



City and County of Swansea

## Minutes of the **Scrutiny Inquiry Panel - Natural Environment**

Committee Room 1 - Civic Centre, Swansea

Friday, 21 September 2018 at 1.00 pm

**Present:** Councillor P K Jones (Chair) Presided

**Councillor(s)**  
E W Fitzgerald  
J W Jones  
M Thomas

**Councillor(s)**  
L S Gibbard  
S Pritchard

**Councillor(s)**  
P R Hood-Williams  
W G Thomas

### **Other Attendees**

Mark Thomas

Cabinet Member - Environment & Infrastructure Management

Neville Rookes

Policy Officer - Environment, Welsh Local Government Association

Kerry Rogers

Senior Conservation Officer – Natural Resources Wales

Christian Servini

Change Maker - Office of the Future Generations Commissioner

### **Officer(s)**

Bethan Hopkins  
Paul Meller  
Tim Orrell  
Penny Gruffydd  
Sean Hathaway  
Rhodri Jones

Scrutiny Officer  
Strategic Planning and Natural Environment Manager  
Country Connection Project Officer  
Sustainable Policy Officer  
Environment Officer  
Planning Ecologist

### **Apologies for Absence**

Councillor(s): Y V Jardine

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#### **1 Apologies**

#### **2 Disclosure of Personal and Prejudicial Interests**

- None

#### **3 Notes**

- Add notes about grazing rights on Council land and the legislation around it

#### 4 Legislation Session

- Councillor Jones discussed the aims and objectives of the inquiry
- Explained that the aim of this session was to clarify the potential legal and financial implications of not meeting requirements in relation to biodiversity and the environment under the act
- Each organisation was asked to discuss and present in line with the following questions;
  1. What are the long, medium and short term legal and financial consequences of not meeting the requirements under the act?
  2. How will you measure success (or lack thereof) of Councils under the Act? What do the performance measures look like?
  3. How are these requirements linking in with England and wider to contribute to overall improvement of the natural environment and biodiversity?
  4. Will success or failure of meeting the act requirements mean enhanced or limited access to grants? Will grant applications be success dependant?
  5. What do you see as the main barriers going forward for Councils and how can Councils overcome barriers taking into account austerity?
  6. Is there anything you think individual Councillors can do in their wards to contribute to success and maintenance and enhancement of the natural environment and biodiversity?
- Each organisation was invited to deliver a short presentation and answer questions afterwards  
Neville Rookes - Welsh Local Government Organisation
- PowerPoint delivered
- Can't look at projects in isolation
- Currently still in the EU and also have international agreements
- Scrutiny is important
- Must use the 5 ways of working to shape the strategy and policy – should be incorporated at the start
- In the short and medium term there is a risk of legal infractions and failure to meet EU requirements, in the long term it will be infraction of whatever UK law is in place after Brexit
- There will be outcome measurements rather than outputs. Will be looking at both strategy and performance
- It will take longer but be more meaningful
- The biodiversity duty should be incorporated into all plans and be part of the Councils every day activity
- There are meetings with both UK ministers and devolved ministers to bring a national picture together
- Also impacts around Brexit, climate change and National Marine Planning
- Not meeting requirements under the acts will have impacts on access to the Single Revenue Grant and the Environment Grant which has emphasis on joined up, cross sector working
- These grants will also have a focus on outcomes and the use of the WFG Act
- Councils need to raise awareness and include the environment in all policies
- Other departmental spending should embed biodiversity in its plans

- Councillors in a local way of working, can raise awareness, visit and include schools, encourage plastic free Swansea and support beach cleans
- WLGA have been delivering presentations regionally to try and get the duty embedded. For example, services like planning and social services can all be involved. There should not be separate services who aren't engaged
- There needs to be pragmatic approaches for Councillors
- Q. Do you think there will be conflict between policies e.g. planning and development?
- There should be 'environment in every policy and policy in every environment'
- Projects need to include the environment at the planning stage and the intention needs to be set at the beginning of the projects
- There are already some plans for sustainable drainage in new developments
- Projects are starting to include environment, health, engineering etc – current project on the River Taff incorporating all of these aspects
- Communities need to be involved
- The Welsh Government Minister said that even if we do leave the EU England and Wales will maintain the standards

Christian Servini – Future Generations Commissioners Office

- The public sector should be trying to achieve a better future in Wales and this applies to everything the public sector does
- The Resilient Wales goal is really misunderstood – it is about ecological resilience and this is often interpreted as social or personal resilience
- There is a lack of emphasis on the environment
- The Wales Audit Office examines how public bodies develop objectives and will be looking at this
- There is a memorandum of understanding between Wales Audit Office and the Future Generations Commissioner
- There will be an aim to develop a self-evaluation tool
- The 'Art of the Possible' works towards the Wales we want
- There are currently future generations frameworks in development, one around how to plan projects and one around service design – these are currently getting feedback
- Councillors who are school governors can have a positive impact in that role

Q. What about housing associations?

- There is also a 3<sup>rd</sup> sector framework being developed
- The Green Infrastructure report by Wildlife Trust Wales is important

Q. Planning inspectors are not representing the resilience goals. They are misinterpreting it and not achieving the goals aim

- This happens often
- In terms of auditing performance under section 6 of the Environment Act it is likely that performance will be a self-assessment – no plans for formal auditing of reports

Q. Simple things and quick wins are important but we must not think we have solved issues this way, the answers are deeper and each ward needs a local level approach. The quick wins are just the start of the journey

- If we don't meet the requirements under the acts organisations could be subject to judicial review via the FGC or the WAO, the ombudsman, Welsh Government potential Welsh Government interventions and called to the assembly

Q. s.22 of the WBFGA says the Commissioner can issue advice and guidance, publish it and explain non-compliance

- The role is supportive but not policing

Kerry Rogers – Natural Resources Wales

- There are a range of frameworks in relation to the environment – WBFGA and Environment Act
- The 5 ways of working and the 7 goals underpin everything the public sector does
- Regarding the requirement to report under the duty there needs to be a plan on how public bodies will report on the duty, how all council duties respond to the s.6 requirement
- Look at 'Vital Nature' by NRW and 'Making Time for Nature' by Dwr Cymru
- Must find way of building biodiversity into everything the Council does – right across the organisation
- The SONARR report, the Green Infrastructure Report, LDP strategic assessments should all be considered
- The final s.6 report should pull all of this information together
- Want Swansea to look widely not just as a biodiversity duty
- There needs to be a top down approach
- Find new and innovative ways to get around barriers
- This work will be fundamental to how services are delivered from now on
- Swansea was at the forefront of industry for many years but it came at an environmental cost
- These new laws have been called the 'legislation of hope'

Q. The s.6 duty should be across all Council functions. It is easy to see links with some services but there are others like social services where it is more difficult to see how they fit in. do other local authorities have ideas and good practice to share?

- Need to bring best examples together. Senior managers need to buy in e.g. safe green spaces to play in/allotments and gardening projects have shown positive impacts for people with mental health problems

Q. Many people are members of Community Councils, how do these fit in?

- Community Councils will be vital. Like many other community groups, they will be delivering and on the ground. Councils can put the projects in place but people will live them
- Also community projects like selling local fruit and veg in local shops, selling local honey, having community spaces hold information about biodiversity to involve residents
- Community farms and gardens also play a huge role – social prescribing is important
- The answers for good health don't always lie in the health sector
- Statistics show that Welsh children are really disengaged from nature

Q. The word 'seek' seems weak in the legislation

- Seek is a positive word and encourages action – it isn't passive
- Planning may look functional but there are acts and regulations which need to be applied by developers
  1. Green solutions
  2. Looking at renewables
  3. Place based solutions

4. Looking at green and environmentally sound alternatives

- Swansea have an example of successful project – the sand bank where marram grass was planted which saved money, solved the issue and was a green solution
- The Council needs to move forward and take some risks

**5 Work plan**

- Discussed remainder of work plan
- Next meeting will review the evidence so far which will form the recommendations

The meeting ended at 3.00 pm

**Chair**