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e-mail response sent to: environmental.governance@gov.wales

Dear Sir/Madam,

Response to: Environmental principles, governance and biodiversity targets: White Paper

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 27,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,300 members. The Institute seeks to advance the science and art of planning, working for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

Thank you for the opportunity to comment on the above consultation. Our main comments in relation to planning focus on the current lack of resources and capacity, both in planning and the wider public sector, including Natural Resources Wales. Our response to the consultation questions is set out below.

If you require further assistance, please contact RTPI Cymru on 020 7929 8197 or e-mail Mark Hand at walespolicy@rtpi.org.uk

Yours sincerely,

Mark Hand MRTPI
Director

Part A – Environmental Principles

<ul style="list-style-type: none"> EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
		x		

If you would like to explain your answer, please use the text box below.

We note “Welsh Government proposes that the Bill includes a duty upon the Welsh Ministers to publish guidance to explain how the environmental principles are intended to be interpreted.” We also understand the “guidance will be based on well-understood meanings of the environmental principles drawn from relevant sources including case law”.

Guidance along with a clear and transparent system and transition are important when making change to decision making requirements. These go hand in hand to prevent uncertainty and confusion in the planning process or in enforcement duties by regulatory bodies. This is all the more important given current capacity issues in planning and the supporting, wider sectors including Natural Resources Wales.

While this appears useful in principle, the lack of further information on the guidance at this stage, makes a comprehensive and informed response difficult. Where the intention is to make changes rather than simply reinstate EU legislation, it would be helpful if the differences and their meaning and the reason are explicitly communicated.

From a planning perspective, we assume, if the Principles will exist in legislation then they will be a material consideration in planning determinations, similar to the habitat regulations and Wellbeing Act etc.

Further information on the relationship between the Principles and ‘Planning Policy Wales’ or ‘Future Wales: The National Plan 2040’ is also important and will inform Local Planning Authorities, PEDW and all stakeholders on how the principles will need to be dealt with at a local level, through Local Development Plans or new Strategic Development Plans.

<ul style="list-style-type: none"> EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent to you agree or disagree with this approach. 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Agree

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

While we would suggest a duty should be placed on public bodies with responsibility for environmental enforcement such as Natural Resources Wales and Environmental Health services, this cannot be put in place without a thorough review of the on-going capacity and resource issues that these organisations are facing.

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

The bodies to whom the duty applies, the functions it applies to, and the responsibilities on those bodies in ensuring compliance needs to be clearly set out.

Part B Establishing an Environmental Governance Body for Wales

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Agree

<ul style="list-style-type: none"> GB2: To what extent do you agree or disagree with the governance body's proposed strategy and reporting requirements? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> GB4: Are there any other public authorities, or private bodies exercising functions of a public nature, that you think should be added to (or removed from) the list in Annex 2? Please use the text box below to explain your answer. 				
<p>Welsh Government</p> <p>We note that Annex 2 lists Community Councils but not Town Councils.</p>				

<ul style="list-style-type: none"> GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

See Q1 – Advice on the implications for the planning system and processes should be included.

<ul style="list-style-type: none"> GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> GB9: To what extent do you agree or disagree with the Welsh Government's proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

- **GB13: Our preferred model for the governance body is a 'Commission', but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach?**

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

- **GB14: To what extent do you agree or disagree with the Welsh Government's approach in respect of appointing members and allocating resources to the governance body?**

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

- **GB15: Are there any other views you would like to provide in relation to our proposals to set up a governance body?**

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

Part C: Targets for the Protection and Restoration of Biodiversity

<ul style="list-style-type: none"> BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

<ul style="list-style-type: none"> BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’. 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

<p>Further information is required, for example, reversing ‘decline’ to what level? This clarification is vital to future monitoring.</p> <p>Is it possible given climate change, some habitat suitability might have changed as the climate changes or flooding frequency changes, making a full reversal of past decline problematic? Is there adequate past data and information available to enable long term decision making and monitoring to measure when ‘reversed decline’ has been achieved?</p>

<ul style="list-style-type: none"> BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be:

- **Species – distribution abundance and extinction risk;**
- **Habitat – protection, management and restoration; and**
- **Ecosystem health and resilience – recognising the key role and contribution of ecosystems**

To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework?

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Our comments in relation to Natural Resources Wales are in relation to their current lack of capacity and resource, which must be addressed if they are to take on any further duties.

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

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Agree. This would provide accountability and transparency.

<ul style="list-style-type: none"> BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government's response to the Global Biodiversity Framework? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

A statutory long term plan needs to be properly resourced and funded in order to deliver. Many public sector agencies are currently under-resourced and under-funded so it is unrealistic to expect additional duties to be added unless matched by addition staff and financial resources.

<ul style="list-style-type: none"> BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

No comment.

<ul style="list-style-type: none"> BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Any duty in this regard needs to be accompanied by sufficient funding and resource.

<ul style="list-style-type: none"> BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets? 				
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree

If you would like to explain your answer, please use the text box below.

Any duty in this regard needs to be accompanied by sufficient funding and resource.

<ul style="list-style-type: none"> BT11. Please indicate whether you would prefer the duties proposed in this section to apply to: 	
	Please indicate preference
a) List of Welsh public authorities has been included at Annex 2	No response
b) The shorter list of Welsh public authorities included at Annex 6	No response

If you would like to explain your answer, please use the text box below.

Neither list includes Welsh Government, which should be included. We also question whether Corporate Joint Committees should be included as new statutory governance bodies.

<p>Are there any other views you would like to provide in relation to the proposals in this White paper?</p>
<p>No comment</p>