	5.60	0.31			
11 Gwynsan	LD1 6EE	303571 264096	P/2010/1026	0.16	0.16	0.31	0.21	0.10	0.26	1.60	0.21			
12 Cefillyn	LD1 6EW	301668 265640	P/2008/0964	0.31	0.31	0.88	0.42	0.21	0.62	8.60	0.47			
13 Cerrigoes	LD1 6EU	303496 261335	P/2009/0414	0.10	0.10	0.21	0.16	0.10	0.26	2.90	0.21			
14 Nantglas church	LD1 6PD	299159 264193	P/2010/1086	0.10	0.10	0.21	0.16	0.05	0.68	1.60	0.42			
15 Esgainwy	LD1 6PG	307137 268683	P/2013/0736	0.10	0.10	0.21	0.10	0.10	0.10	9.10	0.10			
16 Pen Brycennau	LD1 6PT	305195 274545	P/2010/0869	0.26	0.26	0.31	0.21	0.21	0.86	0.93	0.16			
<b>Total</b>				69.45	25.03	28.82	30.44	7.29	15.79	46.51	10.37	29.21		
Banc Gwyn	LD6 5NG	300283 272216	P/2014/0009	1.00	0.83	0.78	0.52	0.42	0.52	0.42	0.26	0.59		
<b>Total</b>				70.45	25.86	29.60	30.96	7.71	16.31	46.93	10.63	29.81		
<b>Percentage of nitrogen deposition over Critical Load</b>				705%	862%	296%	387%	77%	163%	469%	106%	336%		

Numbers in blue are the nitrogen "Process Contribution" of the 16 poultry units consented since 1 January 2008

**The deposition numbers on this page do not include pre-existing background deposition, or consents prior to 2008.**

The average nitrogen deposition of these 16 poultry units is 29.21, which is 329% of the average critical load of 8.88.

The proposed broiler unit at Banc Gwyn would contribute an average additional 0.59 nitrogen deposition

The average deposition of nitrogen, including Banc Gwyn, would be 336% of critical load

At one European site, the deposition of nitrogen from the proposed broiler unit at Banc Gwyn would exceed the 4% of critical load when further modelling is required  
 At one SSSI, the deposition of nitrogen from the proposed broiler unit at Banc Gwyn would exceed the 20% of critical load when further modelling is required

**Cumulative impact of Nitrogen Deposition by 16 neighbouring units**

**Powys County Council planning application P/2014/0009 - proposed poultry unit at Banc Gwyn, St Harmon**  
**Calculation of cumulative impact of poultry units**

Acid deposition (KEq H <sup>+</sup> /ha/yr)																						
farm	post code	grid reference	planning application	Cae Coed - Gleision		Marcheiri Gilfach & Gamallt		Caeau Wern		Upper Nantserth		Cors Cae'r Neuadd		Elenydd-Mallaen		River Wye		Elan Valley woodland		average		
				SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI	SSSI		SSSI	
1 Shettingau	LD6 5LG	298222 272746	P/2008/1206	3.900	0.840	0.028	0.049	0.059	0.120	0.059	0.021	0.059	0.120	0.059	0.021	0.059	0.120	0.059	0.021	0.021		
2 Glan Marteg	LD6 5LY	299474 274329	P/2009/0725	0.100	0.100	0.032	0.035	0.100	0.074	0.100	0.038	0.100	0.074	0.038	0.100	0.074	0.038	0.100	0.074	0.021		
3 Liwyngwilym	LD6 5NS	298593 270049	P/2008/1109	0.290	0.320	0.360	1.100	0.110	0.310	0.110	0.310	0.110	0.310	0.110	0.310	0.110	0.310	0.110	0.310	0.220		
4 Liwyngwilym 2	LD6 5NS	298609 269922	P/2009/1238	0.074	0.081	0.110	0.280	0.028	0.081	0.028	0.088	0.028	0.081	0.028	0.088	0.028	0.081	0.028	0.088	0.059		
5 Beili Ddol	LD6 5NS	299903 269571	P/2009/0558	0.067	0.063	0.520	0.120	0.032	0.059	0.032	0.081	0.032	0.059	0.032	0.081	0.032	0.059	0.032	0.081	0.049		
6 Beil Ddol 2	LD6 5NS	299545 269697	P/2010/0751	0.059	0.053	0.240	0.110	0.024	0.053	0.024	0.063	0.024	0.053	0.024	0.063	0.024	0.053	0.024	0.063	0.042		
7 Liwyncwita	LD6 5NT	299016 268949	P/2009/0367	0.049	0.059	0.130	0.130	0.024	0.059	0.024	0.110	0.024	0.059	0.024	0.110	0.024	0.059	0.024	0.110	0.059		
8 Cefn Ceido	LD6 5NU	298670 268255	P/2010/0232	0.049	0.063	0.100	0.120	0.024	0.059	0.024	0.120	0.024	0.059	0.024	0.120	0.024	0.059	0.024	0.120	0.081		
9 Glenalders	LD6 5PE	302620 269067	P/2010/0235	0.035	0.028	0.220	0.038	0.021	0.028	0.021	0.038	0.021	0.028	0.021	0.038	0.021	0.028	0.021	0.038	0.024		
10 Liwyn Lane	LD6 5PE	302280 266919	P/2010/1141	0.018	0.018	0.067	0.024	0.011	0.024	0.011	0.024	0.011	0.024	0.011	0.024	0.011	0.024	0.011	0.024	0.021		
11 Gwynsan	LD1 6EE	303571 264096	P/2010/1026	0.011	0.011	0.021	0.014	0.007	0.014	0.007	0.014	0.007	0.014	0.007	0.014	0.007	0.014	0.007	0.014	0.014		
12 Cefnlllyn	LD1 6EW	301668 265640	P/2008/0964	0.021	0.021	0.059	0.028	0.014	0.042	0.014	0.042	0.014	0.042	0.014	0.042	0.014	0.042	0.014	0.042	0.032		
13 Cerrigroes	LD1 6EU	303496 261335	P/2009/0414	0.007	0.007	0.014	0.011	0.007	0.018	0.007	0.018	0.007	0.018	0.007	0.018	0.007	0.018	0.007	0.018	0.014		
14 Nantglas church	LD1 6PD	299159 264193	P/2010/1086	0.007	0.007	0.014	0.011	0.004	0.046	0.004	0.046	0.004	0.046	0.004	0.046	0.004	0.046	0.004	0.046	0.028		
15 Esgarwy	LD1 6PG	307137 268683	P/2013/0736	0.007	0.007	0.014	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007	0.007		
16 Pen Bryncennau	LD1 6PT	305195 274545	P/2010/0869	0.018	0.018	0.021	0.014	0.018	0.014	0.014	0.063	0.014	0.014	0.063	0.014	0.014	0.063	0.014	0.011	0.011		
<b>Total</b>				4.712	1.696	1.950	2.091	0.486	1.020	0.486	3.143	0.486	1.020	0.486	3.143	0.486	1.020	0.486	3.143	1.98		
Banc Gwyn	LD6 5NG	300283 272216	P/2014/0009	0.067	0.056	0.053	0.035	0.028	0.035	0.028	0.028	0.035	0.028	0.035	0.028	0.035	0.028	0.035	0.028	0.018	0.04	
<b>Total</b>				4.779	1.752	2.003	2.126	0.514	1.055	0.514	3.171	0.514	1.055	0.514	3.171	0.514	1.055	0.514	3.171	2.02		
<b>Critical Load</b>				5.070	0.600	5.070	1.090	0.840	0.870	0.840	0.490	0.840	0.870	0.490	0.840	0.870	0.490	0.840	0.870	1.89		
<b>Percentage of acid deposition over Critical Load</b>				<b>94%</b>	<b>292%</b>	<b>40%</b>	<b>195%</b>	<b>61%</b>	<b>121%</b>	<b>61%</b>	<b>647%</b>	<b>121%</b>	<b>647%</b>	<b>61%</b>	<b>647%</b>	<b>647%</b>	<b>647%</b>	<b>647%</b>	<b>647%</b>	<b>106%</b>		

Numbers in blue are the acid "Process Contribution" of the 16 poultry units consented since 1 January 2008

**The deposition numbers on this page do not include pre-existing background deposition, or consents prior to 2008.**

The average acid deposition of these 16 poultry units is 1.98, which is 105% of the average critical load of 1.89.

The proposed broiler unit at Banc Gwyn would contribute an average additional 0.04 acid deposition

The average deposition of acid, including Banc Gwyn, would be 106% of critical load

At two European sites, the deposition of acid from the proposed broiler unit at Banc Gwyn would exceed the 4% of critical level when further modelling is required

**Cumulative impact of Acid Deposition by 16 neighbouring units**



# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: MORGAN PARRY

Anfonwch eich ateb at/Please reply to: Richard Jones

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Ebost/Email: [r.jones@ccw.gov.uk](mailto:r.jones@ccw.gov.uk)

PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Rhanbarth De a Dwyrain / South & East Region

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Parc Busnes Llancirwg/St Mellons Business Park

Ffordd Fortran/Fortran Road

Llancirwg / St Mellons

CAERDYDD / CARDIFF

CF3 0EY

Mr S Smith  
Head of Planning  
Planning Control Section  
Council Offices  
High Street  
Blaina  
NP13 3XD

Our Ref: DCT-12-061238/C.09.91.01/RB/CW  
Your Ref: SS/C/2013/0062

22 March 2013

Dear Mr Smith

## LAND NORTH OF RASSAU INDUSTRIAL, RASSAU, EBBW VALE THE CIRCUIT OF WALES

### TOWN AND COUNTRY PLANNING ACT 1990

Thank you for your consultation of the 20 February regarding the above 'Circuit of Wales' application.

**The Countryside Council for Wales (CCW) objects to the application and recommends that it be refused.**

CCW note the information that has been provided within the Environmental statement and supporting documents. Whilst we appreciate the nature and scale of the proposal is likely to bring positive benefits in terms of economic regeneration to the area, we are of the view that a development of this nature in this location would result in significant environmental impacts. The proposed development is located on an area of open moorland which is adjacent to the Brecon Beacons National Park. The proposal will have an adverse effect on the heritage and special qualities of this national landscape designation.

Our reasons for our objection are outlined below.

### PLANNING POLICY

The proposal we believe is contrary to National Planning Policy. The ES concludes that the proposal is consistent with and will have a positive impact in terms of those policies which promote economic regeneration (ES para 17.5.). However in terms of environmental policies the main justification appears to be that the proposal has been through an EIA process.



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As the proposal is likely to have significant direct and indirect environmental impacts (as outlined below), CCW are of the opinion it is contrary to national policy in particular PPW para 4.4.3.

We also note that the proposed development is outside of the settlement boundary and not an allocated site within the recently adopted Blaenau Gwent Local development Plan (LDP). The LDP was subject to examination during 2012 and was found to meet the test of soundness.

The proposal is contrary to a number of the policies within the LDP. For example it would not satisfy the following policies of the LDP;

**Policy SP10 and 11** - The nature and scale of the proposal would not protect or enhance the Natural or the Historic Environment.

**Policy DM14** – The proposal would be at variance with this policy which is aimed at promoting Biodiversity Protection and Enhancement.

## **BRECON BEACONS NATIONAL PARK**

This is a proposal for a major development immediately adjoining the Brecon Beacons National Park (BBNP), a national landscape designation.

The protection and conservation of national parks is enshrined in planning policy and various strategic documents. Planning Policy Wales Section 5.3.6 states:

*‘ National Parks .... must be afforded the highest status of protection from inappropriate developments. In development plan policies and development management decisions..... In National Parks and AONBs, development plan policies and development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas.*

In terms of development proposals adjacent to the Park , the Brecon Beacons National Park Authority (BBNPA) Unitary Development Plan (UDP), as adopted in March 2007 that is of relevance to landscape character and visual amenity:

*“If the special qualities of the National Park are to be protected, careful control needs to be exercised over development that straddles the Park boundary or is conspicuous from within the Park. The NPA is consulted by neighbouring planning authorities on applications likely to affect the Park.... “*



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CCW have considered the likely impact on the National Park under the following headings.

## **i) Landscape and Visual**

The site is on upland moorland that is common land. The boundary with the BBNP in this locality is only a line on a map, the contiguous large expanses of common land moorland within the BBNP continuing over Mynydd Llangynidr and Mynydd Llangatwg. This moorland is spread across a gently undulating visually connected tranquil plateau that dips to the south and will have direct views from many locations of the proposed motor racing circuit and its ancillary buildings and associated structures and activities.

We note from the Landscape and Visual Impact Assessment (LVIA) undertaken as part of the ES has concluded that 5 of the 15 viewpoints were considered to observe a significant level of effect on visual amenity as a result of the construction of the Circuit of Wales. Three of these are directly located within the National Park (Mynydd Llangynidr, Mynydd Llangattock and Cairn-y-Bugail).

Although it is appreciated that this is an outline application, the description and analysis of predicted and residual effects in the LVIA do not give enough confidence that they will be as stated in the ES and we feel that tone adopted is speculative with phrases used such as 'likely to be limited.' Moreover it is inappropriate to consider that the screening of one part of the site by a building that forms part of the development will lessen impact. To take one example, the Viewpoint 13 footpath north of Llangyndir reservoir. The ES ( p391 13.5.25) recognises the high sensitivity of the receptors (but erroneously given as medium in the summary table 13.11), but suggests that the medium magnitude of effect is not significant. We would suggest that the changes in this view are significant and adverse. No allowance has been made for the sequential views experienced by users of Public Rights of Way and open access land adding to the magnitude of effects. We also disagree that seeing the construction elements of the proposal within the context of existing built structures (E.g. pylons) lessen the cumulative impact.

No visual assessment of the proposed 12 ha solar PV park on the National Park has been carried out.

CCW is strongly of the view that the proposal will be widely seen and heard from these moorlands and beyond and will have a major adverse impact on the character and special qualities of Mynydd Llangynidr and Mynydd Llangatwg parts of the Brecon Beacons National Park.



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### ii) Common Land

Grazing and management practice on common land occurs based on rights owned by farmers surrounding the common, and attached to their farms/fields. The owner of the land may carry out other activities where they do not impact on the use of the common rights. These rights and common practices have developed over hundreds of years since medieval times and have had a fundamental influence on the shape and form of the landscape, of both the commons themselves and the surrounding farms that the rights are attached to.

As part of a process to progress a development, this proposal would involve the release (i.e. termination) of a proportion of the common rights applying to common land Unit CL15. The contiguous commons are grazed by multiple flocks, traditionally shepherded and hefted to a certain part of the hill. It is important to understand that a change on one part of the common can affect the graziers on another part of the common, potentially causing difficulties for the management of the remaining common land.

The Circuit of Wales proposal will also generate additional traffic flows across the commons (see comments on traffic below). For example the Llangynidr mountain road B4560, is an unfenced road over the Common over which sheep roam freely and it is not suitable for an increase in traffic..

It is clear that grazing on these Commons is already precarious. There has been a process of graziers abandoning grazing of the common, due mainly to the increasing age of graziers and/or the profitability of that part of their farming business. Mynydd Llangynidr and Mynydd Llangatwg have also been subject to a series of developments over the years that have destroyed or severed farms on the south of the hill ( coal workings, construction of the A465 Heads of the Valleys Road and the Rassau Industrial Estate). CCW is particularly concerned that this has a real likelihood of causing several of the few remaining graziers to abandon grazing, followed shortly by the remaining graziers who turn out on the plateau

Grazing by Commoners on these moorlands is essentially in maintaining the wider landscape and vegetation cover within the Brecon Beacons National Park. The loss of commons grazing both within the area affected by the proposed development and in the wider landscape would have a very significant loss with respect to the strategic objectives of the Brecon Beacons National Park Management Plan with a progressive and permanent change in vegetation and landscape and loss of cultural heritage, common grazing practice having been part of this landscape for many hundreds of years. There would also be implications for Mynydd Llangatwg which is designated as a Special Area of Conservation and a Site of Special Scientific Interest for its heath vegetation (see comments below).



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In addition, the proposed development is situated on a registered urban common where the public have a have rights of access for air and exercise to that land. If built the proposal would result in a significant reduction in the availability of access land for local people and visitors to the area.

### iii) Noise and Tranquillity

We note that in paragraph 3.89 of the Environmental Statement Volume 3: Non-technical Summary, it suggests that operational noise will result from motorsport, helicopter, amplified music, building service and traffic but that this is deemed to be acceptable and no mitigation measures are planned apart from a Noise Management Plan to limit the duration and frequency of these activities.

The ES considers noise impacts in terms of the noise generated from the motorsports activities and increased traffic to and from the site in respect of human receptors in the local area. Little reference is made to the effect of noise on the BBNP and how the increased noise will affect its tranquillity qualities. With the prevailing winds being from the South West it is clear that noise will be carried into the Park and will affect walkers on Mynydd Llangynidr, Mynydd Llangattock and Cairn-y-Bugail.

As a result, CCW are concerned that the proposed development in this location will have a negative impact on the tranquillity qualities of the BBNP.

### iv) Lighting

The BBNP has recently been granted prestigious International Dark Sky Reserve status making it Wales' first International Dark Sky Reserve.

The ES states that the less than half of the site will require lighting and the effects of lighting can be mitigated for through appropriate design and lighting types. We are concerned that a development of this scale and nature with the various motor circuits, hotels, retail and business centres would inevitably require security lighting at night and other lighting when operational. The likely effects particularly on the BBNP have not been fully assessed.

### v) Traffic

In use, the intention is to attract up to 90 000 thousand motor racing enthusiasts to watch events and use facilities, most of whom will enviably drive to the site. It is very likely that motorists from the north will travel to and from the site via Llangynidr and the B4560 rather than using the upgrade Heads of the Valleys Road. The traffic generation will therefore increase on the Beaufort, Llangynidr (B4560) and Llangattock roads, as a result and some will use their spare available time in the area to visit near by places. The additional traffic volumes and noise generated within the BBNP will erode the public enjoyment of the national park landscape, particularly in the more tranquil parts affected.



There is also a likelihood of increased traffic impacting on grazing practice on Mynydd Llangynidr and Mynydd Llangatwg, with significant consequences to the Brecon Beacons National Park landscape and the long term management of biodiversity, including the heath land within the Usk Bat Sites Special Area of Conservation.

## HISTORIC AND LOCAL LANDSCAPE

### i) Historic Landscape

The proposal will have a direct impact on 4 Historic Landscape Character Areas (HLCAs) classed from severe to very severe. The HLCAs are:

Trefil TramRoad

Nant Milgatw Fieldscape

Nat Milgatw Uplands

Twyn Bry-March Bronze Age Funerary Landscape

Also a moderate impact (in terms of non-physical indirect visual effect) on 2 landscapes listed on the Register of Historic Landscapes in Wales:

Blaenavon

Gelligaer Common

The ES concludes that the impact on historic landscape is acceptable despite the ES concluding that there would be moderate to very severe impact on HCLAs and two nearby registered historic landscapes. a generally tries to play down the impact of the development on historic landscape.

### ii) Special Landscape Area

The proposal lies within and would have a significant adverse effect on the Trefil and Garnlydan Special Landscape Area (Blaenau Gwent). The March 2009 Blaenau Gwent SLA Proposals Final Report identify that the primary landscape qualities and features include:



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# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

Finally, we are minded to write to the Welsh Government to advise them that we consider this application raises planning issues of more than local importance and recommend that it be called in for their determination. We are of the opinion that issues of significance in this context are;

- Departure from national planning policy
- The implications for the Brecon Beacons National Park
- The loss of Biodiversity including BAP habitats and peat soils resource

If you require further information or clarification in relation to our objection please feel free to contact us.

Yours sincerely

**Chris Uttley**  
**Regional Operations Manager**  
**Uwch-reolwr Gweithrediadau Rhanbarthol**



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National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 99  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Dŵr Cymru



**Written Evidence to the National Assembly for Wales' Environment and Sustainability Committee**

**Natural Resources Wales - Annual Scrutiny 2015**

**April 2015**

**Dŵr Cymru Welsh Water's experience of working with and/or accessing services from  
Natural Resources Wales and how it is delivering its statutory functions**

**1. Introduction**

These comments are from Dŵr Cymru Welsh Water, the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. We are owned by Glas Cymru, a single purpose, not-for-profit company with no shareholders where all financial surpluses are returned to customers. Between 2001 and 2015, we have returned some £250 million to our customers through customer dividends, social tariffs and accelerated investment. We provide essential public services to our customers by supplying their drinking water and then carrying away and dealing with their wastewater. In this way, we make a major contribution to public health and to the protection of the Welsh environment. Our services are also essential to sustainable economic development in Wales. Welsh Water supports £1 billion per annum of economic activity in Wales and some 6,000 jobs.

We are grateful to have the opportunity to respond to the Committee's call for evidence to support the annual scrutiny of Natural Resources Wales (NRW).

**2. Findings**

**2.1. NRW Policy**

We appreciate the mature and positive relationship that has built up over time with colleagues from NRW and we strongly identify with NRW's strategic vision and aspiration to achieve environmental outcomes that are good for the people and economy of Wales. The aspiration to

align land, air and water ecosystems to ensure that Welsh wildlife and landscapes are enhanced is highly commendable and one that we fully support. It will, though, undoubtedly take some time to achieve this objective while the legacy bodies genuinely amalgamate. We recognise that, perhaps, due to the level of organisational change that NRW has undergone and the long term nature of delivering sustainable environmental change, it is still early days in measuring change on the ground.

Our dealings with NRW on the occasions that we have discussed policy issues have been positive. We are keen to see that NRW continues to demonstrate a more holistic approach to delivering environmental objectives, with wider environmental issues such as reducing carbon emissions being matters of particular importance when setting future policy. It is important that the costs of achieving tighter environmental standards (e.g. for power and chemicals) which are borne by the water bill payers in our operating area, are properly considered and factored into policy setting. We remain encouraged that NRW, through their strong focus on “place” continue to push for catchment-based solutions and that all polluters pay their share.

We note that the Welsh Government has proposed using the Environment (Wales) Bill to confer on NRW experimental powers to test and trial new approaches to natural resource management. We are hopeful that NRW will embrace this flexibility and use it to help deliver co-dependant actions, for example by trialling general binding rules, bringing trickle irrigation within the scope of abstraction licencing, exploring catchment consenting and introducing restrictions on the use of certain pesticides, particularly in catchments where elevated levels are being recorded in raw water used for potable supplies.

At present, most of the policies operated by NRW for the benefit of the environment in Wales remain the same as they were prior to the creation of this body. As we operate in both England and Wales, having consistency of policy across our operating area helps us achieve our objectives and also establishes a consistent platform by which we are able to provide a high quality service to our customers, deliver outcomes which benefit the environment and secure compliance with legal and regulatory obligations. Whilst we understand and accept that over time there may be a greater divergence in policy, it is important that it is driven from a position of improving the environment in Wales, but also recognising that our costs are borne by the water bill payers of Wales and the areas in England that we operate within.

## **2.2. NRW Services**

We recognise that NRW is facing budgetary pressures and continues to look for opportunities to make cost savings. However, this should not be at the expense of discharging core functions such as monitoring the Welsh environment and there needs to be a careful balance struck. NRW quite rightly prides itself on being an organisation whose decisions are based on evidence and there will continue to be a need for it, as well as others including ourselves, to justify actions and investment decisions on solid evidence based criteria. There is probably further potential and opportunities to reduce costs through seeking to work with others around co-delivery of activities and projects.

We recognise that this has been a period of transition and we are hopeful that response times and standards of service continue to match those achieved in Wales before the formation of NRW and remain similar to those achieved across the UK sector.

### **2.3. Engagement with Welsh Water**

We appreciate the way in which NRW is committed to working with us and to date this has worked well. Engagement between our two organisations is both structured and informal and takes place frequently at all levels of our organisations. This has facilitated an excellent working knowledge of the challenges faced by each organisation and we have been able to discuss matters openly and constructively and liaise with NRW's officers on a range of different issues.

Local engagement has been particularly positive and has allowed constructive discussion and facilitated progressive decision making in a way that benefits the environment and the people of Wales. We are able to obtain excellent advice on detailed technical matters, e.g. approaches to improving compliance with the various environmental directives such as the revised Bathing Waters Directive as well as permit compliance and pollution reduction initiatives. We have also been able to gain useful support on some of our sustainable and catchment approaches, such as the river Dee phosphate removal strategy.

We recognise that as NRW continues to reorganise and seek further efficiencies, we have a responsibility to work constructively with it to make sure that there is consistent application of policy across Wales. We hope to see an improving environmental picture by focussing our joint resources in the right priority areas.

Both Welsh Water and NRW are similar sized organisations, with many shared goals; it is important therefore that we engage at all levels of our respective organisations to ensure that we see better environmental outcomes through mutual understanding at both strategic and local levels.

### **2.4. NRW Charges**

We are pleased to see the reduction in abstraction licence charges that NRW has implemented for the coming year, but there is scope for NRW to demonstrate greater transparency over the services and functions that its licence charges support. We believe that there is an opportunity for NRW to demonstrate better value for money in the services it provides. We would like to see NRW publish its cost information so that all parties who pay charges can see how such funding is used. We are sure that this is something that all stakeholders would welcome.

There is also potential for NRW to go further in the use of incentive mechanisms to encourage more sustainable behaviours from permit holders and charge payers. Charges and permits are important economic levers and there could be important linkages with the draft River Basin Management Plans which have recently been the subject of consultation.

### **2.5. Water Framework Directive (WFD) Engagement**

NRW has been receptive to exploring our ideas about the benefits of more actively coordinating the investment and other actions planned by co-deliverers during the WFD's second cycle, a concept which has come to be known as "co-dependency".

We remain keen to continue working with NRW to see if more could be done to co-ordinate "co-dependent" actions between all sectors. This will enable Wales to achieve the best overall value for its investment in the environment by maximising the number of water-bodies in Wales achieving good status.

The WFD presents NRW with a chance to show that it can deliver better outcomes for Wales. The amalgamation of the different constituent organisations within NRW presents an opportunity to draw on the knowledge, skills and experience that existed within each of the bodies absorbed into the NRW and we feel that there is still potential to build on what has been achieved to date and to fully utilise this expertise.

We had hoped to see that the River Basin Management Plans, which are just emerging, would show more evidence of balance between environmental improvements and recognition of the cost and practicality of delivering these within Wales by all sectors affected i.e. not just water bill payers. There is still more work to be done collectively to agree programmes of work that are affordable but we remain committed to work constructively with NRW and others in achieving this objective.

### **3. Summary**

We remain very supportive of having a single body in Wales that takes a holistic view on natural resource management. Understanding impacts upon the environment and managing that through an ecosystems services approach is to be welcomed.

Consistency between the different area teams has always been an issue for us but we appreciate that this is not an easy matter to resolve. We however appreciate the efforts made by senior NRW staff to address this concern and we will continue to engage with staff at all levels within the organisation with a view to tackling these problems and finding the best solutions.

**End**

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 100**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Matthew Bird**

Hello my name is Matthew Bird

I thank you for giving me the chance to voice my concerns over the appalling state of the Welsh migratory fish stocks. Firstly I am not a citizen of Wales I am a traveling angler who brings his family into Wales to enjoy the local foods ,customs entertainment ect. I spend around 6 weeks every season in Wales chasing sewin and salmon and entertaining my family in every corner of Gods country, we love Wales and every aspect of it represents culture and diversity Unfortunately the fish I chase in your rivers are decreasing at such a rate you will loose the tourism involved around the rivers , also the local clubs that depend on the visiting angler and the income we spend in the local 'cottage industries ' within the valleys .

There is no structure to safeguard the rivers and their stock , there is no funding to police the rivers and stamp out poaching , there has been no enforcement in the estuaries to monitor the illegal practices of unscrupulous boats , the salmon and sewin were one of the biggest assets that Wales had , it was worth millions per annum and brought in tourists from all over the world . The tywi was the Welsh jewel in the crown it was totally unrivalled by any other river in Europe due to its incredible run of migratory fish , the tywi is not alone ,most if not all the Welsh rivers are coming into a level of being unsustainable and this is totally unacceptable. I cannot understand why there are licences issued for the net men and the coracles as the rivers are unsustainable, you may call it 'tradition' and there given out on grandfather rights, we had a tradition here in the UK it was called bear baiting and it so popular we killed every last bear in the country.... Does this not sound too dissimilar to you migratory stocks at present .

The total collapse of the management overseeing the rural affairs including forestry, flora and fauna the whole spectrum of wildlife in Wales was presented in a hard hitting speech by Iolo Williams , since that speech was presented what has actually changed ? Iolo was word perfect he identified many concerns and it is a pity there is no management at present running Wales who has either the understanding or the passion to protect your children's homeland and heritage.

I have spoke to many locals regarding the rivers and many don't bother to fish anymore , the rivers that gave pleasure and food to so many now only hold memories not fish As you are present as a scrutiny committee you have the powers and resources to make a positive change your decisions will directly effect the future of Wales please take time and consideration in implementing changes to secure your children's land and pleasures

Regards Matthew Bird

**National Assembly for Wales**  
**Environment and Sustainability Committee**  
**NRW 2015 – 101**  
**Natural Resources Wales – Annual Scrutiny 2015**  
**Response from Eifion Jones**

Dear All

1. Against the background of declining stocks of migratory salmonids, especially sewin, in Welsh rivers, particularly Afon Twyi, is any consideration being given to the termination or reduction of the currently permitted commercial exploitation of those species?
2. How, and how often, is the physical monitoring of licensed commercial exploitation undertaken by NRW staff?
3. Do staff undertaking monitoring have any vessels at their disposal to permit spot-checking of commercial activity?
4. What measures are taken to ensure the accuracy of catch returns submitted by licensed commercial operators?
5. How is the tagging system which commercial netmen are required to comply with, supervised?
6. What numerical limitations are placed on the number of tags issued to any single commercial net operator and to the total number of tags issued to all commercial netmen in any fishing season?
7. What monitoring of wholesale and retail fish suppliers in Wales and elsewhere is undertaken to ensure that all wild salmonids on sale claiming to be of Welsh origin have been obtained from legitimate sources.
8. What measures/systems/resources are available to NRA staff to ensure that there is no unlawful taking of salmonids in areas such as Carmarthen Bay by local vessels or vessels from other areas such as the south west of England or European ports under the guise of drift netting for bass.
9. What assurances can be given that salmonids illegally taken from Welsh waters are not landed in the south west of England or elsewhere where there is no requirement for carcasses to be tagged.
10. What monitoring of numbers of fish eating birds in Welsh rivers is undertaken by NRA staff and why is responsibility for this activity left to the fragmentary efforts of fishery owners?

Eifion Jones

Llangadog Angling Ltd

National Assembly for Wales  
Environment and Sustainability Committee  
NRW 2015 – 102  
Natural Resources Wales – Annual Scrutiny 2015  
Response from Huw Hughes (Welsh Only)

**CYMDEITHAS PYSGOTWYR SEIONT GWYRFAI A LLYFNI  
SEIONT GWYRFAI & LLYFNI ANGLERS SOCIETY**

Cwmni a Gofrestrwyd yng Nghymru /Company Registered in Wales Rhif-No 3198557

Trysorydd/Treasurer

Mr. G.T. Jones  
Tŷ Gwyn  
Saron  
Bethel  
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Rhiwerfa  
Llanberis  
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3 Ebrill 2015

Cynulliad Cenedlaethol Cymru  
Pwyllgor Amgylchedd a Chynaliadwydded

### **Ymchwiliad Blynyddol 2015 ar Gyfoeth Naturiol Cymru**

Cymdeithas Pysgotwyr Seiont Gwyrfai a Llyfni yw un gymdeithasau pysgota mwyaf blaenllaw Cymru. Mae yn sefydliad sydd a'i gwreiddiau yn ddwfn yn y gymuned leol gyda diddordebau yn ymestyn o berchenogion hawliau pysgota, tir ac adeiladau sy'n cynnal llety hunan gynhaliol. Yn ogystal mae gweithdai a deorfa lewyrchus yn cael ei chynnal a'i rhedeg yn wirfoddol gan yr aelodau.

1. O ystyried yr holl weithgareddau, prif amcan y gymdeithas yw gallu cynnal a chynnig pysgota o safon am bris rhesymol i drigolion lleol a rhoi cyfle i ymwelwyr bysgota'r dyfroedd yn ogystal ac aros i fwynhau atyniadau gwych y fro.
2. Mae'r dyfroedd yn gartref i'r eog, brithyll môr, brithyll brown, torgoch a brithyll yr enfys.
3. Buasai'n wir dweud fod cyd-weithredu rhwng y gymdeithas a chyfrff sydd a chyfrifoldeb am gynnal a ddatblygu pysgodfeydd wedi bod, ac yn dal i fod yn un eithaf positif cyn belled a mae chysylltu a chyfarthebu a swyddogion yn bodoli.
4. Yn anffodus dyma cyn belled a mae pethau yn mynd - gan fod datblygiadau wedi ac yn dal i ddigwydd yn yr aradl sydd yn cael effaith drychinebus ar ffrwythlondeb ein dyfroedd. Yn anffodus mae pob corff gyda'r cyfrifoldeb am reoli, gwarchod a datglygu ein pysgodfeydd wedi bod yn esgelus dros ben gyda ei chyfrifoldebau. Rhai engreiffiau yw :-
5. **Afon Gwyrfai** - diffyg rheoli effaith cronfa ddŵr Llyn Cwellyn.

**6. Afon Llyfni** - effaith tynnu dŵr i'r fferm bysgod ym Mhontllyfni (sychu'r afon) arllwysion o waith carthffos Penygroes a arllwysion o chwarel gerrig ym Mhant Glas.

**7. Llyn Padarn/Afon Seiont** - dyma ble mae'r niwed amgylcheddol mwyaf yng Nghymru yn cymryd lle, mae hyn yn ymestyn o ddechrau'r 1970'au pan ddechreuwyd adeiladu Gorsaf Gynhyrchu Trydan Dinorwic

**8.** I weithredu'r cynllun '*hydro*' fe amddifadwyd y dalgylch o Lyn Peris, afon Dudodyn, rhannau o afonydd Hwch a Pheris. Dyma'r union ddyfroedd ble 'roedd prif lecynnau claddu/deori a magu'r eog, brithyll ac yn bwysicach byth y torgoch.

**9.** Mae'r orsaf gynhyrchu yn weithrdol er canol y 1980'au. Fel rhan o redeg yr orsaf mae'n angenrheidiol gollwng dŵr o gronfa Llyn Peris gyda'r canlyniad fod level Llyn Padarn/ Afon Seiont yn codi .75 meder mewn chew awr.

**10.** I geisio lleihau effaith yr orsaf ar y bysgotfa yn 1985 fe arwyddwyd cytundeb rhwng Bwrdd Cynhyrchu Trydan Canolog a Awdurdod Dŵr Cymru i stocio eog a brithyll môr.

**11.** Siomedig iawn fu'r ymrwymiad i gyflawni'r cytundeb. Dangosir na mewn naw mlynedd yn unig rhwng 1985 a 2013 bu'r cynllun stocio'n weithredol. Does gan y gymdeithas ddim gwybodaeth am bendyrfyniadau mewnol yr awdurdodau at gyflawni'r gytundeb. 'Roedd disgwylidau y busai pethau yn gwella gan yn ystod 2010 fe gynhaliwyd arolwg busnes ar ddeorfeydd yr asiantaeth. 'Roedd y cynnigion yn bendant fod eisiau rhesymoli a datblygu'r gwasanaeth deorfeydd er bydd dyfroedd Cymru..

**13.** Ar sefydlu Cyfoeth Naturiol Cymru, mawr oedd y disgwyliadau buasai symud ymlaen i gyflawni cynwys yr arolwg, ond hollol groes fu hi, gan i'r corff newydd ddechrau ar ymgynghoriad ar ddilysrwydd stocio. Er gwrthwynebiadau cryf, canlyniad yr ymgynghori oedd i fwrdd CNC benderfynu gwahardd stocio yn gyfan-gwbl heblaw mewn amgylchiadau o argyfwng. Mae teimladau yma ei bod yn argyfwng ar ddyfroedd Padarn ar Seiont yn barod a fod gwybodaeth a gyflwynwyd gan y gymdeithas wedi ei ddiystyru.

**14.** Efallai ei bod yn ddealladwy pam fod ein sylwadau wedi ei distyru, a bod adroddiadau aelodau proffesiynol o'r bwrdd wedi cario'r dydd. Buasai yn hawdd cydymod a hyn efallai os buasai'r adroddiadau a gyflwynwyd wedi ei selio ar dystiolaeth wyddonol ac nid ar farn rhai unigolion. Yn ychwanegol ni roddwyd gwybodaeth ar gynlluniau stocio llwyddianus dros ben sy'n cael eu cynnal yn Lloegr, Alban ar Iwerddon. Yn ogystal a hyn ni chyflwynwyd yr adroddaid '*Arolwg Busnes Derofeydd*' i sylw'r bwrdd. Efallai os buasi'r aelodau wedi cael cyfle i gysidro'r ffeithiau i gyd buasai diwedd glo gwahanol wedi bod i'r ymgynghoriad.

**15.** Mae teinladau cryf yn Eryri fod rhai swyddogion neu aelodau or awdurdod wedi bod yn gynnil a cham-arweiniol gyda yn eu cyflwynidau i'r bwrdd, a fod hyn efallai wedi arwain at benderfyniad 'roeddynt eu hunain yn ddymuno weld.

**16.** Mae'n bosib cyfeirio at nifer o faterion eraill sy'n codi poendod yn ymwneud a llygredd a diffyg ymateb positif, mae tystiolaeth ar gael o hyn. Mewn difri yn y maes yma does dim wedi newid am y gwell.

**17.** Ein gobaith yw bydd CNC aeddfedu yn gorff cryf ac effeithiol, fydd yn derbyn ein ymddiriedaeth. Tipyn o ffordd i fynd yn ôl pob golwg.

Yn gywir

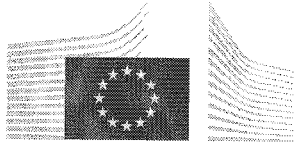
Huw P. Hughes  
Ysgrifennydd Seiont Gwyrfai a Llyfni

By virtue of paragraph(s) ii of Standing Order 17.42

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# Agenda Item 3.1



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels, 24 AVR. 2015  
MARE D2/FD/SSC (2015) 1749030

Dear Kay, Derek and Jill,

Thank you for your email of 2 April sharing your views on the Commission's proposal for a prohibition of driftnets.

Let me stress that during the preparation phase of this proposal particular attention was paid to the quality and scope of the impact assessment. A wide public consultation took place, complemented by a number of studies and analyses.

Despite our efforts, not all stakeholders were able to provide, at that time, detailed information about the use of driftnets and their impact on protected species. This may have prevented the Commission from having an inclusive picture of the situation, including in the UK and more particularly in Wales. This was also an indicator that the monitoring of these activities are far from perfect and that more efforts need to be undertaken by the relevant authorities in the future for such monitoring.

Therefore, further information has been sought by the Commission in an additional effort to offer a more comprehensive view of the likely consequences of a total ban.

I am pleased to inform you that the Welsh National Assembly recently transmitted additional information related to the possible impact of the Commission's proposal on the small scale fishing activities taking place in Wales. We have also received detailed clarifications from the UK government and these additional elements prove to be extremely valuable to understand how the fishery operates and the economic aspects of such activities. Your message confirms that there are indeed a high number of small scale activities in the area.

Ms Kay Swinburne, MEP  
[Kay.swinburne@europarl.europa.eu](mailto:Kay.swinburne@europarl.europa.eu)


Mr Derek Vaughan, MEP  
[derek.vaughan@europarl.europa.eu](mailto:derek.vaughan@europarl.europa.eu)

Ms Jill Evans, MEP  
[Jill.evans@europarl.europa.eu](mailto:Jill.evans@europarl.europa.eu)

The discussions in the European Parliament and the Council of Ministers of the proposal for a prohibition of driftnets have not yet been conclusive and no decision has been taken by these institutions. We have been working closely with them, in particular after receiving the additional information I was referring to earlier, to ensure that EU rules do not have a negative impact on sustainable activities. It will be now up to both institutions to work on the final text of a Regulation. I am confident that the ongoing discussions will allow for further consideration of the different concerns that are emerging with regard to sustainable and small scale driftnet activities.

Please find attached an unofficial Welsh reply.

Yours sincerely,



Lowri Evans

# Agenda Item 6

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