

Taking forward Wales' sustainable management of natural resources

Consultation response form



Your name: **Dr Stephen Marsh-Smith OBE**

Organisation: **Afonydd Cymru Cyfyngedig**
Including:

Wye and Usk Foundation
West Wales Rivers Trust
Welsh Dee Trust
Southeast Wales Rivers Trust
Clwyd Conwy and Gwynedd Rivers Trust
Severn Rivers Trust

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About Afonydd Cymru Cyfyngedig

Afonydd Cymru is the umbrella body for the six rivers trusts listed above. All seven trusts are registered charities and they operate over all the rivers of Wales and the Marches. Three rivers (the Dee, Severn and Wye) originate in Wales but flow into England. The trusts raise funds to carry out essential restoration of Wales' 23 main rivers and 10 smaller streams, all of which should have a stock of migratory fish and appropriate native species such as brown trout, bullhead and eel. Their focus is on achieving the requirements of the Habitats and Water Framework Directives.

Eight of the rivers are Special Areas of Conservation as are a number of Wales many lakes. Man-made reservoirs store water for domestic and export use but together these waterbodies comprise a valuable natural resource best termed "Inland Fisheries".

Visiting anglers and associated economic activity brings in an estimated £150million pa to Wales and that is despite the parlous state of some of rivers and lakes and we are seriously concerned that this is not given any specific concern in this consultation.

The problems facing rivers can conveniently be divided into two areas of concern.

- **In river and riparian issues** such as barriers to fish migration, riparian habitat damage from excess grazing and forestry, manmade structures, over abstraction

- **Problems from adverse land use practices:** e.g. direct toxic effects from pesticides used in forestry and agriculture, ammonia from slurry (dairy industry) and excess nutrients from the chicken (primarily phosphate); the dairy industry (nitrate and phosphate), and from forestry (primarily nitrate), chemicals plus heavy sediment loadings from both industries.

According to recent NRW investigations, the majority of our rivers fail their stock assessment for salmon and sea trout and there has been significant deterioration during the last five years. The rivers Wye and Usk are the best performers and it is significant that these rivers have had the most amount of remedial work from their local trust.

The rivers trusts deliver such actions as fish pass construction, habitat restoration including fencing the riparian zone and liming acid headwaters as and when funding permits and there is a scheme to market fishing abroad known as the (Wales and Marches) [Fishing Passport](#) which links with accommodation providers, thus achieving a significant benefit for the rural economy. The Wye and Usk Foundation has produced successful navigation and access arrangements for the upper Usk and Wye.

However, to develop the Natural Resource of inland fisheries, we need the damage and pollutions from the principal land users, forestry and agriculture to be effectively regulated and policed, hence our concern at the lightweight approach to this so far.

In common with the statement in the consultation document, we maintain that the use or exploitation of any natural resource or resources should never negatively impact on any other (of our natural resources).

Our responses centre on the issues of specific concern to fisheries, water and riverine biodiversity. We are members of Wales Environment Link (WEL) and rely on their response to issues outwith our central concern.

Question 1 –

Towards the Sustainable Management of Natural Resources Promote a Circular Economy

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.

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

This is an area where some research into the technical, economic and carbon usage is constantly needed to restructure our wasteful lifestyles.

An example:

Following on from the successful plastic bag levy, our litter picks show we throw far too much away in Wales and not in the right place. Examples include the plastic containers that dispense household cleaners/detergents and plastic feed sacks. As in our Environment Bill response, we suggest that either a levy or inducement to promote the use of reusable vessels. A company in Wales produces all household cleaning materials for use in reusable vessels. Sacks and other items could have returnable deposits to avoid inappropriate disposal.

Question 2 –

Delivery of Nature Based Solutions

Are there any regulatory barriers to introducing nature based solutions? Please provide information.

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Please see comments on forestry and flooding. As with all regulatory approaches, none will be successful without appropriate enforcement, promotion and monitoring.

Question 3 –

Support New Markets and Innovative Mechanisms

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Taking your example of diffuse pollution: a fundamental barrier to paid ecosystem services (PES) is that without a sufficiently robust regulatory system and enforcement regimen, the incentives to pay for better water quality is removed as any gains could be undone by any non-compliant party. Legislation and regulation is weak in this area compared to the equivalent enforcement in industry.

Similarly if peatlands are to be recovered in upland forestry areas, it's no use having a regulatory system that allows calculations to be made that include peat areas for replanting and (apparently) different rules for private and NRW forestry.

Question 4

Forestry

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Historically the effects of plantation forestry has had disastrous consequences for some of our rivers. By planting conifers on base poor soils and peat areas, the effects of acid rain are enhanced to such an extent that all fish life was eliminated from over 62kms of Wye plus its tributaries and elsewhere (eg Tywi, Conwy, Glaslyn).

The elimination of wetlands by the extensive drainage networks increases the risk of flooding and reduces flow in hot, low water periods as well as unnecessarily increasing sediments into watercourses. Clear felling dramatically increases this as well as nitrate levels in water.

We have made representation about the use of certain chemicals, Synthetic Pyrethroids which are amongst the most toxic chemicals to invertebrate life. Use in fragile, upland areas is extremely damaging particularly as recovery is evident in some streams notably those undergoing limestone introductions. The use of Neonicotinoids (as is currently happening in private forestry) despite an EU ban should not be allowed to continue in Wales, whatever England does.

Between 2010 and 13, experimental blocking of drainage cuts in peat demonstrated how easy it is to re-establish former wetlands. Doing so as a matter of course or policy following felling would significantly enhance our water supply in summer, reduce risks of flooding in high flows and mitigate the effects of acid rain. These areas **tend** to produce poor quality timber.

The consultation is confined to the Welsh government/NRW managed forestry. Private forestry (55%) is not included. The WG has the ability to influence what happens through its grant support and licensing - which should reflect the same sustainability principles as being promoted in the WG forestry estate. Sustainability criteria should be a prerequisite of WG grant funding support.

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.

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

NRW should not delegate regulatory functions.

Question 6 –

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Only if there is sufficient consultation with interests such as biodiversity, rivers and fisheries.

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Definitely yes.

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.

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Yes but subject to a clearly defined set of criteria.

Question 9 –

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Please see response from WEL.

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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Please see response from WEL.

Question 11 –

Designated Landscapes

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

In respect of questions 11 – 14, we support the case made by Wales Environment Link, of which we are full members.

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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

In respect of questions 11 – 14, we support the case made by Wales Environment Link, of which we are a full member.

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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

In respect of questions 11 – 14, we support the case made by Wales Environment Link of which we are full members, in their response.

Question 14 –

Are there any other aspects of the Future Landscapes: Delivering for Wales report where you believe a legislative provision is necessary?¹ If so, please explain which and why.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

¹ <http://gov.wales/docs/desh/publications/170508-future-landscapes-delivering-for-wales-en.pdf>

In respect of questions 11 – 14, we support the case made by Wales Environment Link of which we are full members, in their response.

Question 15 –

Access to Outdoors

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?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

In respect of **proposal 10** – cycling on bridleways: placing the onus on the user is a recipe for conflict: there is nowhere a modern off road cycle can't go, especially en mass or during a race, this could conflict dangerously with horse riders. The responsibility for where or whether this should happen could rest with the Local Authority.

What isn't mentioned and should have been is the use of Green lanes and the damage and conflict that arises to our open spaces by illegal off-roading (motorcycles and 4x4s) where access has been gained via a green lane. Damage also occurs to the green lanes themselves. This is surely something WG need to consider as part of this consultation.

Many of our key SAC tributary streams are damaged by sediment deposition caused by both motorcycling and 4x4 off-roading. At Newbridge-on-Wye we have an absurd situation whereby 4x4s can use a byway to drive across the Wye SAC at any time of year. The byway is over an important salmon spawning site yet Powys CC are seemingly powerless to close it (even seasonally) despite recommendations to do so by NRW. There is a bridge within 20m of this crossing.

Proposal 11: The Crow Act restrictions referred to here, relate to what cannot be done in non-tidal waters (i.e. rivers, lakes and reservoirs) such as sailboards, vessels, swimming plus camping para-gliders etc, and were put there for a purpose. These activities were considered as likely to be intrusive and disruptive. Nonetheless they can be carried out with landowners consent in appropriate places but should remain subject to this stricture. There are plenty of opportunities for them to take place at present.

Proposal 12: We have already outlined our concerns in 10 above. However, given today's increase in cycle use it might be safe and just about reasonable to organise cycle racing with these strict provisos:

- 1.No additional damage to bridle way or adjacent environment as a consequence
- 2.The event is arranged with strict liaison and agreement with other uses (walkers and horse riders)
- 3.Funds are raised to manage the bridleways and keep in good repair
- 4.They are not unreasonably frequent

Proposal 13: As the CROW act has already given access to open land it is assumed that this proposal seeks to give better access to the coast across private land. We cannot understand how this will “reduce the liability on land managers” and afford better protection for “marine wildlife, cliff nesting birds, seals with pups”. Surely the reverse is more likely? In any event, it would be better to discuss with land managers and stakeholders where extra access is needed and how best to achieve this without broad open access legislation across inland Wales to the coast.

Proposal 14: By way of definition: our understanding of this proposal is that it aims to hand over private **navigational rights** on our rivers and water ways, presumably for rafting, canoeing, kayaking, swimming, hovercraft, duck races, jetskis, paddleboards, sailboards etc. While the use of the term **access** is probably best used to describe the necessary rights and or permissions needing to be in place to get to the waterway for that purpose.

The Wye and Usk Foundation (WUF) has been a pioneer in devising and delivering arrangements on behalf of riparian owners to navigate the upper Usk and Wye. Details below:

Background: *The Wye and Usk Foundation is a well-established Rivers Trust that has been successful in restoring the ecology and fisheries of the Wye and Usk. Full details of their activities may be found [here](#). Included in WUF's many projects are those related to making canoeing available on the rivers Wye and Usk.*

History: *The first arrangement for voluntary navigation of the Wye was arranged in 1974 between owners of the upper Wye and the canoe representative body of the day (BCU?). This was abandoned unilaterally by canoeists in 1985 as they believed that all rivers had public rights of navigation. A judgement on the Derwent found that long term use of a river for navigation did NOT result in a right to do so. The canoe body returned for discussion and voluntary access arrangements were set up again. Sometime after the Wye Navigation Order 2002 came into force (the Wye has a public right of navigation downstream of Hay) the canoe union of the day again revoked the agreements on Wye and Usk claiming they already had a right of navigation everywhere. Despite this claim, they petitioned the Assembly for full access to all rivers. The then Environment Minister, Jane Davidson, advanced funds to set up canoeing agreements and WUF was fortunate enough to receive some of this funding.*

Today: We set up the arrangements on the upper Wye and later, with Splash funding, the upper Usk as detailed [here](#) the essence of which is that both angling and canoeing (and rafting too) can be accommodated as different flows favour one or the other. In small and medium sized rivers, high flows are needed for canoeing; lower flows for angling. By setting up gauges visible on webcams both parties can take advantage of the prevailing conditions. WUF persuaded riparian owners to get involved and parking and access agreed and published on the website. These are still working today.

Discussion: The arrangements have been in force for 10 years and the advice of several outdoor centres in Glasbury greatly assisted with the evolution of the details. Canoe Wales and the UK body refused to be involved as their stated policy was not to agree any compromise that did not allow 365 day use. The success is down to government support by way of funding and direction **and** the fact that the national canoe body was not involved in the process. If they had been we would still be arguing today. It does however rely on the goodwill of riparian owners and compliance of ordinary canoeists who in the main have found that the best of the canoeing conditions are now available to them. The arrangements have been extended upstream to try and include smaller reaches. Here as expected the number of days are limited by rainfall and flow and no amount of legislation will improve on that!

Angling in the migratory fish rivers in Wales of which eight are Special Areas of Conservation is estimated to produce £150million p.a. (NRW consultation on catches 2017) to the rural economy and that, despite the heavy impacts of scaled back management, frequent serious pollution events and continuously rising levels of diffuse pollution. Over £1million pa is raised from licences in Wales.

Having been involved in dealing with the main canoeing organisations to set up arrangements, we think legislating for open access and navigation would be one of the greatest injustices that WG could inflict on a community and stakeholders (anglers, owners, guides, ghillies and others). Anglers are aware of the £13+million spent on the white water canoe centre and feel there is a disproportionate expenditure and favour for canoeists. While we accept that all outdoor activity including angling is beneficial to wellbeing, conflicting activities are definitely not.

The national canoe body for Wales who represents less than 10% of paddlers has stated that:

1. Nothing short of 365 day river usage would be considered, thereby ensuring that no compromise agreement could be reached
2. That there is already a legal right to navigate all rivers which government ignores.

Petitions from them and other canoeists for change to the law have further soured relationships. By using these tactics, they have engineered a

situation where deals and arrangements could not be brokered thus (they believe) their case for changes in legislation is strengthened.

The Wye and Usk Foundation's (WUF) success in securing a voluntary arrangement only worked because the main canoe organisations were not involved in set up and negotiations.

Open access to water especially on smaller streams would significantly damage the inland fishing industry. The nature of our rivers is that they are affected by rainfall. Frequent periods of low flows (2017 a good example) and occasional spates mean that they are not always suitable for canoeing while able to support fishing.

We do not accept that there are relevant comparisons to be made with Scotland. Wales is 26% of the size of Scotland whose numerous large and wide east coast rivers should be capable of supporting a large amount of traffic with only minimal disturbance to other users, many far distant from centres of population.

Our proposals for future river use are:

1. The successful voluntary arrangements such as on the Wye and Usk continue and that the rivers trusts, owners groups and lessees are again funded to deliver these arrangements where it is practical to accommodate navigation.
2. Trusts and owners groups have knowledge of the rivers, details of ownership and other stakeholders and can provide agreed access and egress points.
3. WG sets out the currently accepted and agreed legal position that the **only** reaches where open access/navigation can take place without consent is in rivers where legislation has so created a right, such as in parts of Severn, Dee, Wye and Usk. Everywhere else requires consent and the formation of agreed arrangements. This will provide a clear position from which to negotiate.
4. Arrangements require maintenance and funding for setting up local committees (such as Wye and Usk have) to manage the access points, remove dangerous obstructions (e.g. trees), manage gauges ([here](#)) and give advice on conditions and the like as well as sort out conflicts.
5. See below for part that could be played by NRW.

Proposal 15 Under the proposal above, NRW would act as grant giver and scrutineer of all proposals and plans. During the setup of the Wye and Usk arrangements, their predecessors (EAW, CCW) were not able to help with specific local knowledge to gain access points but they were extremely helpful in allowing WUF to use their gauging stations to provide gauges and webcams.

NRW (then CCW) currently grant the necessary consents for Wye & Usk access points and navigation with a Section 28 consent (required in SSSIs and SACs) and a representative sits on WUF's canoe group.

Proposal 16 Experience of canoe access on the navigable section of the Wye has shown that it is not possible to control bad behaviour and serious conflict with codes of practice. This despite a statutory committee and resources of the Environment Agency. WUF's blog is full of comments to this effect and the author has had to assist in several serious road accidents involving canoe vehicles who decided to ignore advice about disembarking.

Question 16 –

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Proposal 17 We think it important to have the facility to make temporary arrangements to prevent access. Disturbance in small streams with spawning fish are already covered by the Salmon and Freshwater Fisheries Act but no one takes any notice of them. WUF has had to close agreed access points because of rowdy behaviour and blocking of thoroughfares.

Proposal 19 (Statutory map of accessible areas) Seems a reasonable idea if not prohibitively expensive...

Proposal 20 We have already cited two examples of the need to extinguish rights of way (Newbridge on Wye ford and 4x4 usage) so yes we support this proposal

Proposals 21 and 22 We support these

Proposal 23 We are unsure of the value of this over existing legislation

Proposal 24 We support this

Proposal 25 We don't support this

Proposal 26 We support this

Proposal 27 (Local Access Forums) We support the proposed changes outlined here in particular we note that the relevant local access forum did not include anyone with any actual experience of setting up canoe access/navigation arrangements.

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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

(Please see comments on individual proposals above) Generally these proposals will provide some assistance but will not entirely remove areas of conflict.

Question 18 –

Marine and Fisheries

Marine

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

It is incredible that inland fisheries have not been included in this consultation. Even the EU Maritime Fisheries fund (EMFF) recognises the need to conserve and restore the inland phase of migratory fish (salmon sea trout and eels). NRW's recent consultation shows the value of our migratory fisheries (salmon and sea trout) to be worth £150million pa to the economy and this is despite years of poor management of this natural resource. Attempts to engage WG's inland fishery staff have met with complete lack of interest and concern. There are 8 SAC rivers in Wales of which 6 have salmon as an Annex II species. All but two fail the required levels and there has been significant deterioration in recent years.

We are delighted that WG is showing concern for the management of our marine fisheries but remind them of the high value of our inland and sport fisheries which by any standard is severely neglected.

The 1995 Environment Act places the requirement to "Maintain, Improve and Develop" our inland fisheries and combined with the Habitats and Water Framework Directives and the Salmon and Freshwater Fisheries Act (now incorporated into the Marine and Coastal Access Bill) there is no shortage of appropriate legislation. The natural resource could generate significant jobs and income for Wales.

The implication is that funding should be made available for that purpose. Rod licences raise over £1million pa and this disappears into an unaccountable black hole in NRW's budget. We believe there are other fairly painless ways of funding the shortfall and have tried abortively to discuss these ideas with WG officials.

Question 19 –

Do you support Regional marine plans? If not, 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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Please see response from WEL which we support.
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Question 20 –

Fisheries

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?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Please see response from WEL which we support. In addition, we are concerned about the regulation of sea fisheries and the impact on migratory fish (e.g. the “by catch” of salmon and sea trout in coastal/estuarine bass nets). There are good examples of other countries defining catch limits for shell fish and fin fish which are properly enforced – eg New Zealand. A properly regulated sea fishery would substantially increase the value of the resource for angling through encouraging increased tourism etc, as has been demonstrated in Ireland.
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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.

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Yes. If a proposal to produce farmed salmon or sea trout in sea cages was ever considered, then the lessons learned from Ireland and Scotland should be taken into account. Namely, the problems of sea lice, toxic chemicals, escapees and degraded fish food waste and faeces which has degraded marine environments and extinguished or reduced migratory fish runs on their west coast(s) should never be allowed in Wales.
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Sustainability criteria should form part of the licencing procedure. For example, aquaculture dependent on pelleted food from unsustainable fishing practices (e.g. sand eel fishery) should not be permitted 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.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Please see response from WEL which we support.

Question 23 –

Water

Abstraction Reform

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Yes and No! UK government has dragged their feet on this since 2003. A problem arises in respect of our border rivers, especially the Wye which uniquely leaves Wales only to enter again above Monmouth. The main stem in Herefordshire is extensively abstracted for agricultural purposes - trickle irrigation allows unlimited abstraction - and its tributaries the Lugg and Arrow which are also adversely damaged by excessive borehole abstraction and only partly controlled agricultural abstraction and to a lesser extent, the Monnow.

Abstraction by both water companies has been rigorously controlled in Wye and Usk under the Habitats regulations, resulting in a very successful scheme that now complies whereas agricultural abstraction is mainly exempt.

The adverse effects of this English abstraction is impacting reaches of the lower Wye. Complicating the matter further is that DCWW is responsible for the English section of the Wye and its business is impacted by the style of management on the English side.

Severn and Dee are managed by other water companies who also have responsibilities in England.....

Short of annexing Herefordshire or simply ignoring it, we see problems with an all Wales abstraction approach, unless Defra finally get round to sorting out abstraction to standards we require in Wales.

Question 24 –

Drainage Reform

Do you agree with the proposals presented by the Welsh Government?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Proposals 33 – 44 are much needed changes to enable better management of our sewerage system which we support though proposal 34, relating to the discharge of surface water discharges and the right so to do would need careful construction to ensure only high quality water is discharged into lakes and rivers.

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.

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

A specific parameter of the WFD and Habitats Directive is the level of Phosphate in our rivers and lakes. At present, planners are permitting chicken sheds and other agricultural units, digesters etc against the criteria set for that specific item. However, there is no requirement to consider the **cumulative** effects of multiple units on a given river or catchment. The result is a rise in levels of Phosphate leading to a deterioration in water quality. This should be rectified for all SAC rivers and lakes to avoid infraction. A cubic metre of slurry contains over a kg of phosphate and a tonne of chicken manure contains 30kg of Phosphate:

[http://www.britishgrassland.com/system/files/P %26 K factsheet.pdf](http://www.britishgrassland.com/system/files/P%26Kfactsheet.pdf)

The level of scrutiny of planning applications that have high pollution risk by planning authorities is woefully inadequate. They do not have the expertise in-house – they rely on NRW consultation responses which themselves are often inadequate. The recent pollution problems caused by anaerobic digesters have demonstrated additional issues – units are built and operated without planning permission (then applied for retrospectively) with the result that there are no authorisations or inspections to identify pollution risks and properly protect the environment. **The whole issue of planning regulations and NRW input needs urgent review.** Industrial units on farmland with high levels of pollution risk need the same level of regulation as that applied to industry generally.

Question 26 –

Waste and Local Environment Quality

Waste – Powers of Entry

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

We agree with all these proposals.

Question 27 –

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

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Agreed.

**Question 28 –
Environment – Littering from Vehicles**

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

This will be a useful deterrent and the problem is significant judging from our litter picks.

Question 29 –

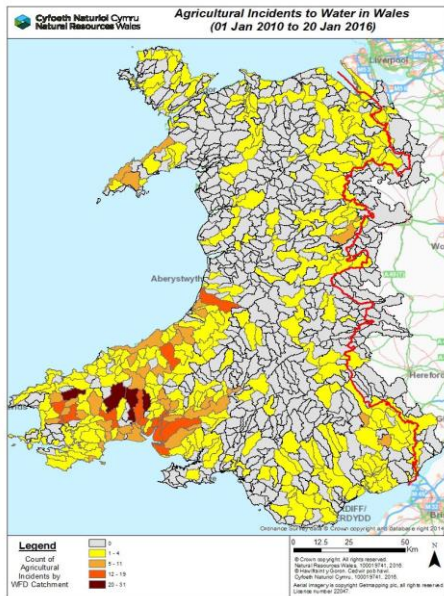
Smarter Regulation – The Role of Basic Measures

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.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Whilst establishing a regulatory floor is important in the improvement of practices, the devil is in the detail. However we do not agree that either agriculture or forestry are low risk activities, especially in respect of water quality. The attached map shows the extensive pollution from agriculture which does not necessarily indicate the full extent of diffuse or point source pollution.



It is difficult to see that WG acknowledges the severity of the problem but Water Framework and Habitats Directive levels for phosphate is regularly being breached. Sediment, Ammonia, Nitrates and pesticides appear all too often in our watercourses and while many land users are compliant, the actions of a few make it essential to have a robust system of control. Phosphate indices in soils in parts of Carmarthenshire are so high that it might take over 50 years to revert to normal

levels.

We don't like the use of the word 'Basic' we prefer Essential, Effective and Appropriate.

Question 30 –

Agriculture

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Outwith our principal concern. It is incredible that this is the only agriculture issue that is specifically addressed in the document purporting to be about the future sustainable management of Wales when agriculture represents 85% of land use in Wales. The increasing intensification of the industry is resulting in devastating impacts on our environment.

Question 31 –

Wildlife

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Surely the management of our wildlife extends beyond the management of fox snares? The proposals are all common sense and should already be in place either by good code of practice guides or other regulation. This has been adopted by all the game keepers we know who follow the code to the letter.

Surely the management of our wildlife should not hinge around the detail of fox snare usage? In our sector, we are about to see the extinction of salmon in the Eastern Cleddau SAC, the total loss of freshwater pearl mussels in the Irfon (pt Wye SAC) and the complete loss of native crayfish in others. Other environmental NGOs highlight similar potential losses for species of their concern.

Question 32 –

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Of course.....

Question 33 –

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Absolutely....

Question 34 –

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

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Yes.

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?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Yes, of course.

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.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Please use your valuable legislative time to deliver more effective outcomes for all of Wales' wildlife.

Question 37 –

Assessment of Policy Proposals

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

(Again) It beggars belief that in a consultation about the management of Wales' natural resources there are no specific proposals or measures relating to the management of our rivers or inland fisheries. Since devolution and especially since 2010, nearly all Wales' rivers with migratory fish have deteriorated at a much faster rate than elsewhere. Atlantic salmon is an Annex II species of the Habitats Directive and current declines would surely lead to infraction The value is placed at £150million pa (NRW consultation on fishing controls) though this is a fraction of what our fisheries should deliver.

Question 38 –

Do you think these policy proposals would have an effect 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 could positive effects be increased, or negative effects be mitigated?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

It's difficult to see how these proposals could have an effect either positive or negative on the Welsh language. However, much of the discussion around Natural Resources is of an economic and scientific nature. Generally across the EU, in discussing these matters English is the common language.

This in no way should detract from the use of the Welsh language in all other circumstances.

Question 39 –

Do you think 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.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

Gasp! I'm not sure the English in the above paragraph is clear enough to give a comment. Welsh language would be enhanced by producing a Welsh language version of this consultation for those that prefer it.

Question 40 –

We have asked a number of specific questions. Do you have any related issues which we have not specifically addressed? Please use this space to report them:

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

It appears that this consultation has been written by several authors, some taking a broad but unrepresentative view of the management of aspects of our natural resources, others exercising their need to exercise particular hobby horses.

Wales land use issues, faltering biodiversity, climate change and ever rising levels of pollution plus the devaluation of our Natural Capital through poor management do not seem to get the rigorous concern that is required. As it stands this document could well be accused of failing to meet the requirements of the Environment (Wales) Act, the Well-Being of Future Generations (Wales) Act 2015 and European Union legislation. In many cases this consultation proposes changes in legislation when existing powers exist that if properly enforced would effectively address many of the problems impacting on our environment.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: