There is a compelling case for a more integrated approach to environmental governance for improved delivery of environmental outcomes that reflects the complexity of environmental systems and their interactions, the value of our natural resources to social and economic development, and the pressures posed by natural limits and climate change. The Countryside Council for Wales therefore welcomes the review of environmental governance in Wales, including the Natural Environment Framework and the Environmental Delivery Options processes, as they provide a strategic opportunity to transform the way we plan, manage and value our terrestrial, freshwater and marine environment in urban and rural Wales, now and, more importantly, for the future.

CCW’s opinion is that the Environmental Delivery Options project needs to be informed by the following:

- The detailed analysis by the NEF work streams which will set out what needs to change to deliver the new approach in terms of regulation, management, partnerships and evidence
- The changes to environmental governance going on elsewhere: worldwide (the revised Convention on Biological Diversity Compact and Strategic Plan, the global study of Ecosystems and Biodiversity (TEEB); at European level the revised EU Biodiversity Strategy and targets and; at UK level the National Ecosystem Assessment, the UK Government’s White Paper on the Natural Environment and Biodiversity Strategy and the Lawton Review of England’s wildlife and ecological systems

Should a new single environmental body be created, CCW’s opinion is that the body should:

- Have a clear statutory remit to protect, conserve and enhance the environment, within the context of sustainable development
- Be an independent and authoritative voice on the environment, providing advice to Government, based on sound science.
- Have a clear shared vision for environmental delivery and functions before its establishment, with clarity on the role and remit of the new body, the role of Government (across departments), business and the third sector
- Be able to achieve improvements in environmental outcomes as well as efficiencies

The Welsh Assembly Government’s consultation ‘A Living Wales: a new framework for our environment, countryside and seas (2010)’ was launched in response to the failure to meet obligations under the Convention of Biological Diversity, the European Union and the Wales Environment Strategy. The Written Cabinet Statement on Biodiversity issued in January 2010 stated that the Welsh Assembly Government would ‘take the opportunity to fundamentally refresh its approach to Biodiversity and Nature Conservation by reviewing the ways in which it currently tackles these aims and objectives.’

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2 WAG web pages on the Wales Environment Strategy: http://wales.gov.uk/topics/environmentcountryside/epg/envstratforwales/?lang=en
This will require recognition of the strategic national importance of the environment, for its own sake and also to economic and social well-being. We therefore welcome the status of the Natural Environment Framework as sitting below the Sustainable Development Scheme\(^4\), of which biodiversity protection and enhancement is a key element, acknowledging the need to respect environmental limits. This renewed status should help address the pressures posed by climate change and the limits of natural capacity and recognise the role of ecosystem services in supporting economic and social well being. This shift reflects changes in thinking and policy at the CBD and European levels.

The focus of the Review of Environmental Delivery Options and the Natural Environment Framework work to date has been on environmental legislation, policy and strategy, and the environmental bodies. In the context of sustainable development and achieving an integrated approach to environmental governance, it should be noted that the mechanisms in place to achieve better environmental outcomes, and the drivers impacting on their achievement, are not just the responsibility of environmental bodies, or limited to environmental legislation, policy, strategy and action.

This new approach will require the integration of environmental considerations across all policies and frameworks. Given that it is acknowledged that the failure to was partly the result of a lack of integration across Government department and sectors, we would urge that equal consideration is given to environmental governance outside of the environmental bodies and environmental legislation and policy. We therefore welcome the Government’s commitment to look again at the supporting policies and actions and the current contribution of other policy areas to ensure that they deliver the new approach effectively\(^5\). It was notable that the Sustainability Committee’s Report on Biodiversity in Wales\(^6\) highlighted the importance of integrating across Government departments and across sectors.

In the context of a new understanding of the link between environment and economy, a new development model will be required where economic development and social prosperity is delivered with and by a healthy natural environment. The new Economic Renewable Programme\(^7\) provides a step in the direction that the environment is a vital part of the infrastructure of a successful economy and a foundation of future economic and social well being. This approach towards the natural environment should be a more significant component of other core Government policies such as health and education, recognising that the contribution the services we get from nature underpin social well being.

In moving towards a new framework it will be essential to ensure that we do not disregard the role and contribution of our existing network of protected areas in underpinning the new framework together with a continuing need to invest to ensure a fully functional network. An ecosystem approach focused on positive management across the wider landscape should help ensure ecosystem resilience together with conservation and enhancement of habitats, species and geo-diversity. In moving towards a new framework we must also be mindful of the need to maintain targets for, and monitoring of habitats and species as well as ecosystem services. The scope of the new framework must also


encompass the urban environment in recognition of the interrelationship between urban and rural in Wales and the importance of the green infrastructure of the urban environment in delivering public benefits.

Forestry is a key component/element of ecosystem services. In CCWs opinion, it will be very important for FCW to be part of the new Single Environment Body. The Assembly Government’s woodland estate covers 3% of the land area of Wales and 39% of its woodland. The forest estate should be an exemplar of how the Natural Environment Framework works in practice as part of a unified ethos for land management in Wales.

Our current systems for planning and managing land use and environmental assets date back to the 1940s - a time when our understanding of the environment, its processes and key drivers of change was very different. This has resulted in a fragmentation of environmental assets and policy and legislative responses. Environmental legislation, regulatory and management frameworks will need to be considered as to whether they can deliver ecosystem services. In revisiting the current legislation, it will be important to determine whether its effectiveness or otherwise results from the legislative provisions themselves, their interpretation, or implementation. A review of case law on specific legislation should be an integral part of such an assessment. Some work has already been done on the implementation of environmental legislation emanating from Europe and the UK. Whilst it is certain that there will be elements of current legislation that require consideration for amendment and/or improvement, our experience would indicate that weaknesses in current delivery are primarily in interpretation, implementation and enforcement, rather than the legislation itself. An analysis of the response to the Living Wales consultation would indicate support for this view. Any review of regulatory approaches should be undertaken in the context of the Hampton principles for better regulation8.

In addition to the distinct statutory and non-statutory responsibilities of the three Agencies, there are examples of legislation or implementing regulations where more than one or all of the Agencies will have responsibilities, such as Strategic Environmental Assessment. In these cases, in assessing current and future arrangements on form and function, it will be important to ensure the consideration of all statutory (and non-statutory) powers and duties, and importantly to identify the distinct functions of individual Agencies within those (scientific and/or technical expertise).

One of the most relevant examples in considering Environmental Delivery Options relates to the Strategic Environment Assessment Directive, and relevant case law. The issue of SEA implementation has been subject to judicial review in Northern Ireland, and is currently being considered by the European Court. The Northern Irish Judicial review concluded that the terms of the SEA Directive meant that there should be separation between the responsible authority (plan or project making body) and the consultative body; and indicated that this could not be achieved by having distinct divisions within the same department, or by implication by having distinct departments within one body. In considering any change in the functions of the Agencies, the issue of individual bodies having responsibility for assessing the plans of the other/s would need to be considered in the context of the Strategic Environmental Assessment Directive, Habitats Directive, their implementing regulations, and relevant case law.

Whilst Wales develops its own approach to the devolved administrations develop new approaches to environmental management, including scope for organisational and legislative change, it will be essential to ensure that policy and governance contexts at a Global, European and UK levels are fully considered, and that robust arrangements for cross border working are maintained and/or established. This is essential, not only to ensure

8 Department for Business Innovation and Skills web pages on the Hampton Principles: http://www.bis.gov.uk/policies/better-regulation/improving-regulatory-delivery/assessing-our-regulatory-system
continued compliance with requirements under European legislation and monitoring them at a Member State level, but also to develop a common, integrated and complimentary approach to conserve and enhance our shared natural environment, recognising that it does not function according to political boundaries. We therefore welcome the Welsh Assembly Government’s commitment to implementing European Directives (e.g. Water Framework Directive, the Habitats Directive, the Birds Directive, Marine Strategy Framework Directive and the Strategic Environmental Assessment Directive) in the recently published progress report on the Natural Environment Framework⁹.

It is clear that legislation will be required to create a single environment body in Wales, provisions for which are sought in the Public Bodies Bill, currently under consideration in Westminster. Legislation to create a new body could be restricted to provisions for a merger and straight transfer of the current functions and duties of the three environmental Agencies. New legislative powers devolved to the national Assembly for Wales provide an opportunity to consider creating new environmental legislation, with the potential to consolidate existing legislation as well as make improvements in current law, such as the proposal to strengthen the biodiversity duty on public authorities derived from the Natural Environment and Rural Communities Act 2006, and also a duty on these authorities to take account of ecosystem functions and services in their decision making and activities.

Despite progress, Wales, the EU and beyond failed to meet international, European and national biodiversity targets in 2010. Habitat loss, widespread fragmentation and degradation of ecosystems have been identified as some of the main causes of this failure. In October 2010, the new Convention on Biological Diversity (CBD) Nagoya Biodiversity Compact was adopted. The CBD Strategic Plan sets the international policy framework for biodiversity for the next decade and beyond.

The evidence that the environment and the economy can no longer be considered in isolation and that environmental considerations need to be an inherent part of economic policy is unequivocal. The global study on the Economics of Ecosystems and Biodiversity (TEEB), which reported on the 20th of October 2010, considered the global economic benefits of ecosystems and biodiversity and approaches to capturing their value, the growing cost of biodiversity loss, habitat and ecosystem degradation, and made a series of recommendations on the approach required to mainstream the economics of nature, including a specific report for policy makers published in February 2011.

European Environment Commissioner Janez Potocnik, in his speech to the UNEP Governing Council in February 2011, outlined what the EU is doing to give meaning to the concept of a green economy (in which green growth is a part). It was suggested that any green economy strategy should have five components, namely:

- It should not replace the broader sustainable development objective
- It can - and must - deliver growth and jobs, and help to eradicate poverty
- It can only succeed if it puts the management of natural capital at the centre
- Design and implementation cannot and should not be the sole responsibility of the environmental community
- There is no "one-size-fits-all" model

In February 2011 a new partnership aimed at furthering global action on sustainable development and help developing countries green their economies was announced by Commissioner Potocnik and UN Under-Secretary-General and Executive Director of the United Nations Environment Programme (UNEP) Achim Steiner. A joint statement was issued to signal the renewal of their political will to consolidate, develop and increase their cooperation and effectiveness to achieve their common goals and objectives. The United Nations Environment Programme (UNEP) also launched its report, Towards a Green economy.

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10 The Convention on Biological Diversity: http://www.cbd.int/
12 The global study on the Economics of Ecosystems and Biodiversity: http://teebweb.org/
13 Mainstreaming the Economics of Nature: A Synthesis of the Approach, Conclusions and Recommendations of TEEB (20 October, 2010): http://teebweb.org/LinkClick.aspx?fileticket=bYhDohL_TuM%3d&amp;tabid=924&amp;mid=1813
Economy: Pathways to Sustainable Development and Poverty Eradication\textsuperscript{18}, which identified 10 sectors as key to greening the global economy, namely agriculture, buildings, energy supply, fisheries, forestry, industry including energy efficiency, tourism, transport, waste management and water.

In this context, the Ministerial Council of the Organisation for Economic Co-operation and Economic Development (OECD)\textsuperscript{19} adopted a Declaration on Green Growth\textsuperscript{20} in June 2009 and agreed to develop a Green Growth Strategy, due for publication in 2011. The Strategy will outline policy recommendations to support Governments in greening their economies, based on an analysis of environmental and economic policies together. The interim report of the Green Growth Strategy\textsuperscript{21} highlights preliminary findings on a number of issues that policy makers face in the transition to greener economies.

The European Commission is currently reviewing its approach to nature conservation. The Spanish Presidency of the EU tabled a paper in January 2010 on halting biodiversity loss, highlighting poor integration in sectoral policies as one of the main reasons why only 17\% of species and habitats of conservation interest in Europe are in favourable conservation status. In March 2010, the Environment Council of Europe agreed a new long-term vision and mid-term headline target for biodiversity beyond 2010 to ‘halt biodiversity and ecosystem service loss by 2020, to restore ecosystems in so far as is feasible, and to step up the EU contribution to averting global biodiversity loss’. The new framework retains the objective to halt the loss of biodiversity and places a new emphasis on ecosystem services and restoration. A new EU Biodiversity Strategy is expected in spring/summer 2011, with measures to increase the coherence of the Natura 2000 network of sites, the protection of biodiversity in the wider countryside, and the development of ‘green infrastructure’ likely to be key components. The concept of Green Infrastructure (and related ecological networks) derived from the recognition that ecosystems require functional connectivity to maintain ecological processes and enable species to disperse and migrate where necessary. A recent Commission Communication\textsuperscript{22} considers that ‘it consists of spatially or functionally connected areas which maintain ecological coherence as an essential condition for healthy ecosystems. Its purpose is not only to reconnect species populations but also to strengthen the functionality of ecosystems for delivering goods and services to mitigate and adapt to climate change effects, and enhance the quality of life (e.g. health, tourism, green business opportunities and conserving historic and cultural heritage)’.

The following reform processes currently in progress are strategically important for the development of Green Infrastructure:

• Reform of the Common Fisheries Policy (CFP) in 2012;
• Common Agricultural Policy (CAP) reform in 2013 (CAP and Regional Development Policy);
• Regional Policy reform in 2013 (Cohesion Fund, European Regional Development Fund, European Social Fund);
• New financial perspectives 2014-2020: ensuring that adequate funding is available through funding instruments such as LIFE+; and
• Future climate change adaptation and mitigation funding/budget lines.

\textsuperscript{19} Organisation for Economic Co-operation and Economic Development website: http://www.oecd.org/home/0,3675,en_2649_201185_1,1_1_1,1_1,00.html
\textsuperscript{20} http://www.oecd.org/dataoecd/58/34/44077822.pdf
As noted in the evidence submitted to and the report of the Sustainability Committee on its Biodiversity Inquiry\textsuperscript{23}, DG Environment of the European Commission is in the process of agreeing targets for enhancing biodiversity with other Directorates General within the Commission, including Agriculture, Transport and Energy. This approach could be replicated in Wales.

In addition to policy developments, it is notable that the European Commission has taken a firm stance on the implementation of European environmental law. There are several cases currently under the consideration of the European Court, such as failure to implement the Birds Directive in Poland and Northern Ireland’s implementation of the Strategic Environmental Assessment Directive.

The UK Government’s Department for Environment, Food and Rural Affairs (DEFRA) Departmental Business Plan\textsuperscript{24} identifies enhancement and protection of the natural environment, including biodiversity and the marine environment, by reducing pollution, mitigating greenhouse gas emissions, and preventing habitat loss and degradation, as a top priority. DEFRA is due to publish a Biodiversity Strategy for England alongside a White Paper on the Natural Environment\textsuperscript{25} in April 2011. The White Paper follows a consultation ‘An invitation to shape the Nature of England’\textsuperscript{26}, which closed in October 2010. In addition, the Lawton review of England’s wildlife sites and ecological networks\textsuperscript{27} provides a very useful analysis of the importance of having a coherent and resilient ecological network, and of the future challenges and approaches required to achieve it. The review proposes that “the overarching aim for England’s ecological network should be to deliver a natural environment where: Compared to the situation in 2000, biodiversity is enhanced and the diversity, functioning and resilience of ecosystems re-established in a network of spaces for nature that can sustain these levels into the future, even given continuing environmental change and human pressures”. The emerging UK National Ecosystem Assessment\textsuperscript{28} (due to be completed by February 2011), the DEFRA White Paper and the Lawton Review ‘Making Space for Nature: A review of England’s Wildlife Sites and Ecological Network (16 September 2010)’, should inform the current NEF and EDO processes.

Scotland has its own legislation in the form of the Nature Conservation Scotland Act 2004\textsuperscript{29}, and recently approved the revision\textsuperscript{30} of the Wildlife and Natural Environment (Scotland) Bill\textsuperscript{31} on the 3\textsuperscript{rd} of March 2011. There is no independent body with a remit for nature

\textsuperscript{23} National Assembly for Wales’ Sustainability Committee - Inquiry into biodiversity in Wales (January 2011): \url{http://www.assemblywales.org/cr-ld8384-e.pdf}
\textsuperscript{24} DEFRA Departmental Business Plan: \url{http://www.defra.gov.uk/corporate/about/what/documents/defra-businessplan-101108.pdf}
\textsuperscript{25} DEFRA web pages on the White Paper on the Natural Environment: \url{http://ww2.defra.gov.uk/environment/natural/whitepaper/}
\textsuperscript{26} DEFRA consultation An invitation to shape the Nature of England (2010): \url{http://ww2.defra.gov.uk/environment/natural/whitepaper/}
\textsuperscript{28} UK National Ecosystem Assessment: \url{http://uknea.unep-wcmc.org/Home/tabid/38/Default.aspx}
\textsuperscript{29} Nature Conservation Scotland Act 2004: \url{http://www.legislation.gov.uk/asp/2004/6/contents}
\textsuperscript{30} News Release, The Scottish Government, 3\textsuperscript{rd} March 2011: \url{http://www.scotland.gov.uk/News/Releases/2011/03/03100802}
\textsuperscript{31} The Wildlife and Natural Environment (Scotland) Bill: \url{http://www.scottish.parliament.uk/s3/bills/S2-WildNatEnv/index.html}
conservation in Northern Ireland. The Department of Environment\textsuperscript{32} in the Northern Ireland Executive has a Natural Environment Unit within the Natural Resource Division, and works with the Northern Ireland Environment Agency to develop and implement policy.

\textsuperscript{32} Web pages of the Department of Environment, Northern Ireland Executive: http://www.doeni.gov.uk/index.htm