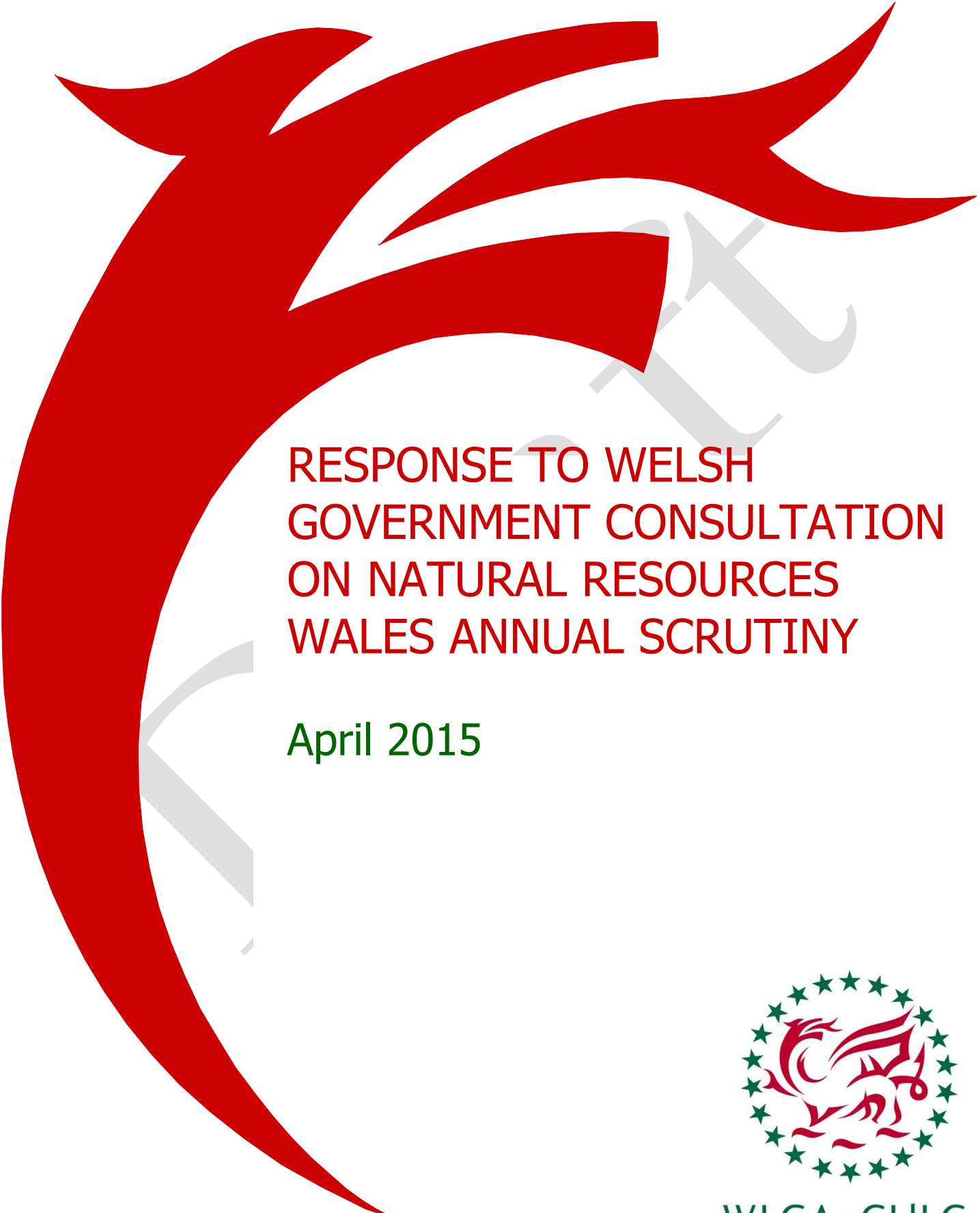


National Assembly for Wales
Environment and Sustainability Committee
NRW 2015 – 81
Natural Resources Wales – Annual Scrutiny 2015
Response from Welsh Local Government Association (WLGA)



RESPONSE TO WELSH
GOVERNMENT CONSULTATION
ON NATURAL RESOURCES
WALES ANNUAL SCRUTINY

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WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
3. The WLGA welcomes the opportunity to contribute to annual scrutiny of Natural Resources Wales undertaken by the Environment and Sustainability Committee
4. The WLGA engaged with Environment Agency Wales and the Countryside Commission for Wales and to a lesser extent with Forestry Commission Wales prior to their merger into Natural Resources Wales across a range of environmental issues and at a range of different levels from operational up to strategic. We continued to do so across a wide and developing area of operation.
5. The environmental issues include:
 - i. Flood and Water (e.g. Flood Risk Management Plans, implementation of the Water Framework Directive and planning)
 - ii. Biodiversity (including Invasive Non-Native Species)
 - iii. Well-being of Future Generations(Wales) Bill
 - iv. Climate Change (Climate Change Commission for Wales, Adaptation sub group and development of Sectoral Adaptation Plans (SAP))
 - v. Marine (Marine Strategy Framework, Marine Planning, Wales Marine Strategy Advisory Group)
 - vi. Planning consultation
 - vii. Energy (renewable energy and hydropower)
 - viii. Waste (regulation)
6. The WLGA acknowledge that the establishment of Natural Resources Wales would be and continues to be an evolving process. The merger of the three bodies, with different terms and conditions, staffing arrangements, areas of expertise and functions will take time.

7. The transition continues and the WLGA and Local Authorities across Wales recognise that there have been and will be 'teething problems'. The initial approach, particularly from an operational perspective has been to continue with 'business as usual' in so far as the operational staff working with their opposite numbers has been concerned, which in the majority of situations works well, however there are areas of inconsistency
8. In terms of Flood Risk Management (FRM), regional partnerships, good practice and a pragmatic approach to FRM, have in some areas been beneficial and enable a pro-active approach.
9. However, recent standardisation of approaches across the two operational areas (North and South), by NRW have reduced the support and advice from good practice to a minimum standard requirement. The most recent example of this approach has been in respect of planning responses related to surface water runoff
10. NRW's operational area north whilst frequently reviewing detailed drainage designs, requested specific conditions and provided detailed comment on reserved matters relating to these conditions. This approach was very useful and offered a much needed second opinion. By contrast, in the south, NRW responses in similar situations have primarily been confined to agreeing a suitable surface water runoff rate for the site and, where relevant, agreeing an appropriate point of discharge. The south approach will now be the standard response.
11. As with all public bodies there are resource implications which can have an impact upon operational delivery, however consistency and standards have to be established and good practice to be maintained, accepting minimum should not be acceptable.
12. There are further inconsistencies between areas in relation to consenting for flood defence works. Some officers from NRW have a pragmatic approach and work closely with Lead Local Flood Authorities to ensure that proposed works get the necessary consent and properties are protected, whereas officers elsewhere have been more dogmatic, refusing to approve consent or to enter into any discussion to resolve the issue, and afford flood protection.
13. A pragmatic and holistic approach to FRM with officers encouraged to use their expertise and judgement when necessary within the law would be beneficial.

14. In addition to FRM the lack of pragmatism from NRW officials can be seen within Waste Management Services. Initiatives have been proposed to make recycling collection more efficient with no risk to the environment, to which some NRW officials displayed a lack of practicality / realism and remained dogmatic and unprepared to consider the merits of the proposal.
15. Furthermore, NRW inspectors, whilst remaining pleasant and civil on inspection visits have an unwillingness to raise issues on site, instead leaving and sending inspection report through up to 2 weeks later. Any issues with site inspections should be raised at the time so that the operator can understand what the issues are and provide the opportunity for early/immediate remedial action, the written report could still be sent as confirmation.
16. We understand that efficiencies can be achieved through centralising functions and developing skills and expertise but this must not be at the expense of service delivery for example a draft environmental permit was received by a local authority for comments, the comments were compiled and sent back to NRW within 3 days. It took 6 months for NRW to reply.
17. At a more strategic level the WLGA engages with officers from NRW as co-members of Welsh Government reference groups, as co-representatives of Wales at UK national level, as a member of stakeholder groups chaired by NRW officers and Directors. NRW are diligent in their responsibilities and make appropriate contributions to the meetings.
18. In the consultation regarding the establishment of NRW concern was raised with regards to potential 'conflicts of interest' in respect of the regulator function of EA, the environmental/ecological function of CCW and the commercial functions of FC (W). This can be illustrated where there is apparent internal difficulty in reconciling the objective of NRW to generate and receive income from motor sport events as previously achieved via the Forestry Commission (Wales) and the concerns with regards to biodiversity and managing protected species, SSSI (Sites of Special Scientific Interest) and European designated sites previously under the remit of the Countryside Council for Wales. NRW being the landowner and the ecological screener from whom local authorities must receive satisfactory consent in order provide authorisation under s33 Road Traffic Act 1988 for the events to take place.
19. There are established communication links with and from NRW and WLGA, with regular dialogue both formal and informal between officers of WLGA and NRW at

all levels. NRW regularly sends out its bulletins and newsletters together with notification of NRW Board meetings, agendas and invitations to attend, followed by minutes after the event.

20. The WLGA has most contact with NRW at a strategic level so in compiling this report we sought the views of local authorities in their operational engagement with Natural Resources Wales, the examples illustrated are from a limited number of replies and may not be representative of all areas of NRW operation.

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