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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation – summary of response

## Taking Forward Wales' Sustainable Management of Natural Resources

June 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

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## Chapter 1: Introduction

1.1 The Welsh Government's consultation Taking Forward Wales' Sustainable Management of Natural Resources (SMNR consultation) was launched on 21 June and closed on 30 September 2017. The consultation was issued electronically to a wide range of stakeholders and was also made available on the Welsh Government website.

1.2 The full consultation document - **Taking Forward Wales' Sustainable Management of Natural Resources** is available [here](#)

1.3 The consultation offered an opportunity for stakeholders to provide views on a wide range of proposals to inform the future direction of policy development, in particular:

- Opportunities to further enhance the role of our natural resources to improve resource efficiency (circular economy), provide natural solutions or new economic opportunities;
- Alignment with sustainable management of natural resources to optimise multiple benefits provided by our forests, access to outdoors and our designated landscapes;
- Opportunities to provide improved statutory approaches to regulations in marine planning, fisheries, waste, water abstraction and drainage and environmental quality.
- Opportunities for smarter regulatory approaches to address cumulative environmental impacts of low risk activities in the context of land management.

The consultation followed on from the development of the Environment (Wales) Act 2016 and its supporting White Paper '*Towards the Sustainable Management of Wales' Natural Resources*<sup>1</sup> and the Green Paper '*Sustaining a Living Wales*<sup>2</sup>'. The consultation also drew upon previous stakeholder engagement in relation to access to the outdoors and designated landscapes.

1.4 The SMNR consultation further developed the opportunities for improved alignment with the approach outlined in the Environment (Wales) Act to optimise the multiple benefits our natural resources provide and contribute to Wales' long-term well-being and prosperity.

1.5 In addition, with the UK's exit from the EU, the consultation provided an opportunity to engage closely with stakeholders and collectively identify potential opportunities, which could mitigate the challenges arising from the UK exiting the EU.

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<sup>1</sup> <http://gov.wales/docs/desh/consultation/131029environment-bill-white-paper-consultation-en.pdf>

<sup>2</sup> <http://wales.gov.uk/consultations/environmentandcountryside/sustainingwales/?lang=en>

## Consultation period and stakeholder engagement

- 1.6 The consultation ran for a period of 14 weeks from the 21 June to the 30 September 2017. The written formal consultation exercise was supported by active engagement with stakeholders through discussions at the Ministerial roundtable group (Environment and Agricultural sectors), and through conversations with representatives of individual sectors.
- 1.7 In addition, a number of stakeholder workshops were held by the Welsh Government across Wales. These included an event at the Royal Welsh Show in July 2017, followed by workshops at Llandudno, Aberystwyth, Cardiff and Pembrokeshire in September 2017.
- 1.8 During these well-attended events stakeholders had an opportunity to voice their views, highlight their concerns and openly discuss the forthcoming challenges and opportunities for Wales. The events served as a useful mechanism for individuals and organisations to provide their views on possible future legislative reform.
- 1.9 All the responses to this consultation represent a valuable source of information and ideas, and will be used to inform the Welsh Government's work in further developing natural resources policies and any future legislative options to support the implementation of the National Natural Resources Plan.

## Consultation response, reaction and campaigns

- 1.10 The Welsh Government would like to thank all of those who responded to the consultation for their time and contribution during the consultation period. Appendix 1 provides a list of the organisations which responded to the consultation.
- 1.11 Responses were received from the following Sectors;
  - Agriculture
  - Academic bodies
  - Businesses
  - Forestry
  - Government Agency/Public Sector
  - Leisure and Tourism
  - Local Authorities, Community & Town Councils
  - Members of the Public
  - Professional Bodies & Associations
  - Representative and Regional organisations/Forums
  - Third Sector
- 1.12 It was possible to submit responses anonymously, without linking to a geographical region or location within the UK. However, of those who included their geographical location the overwhelming proportion (via organisation or submitted individually) was from Wales.

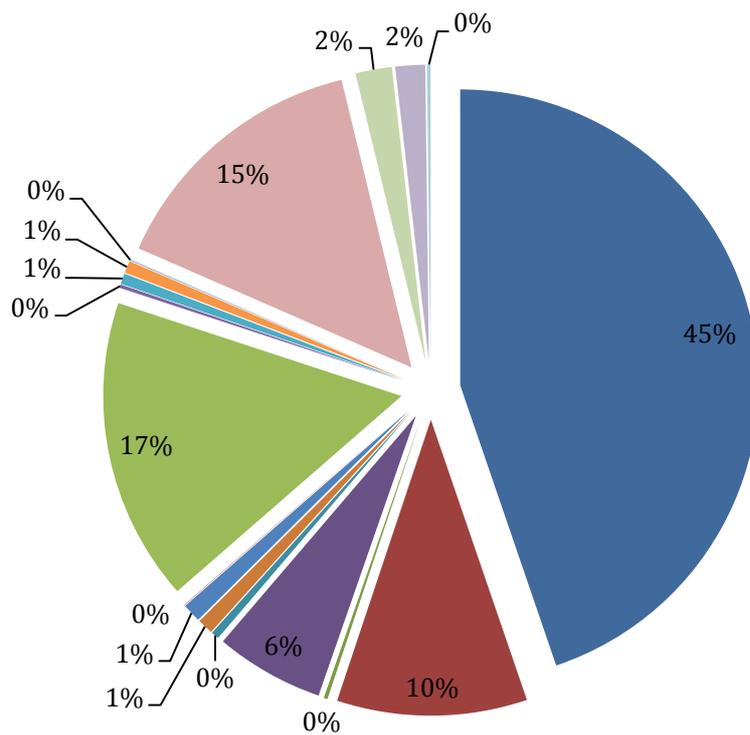
- 1.13 A total of 17,391 responses to the consultation have been recorded in response to the 40 questions relating to the 56 proposals included in the consultation paper; this figure includes responses from individuals, representative organisations and a number of organised campaigns. 923 responses have been received from individuals and representative organisations. The level of response illustrates how engaged stakeholders in Wales are in policy development. Some have provided a view in response to specific questions, whilst others have instead provided views in response to the proposals presented in the consultation paper.
- 1.14 16,468 of the responses have been attributed to the seventeen campaigns initiated by representative organisations and groups supporting or opposing some of the proposals presented in the consultation. It is worth noting that during the extensive analysis process we have recognised some of the campaign responses have also taken the opportunity to provide views to other proposals contained in the consultation. These views have also been taken into account during the analysis exercise.
- 1.15 The views presented by the organised campaigns relate to proposals and have been considered during the initial analysis exercise. The level of support for each campaign along with the individual responses has been taken into account by the Welsh Government. Where further discussions are required, the Welsh Government will continue to engage with stakeholders through established working groups on the future direction and the prioritisation of the policy proposals.
- 1.16 A brief summary of the seventeen campaigns, an illustration of the proposals and the number of responses each campaign recorded are provided at table (i).

**Table (i): Summary of Campaigns**

Campaign	Proposals	Number
The “ <b>Trails for Wales</b> ” campaign by Outdoor Access Alliance (Cycling UK and Open Mountain Biking) called for improved access to the Welsh outdoors for non-motorised vehicles.	<b>Access</b> Supporting proposal 10	<b>7,375</b>
A campaign by <b>British Mountaineering</b> supported the majority of the access to outdoors proposals and called for a code or charter for access focussing on responsible behaviour.	<b>Access</b> Supporting all access to outdoor proposals	<b>141</b>
The <b>British Horse Society</b> campaign supported access proposals including greater shared access for horses on footpaths, allowing horses on access land and dogs to be on short fixed lengths in vicinity of livestock.	<b>Access</b> Supporting proposals 10, 13, 18, 25 and 26	<b>168</b>

A campaign by the <b>British Holiday &amp; Home Parks Association</b> opposed to amend lists of restrictions on access, extending access land and raised concerns regarding the enforcement of the presented access proposals	<b>Access</b> Opposed proposals 11, 13 and 16	<b>4</b>
The <b>British Cycling</b> campaign supported cycling on land with a current right of access on foot, and suggested all non-motorised activities to have a legal right to access land under Countryside Rights of Way.	<b>Access</b> Supporting proposal 10	<b>2,726</b>
A campaign by the <b>Countryside Alliance</b> , whilst supporting increased access, opposed a number of the access proposals because they believed this could be achieved through implementation of the existing rights available.	<b>Access</b> Opposed proposals 10, 11, 13,14	<b>1,697</b>
The <b>Snowdonia Society</b> Campaign highlighted both their support and concerns regarding the Designated Landscapes and Forestry proposals	<b>Forestry</b> Raising concerns regarding the Woodlands for Woodland Strategy.  <b>Designated landscapes</b> Providing comments against proposals 6, 7, 8 & 9,	<b>34</b>
The campaign by <b>Canoe Wales</b> was supportive of access to water proposals.	<b>Access</b> Supporting of all access proposals	<b>973</b>
The <b>Cambrian Caving Council</b> campaign was supportive of the majority of the access to outdoors proposals and was an advocate of a clear statutory code of conducts which needed to include caving.	<b>Access</b> Supporting of all access proposals	<b>31</b>
The <b>Farmers Union for Wales</b> Campaign opposed the consultation raising concerns in terms of the scope of proposals, lack of supportive evidence presented and recommended that the proposals are abandoned.	Opposing the consultation	<b>95</b>
The <b>National Farmers Union of Wales</b> campaign raised concerns regarding the wide scope of proposals included in the consultation. It opposed proposals on access and basic measures and raised concern in relation to proposals regarding changes to Tree Preservation Order -	<b>Access</b> Opposing proposals 10, 11, 14, 16 <b>Forestry</b> Opposing proposal 5 <b>Basic Measures</b>	<b>109</b>

maintenance of protected trees.	Opposed to the proposal as it would constitute a new tier of regulation	
The <b>River Access for All</b> campaign supported a number of access to outdoors and access to water proposals. They also provided their concern regarding potential administrative burden on NRW and recommended those participating in activities should retain primary responsibility for their own risk.	<b>Access</b> Supporting proposals 10, 11, 13, 14, 15, 16	<b>13</b>
A campaign by <b>Ramblers Cymru</b> supported extending access proposals, including access to coast and cliffs, together with a statutory code for access and digitised maps. They were not in support of a blanket approach to upgrading rights to all paths, rather recommended a case by case approach.	<b>Access</b> Supporting proposals 11, 13, 20, 25, 26	<b>2,409</b>
The <b>Save our Rivers</b> campaign recommended that the obligations of public bodies are strengthened by giving greater weight to each area's special qualities in any decision-making process. However, the campaign disagreed with aligning the statutory purposes of designated landscapes solely with the sustainable management of natural resources.	<b>Designated landscapes</b> Opposing proposal 6 Supporting proposal 7	<b>71</b>
The <b>Sustainable Access Campaign Cymru</b> provided views to highlight concerns with the proposals regarding unrestricted access to land and water.	<b>Access</b> Opposing proposal 14	<b>32</b>
A campaign by <b>Waters of Wales</b> was supportive of most of the access proposals and suggested a flexible approach to addressing occasional and local conflicts related to the responsible use of rivers by different groups. The campaign promoted the facilitation of user access agreements.	<b>Access</b> Supporting all proposals  <b>Water</b> Oppose proposal 34 – right for sewage undertakers to discharge into watercourses.	<b>325</b>
The <b>Woodland Trust</b> campaign strongly supported the proposal on the protection of ancient trees and strengthening the protection afforded by Tree Preservation Orders (TPOs).	<b>Forestry -</b> Supporting proposal 5	<b>265</b>



- |   |  |
|---|--|
| ■ 1 Trails for Wales - 7,375              | ■ 2 Countryside Alliance - 1,697                 |
| ■ 3 Snowdonia Society - 34                | ■ 4 Canoe Wales - 973                            |
| ■ 5 Save Our Rivers - 71                  | ■ 6 British Mountaineering - 141                 |
| ■ 7 British Horse Society - 168           | ■ 8 British Holiday & Home Parks Association - 4 |
| ■ 9 British Cycling - 2,726               | ■ 10 Cambrian Caving Council - 31                |
| ■ 11 Farmers Union of Wales               | ■ 12 National Farmers Union of Wales - 109       |
| ■ 13 River Access for All - 13            | ■ 14 Ramblers Cymru - 2,409                      |
| ■ 15 Waters of Wales - 325                | ■ 16 Woodland Trust - 265                        |
| ■ 17 Sustainable Access Campaign Cymru 32 |  |

## Chapter 2 - Responses to the proposals

2.1 The following present an analysis of the responses to the questions and the proposals and align to the chapters as set out in the SMNR consultation document. As outlined in the introduction, where the consultation questions invite yes/no responses, basic quantitative assessment is summarised below; however, it should be noted that this is not reflective of the overall number of respondents, but rather is based on the respondents who directly answered 'yes' or 'no' to the questions (as outlined in Table (ii)).

2.2 It is important to note that many respondents chose to not provide a direct answer to the questions, but rather provided comments. Wherever possible, comments and views have been incorporated into the question by question analysis if they related to the subject matter of the questions even if there were not explicitly presented as answers to the questions. Most of the questions invite respondents to expand on their views; therefore much of the following analysis is qualitative.

**Table (ii) – Yes/No response to the questions**

<b>Towards the Sustainable Management of Natural Resources Promote a Circular Economy</b>	
<b>Question 1</b>	
Do you consider there are further opportunities for integration of circular economic approaches? If so, please provide examples of where there are any regulatory obstacles to achieving integration.	
<b>81 of total 108 respondents provided an 'agree' or 'disagree' response</b>	
<b>Agree</b>	<b>70</b>
<b>Disagree</b>	<b>11</b>
<b>Total</b>	<b>81</b>
<b>Delivery of Nature Based Solutions</b>	
<b>Question 2</b>	
Are there any regulatory barriers to introducing nature based solutions? Please provide information.	
<b>69 of total 91 respondents provided an 'agree' or 'disagree' response</b>	
<b>Agree</b>	<b>51</b>
<b>Disagree</b>	<b>18</b>
<b>Total</b>	<b>69</b>

## Support New Markets and Innovative Mechanisms

### Question 3

Are there potential opportunities for market mechanisms or innovative regulatory approaches? Are there any legislative barriers to their implementation?

**82 of total 92 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>59</b>
<b>Disagree</b>	<b>23</b>
<b>Total</b>	<b>82</b>

## Forestry

### Question 4

Do you agree with proposals to align NRW's general duties (including the balancing duty) under the Forestry Act with the sustainable management of natural resources?

**108 of total 136 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>76</b>
<b>Disagree</b>	<b>32</b>
<b>Total</b>	<b>108</b>

### Question 5

Do you agree that NRW should be able to delegate its responsibilities for managing the Welsh Government Woodland Estate to others? Please indicate, whether you consider if there should be any limitations on NRW to delegate these functions.

**119 of total 149 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>72</b>
<b>Disagree</b>	<b>47</b>
<b>Total</b>	<b>119</b>

**Question 6**

Do you agree that a long-term forest management plan agreed between a forest manger/owner and NRW could be an appropriate way to regulate and authorise the felling of trees?

**110 of total 134 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>97</b>
<b>Disagree</b>	<b>15</b>
<b>Total</b>	<b>110</b>

**Question 7**

Do you agree that conditions in a conditional felling licence or long-term forest management plan should align with the sustainable management of natural resources?

**109 of total 128 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>88</b>
<b>Disagree</b>	<b>21</b>
<b>Total</b>	<b>109</b>

**Question 8**

Do you agree that NRW should be able to revoke or amend felling licences or forest management plan approvals? Please indicate if you foresee any difficulties amendment or revocation might cause.

**112 of total 130 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>75</b>
<b>Disagree</b>	<b>37</b>
<b>Total</b>	<b>112</b>

### Question 9

Do you agree with the proposals relating to the repeal of the requirement of the RAC?

**60 of total 94 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>27</b>
<b>Disagree</b>	<b>33</b>
<b>Total</b>	<b>60</b>

### Question 10

Do you agree with the proposals to improve the protection afforded to valued veteran and heritage trees by refining the existing statutory frameworks, principally the tree preservation order regime?

**132 of total 149 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>105</b>
<b>Disagree</b>	<b>27</b>
<b>Total</b>	<b>132</b>

An additional 356 campaign respondents did not indicate a conclusive view on the questions posed but provided views in support or against the Forestry proposals which have been recorded and will be considered during the development of the proposals.

## Designated Landscapes

### Question 11

Should the statutory purposes of AONB and National Parks be aligned with the sustainable management of natural resources?

**212 of total 214 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>100</b>
<b>Disagree</b>	<b>112</b>
<b>Total</b>	<b>212</b>

**Question 12**

Where the special qualities of each designated area are identified, should this be given greater weight in decision making? In considering this, how should it be done in order to most effectively add value to the governance of those areas and the connection to local communities and businesses?

**138 of total 152 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>111</b>
<b>Disagree</b>	<b>27</b>
<b>Total</b>	<b>138</b>

**Question 13**

Should legislation be introduced to recognise a wider range of areas and partnerships involved in driving the sustainable management of natural resources? What approach should be considered?

**81 of total 104 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>40</b>
<b>Disagree</b>	<b>41</b>
<b>Total</b>	<b>81</b>

#### Question 14

Are there any other aspects of the Future Landscapes: Delivering for Wales report where you believe a legislative provision is necessary?<sup>3</sup> If so, please explain which and why.

**24 of total 51 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>7</b>
<b>Disagree</b>	<b>17</b>
<b>Total</b>	<b>24</b>

An additional 105 campaign respondents did not indicate a conclusive view on the questions posed but provided views in support or against the Designated landscape proposals which have been recorded and will be considered during the development of the proposals.

### Access to Outdoors

#### Question 15

Will these proposals deliver consistency in the opportunities available for participation in different activities and provide effective safeguards for land management and the natural environment?

**294 of total 301 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>75</b>
<b>Disagree</b>	<b>219</b>
<b>Total</b>	<b>294</b>

#### Question 16

Will these proposals deliver a more integrated and up to date system for identifying, designating and recording publically accessible areas?

**233 of total 240 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>87</b>
<b>Disagree</b>	<b>146</b>
<b>Total</b>	<b>233</b>

#### Question 17

<sup>3</sup> <http://gov.wales/docs/desh/publications/170508-future-landscapes-delivering-for-wales-en.pdf>

Will these proposals provide significant clarification to ensure that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors?

**260 of total 264 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>75</b>
<b>Disagree</b>	<b>185</b>
<b>Total</b>	<b>260</b>

An additional 16,108 campaign respondents did not indicate a conclusive view on the questions posed but provided views in support or against the Access proposals which have been recorded and will be considered during the development of the proposals.

## Marine and Fisheries

### Marine

#### Question 18

Do you support the need for new powers to identify Welsh Regional marine plan regions and to produce marine plans for these Regions?

#### Question 19

If you do not support Regional marine plans, please indicate how you suggest local issues are addressed within the current framework and what specific impact do you think the proposals would have upon your interests?

Responses to both questions have been combined.

**53 of total 61 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>46</b>
<b>Disagree</b>	<b>7</b>
<b>Total</b>	<b>53</b>

### Fisheries

**Question 20**

Do you agree with our proposals to manage fisheries flexibly? Can you provide any example where flexible management would be of benefit to your business?

**29 of total 31 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>23</b>
<b>Disagree</b>	<b>6</b>
<b>Total</b>	<b>29</b>

**Question 21**

Do you agree with our proposals to introduce a fit for purpose licensing regime for aquaculture? Please consider whether there are any other functions you think the license should cover.

**31 of total 38 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>24</b>
<b>Disagree</b>	<b>7</b>
<b>Total</b>	<b>31</b>

**Question 22**

Do you agree with our proposals to increase the scope of the current Buyers and Sellers Regime? Please consider what impact you think the proposals will have on your business.

**16 of total 17 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>14</b>
<b>Disagree</b>	<b>2</b>
<b>Total</b>	<b>16</b>

## Water

### Abstraction Reform

#### Question 23

Do you agree with the approach we are proposing, to introduce abstraction reform on a Wales only basis?

**50 of total 81 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>35</b>
<b>Disagree</b>	<b>15</b>
<b>Total</b>	<b>50</b>

### Drainage Reform

#### Question 24

Do you agree with the proposals presented by the Welsh Government to improve the regulation of sewage and drainage to simplify the water resource planning system?

#### Question 25

Do you believe there are additional proposals which could improve the current legislative/regulatory landscape in the short term?

Responses to both questions have been combined.

**70 of total 70 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>64</b>
<b>Disagree</b>	<b>6</b>
<b>Total</b>	<b>70</b>

**An additional 105 campaign respondents did not indicate a conclusive view on the questions posed but provided views in support or against the Drainage Reform proposals which have been recorded and will be considered during the development of the proposals.**

## Waste and Local Environment Quality

### Waste – Powers of Entry

#### Question 26

Do you agree that Welsh government should amend section 108 of the Environment Act 1995 so that:

- it removes the need for providing 7 days notice to the person in occupation of the premises;
- retains the need for a warrant;
- extends the description of information that can be required; and
- provides the ability to remove (and retain) material for examination, including information stored electronically?

**53 of total 60 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>48</b>
<b>Disagree</b>	<b>5</b>
<b>Total</b>	<b>53</b>

### Waste – Sanctions under Section 46 of the Environmental Protection Act 1990

#### Question 27

Do you agree that the Welsh Government should amend section 46 of The Environmental Protection Act 1990 so that it includes the option of Local Authorities serving Fixed Penalty Notices for failure to comply with notices rather than having to prosecute through the courts?

**64 of total 66 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>54</b>
<b>Disagree</b>	<b>10</b>
<b>Total</b>	<b>64</b>

### Environment – Littering from Vehicles

#### Question 28

Do you agree the Welsh Government should introduce powers in Wales that will allow local authorities to be able to issue a financial penalty to a registered keeper of a vehicle if litter has been dropped from that vehicle, regardless of whether the identity of the individual who committed the littering offence is known?

**116 of total 116 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>107</b>
<b>Disagree</b>	<b>9</b>
<b>Total</b>	<b>116</b>

## **Smarter Regulation – The Role of Basic Measures**

### **Question 29**

Should basic measures be introduced as a mechanism for regulating low risk activities? Please consider what type of activities would benefit from regulation by basic measures.

**66 of total 88 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>46</b>
<b>Disagree</b>	<b>20</b>
<b>Total</b>	<b>66</b>

**An additional 109 who responded as part of the NFU campaign opposing the proposals for basic measures, which have been recorded and will be considered during the development of the proposals.**

## **Agriculture**

### **Question 30**

Should the jurisdiction of the Agricultural Land Tribunal Wales be extended?

**32 of total 47 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>19</b>
<b>Disagree</b>	<b>13</b>
<b>Total</b>	<b>32</b>

## **Wildlife**

### **Question 31**

Do you think the Welsh Government Code of Best Practice on the use of snares in fox control is improving animal welfare standards? Do you have evidence on the effectiveness of the Code in Wales?

**30 of total 89 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>21</b>
<b>Disagree</b>	<b>9</b>
<b>Total</b>	<b>30</b>

**Question 32**

Do you agree clarification of the term "at least once every day" would be beneficial?

**60 of total 89 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>50</b>
<b>Disagree</b>	<b>10</b>
<b>Total</b>	<b>60</b>

**Question 33**

Do you agree a requirement to remove an animal caught would remove ambiguity in relation to the regular checking of snares?

**55 of total 89 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>42</b>
<b>Disagree</b>	<b>13</b>
<b>Total</b>	<b>55</b>

**Question 34**

Should there be a requirement not to possess or sell a self-locking snare? Would this result in any disadvantages?

**54 of total 89 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>42</b>
<b>Disagree</b>	<b>12</b>
<b>Total</b>	<b>54</b>

**Question 35**

Should there be an offence for anyone using or in possession of a snare on any land without the owner/occupiers permission safeguard owner/occupiers from unauthorised setting of snares on their land?

**65 of 86 total respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>61</b>
<b>Disagree</b>	<b>4</b>
<b>Total</b>	<b>65</b>

**Question 36**

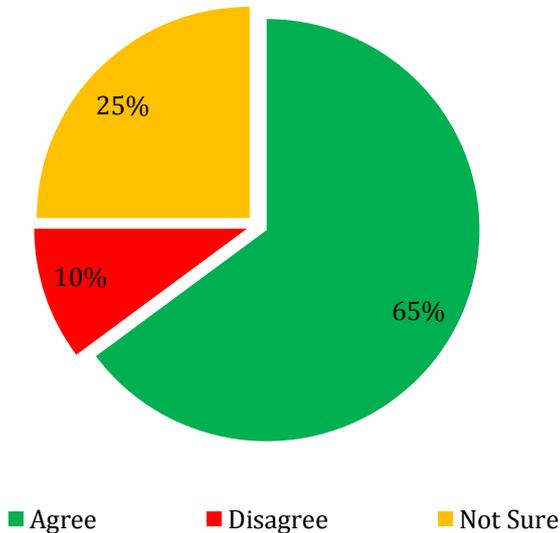
Should there be further Order making powers for the Welsh Ministers to regulate snares? Would this provide an effective and flexible mechanism to control snare use in the future? Please consider whether Welsh Ministers should have such a broad power to, via Order, specify further requirements such as checking, labelling and for snare operators to be trained.

**52 of total 83 respondents provided an 'agree' or 'disagree' response**

<b>Agree</b>	<b>31</b>
<b>Disagree</b>	<b>21</b>
<b>Total</b>	<b>52</b>

## SMNR Chapter 1 – Towards the Sustainable Management of Natural Resources

**Question 1 - Do you consider there are further opportunities for integration of circular economic approaches? If so, please provide examples of where there are any regulatory obstacles to achieving integration.**



Agree	70
Disagree	11
Not Sure	27
<b>Total</b>	<b>108</b>

**The following comments were reflective of the views presented by the 70 respondents for further integration of circular economy the approaches;**

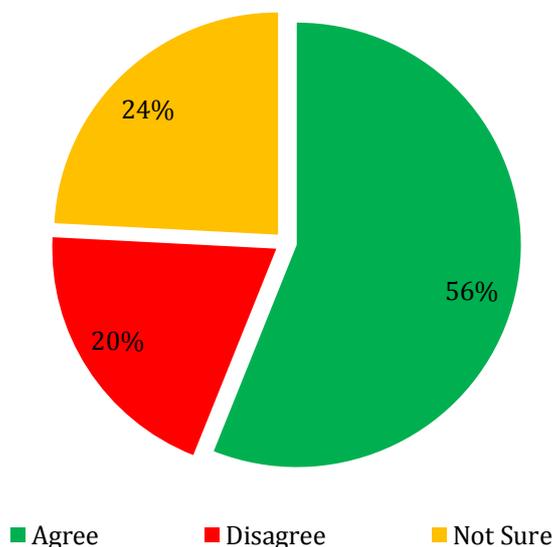
- It was generally acknowledged by a number of respondents, transition to the circular economy must be done in conjunction with regulatory changes in regard to product design and material manufacture, as well as increasing the market demand for secondary materials. The current regulatory framework of the Extended Producer Responsibility (EPR) would need to be made more robust to tackle the issue of packaging waste.
- An opportunity of utilising the Welsh Government’s tax raising powers to discourage the production of goods that cannot be dismantled for repair was mentioned. There are other economic incentives, which could be utilised to change behaviours – the introduction of the carrier bag charge was specified as a successful example. Possible options included deposit return schemes and charges on single use items.
- Post-Brexit, there may be an opportunity to develop a national strategy and classification of waste which could have the scope to accelerate the transition to circular economy. A particular question was posed in relation to water management and the possibility of reducing water use in manufacturing processes in line with developing a ‘water footprint for Wales’.

- In terms of land management, organic farming practices and the utilisation of Anaerobic Digestion (AD) technologies were mentioned as examples of circular economy.

**The following were reflective of the examples to the regulatory obstacles and challenges to the integration of circular economic approaches;**

- A number of respondents underlined the need to align forestry and agriculture policies more closely, in order to fully explore the benefits of woodland creation and management both in relation to land use and for achieving wider social and health benefits. One respondent suggested the better and wider utilisation of timber grown in Wales. Other proposals included community growing schemes, opening up Natural Resources Wales (NRW) land for other uses e.g. hunting/shooting and changes to public procurement policy.
- To achieve the Circular Economy target, improved education and cultural change will be needed in addition to regulatory reforms. The current EU legislative framework governing waste can act as a barrier to recycling and re-use, especially that the definition of waste constraints investment. Waste regulations also inhibit the trading of anaerobic digestate and poultry manure as fertilisers for agricultural benefit, although this could reduce reliance on chemical fertilisers.
- One respondent highlighted that without regulation to make things like virgin plastic more expensive than recycled, the environmental targets will be difficult to achieve commercially. Furthermore, existing landfill tax is not economically prohibitive enough to encourage the growth of circular economy. Respondents felt receiving planning consent for renewable energy projects and re-use facilities were difficult. To assist the move towards circular economy a subsidy scheme may be required, at least initially.
- There was criticism that minerals and mineral products were not considered by the consultation and that the area statements required under the Environment (Wales) Act were not available at the time of the consultation exercise.

**Question 2 - Are there any regulatory barriers to introducing nature based solutions?  
Please provide information.**



Agree	51
Disagree	18
Not Sure	22
<b>Total</b>	<b>91</b>

**The following comments and examples reflect the views provided by respondents identified there were regulatory barriers to introducing nature based solutions;**

- The majority of respondents underlined the need to develop improved assessment guidance under the SMNR framework.
- In general, regulations were seen as inflexible and a potential barrier to innovative solutions. Some of the specific regulatory barriers identified included the complexity of the planning consenting processes, restrictions on shooting sports, cost of meeting regulatory requirements and local bylaws precluding street trees. Farming industry representatives specifically mentioned the inflexibility of rules related to slurry application in Nitrate Vulnerable Zones (NVZ).
- According to a number of respondents, planning standards are too low and there should be more to promote green infrastructure within national policies and local development plans. Some of the environmental Non-government Organisations (NGOs) felt that there is a contradiction between planning requirements and the Welsh Government’s duty under the Environment (Wales) Act, particularly to meet the six tests <sup>4</sup> in the Planning Act, when imposing conditions on a planning permission, and to reverse the decline in biodiversity (for example through the

<sup>4</sup> Welsh Government Circular (Circular Ref: WGC 016/2014), The Use of Planning Conditions for Development Management sets out in Section 3 the Six Tests: (i) necessary; (ii) relevant to planning; (iii) relevant to the development to be permitted; (iv) enforceable; (v) precise; and (vi) reasonable in all other respects.”

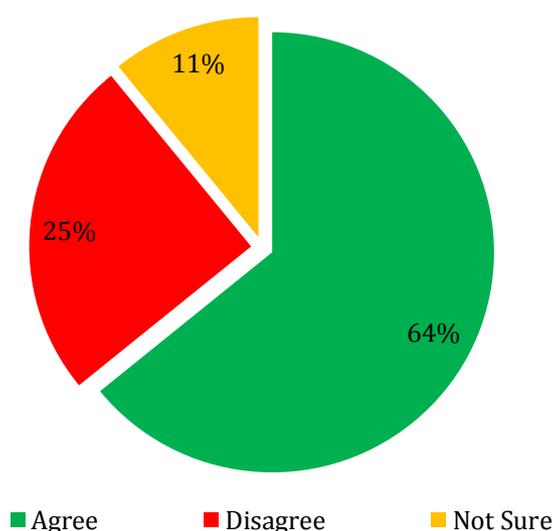
introduction of biodiversity enhancement measures). Current flood risk management approaches are also restrictive and could be improved by adopting nature based solutions.

- The Forestry Act was perceived as limiting because it does not allow land use change from woodland to an alternative land use, which potentially deters greater growth in the renewable energy sector and does not readily enable (nor encourage) alternative land management options. The inability to apply and enforce conditions within felling licenses to prevent damage to ancient woodlands through restocking was also raised. Farming businesses are further disadvantaged when it comes to woodland management due to non-eligibility to Pillar 1 payments and the cross compliance restrictions on woodland/ tree management.
- Habitats and species regulations were also criticised for being inflexible and limiting the application of nature based solutions. Another criticism related to environmental regulations being too weak or badly implemented and enforced in Wales.
- Responses which considered agriculture reflected the uncertain nature of post-Brexit policy. There were concerns how Payment for Ecosystem Services (PES) could be applied under WTO rules and that increasing the regulatory burden would disadvantage farmers in Wales. An alternative approach to Nitrate Vulnerable Zones (NVZ) regulations was advocated by farming representatives and some of the respondents acknowledged short and long term tenancy terms may also impact on land managers' ability to sign up to nature based solutions.
- Regulatory and process barriers were identified in other areas as well, such as renewable energy (with the consent process being too long and expensive), marine (protection is secondary to strategic objectives) and water (hard engineering solutions may be more effective and predictable than nature based ones).
- Respondents listed the following main barriers: uncertainty of environmental value, long term maintenance and responsibility for projects, lack of investment streams, short term focus of projects, contradictory national policies, lack of support mechanism for community led programmes and the difficulty to enforce requirements which are not regulated effectively.

**The following comments were reflective of views by respondents that did not agree there were current regulatory barriers to introducing nature based solutions;**

- Some of the respondents believed there are no regulatory barriers at present and that the delivery of nature based solutions could be done by improving and streamlining administrative procedures. Some consultees felt there are too many regulations and best practice guides in place, which make statutory processes complicated. The Government should follow a "keep it simple" principle and consolidate existing relevant requirements to improve accessibility of the law.

**Question 3 - Are there potential opportunities for market mechanisms or innovative regulatory approaches? Are there any legislative barriers to their implementation?**



Agree	59
Disagree	23
Not Sure	10
<b>Total</b>	<b>92</b>

**The following comments were reflective of the opportunities and mechanisms presented in response to this question specific question;**

- Payment for Ecosystem Services (PES) was one of the areas considered by a number of respondents. Some consultees believed there would be scope to develop and promote PES, provided there are sufficiently available dedicated resources.
- One respondent highlighted PES must be backed by a commitment to the principles of sustainability, e.g. paying for water abstraction from watercourses is only acceptable if the natural flow or level of the source is not unduly affected. They suggested an amendment to current legislation to allow abstraction from watercourses in excess of permitted quantities for reservoir supplementation at times of high flow.
- A high proportion of the respondents stated the importance of proportionate and properly enforced regulations. The need for a clear and effectively enforced regulatory baseline, with payment for additional services, was widely supported. A respondent claimed there would be merit in providing direct support to third sector organisations and community interest companies who deliver public goods through nature based solutions.
- Some of the respondents felt that commercial strategies need to drive future development, without the need for financial government aid. Regulatory approaches

should be reviewed to ensure they incur minimum cost to businesses and act as enablers rather than constraints. Others suggested a more risk based regulatory approach with the aim of lightening the load on low risk operations and focussing efforts on high risk activities.

- Some respondents concentrated on public procurement, which could support local supply chains and be rated according to environmental standards. These respondents stated that public bodies should be more pro-active in developing incentives to buy locally produced food, with potential regulatory barriers added for imports and exports.
- Other respondents suggested opportunities included taxation on single use packaging, cap and trade arrangements (although these can be complicated by the presence of other regulatory mechanisms such as permits) and incentives for market development for public goods.

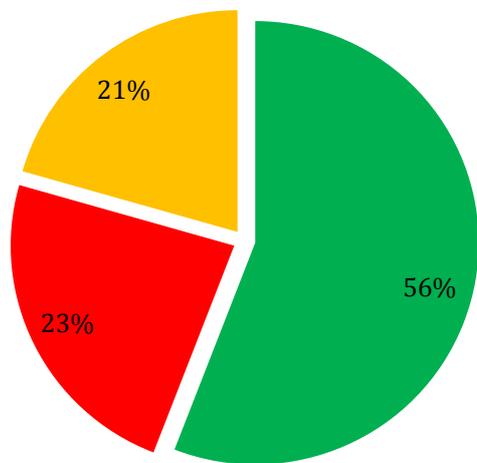
**The following comments provide views on legislative barriers in place;**

- A number of respondents listed barriers to PES, and acknowledged more research and active projects are needed to change the attitude of policy-makers to a risk-based approach. The present absence of a coordinated approach to funding nature based solutions and SMNR was underlined as a major risk. This could be overcome but may take many years to develop acceptable financial valuations of PES with appropriate value added to nature protection.
- A respondent mentioned that the impacts of most voluntary schemes are limited because they do not attract widespread industry participation. A respondent highlighted the success of the statutory carrier bag charge in Wales, which provides a good example of the key role of regulation in securing environmental objectives. There was criticism too, regarding the lack of enforcement of the polluter pays principle.
- Most of the respondents who disagreed with the need for new regulatory approaches felt that more regulation may disadvantage Welsh businesses post-Brexit and could restrain the development of certain sectors, such as tourism. Another specific concern raised related to farm tenancy and the potential difficulty in securing tenants who are content to work within the constraints of conservation scheme agreements.

## SMNR Chapter 2 – Forestry

Forestry received a total of 549 responses, 356 were generated by campaigns run by interested parties there were 193 responses from individual consultees. The responses received from individuals included submissions on behalf of representative organisations, local authorities and private and third sector bodies.

### Question 4 - Do you agree with proposals to align NRW's general duties (including the balancing duty) under the Forestry Act with the sustainable management of natural resources?



■ Agree      ■ Disagree      ■ Not Suure

Agree	76
Disagree	32
Not Sure	28
<b>Total</b>	<b>136</b>

### A summary of the key comments from the respondents in support to of the proposal to align NRW duties are provided below:

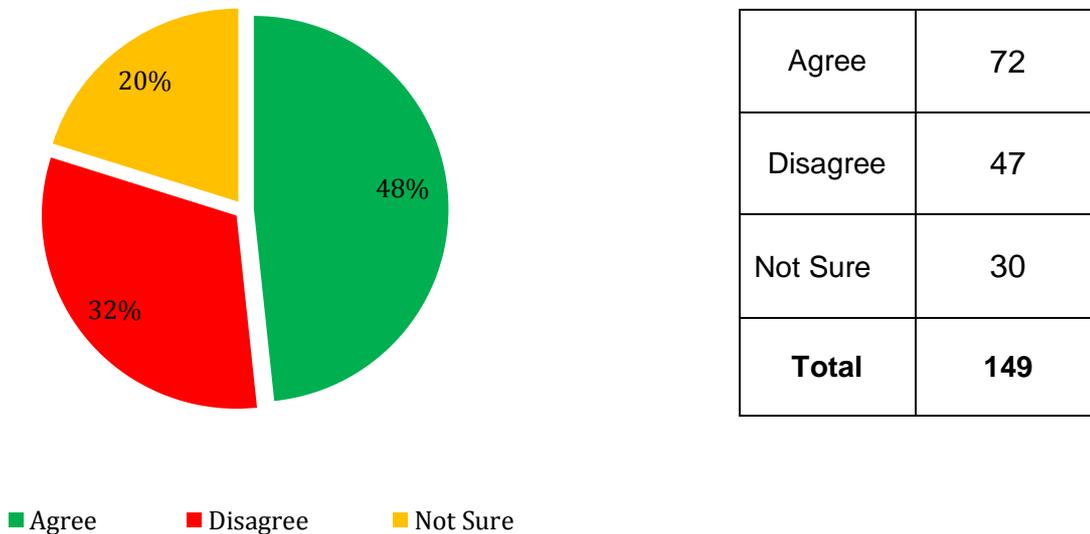
- Supportive responses noted that the SMNR is crucial in meeting the targets set out in the Woodlands for Wales Strategy, Section 6 of the Environment (Wales) Act 2016 and its wider remit and the objectives of the Wellbeing of Future Generations Act 2015. Many comments expressed a desire to see the SMNR objectives becoming embedded in the way we do things but underlined that equal weight should be given to economic, environmental and socio-cultural elements of these objectives.
- A respondent supported in principle the re-alignment suggested in Question 4, subject to the maintenance of the following duties: 'promoting the interests of forestry: the development of afforestation and the production and supply of timber and other forest products' The response also warned that the SMNR way of working should not be delivered in a way that would undermine the general aim to develop a circular economy with respect to timber and woodland products, and the aims of the Woodlands for Wales strategy (and SoNaRR) to create more and better woodland.

- A number of respondents described the multiple benefits of well managed trees, woodlands and forests, including local grown timber, rural employment, increased biodiversity and recreational opportunities. Local Authorities, in particular, could utilize the opportunities ‘not only commercially but also in natural flood remediation schemes, for climate mitigation, for soil conservation and quiet enjoyment.’
- Some responses noted a potential conflict of interest within NRW over the timber production targets and environmental objectives. Concerns were raised over NRW’s abilities to be able to fulfil additional duties with current financial and staffing resources.

**A summary of the key comments from the respondents not in support to of the proposals to align NRW Duties are provided below:**

- Responses which did not support the proposal were mostly received from individual members of the public. Many noted that it was not possible to form an opinion as the proposal did not have sufficient detail about the delineation of NRW’s responsibilities, its financial resources and the impact of changing the Forestry Act.

**Question 5 - Do you agree that NRW should be able to delegate its responsibilities for managing the Welsh Government Woodland Estate to others? Please indicate, whether you consider if there should be any limitations on NRW to delegate these functions.**



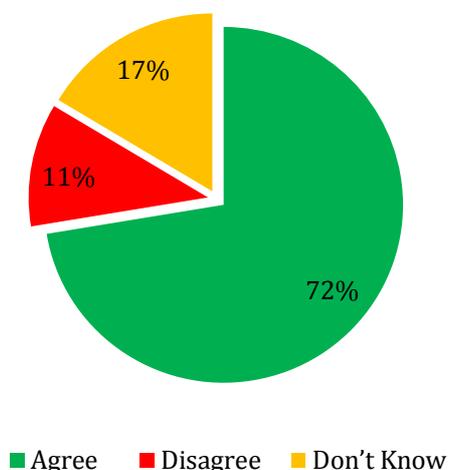
**A summary of the key comments from the respondents in support to of the proposal for NRW to delegate responsibility are provided below:**

- While the majority of responses were in favour of the proposal, the comments reflected concerns regarding the implementation of this change. One responder stressed the need to put in place a fair and consistent process to ensure transparency and accountability.
- Another responder noted the difficulty of working cooperatively with a community. In their experience, some local communities have set out with the intention of managing a wood only for the initial enthusiasm to collapse in the face of opposition from others in the community.
- Others provided their support under the condition that environmental objectives were safeguarded.

**A summary of the key comments from the respondents against or concerned of the proposal for NRW to delegate responsibility are provided below:**

- Concern was expressed that the consultation document did not provide enough detail about what functions were to be delegated and that delegation could hand control over to parties with commercial interests. There was strong opposition to delegating any of NRW's statutory functions.
- Some respondents felt that there could be a role for local service boards in decisions about the Woodland Estate.
- There was also concern that the proposal to delegate implies NRW would not have responsibility for fully discharging its functions under the Wellbeing of Future Generations Act and Environment Act. Others felt that this was not an appropriate course of action and suggested that NRW should be abolished and land management should be under the responsibility of a distinct organisation separate from the environmental regulator. In the view of some consultees, self regulation by NRW of its own land and woodland posed a problem.
- Another concern was raised regarding the potential loss of access on delegated areas.
- Respondents provided some suggestions on how delegation of woodland management could be prioritized, and what criteria might be used in deciding whom to delegate to – e.g. to keep important public forests in National Parks but lease out management of others. The point was made that there should be a transparent process for making such decisions. A concern was expressed that this could be implemented as a cost cutting exercise and could in practice be equivalent to privatization. Some responses felt that community resources may not be sufficient to manage use of the estate and that if NRW cannot control illegal use of the estate, a community would be unlikely to be able to.
- There was concern that delegation could be favouring those with capacity to respond and good resources. NRW could in turn become less visible and active in community based work. There was criticism of NRW's approach to delivering the "Woodlands and You" commitment and some of the respondents felt that it was generally difficult to engage with NRW.
- There was a concern about the impact on budgets if productive woodland is taken out of the estate and handed to private contractors – NRW could be left with the liabilities and none of the positive assets.

**Question 6 - Do you agree that a long-term forest management plan agreed between a forest manger/owner and NRW could be an appropriate way to regulate and authorise the felling of trees?**



Agree	97
Disagree	15
Not Sure	22
<b>Total</b>	<b>134</b>

**A summary of the key comments from the respondents in support of the proposal for long-term forest management plan agreement approach are provided below:**

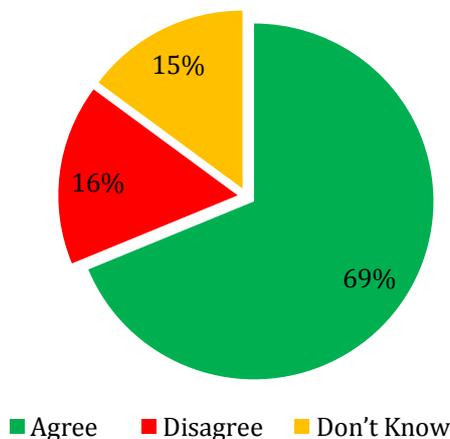
- There was general support to the proposal, although some responses noted that a long term plan was key for the profitable management of woodlands. A response explained that a dynamic long term woodland management plan with financial safeguards will not only to encourage interest but will also provide certainty that the investment would not be jeopardised in the future when policy priorities change.
- Some questioned whether NRW would have sufficient control – enforcement of conditions, ensuring follow up on plans and non compliance. Several took opportunity to say there should be improved environmental standards in operations. Some asked whether licences for thinnings were needed at all.
- It was suggested that forestry schemes which are allowed under the Forestry Act could be used as a means to implement long term plans.
- On response suggested that a Forestry Plan should be a binding contract between NRW and the Forest Owner, and serve as a framework for all activity within the forest, with variations possible based on a review of evidence.

**A summary of the key comments from the respondents against or concerned about the proposal for long term management plan agreement approach are provided below:**

- Several comments mentioned the ambiguity in defining sustainable management which could lead to the imposition of unrealistic conditions, requiring owners to cease to practice professional forestry and requiring financially unsustainable management.

- There was concern that this approach would be too complex and expensive for small woodlands and their owners. One response suggested that the controls could focus on ensuring the qualification of the person managing the woodland.
- Some respondents questioned the need for any felling licences in the first place and stated that there was already too much bureaucratic requirement placed on landowners.
- Several consultees pointed out that similar work is already under way by NRW and the Confederation of Forest Industries (CONFOR) and felt that the consultation proposal was unnecessary. There was general criticism regarding the lack of clarity and detail in relation to the proposed legislative changes. Other comments mentioned the need of having appropriate consultation processes in place for forest plans and licences.
- Another major concern was that this approach might lead to a loss of felling control over farmland trees if a management plan were to replace the need for a license altogether. Some questioned whether there would be any recording of plans approved in order to allow proper monitoring of the progress.

**Question 7 - Do you agree that conditions in a conditional felling licence or long term forest management plan should align with the sustainable management of natural resources?**



Agree	88
Disagree	21
Not Sure	19
<b>Total</b>	<b>128</b>

**A summary of the key comments from the respondents in support of the proposal are provided below**

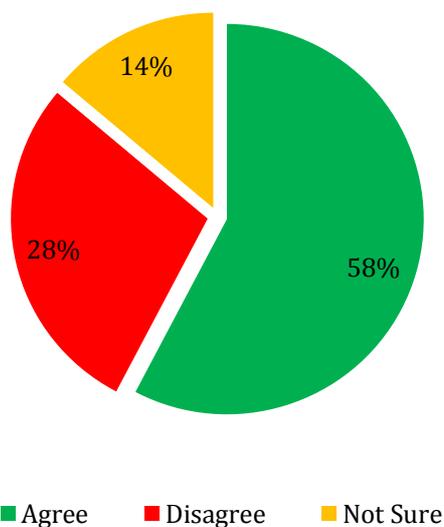
- There was broad support for the attachment of conditions to licences, which would also support the awareness of what the applicant must do and what the regulator expects.
- There was a degree of support for a wider remit for forestry to align with the principles of sustainable of natural resources and hence for the conditions which should be applied. However there was also concern that broadening the scope of conditions would be too unspecified and the regulator could ask for too much, impose unrealistic demands and/or make it difficult for the forest manager to know whether they were compliant.

- Ensuring that suitably qualified and regulated persons were managing woodlands could be an alternative approach which would be less administratively costly. However, this would require the regulator to be prepared to trust the operators more than at present.
- There was an equally strong view that the woodland manager does need to be regulated to prevent environmental damage.
- Another objection raised was that more detailed conditions would be more difficult to enforce and costly to administer. The Forestry Act 1967 only allows for conditions to be applied where necessary for good forestry so primary legislation would be needed in Wales to amend the current provision.
- Several respondents mentioned that area statements should play a crucial role in establishing the most suitable and necessary conditions per region.

**A summary of the key comments from the respondents against the proposal are provided below:**

- There were concerns about the lack of definition of SMNR and how it applied to forestry in practice.
- One respondent specified that the exemptions for felling licences should be reviewed, or even removed.
- There was limited support for specific changes to allow for application of conditions necessary to meet the Habitats and Species Regulations.

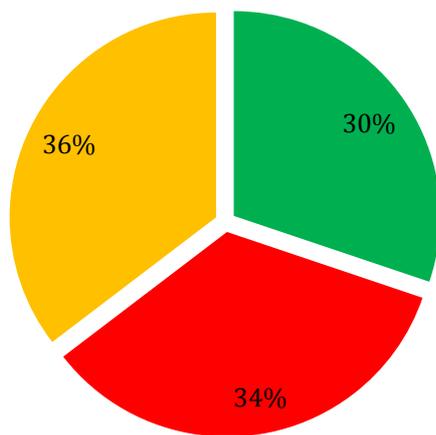
**Question 8 -Do you agree that NRW should be able to revoke or amend felling licences or forest management plan approvals?**



Agree	75
Disagree	37
Not Sure	18
<b>Total</b>	<b>130</b>

- Some respondents expected this power to be already available to NRW. Others, however, felt that the current workarounds were adequate and no change was required. There was a view that conditions should only be amended by agreement with applicants or owners/managers. Nevertheless, NRW should be able to impose additional conditions retrospectively if there was any risk to the environment.
- NRW's ability to fulfill additional duties under current resourcing was a major concern highlighted by respondents, in particular if there was an expectation to review all licences periodically, such as annually. Several consultees worried about negative impacts on woodland management businesses.
- Stakeholders expressed contrasting views regarding whether there should be compensation in place for loss of income or costs incurred due to amended licences. While some supported this position, others strongly opposed it.

**Question 9 -Do you agree with the proposals relating to the repeal of the requirement of the Regional Advisory Committee (RAC)?**



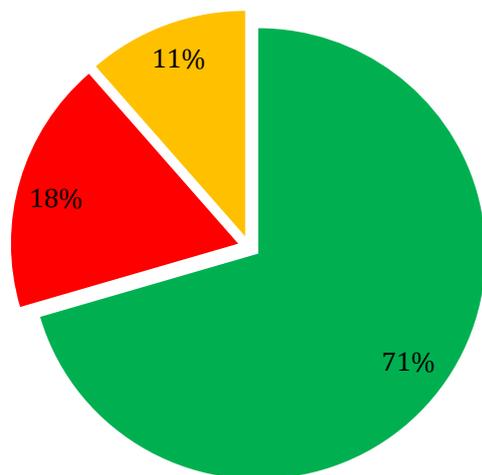
Agree	27
Disagree	33
Not Sure	34
<b>Total</b>	<b>94</b>

■ Agree     
 ■ Disagree     
 ■ Not Sure

- The key reasons listed in favour of this change included the loss of RAC's functions, as many of these have been picked up by other organizations and groups, and the strong industry-focused position of RAC which does not represent wider forestry views.
- Those who were against the proposal argued that NRW had not demonstrated that they have sufficient knowledge and expertise to be able to proceed without external advice.
- A key concern raised by stakeholders related to NRW's role in self-regulating felling and replanting activities and some of the responses advocated the establishment of an independent governance system. Furthermore, the need for an independent panel capable of handling appeals against NRW was stressed by some of the consultees, with some specifying RAC as a suitable body.

- Criticism was voiced in regards to NRW’s implementation of forestry policy across Wales.

**Question 10 - Do you agree with the proposals to improve the protection afforded to valued veteran and heritage trees by refining the existing statutory frameworks, principally the tree preservation order regime?**



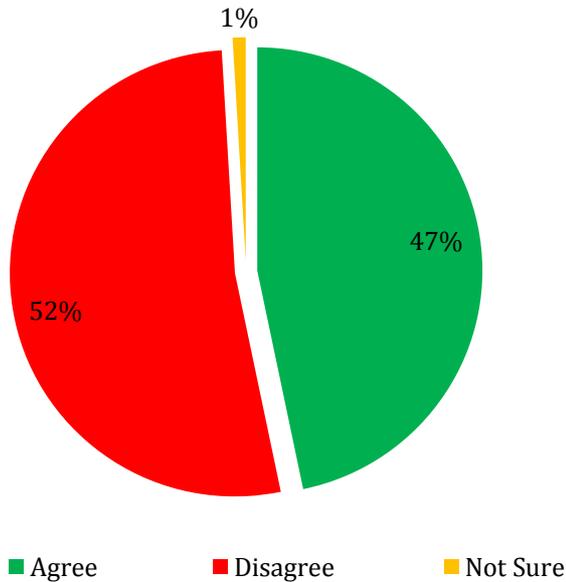
Agree	105
Disagree	27
Not Sure	17
<b>Total</b>	<b>149</b>

■ Agree     
 ■ Disagree     
 ■ Not Sure

- In general there was overwhelming support for this measure which would provide a stronger and more efficient framework of protection for individual trees and ancient woodlands. Responses also highlighted the need for greater advice from NRW regarding the management of heritage trees.
- Several respondents mentioned that the exemptions which allow felling of dead and dangerous trees can be used to fell important heritage trees – lack of clarity and misinterpretation were listed as the main causes.
- On the other hand, exemptions were seen as important means for managing dangerous trees which pose a safety risk to the public.
- Some of the respondents questioned whether the proposed amendments were within the scope of the consultation and whether they were a devolved matter.

## SMNR Chapter 3 – Designated Landscapes

**Question 11: Should the statutory purposes of AONB and National Parks be aligned with the sustainable management of natural resources?**



Agree	100
Disagree	112
Not Sure	2
<b>Total</b>	<b>214</b>

This question and its related proposal received 216 responses.

**The respondents in support of the proposal provided the following reasons for why they believed the statutory purposes of the designated areas should be aligned with the sustainable management of natural resources:**

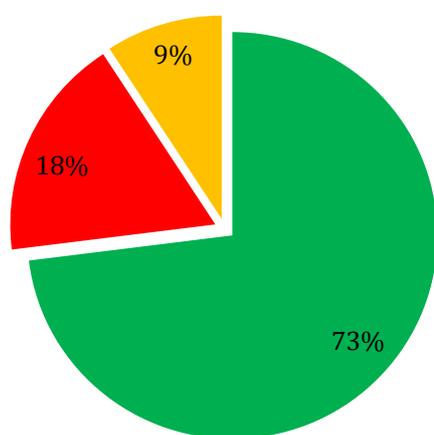
- It would widen the role and purpose of the designated landscapes;
- There would be social, cultural and economic benefits for Wales;
- It aligns the designated landscapes with the Well Being of Future Generations and Environment Acts; and
- It would promote a more joined up approach.

**Respondents not in support of the proposal provided the following reasons for why they believed the statutory purposes of the designated areas should not be aligned with the sustainable management of natural resources:**

- Designated areas' policy framework is well established and does not require amending;
- Designated areas already contribute to the sustainable management of natural resources, therefore, there would be no need to amend their statutory purposes.
- The sustainable management of natural resources are not purposes of designation but principles for management; and

- the statutory purposes should be tied to landscape qualities not natural resources
- Despite respondents taking alternative views on whether to agree or disagree with the proposal, similar viewpoints were expressed by both parties. There was general consensus among all respondents that the designated landscapes should play a role in the delivery of the sustainable management of natural resources in their areas and that their statutory purposes did not require amending in order to enable delivery.
- Many respondents felt the statutory purposes of the designated areas should be amended for alternative reasons, such as to strengthen conservation or to include an additional economic purpose, however; there was no consensus on whether the purposes should be amended or how.
- The general view presented by respondents was that the existing statutory purposes had stood the test of time and been an important element in ensuring that National Parks have remained beautiful, inspirational places, providing multiple public benefits and are valued and protected for all to enjoy. These respondents recognised the Welsh Government’s desire to ensure the purposes reflect the role that National Parks can play in the sustainable management of natural resources in Wales in the future.

**Question 12: Where the special qualities of each designated area are identified, should this be given greater weight in decision making? In considering this, how should it be done in order to most effectively add value to the governance of those areas and the connection to local communities and businesses?**



Agree	111
Disagree	27
Not Sure	14
<b>Total</b>	<b>152</b>

■ Agree    ■ Disagree    ■ Not Sure

This question and its related proposals received 152 responses.

There was general consensus among respondents that the special qualities of designated areas should be given greater weight in decision making and that governance arrangements should evolve to reflect local circumstances. There were varying suggestions and opinions on how this should be accomplished in order to add value to the governance of those areas and the connection to local communities and businesses. Respondents welcomed further development of proposals from Welsh Government in this area.

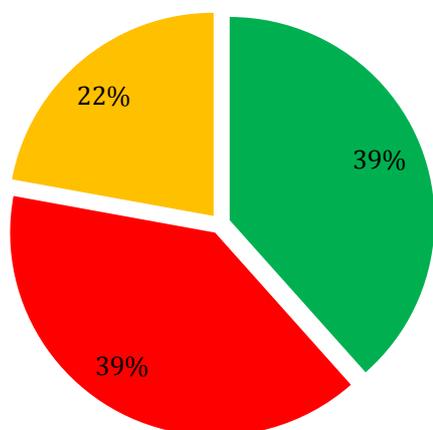
**Respondents in support of the proposals provided the following suggestions on how the special qualities of designated areas can be given greater weight in decision making to add value to their governance and connection to local communities and businesses:**

- Welsh Government should strengthen the duty placed on all public authorities under the Countryside and Rights of Way Act 2000 to “have regard to” conserving and enhancing the natural beauty of AONBs;
- Designated areas should further engage with local communities and businesses through consultation and other means, such as local boards, with limited assistance from government;
- Welsh Government should allow a proportion of National Park Authority Boards to be filled via direct elections;
- Welsh Government should remove the National Park Authorities from the regime of the Local Government (Wales) Measure 2009;
- Accountability and management of the designated areas should be strengthened through regularly reviewing and updating management plans and recognising them as a means of supporting the delivery of wider land management ; and
- An independent commissioner, Natural Resources Wales or Welsh Government should implement a procedure which defines the special qualities of designated areas.

**Respondents who did not support the proposals gave the following reasons for why they felt the special qualities of designated areas should not be given greater weight in decision making:**

- There is difficulty in clearly defining special qualities, and applying this blanket approach to different areas, including those not designated, would be problematic;
- The special qualities of designated areas are already defined and are currently given greater weight in decision making; and
- Other factors, such as economic sustainability, environmental services, recreation, well-being and access, need to be considered.

**Questions 13: Should legislation be introduced to recognise a wider range of areas and partnerships involved in driving the sustainable management of natural resources? What approach should be considered?**



■ Agree     ■ Disagree     ■ Not Sure

Agree	40
Disagree	41
Not Sure	23
<b>Total</b>	<b>104</b>

This question and its related proposal received 104 responses.

**There was general consensus among respondents that wider areas and partnerships should be recognised to drive the sustainable management of natural resources. The following comments reflect the views presented;**

- There was support for the conclusions of the Future Landscapes Wales process, particularly developing collaboration, where designated landscape bodies work beyond their boundaries to include;
  - helping other landscape bodies in Wales unlock the full well-being potential of their landscapes
  - adopting an approach of working on a regional basis, with a range of partners to deliver common goals
- Respondents did wish to make clear their desire to explore the options for delivering this model further, however, respondents suggested it was not clear whether any further legislative change is required at this stage in the process.

**Respondents not in support of the proposal provided the following reasons for why they felt legislative provisions were not required to recognise new areas and partnerships to drive the sustainable management of natural resources:**

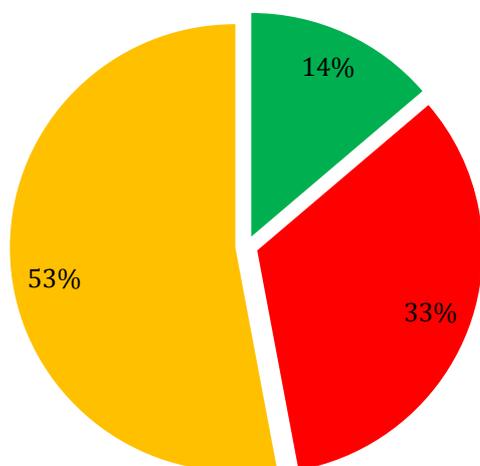
- Existing provisions for designation should be reviewed in order to determine whether they are appropriate mechanisms for recognising new areas;
- There should be focus on developing current designations and their ability to deliver the sustainable management of natural resources.

- New legislation is not required, a partnership and collaboration approach should be pursued to drive forward SMNR in National Parks, Areas of Outstanding Natural Beauty and all landscapes.

**A number of concerns and suggested approaches were raised among respondents regarding recognising a wider range of areas and partnerships to deliver the sustainable management of natural resources, including:**

- Involving and giving more power to local people;
  - Giving primacy to conservation;
  - Ensuring the status and delivery of current designations are not diluted when recognising new areas;
  - Exploring different models prior to determining whether legislative provisions are needed;
  - Welsh Government to explore areas for renewable energy projects and water friendly regimes; and
  - Ensuring performance management regimes aren't too time consuming.
- 
- Despite the varying views of respondents to agree or disagree with the proposal, similar viewpoints were expressed by both parties in relation to there being no requirement for legislative provisions to recognise wider partnerships to deliver the sustainable management of natural resources.
- 
- Respondents broadly recognised that there would be merits to recognising new areas; however, there was no consensus on whether legislative provisions would be required to recognise new areas. There was broad support for community led models for designation, including the Regional Nature Park approach, which had been given as an example in the consultation document, along with a recognition that it was desirable to learn from the varied approaches in existence across Europe and beyond.
- 
- Many respondents highlighted a need to first establish whether current designated areas can deliver the sustainable management of natural resources and whether existing provisions for designation would be fit for purpose, prior to undertaking legislative provisions to recognise new areas. There was also a broad concern that the status and delivery of existing designations could be diluted if new areas were recognised and that this should be mitigated.

**Question 14: Are there any other aspects of the Future Landscapes: Delivering for Wales report where you believe a legislative provision is necessary? If so, please explain which and why.**



■ Agree      ■ Disagree      ■ Not Sure

Agree	7
Disagree	17
Not Sure	27
<b>Total</b>	<b>51</b>

This question received 51 responses.

**Respondents in support of the proposal felt legislative provisions would be required for the following aspects of the Future Landscapes: Delivering for Wales report in order to:**

- Strengthen the obligations of public bodies to have regard to their duties;
- Amend the statutory purposes of the National Parks;
- Restrict inappropriate planning;
- Evolve the governance of the designated areas; and
- Ensure secure and direct funding to Areas of Outstanding Natural Beauty.

**Respondents not in support of the proposal provided the following reasons for why they felt legislative provisions on other aspects of the Future Landscapes: Delivering for Wales report would not be required:**

- Any new legislation brought forward should be informed by the Marsden<sup>5</sup> report;
- The designated areas may lose their international status as awarded by the IUCN should the provisions within the report be taken forward;
- The current legislative framework, including the statutory purposes and the Sandford Principle, already enable the designated landscapes to function within the context of the sustainable management of natural resources;
- In terms of the implications of the UK's exit from the EU, respondents stated any legislative changes should be paused until post exiting the EU.

<sup>5</sup> The Marsden report was published in July 2014 following an independent review into the purpose and governance of Areas of Outstanding Natural Beauty and National Parks in Wales.

- The current statutory purposes and Sandford Principle should continue to apply to enable designated landscapes to function within the context of the new legal and policy frameworks of sustainable development and SMNR.

Respondents who neither agreed nor disagreed that other aspects of the report require legislative provisions, provided the following comments and suggestions:

- Proposed changes by the Welsh Government should be widely publicised and consulted upon locally;
- Natural beauty, conservation and the Sandford Principle should be retained and given greater weight in decision making;
- Consideration should be given to how the Well-being of Future Generations and Environment Acts, and the sustainable management of natural resources can be used to enhance the opportunities for designated areas in Wales;
- Priority should be given to the sustainable management of natural resources;
- The recommendations within the Marsden report should be considered;
- The designated areas need to be modernised;
- All processes should be subject to UNESCO Category 5 validation; and
- Any reform of the statutory purposes should contain a socio-economic purpose.

There was no consensus among respondents on whether any other aspects of the Future Landscapes: Delivering for Wales report would require legislative provisions. Respondents provided many different recommendations, comments and concerns around this question, with no general consensus on what other aspects of the report, if any, require legislative provisions. Many responses made suggestions which did not reference any aspect of the report.

## SMNR Chapter 4 – Access

### Question 15

Will these proposals deliver consistency in the opportunities available for participation in different activities and provide effective safeguards for land management and the natural environment?

### Question 16

Will these proposals deliver a more integrated and up to date system for identifying, designating and recording publically accessible areas?

### Question 17

Will these proposals provide significant clarification to ensure that the public, land managers and others are clear about their rights, responsibilities and duties in relation to access to the outdoors?

Table (iii) - the responses received to questions and proposal presented in the Access to the Countryside Chapter by individual and campaigns

	Individual Responses			Campaign Responses		
	Agree	Disagree	Not Sure	Agree	Disagree	Not Sure
<b>Question 15</b>	75	219	7			
<b>Question 16</b>	87	146	7			
<b>Question 17</b>	75	185	4			
<b>Proposal 10</b>	102	185	4	11,752	1,806	
<b>Proposal 11</b>	103	98	9	3,892	1,810	
<b>Proposal 12</b>	60	97	11	1,470	0	
<b>Proposal 13</b>	94	32	6	4,060	1,701	
<b>Proposal 14</b>	86	143	6	1,483	1,819	
<b>Proposal 15</b>	57	69	11	1,483	0	
<b>Proposal 16</b>	86	24	6	1,483	113	
<b>Proposal 17</b>	61	21	18	1,470	0	
<b>Proposal 18</b>	96	17	3	1,638	0	
<b>Proposal 19</b>	112	3	6	1,470	0	
<b>Proposal 20</b>	75	7	6	3,879	0	
<b>Proposal 21</b>	57	9	15	1,470	0	
<b>Proposal 22</b>	67	4	7	1,470	0	
<b>Proposal 23</b>	70	4	6	1,470	0	
<b>Proposal 24</b>	75	19	2	1,470	0	
<b>Proposal 25</b>	102	10	2	4,047	0	
<b>Proposal 26</b>	104	7	10	4,047	0	
<b>Proposal 27</b>	80	3	3	1,470	0	

There were 16,656 responses to Chapter 4, including 16,005 via a number of organisational campaigns and 651 from individuals.

The responses received from individuals included submissions on behalf of representative organisations, local authorities and private and third sector bodies. Table (i) provides an account of the campaigns both supporting and opposing proposals on access to outdoors.

A number of the respondents did not respond to a specific question posed in the consultation but elected to make general comments to a specific issue or issues, or responded to a selection of the proposals. The issues raised most often in the individual and campaign responses were cycling and access to water. Proposals 10, 11, 12 and 14 received the most attention and the strongest and most polarised views from respondents.

### **There was overall a consensus in a number of areas:**

- It was generally agreed that changes to procedures around maintaining and recording public rights of way and access land would be beneficial, including making certain amendments to the path network more flexible, allowing for a continual review of access maps and the digitisation of access and rights of way mapping.
- Respondents included useful suggestions for technical amendments designed to reduce costs on local authorities and land managers.
- There was broad support for the proposals to require all users to behave responsibly and for a statutory code for access. A number of respondents called for both to be enforceable via criminal and other sanctions.
- A representative organisation suggested the code should be short, understandable and enforceable. One respondent suggested on the spot fines and, among many other respondents, recommended accompanying this with a comprehensive education campaign.
- Keeping dogs on fixed length leads in the vicinity of livestock was a generally accepted proposal. A number of respondents wanted a definition of “vicinity” and some, including the Wildlife Trust wanted the proposal to go further for the protection of wildlife.
- Proposals to repeal the Cycle Tracks Act 1984 and certain provisions under the Countryside and Rights of Way Act 2000 (CRoW Act), in particular, those which set a cut off date for recording historical rights, were supported by most of those who responded to them. However, some respondents, sought clarity over other CRoW Act provisions under consideration for repeal.
- The proposal to review the regulations and guidance relating to local access forums (LAF) was broadly welcomed. Many suggestions around broadening the representation of LAF membership to include a balance of users and land managers are already within their scope. Further suggestions around enabling deputies to attend and extending the duration of membership were raised by a number of the respondents.

- Of the responses to proposal 13 most were in favour of extending access land to the coast and cliffs. Some respondents wanted clarity that the term “cliffs” only referred to coastal cliffs, some opposed to extending access land to the coast, whilst others were content as long as effective safeguards are in place for wildlife and habitats.
- Responses to proposal 21 to add flexibility to managing stock control measures on rights of way, a significant majority were in favour, the respondents citing least restrictive access as a benefit of a more flexible approach to stock control.
- Responses to proposal 23 to require local authorities to develop integrated access plans in place of existing rights of way improvement plans most were in favour. Some respondents did not believe integrated plans would lead to benefits.

**A more mixed and broader range of views were received for the remaining proposals. Some were clearly more controversial and elicited a greater number of responses:**

- Proposal 10 (shared-use of paths) and proposal 14 (access land and water) proved the most emotive subjects. Strong views ranged between those exhorting the benefits to health and the economy of extending opportunities for access and those warning of risks to safety and existing economic interests.
- A significant majority of responses received were in favour of shared-use paths, some individual respondents suggested extending it further to allow for lama trekking and to facilitate the carrying of non-motorised craft to water.
- A number of respondents, were of the view that a right to ride horses and bicycles on footpaths would not be in the interests of land managers, path maintenance or health and safety. Many others, including the Ramblers, believed that a blanket approach would not be practicable but there was merit in multi-use paths, and an extension of access to users other than walkers would be beneficial. Suggestions included easing the procedural pressures for designating new rights and providing resource to local authorities to facilitate a case by case approach to multi-use designation.
- Some respondents suggested a permissive access approach in partnership with land managers and generally people were unaware of the designation of paths and were only concerned with their ability to use routes “safely and conveniently”.
- Lifting certain restrictions to activities on CRow Act access land received a broad range of responses. Many identified restrictions specific to their interests, which they would like to see lifted or retained. For example, many of those who identified themselves as anglers disagreed with the proposal to allow vessels on water situated on access land. Similarly, those identifying themselves as cycling and horse riding interests were in favour of lifting the restriction on non-powered vehicles and horses respectively.
- Removing the restrictions to allow camping was the most controversial restriction proposed. Of those respondents who specifically identified it from the list of restrictions most were opposed to lifting it. Concerns were raised by, among others, the Agricultural and Public Sector over the potential adverse impact of wild camping on wildlife and existing campsites. Whilst not against the idea of wild camping other respondents, suggested a need to learn from the experience in Scotland and mitigate for issues such as littering.

- The proposal to remove the anomaly prohibiting cycle racing on bridleways (with appropriate authority) received a good deal of attention, in particular from those identifying themselves as horse riders. Some respondents, citing safety as their key concern, whilst others were in favour. The latter suggested local authorities should be considered as the appropriate authority.
- Access to water and the proposal to establish NRW as the responsible authority for facilitating use received considerable attention. A significantly higher number of responses were received in favour of legislating for access to water for non-motorised activities, including canoeing and swimming. However, of the individual responses the majority interested in access to water identified themselves as anglers or other fisheries interests and were against facilitating access for other users. Many of these individuals stated the inequality open access to inland waters would create because of fishing licence fees and the investment in time and resources by anglers in the health of the rivers they fish.
- Those in favour of greater access to water identified good economic, health and social benefits as reasons why increased opportunities to access water should be supported. Other benefits identified by individual respondents included additional witnesses for identifying pollution incidents.
- On the matter of placing responsibilities on NRW for identifying and mapping access to water, many respondents had reservations. Key concerns were lack of resources and a potential conflict of interest between its roles in brokering access agreements, environmental enforcement and fishing licence regulation.
- Of those who responded to the proposal to introduce restrictions and exclusions there was a cautious and mixed response. The agriculture sector were among those who supported this proposal in principle, whilst the third sector were among those who felt there was too little information included in the proposal to either support or oppose. Individual responses included a number not in favour of applying new restrictions on public rights of way.

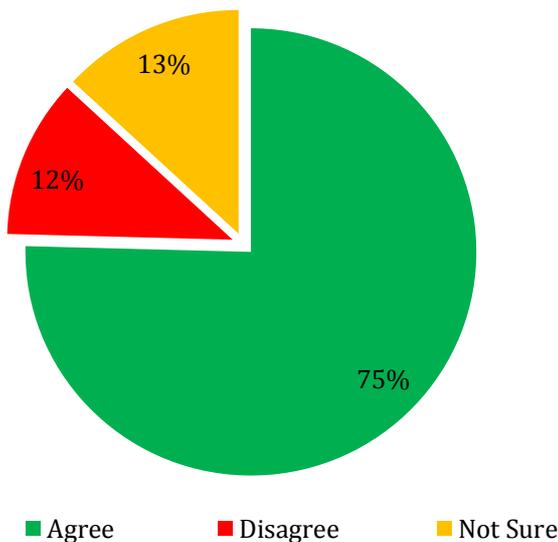
Overall responses to proposals 10-27 reaffirmed the general view that improvements are needed to the way access to the outdoors is provided, managed and promoted in Wales, but where detailed consideration is required on how this is achieved in order to mitigate potential conflict between users, with wildlife, and with land management.

## SMNR Chapter 5 – Marine & Fisheries

The first two questions under Chapter 5 of the SMNR Consultation on proposals for marine plans will be summarised simultaneously.

**Question 18 – Do you support the need for new powers to identify Welsh Regional marine plan regions and to produce marine plans for these regions?**

**Question 19 – If you do not support Regional Marine Plans, please indicate how you suggest local issues are addressed within the current framework and what specific impact do you think the proposals would have upon your interests?**



Agree	46
Disagree	7
Not Sure	8
<b>Total</b>	<b>61</b>

There were 61 responses received in total to questions 18 and 19.

- Most of the respondents were in support of Wales receiving more powers to produce sub-national marine plans; however many had qualifications, mainly in regards to funding and resources. They welcomed the production of the first Welsh National Marine Plan, but argued that the 'primary focus at this time should be on finalising and implementing' this without diverting attention and already limited resources from it.
- Some believed that separate regional marine plans would be 'unnecessary' at this stage due to a lack of 'experience in implementation at the national level which would be necessary to fully inform proposals for subnational marine planning'. Respondents believed that it would be more appropriate to consider this proposal at a future stage, but confirmed that certain specific issues would benefit from being dealt with at a regional level.

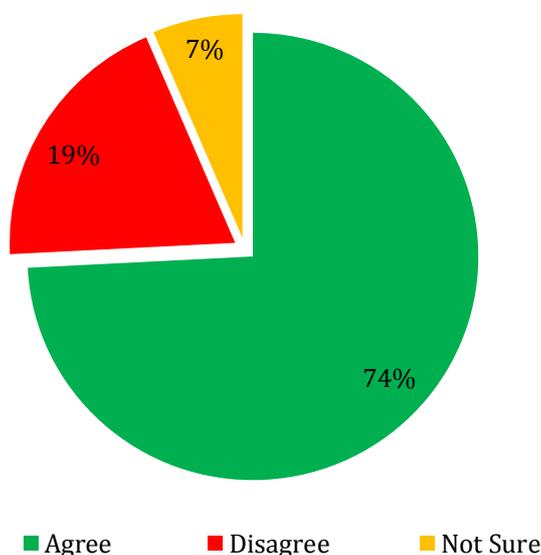
**A summary of the key comments from respondents in support of the regional marine plan proposals is provided below:**

- There was overall agreement that any future regional plans should work in conjunction with the wider Welsh National Marine Plan.
- The majority of stakeholders believed that sub-national marine planning would help to 'streamline administration of the Welsh maritime zone' and would be a positive step towards 'improving management' of Welsh seas.
- They believed that giving Welsh ministers enhanced powers to produce regional marine plans would help bring together currently 'disjointed sectoral approaches to marine and coastal management' and provide consistency to regulation and future development. Despite this, many agreed that in the event of any future regional plans being introduced, there would be a need for greater clarification and a 'clear distinction' between the roles and objectives of both national and regional plans.
- One respondent stated that 'The various threats to the marine environment identified in the State of Natural Resources report – including climate change, 'blue growth' and over exploitation, as well as the resilience of the environment to these threats – are not uniform and some regions may need more detailed planning than others, including in offshore areas. In this instance, regional marine planning would be more effective in tackling problems, and looking into the work the Scottish Government has undertaken in regards to regional marine planning would be a great point of reference for any future plans in Wales'.
- Respondents firmly agreed that engagement with stakeholders and agencies outside of Welsh Government would be pivotal in the production of any future regional marine planning.

**A summary of the key comments from respondents not in support of the regional marine plan proposals is provided below:**

- The main argument from those against introducing sub-national marine plans was that they would add unnecessary complexity to the regulations currently in place. They argued that this could result in a delay in decision making and administration and diminish any long term benefits of regional planning.
- Another concern was that the objectives and aims of any regional plans were already being met through national plans and could therefore cause overlapping and conflicting management.
- Some stakeholders believed that current legislation was sufficient in managing the Welsh maritime zone and that introducing new plans would not be a responsible use of funding or resources.

**Question 20 - Do you agree with our proposals to manage fisheries flexibly? Can you provide any example where flexible management would be of benefit to your business?**



Agree	23
Disagree	6
Not Sure	2
<b>Total</b>	<b>31</b>

31 responses were received in response to the question.

A high percentage of respondents were in favour of the proposal to manage fisheries flexibly.

**A summary of the key comments from respondents in support of the flexible management proposal is provided below:**

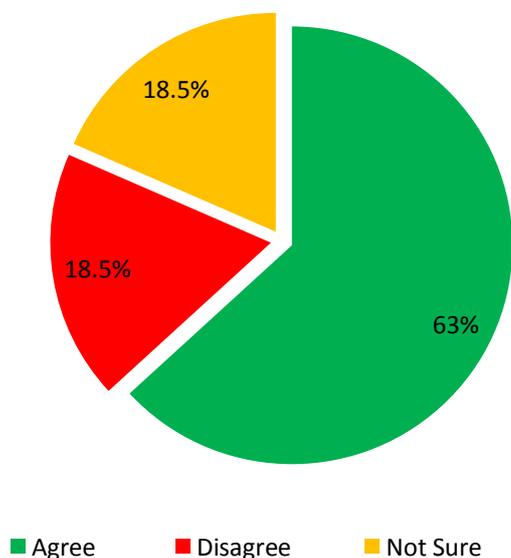
- There was widespread support from respondents in allowing 'real-time flexible management of marine resources in Wales'.
- Many suggested that the mussel fisheries of north Wales could serve as the 'perfect vehicle for developing and proving the merits of such management'. They argued that since mussels are not subject to national or EU Total Allowable Catch and are solely subject to Welsh Government regulations, a pilot project in mussel fishery controls could provide an easy demonstration of the wider benefits of this approach to management.
- Supporters of the proposal agreed that reviewing the current controls in place for shellfish cultivation would be a positive step towards streamlining and developing the administrative process of granting permission for certain mussel farming activities. One respondent stated 'As mussel farming is one of the major fisheries in Wales and stock occurs 'sporadically' and in a handful of locations, respondents argued that the minister should create a 'species-specific statutory instrument' which would enable fishing for seed mussel to be swiftly authorised. By doing this, fishermen would be able to fully utilise the mussel seed stock when it is available and better contribute to the Welsh economy and ecosystem'.

- Many respondents believed that managing fisheries flexibly could potentially ‘enhance the sustainability of Wales’ marine environment’ by using the powers to prevent unsustainable practices from taking place.
- Such activities include the ‘(often illegal) accidental by-catch of pelagic, migratory fish’ and the trawling and dredging of fish by vessels of non-Wales origin.
- Some believed that ‘slow bureaucratic levels of administration’ meant that current powers were inadequate to deal with issues that threaten the sustainability of fisheries and that therefore centralising power to Ministers was paramount in protecting the environment.
- Respondents also commented on the impacts of the UK’s exit from the EU and how they could be beneficial to the Welsh fishing industry. Whilst in favour of managing Welsh fisheries flexibly, many emphasised the need to future proof domestic legislation to secure long term effectiveness in a post Brexit Britain. Some respondents went so far as to suggest that Wales should use Brexit to close off its waters at least to the 12 nautical mile limit to non-Welsh vessels in order to secure their sustainability.
- Nearly all of those in favour of this proposal stated that whatever changes occurred, they should be in accordance with the Marine Plan that has recently been drafted.
- They also stated that the process of change should be transparent and open to scrutiny and based on robust evidence, with a mechanism in place for stakeholder involvement.

**A summary of the key comments from respondents not in support of the flexible management proposal is provided below:**

- The main argument from respondents not in agreement with this proposal was that the Welsh Government already has flexibility in regards to the management of their fisheries, and that these powers merely need to be exercised to a greater extent rather than be enhanced or changed.
- Many argued that the ‘regulatory and management structure is already there’ but is under resourced, and that attention should be given to utilizing current powers rather than creating new ones.
- A number of responders showed concern that adopting a more flexible approach to managing Welsh fisheries could have a negative affect on already dwindling fish stocks, and one respondent suggested that it would also lead to a rise in recreational activities such as canoeing, which could adversely affect or damage the natural environment and sustainability of fisheries.

**Question 21 – Do you agree with our proposals to introduce fit for purpose licensing regime for aquaculture? Please consider whether there are any other functions you think the licence should cover?**



Agree	24
Disagree	7
Not Sure	7
<b>Total</b>	<b>38</b>

- There was overall enthusiasm for a ‘fit for purpose licensing regime for all aquaculture industry activities’. Many welcomed the proposal of a consistent approach to licensing and also the general development of aquaculture in Wales.
- The main qualification that came with this support however was the expansion of caged salmon or sea trout farming. There was comprehensive agreement from a wide range of stakeholders that this practice should never be expanded in Wales due to the adverse environmental affects that result from it, and some respondents went even further to say that open caged aquaculture should be wholly prohibited in Wales.
- The majority of those against the proposal came from the commercial shellfish fishermen in North Wales.

**A summary of the key comments from respondents in support of the aquaculture licensing proposal is provided below:**

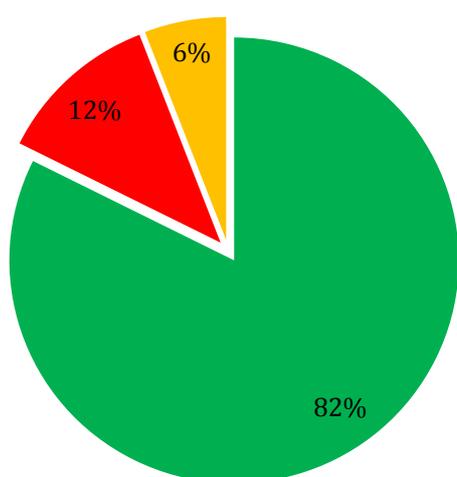
- Respondents emphasised that sustainability criteria should form a key part of the licencing procedure and that they would welcome a change in licensing as long as such changes were shown not to have any negative effects on the environment.
- The protection of the environment formed a main point in many responses received from those in favour of this proposal. Respondents emphasised the continued use of Environmental Impact Assessments and Habitats Regulations Assessments should changes be made to the licensing regime and also the continued protection of European Marine Sites post-Brexit.

- Many stakeholders believed that the current licensing regime of the Several Orders process was ‘cumbersome, slow and does not facilitate adequate stockholder consultation early on in the process’ and so therefore welcomed a new system. Despite this, they highlighted that resources would need to be secured in order to facilitate and enforce change, and that the process would have to be transparent with ‘formal mechanisms to challenge proposals’ set in place.

**A summary of the key comments from respondents not in support of the aquaculture licensing proposal is provided below:**

- The majority of opposition wholly disagreed with the consultation document which said that the current mechanisms in place for shellfish cultivation were cumbersome and outdated.
- Despite this, they did concede that administration needed to be streamlined. They advocated the upholding and continuation of Shellfish Several Orders that are overseen by the 1967 Sea Fisheries Shellfish Act, and argued that this was the only piece of legislation that was robust enough to offer protection to shellfish farming in Wales.
- They suggested that better understanding and enforcement of current regulations would be far more beneficial in regards to aquaculture in Wales, and they were all of the belief that the proposals outlined in the consultation document would jeopardize their businesses and the future development of shellfish cultivation in Wales.

**Question 22 – Do you agree with our proposals to increase the scope of the current Buyers and Sellers Regime? Please consider what impact you think the proposals will have on your business?**



■ Agree   ■ Disagree   ■ Not Sure

Agree	14
Disagree	2
Not Sure	1
<b>Total</b>	<b>17</b>

The majority of responders supported the proposal to increase the scope of the Buyers and Sellers regime.

**A summary of the key comments from respondents in support of the Buyers and Sellers proposal is provided below:**

- There was overall agreement from respondents that extending the current Buyers and Sellers regime to include products caught from the shore would improve the traceability of our seafood and therefore improve the overall management of fishing in Wales.
- As a result of this, many believed that the proposal would enable better control of recreational fishers and anglers by providing the means necessary to introduce statutory regulations that would require them to report all of their landings.
- Stakeholders also believed that this proposal would help deter illegal activity such as the sale of fish branded as shore-caught, when in fact they were caught by unlicensed vessels at sea.
- There was overall consensus from those who offered comment that expanding the scope of the current Buyers and Sellers Regime would improve the 'sustainability, traceability and quality of legally-harvested intertidal resources' which in turn would contribute positively to the Welsh fishing industry.

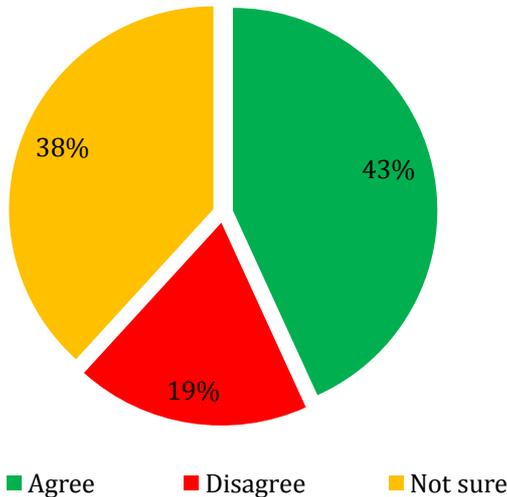
**A summary of the key comments from respondents not in support of the Buyers and Sellers proposal is provided below:**

- Two respondents were against the proposals and one unsure, however no comments were offered by these.

## SMNR Chapter 6 – Water

### Question 23

Do you agree with the approach we are proposing, to introduce abstraction reform on a Wales only basis?



Agree	35
Disagree	15
Not Sure	31
<b>Total</b>	<b>81</b>

More than 80 consultation responses addressed this question. Around 43% of these supported moving forward on a Wales only basis and a similar proportion were either not sure or provided comments. A minority (19%) opposed the proposal.

A number of the respondents used the opportunity to repeat the comments they had made in earlier consultations on abstraction reform, rather than addressing the question of implementation in Wales. As a result, some of those opposed to the proposal were expressing opposition to the details of abstraction reform as outlined in earlier consultations. Some cited concerns over potential increases in costs for abstractors in Wales, the potential for commercial disadvantage compared with England and the need for abstraction legislation on a UK basis to ensure a common approach for companies operating across the UK

**A summary of the key comments from respondents in support of abstraction reform is provided below:**

- Support for the proposal came from a wide spectrum of the respondents including the regulator, the NGOs, local authority and business.
- Many of the respondents commented on the practical implications of the management of water resources on a river basin basis because of the cross border rivers such as the Wye, Dee and Severn. Several responses emphasised the need for change if Wales is to deliver sustainable management of natural resources.
- One respondent stated having a common legislative approach for water abstraction was not essential but does have benefits, especially for those abstractors who

operate in both Wales and England and in the management of the cross-border catchments. The respondent believed policy development should continue on a Wales only basis.

- One respondent considered there to be a need to reduce uncertainty in this area as much as possible so that water companies can plan more effectively for longer term resilient supplies.”
- Some respondents felt the proposal would assist in meeting the well-being goals provided in the Well-being and Future Generations Act, whilst others considered without powers for better management of water resources, there is an obvious gap in the regulatory mechanisms needed to deliver SMNR.

**A summary of the key comments from respondents against abstraction reform is provided below:**

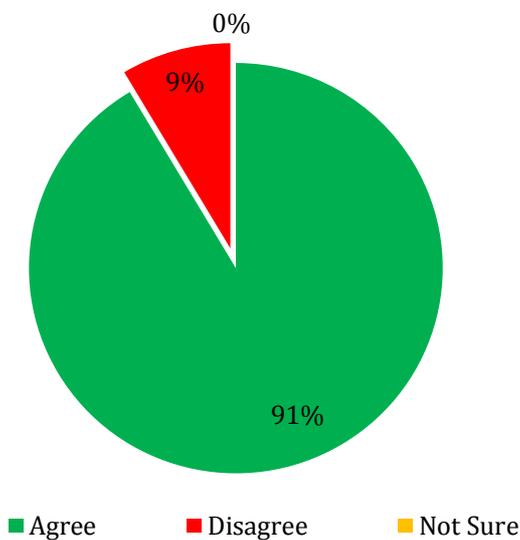
- There were potential issues for businesses operating across both England and Wales, and that the management of water resources has cross-border implications, our preference would be to avoid a divergence of regulatory approach as this has the potential to create additional bureaucracy and burden. Any legislative changes to the abstraction regime should be adopted at the same time across England and Wales;
- This was further supported by one respondent raising concerns that should Wales introduce abstraction reform ahead of England there is a risk that inconsistencies may develop which we would not support.

### Question 24

Do you agree with the proposals presented by the Welsh Government? Please consider if any of the proposals would create new or unforeseen impact/irregularities?

### Question 25

Do you believe there are additional proposals which could improve the current legislative/regulatory landscape in the short term? Please consider if there are any other potential reforms required in Wales, which may need to be delivered in the longer term?



Agree	64
Disagree	6
Not Sure	0
<b>Total</b>	<b>70</b>

Both questions have been summarised simultaneously.

- There were 70 responses, of which 64 wholly or partially supported the proposals and 6 opposed them.

Respondents were mainly from;

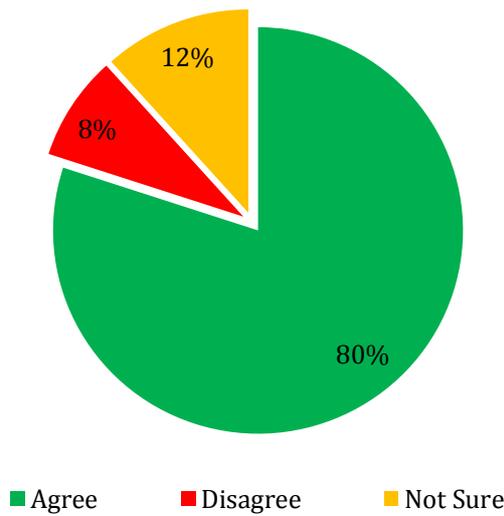
1. the sewerage undertakers (who supported or initiated most of the proposals)
  2. local authorities, land and waterway owners and environmental groups, (who generally supported most but not necessarily all of the proposals), and
  3. Natural Resources Wales who were supportive of most of the proposals.
- The responses indicated widespread support to reform, simplify and improve the legislative/regulatory landscape of water and wastewater. Where respondents did not fully support the proposals they generally raised concerns or sought clarification or gave conditional support to particular aspects of them

- The most controversial aspects of the proposal were those giving water companies rights of access to third party land or property, and the right to charge property owners under certain circumstances, providing undertakers with a right to discharge into water courses owned by third parties and removing the right to connect to the sewage network.
- Concerns and questions relation to how rights of access to third party land or property were mainly focussed on the perceived duplication of these powers with other organisations such as local authorities, and how safeguards could be put in place to ensure these powers and the powers to charge third parties would be put in place, but subject to these being addressed there was general acceptance or support.
- There were suggestions that more comprehensive legislative reform is required to improve the management of surface water and the environment.
- The proposal to provide water companies with the right to discharge water into waterways owned by third parties drew some opposition due to concerns over potential environmental impacts and costs to landowners, and the removal of the right to connect to the public sewer network was opposed largely on the grounds that it would hamper the construction of sustainable drainage systems.
- Overall there was a general consensus that change is needed and those relatively straightforward amendments to legislation could improve the regulation of sewerage and drainage, and simplify the water resource planning system.

## SMNR Chapter 7 – Waste and Local Environmental Quality

**Question 26 - Do you agree that Welsh government should amend section 108 of the Environment Act 1995 so that:**

- it removes the need for providing 7 days notice to the person in occupation of the premises;
- retains the need for a warrant;
- extends the description of information that can be required; and
- provides the ability to remove (and retain) material for examination, including information stored electronically?



Agree	48
Disagree	5
Not Sure	7
<b>Total</b>	<b>60</b>

**A summary of the key comments from respondent in support of the question are provided below:**

- Overall, there was a large amount of support across all stakeholder groups for this proposal. All the Local Authorities were in favour of the proposal. They felt that this will assist in reducing environmental crime and may act as a deterrent to individuals currently illegally disposing of waste.
- Others highlighted the potential savings made to Natural Resources Wales (NRW) and Police Authority resources.
- There was strong support from respondents recognising that the proposal will:
  - support effective and efficient investigation where necessary,
  - is sensible and make things simpler for the regulator, and
  - could act as a deterrent for waste crime.
- Respondents also commented that waste legislation needs to be more stringent and that the proposal will also prevent the destroying of evidence by people involved in waste crime. One respondent, although supportive of the proposal, sought clarification on how the regime would work alongside the operation of planning controls and assessment of planning applications.

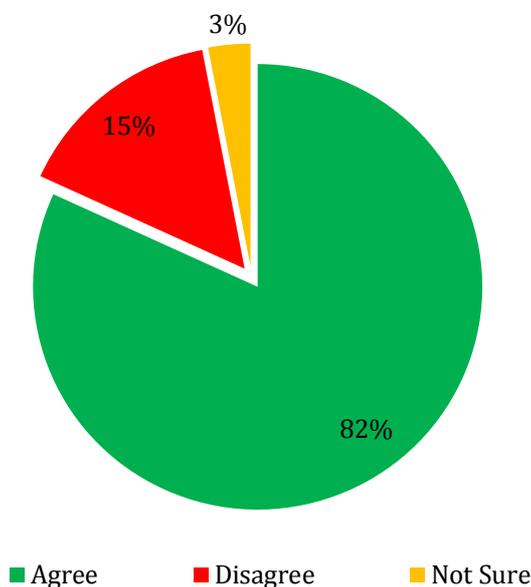
- Other respondents in support suggested as the proposal appear to start taking on some police powers, why not allow limited numbers of NRW staff to have powers of a constable as with fisheries?
- Some respondents recognised that the current powers of entry and seizure of evidence has had an impact on the effectiveness of the regulator with its enforcement work, and highlighted the need to ensure that the proposed new powers extend beyond the Environment Act 1995, to include powers of entry under the Water Resources Act 1991 and the Reservoir Act 1975 to ensure consistency.

**A summary of the key comments from respondent not in support of the question are provided below;**

- One respondent accepted that enforcement is part of the solution to tackling litter and acknowledged the merit in extending this to some areas of the public realm; however, it expressed concerns about extending this to domestic households.
- Another stakeholder was of the view that the existing suite of powers available to NRW is sufficient to carry out its investigatory and enforcement functions, and there will need to be adequate safeguards in place to ensure that data protection is not undermined.

Respondents that answered 'not sure' or 'don't know' tended to be individuals not directly affected by the proposal and felt that they could not comment.

**Question 27 - Do you agree that the Welsh Government should amend section 46 of The Environmental Protection Act 1990 so that it includes the option of Local Authorities serving Fixed Penalty Notices for failure to comply with notices rather than having to prosecute through the courts?**



Agree	54
Disagree	10
Not Sure	2
<b>Total</b>	<b>66</b>

Overall, there was a large amount of support across all stakeholder groups for this proposal. The majority of Local Authorities responding to this question were in favour of the proposal.

**A summary of the key comments from respondent in support of the question are provided below:**

- A number of respondents identified benefits to do with efficiencies, such as the simplicity of the process, reducing the burden on the court system, and local authorities being able to discharge their waste duties more effectively.
- Some respondents explicitly stated it would help increase recycling rates, and comments from several other respondents implied this implicitly.
- It was noted that a number of respondents alluded to the financial benefits, where there was a revenue opportunity, and that it would be cheaper to use this process than current arrangements. It would be reasonable to make the assumption that those commenting about the reduced burden on courts and increased effectiveness of discharging duties are also to be including financial and cost benefits of FPNs.
- Comments on revenue also identified a wish for any revenue to be ring fenced for waste awareness activities and/or for FPN administration costs.
- Removal of criminality for offences covered by FPNs was also identified as a benefit.
- One respondent identified that an all Wales roll out of an FPN process was a good campaign opportunity to promote consistency across all LAs and to the public.

- Whilst there was wide appreciation for the reduced burden on the court system, several supporters identified that the court system provides a reassuring level of transparency and an appeals process where necessary, and that the courts process should remain available as a last resort for the most difficult cases.

**Several supporters of the proposal provided the following concerns:**

- Whether LAs had the resources to carry out these duties and the additional education and awareness raising work that would be necessary to make it work properly.
- The proposal could potentially lead to an increase in fly-tipping.
- Extremes of enforcement could have a detrimental impact i.e. either under use or indiscriminate use, a particular concern was expressed regarding the potential for negative publicity and exposure should the process be implemented overzealously.
- One supporter made the point that it would only act as a deterrent if the public know it is being used frequently, as the relatively low level of the fine may lead some to take the risk anyway.
- May lead to individuals abusing public waste bins.
- Uncertainty about the burden of proof and proving the offence has been committed.

**A summary of the key comments from respondent not in support of the question are provided below:**

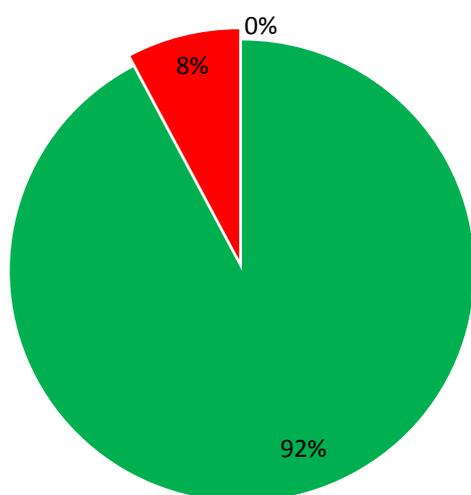
- It is a heavy handed approach for the offence in question
- FPNs should not be employed for this type of offence circumstances until there is uniformity of collection systems and equal access to services across Wales.
- This could penalise unintentional non-compliance, such as someone being ill.
- Could lead to more recyclables going to landfill if people are afraid to get it wrong.

**Opportunities or proposals**

- It was suggestion that “Penalty Charge Notices” could be used instead of FPNs.
- Some respondents also stated a desire to see the FPN approach applied to other low level offences, particularly right of way breaches.

## Question 28 - Introducing Penalty Control Notices for littering from vehicles.

There were 116 responses to this question.



Agree	107
Disagree	9
Not Sure	0
<b>Total</b>	<b>116</b>

■ Agree    ■ Disagree    ■ Not Sure

The vast majority of those who responded to the consultation question were in favour of the new powers and whilst most did not provide specific reasons, there was clear support for this approach.

### **A summary of the key comments from respondent in support to of the question are provided below:**

- The proposal would likely have positive impacts on local authority resources (for example reducing the costs associated with clearing roadside litter), the potential deterrent effect and the ability to help address some of the current difficulties experienced by Enforcement Officers having to “*to prove beyond all reasonable doubt the person committed the offence. A change of focus that places responsibility on the vehicle owner will allow for greater enforcement interactions*”.
- One respondent supported the proposal only if an appeals process was made available.
- Other respondents believed the introduction of new fines was only part of the solution and suggested a more “holistic approach” was needed to support enforcement action, for example education campaigns and greater awareness of the consequences of littering.

### **A summary of the key comments from respondent that disagreed the question are provided below;**

- The power could mean a registered keeper of a vehicle could be fined for an offence they did not commit. One queried whether the amount raised from any fines would cover the cost on implementing the new powers.

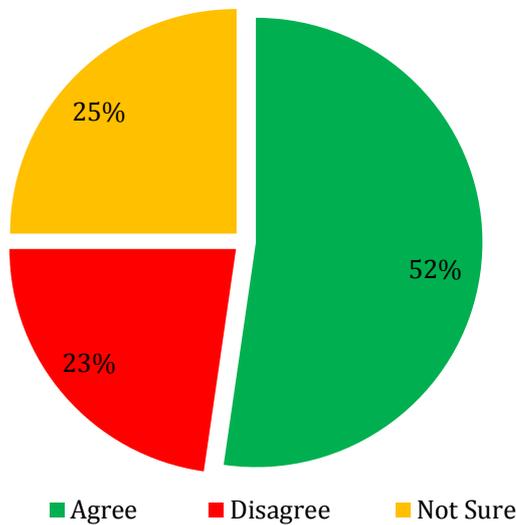
- There were some concerns by respondents that the power may prove difficult to enforce, particularly in rural areas and others questioned the potential costs involved in establishing a new penalty system.
- One respondent questioned whether this approach could result in a large number of legal challenges and also voiced concerns over the potential for Local Authorities to use private contractors.

**Some respondents took the opportunity to raise the following specific issues relating to the proposal;**

- Four responses, questioned the proposal to create a civil rather than criminal law, citing any new powers should align with other littering offences which are dealt with through the criminal process.
- Several respondents queried what evidence would be admissible to prove an offence had been committed and sought clarification on the role of CCTV in this process.
- Some responses noted that any reliance on CCTV evidence would prove particularly difficult in rural areas (where roadside litter is a particular problem) and another respondent felt there was a need for greater use of existing cameras in town centres.
- A Local Authority response suggested enforcement powers should be extended to other Authority officers, for example those working on cleansing and highways teams.
- Several respondents made reference to the issues caused by fly-tipping and the need for powers to address this problem or how the proposed powers could potentially help assist with enforcement action.

## SMNR Chapter 8 – Smarter Regulations

**Question 29: Should basic measures be introduced as a mechanism for regulating low risk activities? Views were sought on the type of activities that would benefit from regulation by basic measures.**



Agree	46
Disagree	20
Not Sure	22
<b>Total</b>	<b>88</b>

There was a mixed response to the Smarter Regulation proposal which sought views on the role of basic measures. The consultation provided a number of activities that aimed to provide examples of what may be suitable for basic measures;

- water quality associated with land management
- felling licence requirements to maintain environmental protection; and
- in agriculture for protecting water air and soil quality

This question received 197 responses, 109 were attributed to the NFU campaign opposing the Basic Measures proposal. 46 of the 88 individual responses were supportive of basic measures being introduced as a mechanism for regulating low risk activities.

**A summary of the key comments from respondent in support to of the basic measures approach are provided below:**

- If the objective is to achieve specific standards when carrying out an activity it could work well, also it would provide a valuable mechanism if it cuts back on the need to complete paperwork to satisfy recording requirements
- Basic measures could be a useful tool for regulating low-risk activity in the future where there is evidence that voluntary and supportive measures have failed. Brexit may offer an opportunity to reshape the regulatory framework in a more cohesive way.

- There was potential for wide application of basic measures, beyond agricultural activities and any proposals should include other commercial activities that impact negatively on land management e.g. motocross.
- Agree that a risk-based approach enabling flexibility in land management, whilst ensuring environmental protection is maintained, could be an alternative in certain circumstances to the requirements of the current felling licence regime.
- Basic Measures could be used as a useful tool to promote and educate those responsible for land management of the potential impact their activities have on natural resources and environment.
- Using basic measures and a risk-based approach could be advantageous where the scale of operations and interventions are likely to be small and the complexity and cost of a long-term management plan are currently prohibitive. Allowing management of some woodlands under basic measures or General Binding Rules (GBR) could help resolve this and bring undermanaged woods back into management. However, the use of basic measures or GBR (both of which need to be better defined) must only be instead of the felling licence system and not in addition to it.

**A summary of the key comments from respondents against the basic measures approach are provided below;**

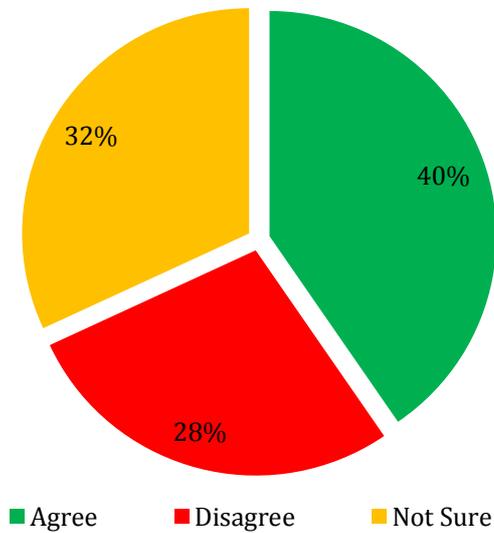
- The introduction of Basic Measures could create disproportionate penalties.
- Opposed to proposals for minimum standards for soil, air and water. The consultation proposes a whole new tier of regulation without any detail of how it would operate.
- Do not believe that the activities, such as diffuse pollutions by agriculture is a low risk activity and that civil sanctions or fixed penalties would change behaviours.
- Greater, clarity is required to explain how civil sanction would be applied.
- Recommend advice and guidance is provided with appropriate incentives alongside earned recognition to change behaviours. Site specific voluntary measures should be the approach adopted which tackle identified problems through advice, land management and capital grants to reflect knowledge built up over a period of time.
- Members questioned the need for basic measures to respond to current pollution issues (Water, Air and Soil) as it is believed that this already is a highly regulated area.
- However, in their responses to this question some farming industry and representative bodies, forestry and conservation charity/groups were willing to engage with the Welsh Government to consider and develop detailed proposals to inform a separate consultation on basic measures.

**Respondents, who neither agreed nor disagreed, provided the following comments and suggestions;**

- A risk based approach could be an alternative in certain circumstances to the requirements of the current felling licence regime. The current licensing process takes too long and basic measures, as part of the woodland management plan, could provide mutual benefits.
- Suggests not all farmers pollute and those responsible need to be held to account.
- Did not have enough information and requested that if further proposals were developed, they could contribute.
- All outdoor activities that have an impact on the environment (other than walking, rambling, cross country running etc.) should be licensed in the same way as angling.
- Concern regarding resources available for delivery and enforcement authorities to be effective.

## SMNR Chapter 9 – Agricultural Land Tribunal Wales

### Q30 – Should the jurisdiction of the Agricultural Land Tribunal Wales be extended?



Agree	19
Disagree	13
Not Sure	15
<b>Total</b>	<b>47</b>

There was a mixed response to the proposal for extending the jurisdiction of the Agricultural Land Tribunal in Wales (ALTW).

There were a total of 47 responses received in response to this question, 19 respondents supported the proposal. 13 respondents did not support the proposal and 15 respondents were undecided.

#### **A summary of the key comments from respondents in support to of the question are provided below:**

- Extending the jurisdiction of the ALTW will result in quicker and speedier resolution of disputes between landlord and tenant and reduce costs.
- Currently arbitration is the only resolution mechanism currently available. Some 80% of the land in Wales is farmed, and a significant proportion of this is managed under a tenancy agreement. The nature of the relationship between landlords and tenants can therefore have a major impact on the management of natural resources. Any measure which improves the capacity to resolve dispute more easily is likely to provide additional benefits in terms of natural resource management.
- Arbitration is no longer the quick and cheap avenue for dispute resolution and a modest additional investment for funding for ALTW would significantly reduce the overall costs of those otherwise forced to use arbitration.
- ALTW would increase access to justice and provide a reliable and efficient dispute resolution.

- The proposal is beneficial and the jurisdiction should be extended but the option to appoint privately should be retained.

**A summary of the key comments from the respondents not in support to of the question are provided below:**

- Surveyors generally represent parties in arbitrations. There is concern that, if matters are routinely referred to the Tribunal, then parties will more likely instruct barristers. This would not only increase costs but also result in parties being less likely to benefit from practical subject matter experience and expertise. .
- The ALTW is not private, arbitration is. Confidentiality can often be a real advantage for those clients who do not want matters discussed in a public forum. The consultation proposal does not address the central question of why should the taxpayer fund private disputes between landlords and tenants.
- One respondent acknowledged that creation of a cost free tribunal process might eliminate Arbitration and believed that the majority of costs incurred in this process are legal fees which on a case by case basis would not be impacted by this change. A cost free tribunal process might encourage more disputes to be referred rather than being settled by negotiation.
- One respondent highlighted concerns about the capacity of the ALTW to succeed without additional funding. There will inevitably need to be a commitment from the Welsh Government to properly resource and fund these activities.
- Whether ALTW members would have the specialist knowledge and skills to undertake this work.

**Respondents who neither agreed nor disagreed provided the following comments:**

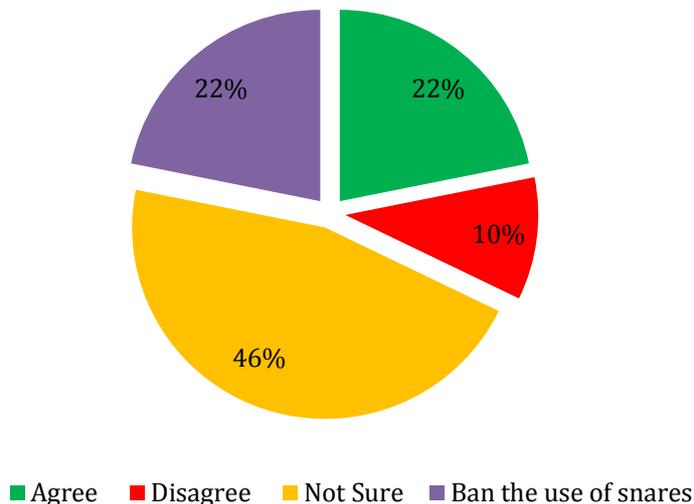
- Several respondents completing their responses stated they did not have enough knowledge of the subject to submit a response.
- To widen the arbitration offer to include all land management consideration including managing forests and woodlands.

## SMNR Chapter 10 – Wildlife

A total of 89 consultation responses were received. There was an even spread of responses from individuals, local government or agencies, associations and third sector interests. In response to proposals (49-55) or questions (31-36), a large proportion of the response that strongly opposed the use of snares in general and felt they should be completely banned.

The banning of snares was not a proposal set out in the consultation so a complete picture of people's views on a ban on snares, either positive or negative, cannot be truly obtained through this consultation

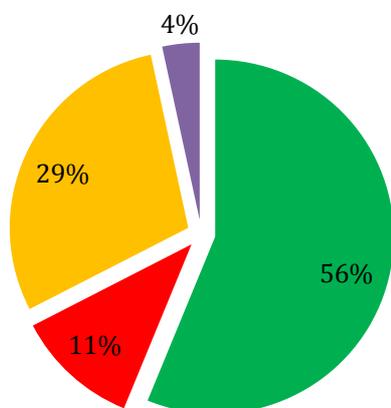
### Questions 31: Do you think the Welsh Government Code of Best Practice on the use of snares in fox control is improving animal welfare standards? Do you have evidence on the effectiveness of the Code in Wales?



Agree	21
Disagree	9
Not Sure	40
Ban Snares	19
<b>Total</b>	<b>89</b>

- Some respondents raised concerns that target animals can be killed and, at times, non-target animals can also be killed or severely injured by snares. This was evidenced by data which reveals that between 2012 and June 2017, 149 snare related incidents were reported to the RSPCA and the number of incidents appear to have increased from 2015 to 2016.
- A couple of respondents emphasised that it was difficult to assess the effectiveness of the Code without knowing where and how often snares were in use.
- Others thought the Code was improving standards but the Code need more time to bed in.

**Question 32: Do you agree clarification of the term ‘at least once every day’ would be beneficial?**



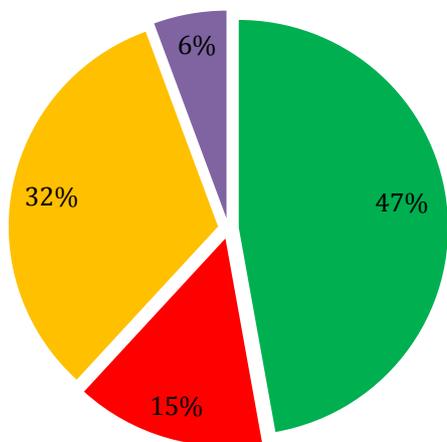
■ Agree ■ Disagree ■ Not Sure ■ Ban the use of Snares

Agree	50
Disagree	10
Not Sure	26
Ban the use of snares	3
<b>Total</b>	<b>89</b>

Over half (58%) of the responses believed that this would be useful.

- A small proportion of the respondents thought that restricting the time period to 24hr would be problematic when applied in practice, whilst one respondent suggested a 12hr period for inspection. Two of the respondents specifically highlighted the importance of the clarification of the current term.
- In contrast, 12% of the respondents disagreed with the proposal with some believing that the term is already clear and unambiguous to operators.

**Question 33: Do you agree a requirement to remove an animal caught would remove ambiguity in relation to the regular checking of snares?**

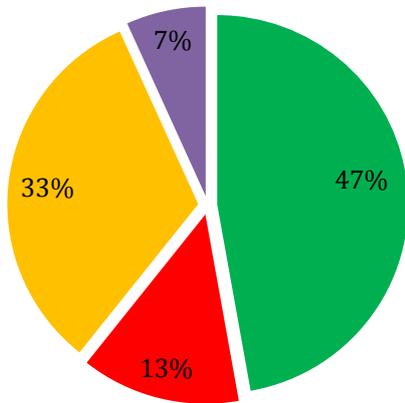


Agree	42
Disagree	13
Not Sure	29
Ban the use of snares	5
<b>Total</b>	<b>89</b>

■ Agree   
 ■ Disagree   
 ■ Not Sure   
 ■ Ban the use of Snares

- Half of the respondents supported this proposal. Some of those in support stated that the requirement could provide the means of checking snares every 24 hours and could remove ambiguity, although it would be difficult to police.
- 15% of respondents did not support this proposal. One raised concerns about the practical barriers to collecting carcasses and carrying them as their scent could taint other snares that need to be checked.

**Question 34: Should there be a requirement not to possess or sell self-locking snares? Would this result in any disadvantages?**

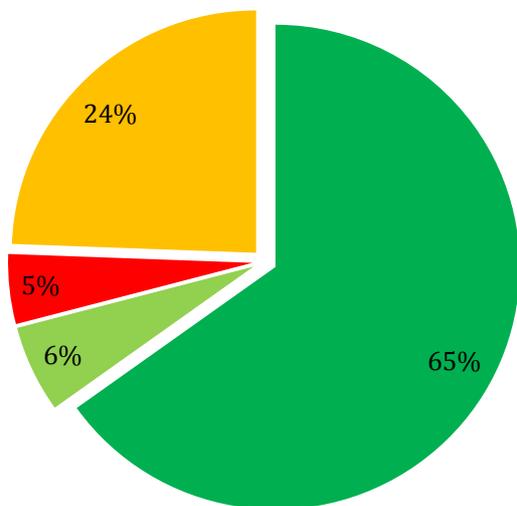


Agree	42
Disagree	12
Not Sure	29
Ban the use of snares	6
<b>Total</b>	<b>89</b>

■ Agree   
 ■ Disagree   
 ■ Not Sure   
 ■ Ban the use of Snares

- Just under half of the respondents supported this proposal and welcome the initiative which could stamp out bad practice. Furthermore, respondents suggested that sale and possession with intention to use any non-Code compliant snare should be banned.
- 13% of respondents did not support this proposal and one reasoned that a practitioner may be in position of a previously legal snare that became self-locking and others thought it is difficult to define a self-locking snares.

**Question 35: Should there be an offence for anyone using or in possession of a snare on any land without the owner/occupiers permission safeguard owner/occupiers from unauthorised setting of snares on their land?**

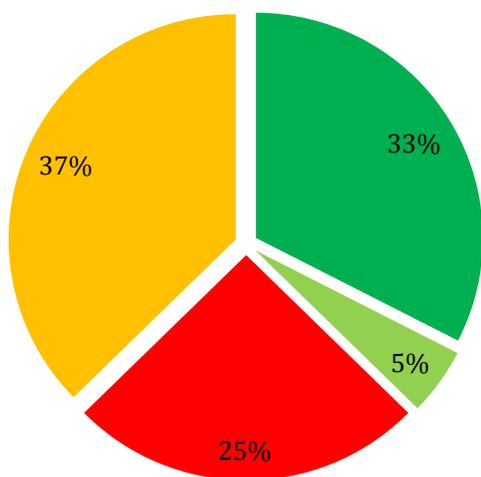


Agree	56
Agree, but seek a ban	5
Disagree	4
Not Sure	21
<b>Total</b>	<b>86</b>

■ Agree ■ Agree but seek a ban ■ Disagree ■ Don't Know

- 65 % of respondents supported this proposal. However, one of the stakeholders raised a concern that this '*proposal potentially creates yet another poaching offence in what is already a confusing area of law*'.
- 6 % of respondents thought that an offence to set snares on land without permission was reasonable but did not support the creation of an offence for possessing a snare without permission.
- 5 % of respondents rejected this proposal as they were concerned about the ability to enforce and police such provisions.

**Question 36: Should there be a future order making power for Welsh Ministers to regulate snares? Would this provide an effective and flexible mechanism to control snare use in the future? Please consider whether the Welsh Ministers should have a broad power to via an Order specified future requirements such as checking labelling and for snare operators to be trained.**



■ Agree ■ Agree, but seek a ban ■ Disagree ■ Not Sure

Agree	27
Agree, but seek a ban	4
Disagree	21
Don't Know	31
<b>Total</b>	<b>83</b>

- 33% of respondents supported this proposal. One consultee welcomed the opportunity which would extend the Welsh Ministers' powers to regulate the use of snares in the future. Another respondent highlighted that this would allow more flexibility in responding to changes in the design and use of snares.
- However, some of the respondents were concerned that such a broad power would lead to the removal of the right to set snares altogether. Others opposed this proposal as they felt the voluntary approach through the Code should be tried first before legislation is brought forward.
- 5% of the respondents who supported this proposal also hoped that snares would ultimately be banned.

***In addition to these questions we also received responses to proposal 51 and 52.***

***Proposal 51 stated: Whether the controls on snaring in section 11 of the WCA should apply to all self-locking snares and not, as at present simply to those which are "of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith".***

- Some of the respondents believed that using the term self-locking snare may be problematic as it is not clearly defined. They suggested that compliance with the Code and using a code compliance snare would be more effective.

***Proposal 52 stated: Whether there should be a modification to the offence in section 11(2)(a) WCA, of setting in position any snare, trap, electrical device or poison which***

***is likely (rather than calculated) to cause injury to animals listed in Schedule 6 to WCA.***

- There was support for the proposal, because it would tighten the law and enforcement. However, some respondents expressed opposition to the proposal as they were concerned about possible incidents of “miscarriage of justice” and the potential wide legal interpretation of the term “likely”. The inclusion of ‘likely’ in the place of ‘calculated’ could include accidental trapping, stated one of the consultees.

## SMNR Chapter 11 – Assessment of Policy Proposals

A number of organisations and individual respondents have used this section of the consultation to provide further information regarding the consultation. The Welsh Government have summarised the responses received in response to the specific questions presented in this Chapter.

### Question 37

#### **Do consultees have any other comments or useful information on the costs and benefits in relation to any of the proposals in this Consultation?**

- Access proposals attracted the most interest and many respondents reiterated their earlier assessments, either in support of or in opposition to the proposals. A number supported the idea of increased access to the countryside, for health and wellbeing benefits, also recognising the opportunities for tourism. However, concerns were voiced in relation to the resource implications of the proposals, the negative impacts on private land and rights and Wales' fragile ecosystems in rivers and lakes.
- In general, respondents expected to see more detailed evaluation of costs and benefits and were critical of the lack of available impact assessments. A large proportion of the responses reflected on the impact of Brexit, which was seen as a threat to natural resources, but also an opportunity for innovative and efficient new approaches.
- Lack of resource was identified as a major barrier to implementing the proposals. Many respondents felt that resources should be allocated to improving NRW's ability to fulfil its statutory functions. Some consultees were worried about the increased burden the access and marine proposals would mean for local authorities and other public bodies. In addition, many of the proposals were seen as resource-heavy which could also undermine the ability of businesses developing new income streams in the future.
- A major criticism conveyed by one of the respondents related to the ineffectiveness of NRW and the lack of visible results of the existing legislative framework. The consultation did not consider global warming and the increasing impact of agricultural pollution, stated another response. One of the consultees felt that the proposals could actually lead to "the mismanagement of natural resources".
- Longer term benefits, such as reduced maintenance costs, more sustainable use of the rights of way networks, fewer competing demands and reduced erosion by overuse were listed by one of the respondents.

We have combined the summary for both of the following questions.

### **Question 38**

**We would like to know your views on the effects that these policy proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?**

### **Question 39**

**Please also explain how you believe the proposed policy proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

- The majority of respondents did not mention any positive or negative effects on the Welsh language and some stated that these questions were not relevant to the consultation. One response mentioned implications for the Welsh language were not discussed explicitly.
- One respondent believed increased access to the Welsh countryside would have a positive impact with greater exposure of the Welsh language, landscape and heritage.
- There were opposing views with some consultees stating that the dominance of the Welsh language is at the expense of English which is spoken by the majority of the population, and some felt that the Welsh language is under threat and needs more protection. Unregulated tourism was mentioned as a potential threat.
- One of the respondents suggested that Welsh language should be a compulsory requirement for public service jobs related to the countryside. A similar sentiment was voiced by others who felt that local people should be entrusted with the management of their land, moving away from “past practices of parachuting strangers in to design and implement projects.” This would help ensure the future of Welsh language and culture. The importance of bilingual signs and information was underlined by a number of respondents.
- One of the responses highlighted the close link between the native language and the natural world which, they suggested, should be more appreciated and celebrated in Wales.

**Question 40 - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use the response form provided.**

In response to question 40 respondents took the opportunity to add further information to support their views provided to specific questions in the consultation.

**The following comments provide the views of respondents to this question;**

- A number of respondents, whilst acknowledging the timing and scope of the consultation as being difficult to manage, welcomed the consultation and wished to engage with the Welsh Government to develop the proposals in more detail in the future.
- In addition to the views presented in response to the access proposals, respondents suggested there is a need to revise the current legislation to make it flexible and workable whilst highlighting health and safety concerns along with maintenance costs of footpaths. In addition, some believed that the proposal to lift the restriction on camping was ill-considered without a full impact analysis, specifically in light of the Scottish experience and the related public safety issues, the protection of sensitive habitats and the environment in general.
- A number of consultees supported the circular economy approach and the introduction of smarter regulations, and also understood the social and health benefits of improved access to the countryside. However, there was concern that not all protected groups have the same level of access which is an aspect not considered by the consultation exercise.
- One respondent referred to the importance of the guidance document 'By all reasonable means: Least restrictive access to the outdoors'. One response specified horse drivers as a group left out, while another stated that access mapping should include byways and unclassified roads to aide motorcyclists. They also wanted more clarity on dual status routes and suggested the reversal of the effects of the NERC Act on motor vehicle access.
- Concerns were also raised in relation to the conditions of existing footpaths across Welsh counties which may not be suitable as bridleways and cycling paths, presenting safety hazards.
- In addition to the Forestry section, some respondents provided further comments in response to the proposals on Forestry, specifically calling for greater consideration of new woodland areas. A respondent commented that although there are limited protections for ancient woodland habitats within the planning system, these can be easily disregarded and enforcement of the rules is weak.
- One respondent advocated the need for further designated areas whilst raising caution on proposals for a community led approach to the designation of areas for SMNR.
- General concern was raised regarding the functioning of NRW, which was seen as under-resourced and struggling to meet its statutory role. Some respondents highlighted the need to address concerns regarding the limited resources and the ability for NRW to take on new responsibilities as presented in the consultation paper.

- In terms of the legislative landscape, many believed that adequate legislation is already in place for the countryside, but it is poorly delivered and enforced. A number of respondents cautioned against the introduction of new legislation without further analysis and assessment.
- A few of the respondents highlighted the problems of agricultural diffuse pollution which leads to the eutrophication of waters, impacting on fish life, the angling sector and water quality. One respondent advocated the use of straw beds for cattle which could reduce the amount of liquid slurry applied to land.
- In relation to water, a respondent suggested there is a need to recognise and react to the changing climate by improving the assessment and planning of water treatment systems, which are required to prevent further water pollution events which are having long-term deleterious impact on our rivers. Intensification of farming production methods requires robust enforcement of current legislation needs to prevent further compromise of the fragile habitats in areas of Wales.
- Some respondents suggested additional proposals to strengthen legislation and improve the condition of our ecosystems. It is necessary to, develop resilient ecological networks, and ensure that the full value of natural resources and ecosystems is adequately taken into consideration in decision-making. As an example, consideration should be given to providing stronger protection for Sites of Importance for Nature Conservation (SINCs) and ecological connectivity corridors.
- Respondents commented that they would like to see the SMNR policy recognising and safeguarding those communities which deliver extensive outcomes for biodiversity and other natural resources – there is a risk that these communities will be economically exposed following the UK's withdrawal from the EU.
- The supporters of the proposals felt that the key to achieving sustainable management of natural resources in Wales lies in creating a truly integrated land management policy with SMNR at its heart.
- Many supported the approach presented because of the need for a Sustainable Land Management Policy within Wales, which could deliver multiple benefits for the population of Wales while also benefiting our natural resources and environment.
- A respondent highlighted the need and importance for Welsh policy and regulation to not diverge too far from other national environmental jurisdictions as this could undermine the much needed stability and certainty to businesses.

## Appendix 1 - List of Organisations

Abergavenny Cycle Group
Advanced School of Game Angling
Afonydd Cymru
Agricultural Land Tribunal
Alliance for Welsh Designated Landscapes
Ammanford & District Angling Association
Ancient Tree Forum
Angling Cymru
Angling Trust and Fish Legal
Arete Outdoor Centre
Arfon LAF and BHS
Argoed and drum fisheries
Barmouth Bridleway Group
Betws-y-Coed Anglers Club
BHS County Access & Bridleways Officer - The Vale of Glamorgan
BHS Regional Access and Bridleways Officer for Wales
Bike Brechfa
Black Mountains Graziers Association East
Blackmill and Glynogwr Residents and Tenants association.
Blaenau Gwent County Borough Council (on behalf of Green Infrastructure team only)
Breacon Beacon National Park Local Access Forum
Bridgend County Borough Council
Bridleways group Mynediad Ceffylau Gogledd Cymru
British Caving Association
British Cycling and Welsh Cycling
British Holiday & Home Parks Association
British Horse Society
British Horse Society
British Mountaineering Council
British Outdoor Professionals Association
British Veterinary Association
Byways and Bridleways Trust
Caernarfonshire Branch of CPRW.
Caerphilly County Borough Council
Caerphilly Local Access Forum
Caerphilly Ramblers
Cambrian Mountain Initiative
Campaign for National Parks

Campaign for the Protection of Rural Wales - Brecon and Radnor Branch
Canal River Trust
Canoe Camping Club
Capenhurst Angling Club
Cardiff Council - Public Rights of Way team
Cariad Consultants
Carmarthenshire County Council Flood Defence Section
Carmarthenshire Cycling Forum
Carmarthenshire Local Access forum
Carmarthenshire Riders
Carningli Common Graziers' Association, Newport Pembs
Carter Jonas LLP
Central Association of Agricultural Valuers (CAAV)
Ceredigion's Local Access Forum
Chainbridge Fishery
Chair - Wentlooge Community Council
Chair of Shropshire Scouts Caving Team
Chair of the Welsh Federation of Sea Anglers, Director and Vice Chair of Angling Cymru
Chair, Wrexham Local Access Forum
Chartered Surveyor
Chepstow U3A
Church in Wales
City of Cardiff Council
CIWM Cymru
Clifford Jones Timber Group
Clive Rees & Associates, Solicitors
Clywedog Sailing Club, Llanidloes
Coed Cymru
Combined Snowdonia North Local Access Forum, Snowdonia South LAF and the Arfon Dwyfor LAF
Committee of Meirionnydd Group of Ramblers
CONFOR
Conservation Officer: Campaign for the Protection of Welsh Fisheries
Constructing Excellence in Wales
Consumer Council for Water
Conwy County Borough Council
Corwen and District Angling Club
Corwen Anglers
Country Landowners Association
Crosskeys and Pontywaun Partnership
Crown Estate
Cwmbern Grazing and Livery
Cymdeithas Eryri the Snowdonia Society
Cyngor Cymuned Ceulanamaesmawr Community Council
Denbighshire County Council

Devauden Community Council
Dirt Magazine
Dyffryn Cennen Community Council, Ffairfach & Trap Carmarthenshire
Dyfi Biosphere Partnership
East Williamston Community Coucil
Eastern Valleys Local Access forum
Edmonton Canoe
Ellesmere Riding Centre
Epic Rides Wales in Lampeter
Essex Bridleways Association
European Subsea Cables Association
Farmers Union Wales (FUW)
Farming Wildlife Advisory Group (FWAG) Cymru
Field Studies Council
Fisherman
Fishing for Schools
Flintshire Local Access Forum
Fly-tipping Wales and the Fly-tipping Enforcement Working Group
Ford Congregational Chapel
Former Forestry Commissioner and Wales Board Member for the Environment Agency
Friends of Bagillt Foreshore
Friends of Cwmcarn Forest Drive
FSC UK
Game & Wildlife Conservation Trust Cymru
Gamefishers' Club, Grayling Society and Wye & Usk Foundation
Grayling, on Behalf of the Landscape Institute
Green Lanes Environmental Action Movement (GLEAM) and the Green Lanes Protection Group (GLPG)
Guide Dogs Cymru
Gwent Angling Society
Gwynedd Council
Hounds Off
Institution of Civil Engineers Wales Cymru
International Rafting Federation
Isca Angling Club
Isle of Anglesey County Council
Keep Wales Tidy
Kingfisher Safaris
Lakeside Caravan Park
Land and Lakes Ltd
Land Access and Recreational Association and Autocycle Union
Lisvane Community Council
Llais y Goedwig
Llancarfan Community Council

Llandysul Angling Asc., W. Wales Rivers Trust
Llanelli Ramblers
Llanelltyd Community Council
Llanfair ar y Bryn Community Council
Llangollen Maelor Angling
Llangors Community Council
Llangorse Lake Advisory Group
Llangorse Sailing Club
Llantwit Major Town Council
Llnafihangel Rydithion Community Centre
Llyn Coron Fishery, Anglesey
Llys Dulas Estate company Ltd
Mamhilad and Llanover Equestrian Groups
Marloes & St. Brides Community Council
Meirionnydd Group of Ramblers Cymru
Member of British Cycling / Welsh Canoeing / Outdoor Education Advisors Panel
Member of Midland Fly Fishers
Member of Poole Harbour Canoe Club
Member of Speleo Rhal Caving Club
Member of Wirral Caving Group
Menai Oysters and Mussels Ltd.
Menai Strait Fishery Order Management Association
Merthyr Tydfil Angling Association
Merthyr Tydfil County Borough Council
Merthyr Tydfil Local Access Forum
Meyrick Estate Management
Midland Fly Fishers/Welsh Dee Trust
Midland Flyfishers
Mineral Proucts Association
Monkswood Trostrey Fishery
Monmouth and District Angling Society.
Myneddiad Ceffylau Gogledd Cymru
Nantgwynau Farm.
National Association for Areas of Outstanding Natural Beauty
National Farmers Union (NFU)
National Gamekeepers' Organisation
National Trust in Wales
National Sheep Association – NSA Wales & NSA Welsh Commons Forum
Natural Resources Wales (NRW)
Neath Port Talbot County Borough Council
Newport City Council's Local Access Forums
North East Wales Biodiversity Network
North East Wales Bridleways Association
Northumberland National Park and County Joint Local Access Forum
Offas Dyke Association
Officer of Wealden Cave + Mine Society

Ogmore Anglers Association
Open Mountain Biking and Cycling UK
Open Spaces Society
Parkwood Outdoors Dolygaer
Pass Wide and Slow Facebook Group
Pembrokeshire County Council
Pembrokeshire Local Access Forum
Penarth & District Ramblers
Pencelli Limited
Penrhyn Fishing Club (Ogwen River, Bangor Gwynedd)
Pisces Environmental and Fisheries Services
Pontypool Park Estate
Potanol Forestry LLP
Powys County Council
Powys LAF
Powys Moorland Trust
Prince Albert Angling Society
ProAdventure Ltd
Pure Land Expeditions
Ramblers Cymru Cardiff Group
Ramblers Cymru North Wales Area.
RAW Adventures – Snowdonia
Representing Ramblers in Lower Whafedale
Retirees Walking Group (Leader)
Rhiannon Passmore AM
Rhondda Cynon Taff Local Access Forum
Rhyl and St Asaph Angling Association
Richmond and District Angling Society
Ridgeway Angling Club.
Rosebush Fly Fishing Society
Royal Yachting Association and RYA Cymru Wales
RSPB
RSPCA
Rubber Duck Caving Club.
Salmon & Trout Conservation Cymru
Scottish Association for Country Sports
Sea 2 Summit
Seabed User and Developer Group
Selectafly Ltd
Sewin Fishery Customer
Smallholder with horses grazing on land where footpaths cross. County Councillor for the Ceiriog Valley.
Soil Association
South Wales Caving Club
South Wales Gliding Club

South Wales Outdoor Activity Providers Group (SWOAPG)
Sport and Recreation Alliance and the Welsh Sports Association
St Dogmaels Footpath Association
St Dogmeals Community Centre
Swansea Amateur Anglers' Association
Swansea Local Access Forum
Swansea Ramblers
Tarmac
Teifi Trout Association
TFA Cymru
The Coal Authority
The Green Lane Association Ltd
The Inland Waterways Association
The League Against Cruel Sports
The Narth and District Community Public Rights of Way Project
The National Coasteering Charter
The Nyth river Fly Fishers
The Pembrokeshire Remakery
The Welsh Dee Partnership
The Welsh Dee Trust
The Wye Catchment Conservators (WCC)
Tidal Lagoon Power
Tilhill Forestry Ltd
Tirabad Residential Educational Trust
Tom Hutton MTB Guiding (Company)
TOP Woodfuel & Sustainable Forestry
Torfaen County Borough Council
Torfaen Equestrian Group
Trail Riders Fellowship
Trefalun Park
Tregaron Angling Association.
Tregaron Walking Club
Ty Nant Outdoors
TYF – Good for Life
UK Assessment Panel of the IUCN World Commission on Protected Areas.
Un Llais Cymru / One Voice Wales
Upper Llanybi Fishery Ltd
Vale of Glamorgan Council
Vale of Glamorgan Local Access Forum
Vale of Glamorgan Ramblers
Vale of Usk Riding Club
Vice-chair Powys Area Ramblers
Volunteer Access representative for the British Horse Society
Wales Raptor Study Group NE
Wales Tourism Alliance
Walkers are Welcome Montgomery

Waters of Wales
Welsh Fisherman's Association
Wildfowl & Wetlands Trust
Williams Rural & Commercial (Chartered Surveyors & Land Managers)
Wirral Game Fishing Club
Woodland Strategy Advisory Panel
Woodlands Caravan Park
Member of the Wye and Usk foundation
Wye Salmon Association, Severn Rivers Trust, Angling Trust
Wye Valley AONB Partnership
Youth Hostel Association