

Responses from Welsh Government – Caryn LeRoux

1. What are the long, medium and short term legal and financial consequences of not meeting the requirements under the act?

Welsh Government cannot provide legal advice to other public authorities, although we have published guidance on how the duty is intended to operate. Each public authority is open to challenge from anybody as to how they are complying with the duty.

Investment in maintaining and enhancing biodiversity, and in so doing promoting healthy, functioning ecosystems directly supports the achievement of the Resilient Wales goal as well as contributing to all of the other goals, and the people of Wales's long term health and well-being. There is much evidence of these benefits although they can be difficult to quantify in overall monetary terms, as well as purely financial gains through, for example, flood prevention and cost savings on land management regimes.

2. How will you measure success (or lack thereof) of Councils under the Act? What do the performance measures look like?

It is for each public authority to determine how they comply with the duty. The duty requires that most public authorities (this does apply to Local Authorities) must prepare and publish a plan, prepare and publish a report, and must then review the plan in the light of the report, and may review the plan at any time. This in itself provides an element of performance management.

However, it will be useful in future to see how well the duty is working, and assess what public authorities can do differently. This may take the form of research and/or evaluation of how well public authorities in Wales are meeting the duty.

3. How are these requirements linking in with England and wider to contribute to overall improvement of the natural environment and biodiversity?

Our guidance on action to be taken to maintain and enhance biodiversity is to use the objectives listed in the Nature Recovery Action Plan for Wales. These objectives have been defined through a process of design and consultation with a wide range of stakeholders and expertise from across Wales. These objectives are listed in the guidance, and are specifically aligned to the Strategic goals of the UN Environment Programme's Convention on Biological Diversity. In this way they have much in common with the objectives and goals of the biodiversity strategies of the other UK nations, the EU biodiversity strategy and wider.

Although Welsh policy does differ in delivery, particularly as we have the Well-being of Future Generations and the Environment (Wales) Acts, there are many similar overarching objectives. The UK biodiversity indicators, for example, show where these objectives are aligned and how they are measured. They can be seen here: <http://jncc.defra.gov.uk/page-4229>.

4. Will success or failure of meeting the act requirements mean enhanced or limited access to grants? Will grant applications be success dependant?

It's a factor that will influence the outcome of particular grant applications, for example the Enabling Natural Resources and Well-being in Wales Grant.

5. What do you see as the main barriers going forward for Councils and how can Councils overcome barriers taking into account austerity?

This will presumably be one of the questions the Inquiry will be addressing for Swansea Council itself. It was not intended that complying with the duty should be a financial burden on public authorities – it is about how the duty is delivered through the functions of each authority.

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?

Yes! There is a wealth of advice and best practice available through the Wales Biodiversity Partnership, NGOs and Local Nature Partnerships. Local communities are often best placed to identify the action needed to maintain and enhance biodiversity in their area, and taking a place based approach to managing natural resources is a national priority of the Natural Resources Policy.

A Task and Finish group has been established to collate and disseminate best practice and good ideas, as to how public authorities could comply with the duty. Information will be published here: <https://www.biodiversitywales.org.uk/Section-6>