

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
Environment and Rural Affairs Committee
Ailfeddwl am fwyd yng Nghymru | Rethinking food in Wales

RFW 12

Ymateb gan : Ymgynghorydd Pysgod, Amgylcheddol a Physgodfeydd
Evidence from : Pisces, Environmental and Fisheries Advisor

THE FOOD AND DRINK INDUSTRY IN WALES POST - BREXIT

I am writing further to your article '*Brexit's Impact on Food*' in the Pembrokeshire Herald of 8th September in which you suggest some ideas for the direction of Wales' food and drink industry post – Brexit and ask for comments by September 14th. I would be grateful if the following observations and suggestions could be passed to the Committee for consideration.

Personal Background

I have over 40 year's experience of working in the fields of Fisheries and Conservation in Wales in the public, private and voluntary sectors. My roles in that time have included: - Manager of a public sector salmon and trout farm; Fisheries, Conservation, Recreation and Navigation Manager with Welsh Water and then the National Rivers Authority; Chairman of the Wildlife Trust of S & W Wales; Member of the RSPB Advisory Committee for Wales; Fisheries Development Officer with Pembrokeshire County Council; Development Officer with the S & W Wales Fishing Communities (commercial inshore fisheries); Board member of Biodiversity Solutions Ltd.; Chair of the Objective One Fisheries sub-group for Wales; freelance Environment and Fisheries Advisor with Pisces; Vice-Chair of the Pembrokeshire Bird Group. I remain committed to environmental protection and the development of socio-economic benefits through the sustainable use of natural resources in Wales.

Agreements and Disagreements

Firstly, may I say that I agree with the gist of many of your views, which presumably reflect the views of the Committee, that:-

1. A healthy and sustainable Welsh food and drink industry is essential to the future well being of Wales, and its rural communities in particular
2. Brexit provides an ideal opportunity for a complete rethink on the Welsh food and drink strategy to ensure that the many elements that are currently not working are put right
3. The development of local markets including public sector procurement rather than relying on distant markets is an essential ingredient of any future policy

However, I strongly disagree with you when you say that Wales' food and drink industry is underpinned by high environmental standards (by which I refer to the wider environment rather than in-farm stock husbandry) and that the current food and drink strategy is founded on the principle of sustainable development. If true, then it is demonstrably and disastrously not working. Here are a few scientifically ratified examples of impacts that intensive agriculture has had, and continues to have, in Wales:-

- The biodiversity of up to 80% of Wales' countryside is of the lowest quality (NRW figures), these areas coinciding with those areas of intensive agricultural activity;

- At least 1 agricultural pollution incident is reported every 3 days in Wales (NRW figures) resulting in many of Wales' watercourses either being fishless or with seriously depleted aquatic life as a result of repeated point source and diffuse agricultural pollution;
- Many farmland and upland bird and insect species are declining dramatically;
- Wales is losing what were world-class game fisheries as a result of environmental deterioration;
- Large areas of the upland landscape have been reduced to *Molinia* deserts with little or no environmental value

In the light of this record and other key indicators, it is entirely incorrect to say, as is often repeated, that farmers are '*custodians of our environment*' if by this it means that they are benefitting and protecting the environment in Wales. Nothing could be further from the truth, but if the Welsh Government has the vision and the courage to take decisive action now it could be true in the future.

The State of Welsh Agriculture

I believe that we are agreed that the continuing health, resilience and sustainability of Welsh agriculture are essential, but that this needs to go hand in hand, and in balance, with a healthy, resilient and sustainable countryside if its long-term well being is to be sustained. This balance is currently not being achieved, with the emphasis in terms of grant funding, policy and farming practices being weighted heavily towards maximising agricultural productivity to the detriment of the environment. Grant funding paid to encourage productivity through increases in herd / flock levels predominates. Disastrously, it is not being matched by increases in infrastructure, particularly adequate waste storage facilities, and improvements in sustainable land management practices, resulting in environmentally damaging pollution and habitat degradation. The National Farmers Union itself has reported that in the region of 75% of Welsh dairy farms have inadequate slurry storage facilities to meet the not unreasonable requirements of the Nitrates Directive (NFU survey of its members), which is a sad indictment on the state of the industry. Farmers, generally, are literally fouling their own nests (and everyone else's) for their own short-term gain.

Whilst I empathise with the difficult dilemma that farmers face in the light of inadequate financial returns for their products and the uncertainties of Brexit as prime examples, it is clear that their dependency on grant, over-stocking of their land, their constant striving to increase productivity, and ignoring the adverse effects of their activities on the quality of their land is not in their long-term interests. Brexit provides a perfect one-off opportunity to introduce new, specific, and more effective measures in Wales to ensure the long-term protection of the Welsh rural environment and hence of agriculture itself, but time is running out to agree and implement such measures within the required timescale. Such new measures will require commitment, vision and courage from the Welsh Government to counter the inevitable opposition from the farming lobby, but the consequences of failing to grasp the opportunity will have far reaching consequences and leave the Welsh Government open to justifiable criticism for putting the short term but unsustainable wishes of the industry before the long term needs of the environment on which that industry depends. Significantly, it will also leave the Welsh Government, Ministers and Natural Resources Wales open to Judicial Review and/or other legal action for failing to meet their legal obligations under the Environment (Wales) Act 2016 and the Well-Being of Future Generations (Wales) Act 2015.

Nitrates Directive / NVZ Review

The current review of the Nitrates Directive / NVZ proposals for Wales is an example of a key proposal that has the capability of making a major difference to Wales' effective and sustainable management of its environment. Whilst the current timescale of a decision at the end of the year is leaving things late, this delay would be worth it if this meant that the courageous decision was finally taken to introduce the measure across the whole of Wales. Contrary to the views expressed by some who believe that there should be no regulation of farmers in Wales, the expansion of the Directive across the whole of Wales is widely held to be essential and desperately needed if the regular pollution of rivers, still waters and ground waters is to be prevented in the future. Some hold that the NVZ scheme has been unsuccessful to date. The Review of the implementation of the Directive in the light of the Brexit upheaval is an opportunity for the Welsh Government to address any identified failings in the current provisions to ensure that it works rather than throwing it out and effectively condemning Wales to being identified as the country which used to have world quality rivers, fisheries and rural environments but threw them away through inaction and complacency.

Increased Funding Requirement to Provide Effective Regulation

It is widely recognised that the level of funding available through the Welsh Government for the administration and regulation of environmental matters in Wales is extremely limited and inadequate for the provision of an effective service. As a result, novel and innovative means of operating need to be found to overcome the problems. Funding levels have reduced dramatically over the years and it is generally recognised that they are currently entirely inadequate for an effective service to be provided resulting in widespread dissatisfaction with the ability of Natural Resources Wales to operate effectively. It is clear that, if any measures introduced by the Welsh Government to improve the management and maintenance of the Welsh natural environment are to be effective and successful, a top down review of NRW is required and the numbers and operational capabilities of people on the ground will have to be dramatically improved.

WG Consultations

Unfortunately, I missed the opportunity to respond to the WG Consultation '*Inquiry into the Future of Agricultural and Rural Development Policies in Wales*' but I agree with the responses to that Consultation that environmental interests have submitted. I have, however, read and responded to the current Consultation '*Taking Forward Wales' Sustainable Management of Natural Resources*', a document that I found deeply disappointing. The failure of this Consultation to adequately address, or

in many instances even recognise, the serious and increasingly damaging issues facing Wales' environments and natural resources is extremely regrettable and suggests that the Welsh Government is trying to sweep them under the carpet in the face of the farming lobby. I trust that this Committee will urgently advise the Welsh Government to review its current policies and direction.

I am somewhat encouraged to read in the '***Statement by the Chair on the Committee's inquiry into the future of agricultural and rural policies in Wales***' published by Mark Reckless in November 2016 on behalf of the Committee that '*First, we support a continuing shift in financial support away from payments based on acreage and historical production, and towards agreed environmental and land management objectives.*' Although it would have to be introduced over a lead-in period to allow the industry to adjust, such a move is essential if the long-term well being of the industry and the environment are to be safeguarded and improved and I trust that the Committee will be able to persuade the Government to adopt it.

SUGGESTIONS FOR CONSIDERATION BY THE CC E & RA COMMITTEE

Whilst I am sure that others have already made the following suggestions, I would add my voice to those endorsing them. From my past and current experience, and contrary to what some others suggest, it is clear that the majority of Welsh farmers are unable and/or unwilling to adopt good environmental practices either voluntarily or under the existing deficient regulatory and grant systems. If they are to be persuaded to do so, financial incentives are the measures most likely to succeed. Whilst the emphasis should be on working supportively with the industry and having measures in place that will benefit the industry and the wider population in the long term, in cases where such measures fail, the provision of a greatly improved regulation / enforcement capability together with more realistic penalties in the courts will be required.

1. Welsh Government should actively support and introduce measures that will ensure that farmers get improved and adequate financial returns for their produce in order to reduce their dependency on grant funding and to ensure that the economics of their farming business provides sufficient margins for them to incorporate environmental measures within their business models.
2. The provision of agricultural grant on the basis of land area, herd size and increased production (as is currently included within the CAP) should be phased out and replaced with a grant package linked to good environmental practices.
3. Future agricultural grant schemes should provide payments to individual farm businesses only where those businesses demonstrate achievement of acceptable environmental standards and practices on the farm and adherence to an agreed specific environmental improvement programme for the business. Where the farm fails to meet the required environmental standards, then grant should be provided specifically ring fenced to carry out the improvements necessary to ensure that the environmental standards are met, e.g. bringing slurry storage facilities in line with NVZ requirements; providing natural buffer zones around field margins and river banks and improving hedgerows; providing flower rich meadows; ensuring acceptable water quality and aquatic biodiversity in any water bodies on the land. A suitable lead in time would be required for the introduction of such changes.
4. A modified and improved version of the Nitrates Directive and NVZ programme should be rolled out across the whole of Wales as soon as possible, to ensure that all areas at risk are covered and to provide equality of regulation across all farming businesses. Ring fenced grant provision should be made available to assist farming businesses to comply.
5. The financial and staff resources for Natural Resources Wales should be reviewed and increased substantially as they are currently entirely inadequate for the effective regulation, monitoring and improvement work required in Wales. There should be a major overhaul of the rationale, methods of working and objectives of the organisation as it is widely held to be '**Not Really Working**' with its current format and leadership.
6. Financial assistance and support should be increased for private sector and voluntary bodies who are working to protect, enhance, develop and monitor Wales' environments and natural resources such as the Wildlife Trust and Rivers Trust movements so that they can enhance the work of NRW.
7. The Welsh Government should work with the judiciary and the courts to ensure that penalties imposed by the Courts reflect the seriousness of offences with significant environmental consequences and provide a meaningful disincentive. At present there is a tendency for Courts to impose lower penalties on agriculture industry incidents than on other industrial incidents and this does not provide a meaningful disincentive for polluters and others who often see such penalties as acceptable operational costs.

I trust that you will take these observations and suggestions in the constructive way that they are intended. They are my own views and are based on my long-standing professional and personal work and connection with the wildlife, landscapes and people of Wales about which I care deeply. I hope that you also value the wildlife and environments in Wales sufficiently to take the courageous steps that are required to protect them.

I have responded to the current WG Consultation '*Taking Forward Wales' Sustainable Management of Natural Resources*' and rather than engage in duplication, I enclose a copy now as an integral part of this submission to you which I hope will be of value.

Pisces, Environmental and Fisheries Advisor

Enclosure : - My submission to the Current WG Consultation '*Taking Forward Wales' Sustainable Management of Natural Resources*'.

RESPONSE TO CONSULTATION “TAKING FORWARD WALES’ SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES”

“The macho commitment to destructive short-termism appears to resist all evidence and all logic. Never mind life on Earth; we’ll plough on regardless.”

George Monbiot ‘Ploughing On Regardless’ The Telegraph 25th March 2015

PERSONAL BACKGROUND

I have over 40 year’s experience of working in the fields of Fisheries and Conservation in Wales in the public, private and voluntary sectors. My roles in that time have included: - Manager of a public sector salmon and trout farm; Fisheries, Conservation, Recreation and Navigation Manager with Welsh Water and then the National Rivers Authority; Chairman of the Wildlife Trust of S & W Wales; Member of the RSPB Advisory Committee for Wales; Fisheries Development Officer with Pembrokeshire County Council; Development Officer with the S & W Wales Fishing Communities (commercial inshore fisheries); Board member of Biodiversity Solutions Ltd. ; Chair of the Objective One Fisheries sub-group for Wales; freelance Environment and Fisheries Advisor with Pisces; Vice-Chair of the Pembrokeshire Bird Group. I remain committed to environmental protection and the development of socio-economic benefits through the sustainable use of natural resources in Wales.

INTRODUCTION

My grandfather, a dairy and sheep farmer in Cardiganshire in the 50’s and 60’s, used to say that ‘Wales is a land of promises’. In his experience, providers of goods and services in mid Wales would always promise what they believed the customer / client wanted to hear and then they would fail to deliver as they had promised, if at all. In the light of this Consultation document, it would appear that the Welsh Government is also guilty of this failing as the decisive and appropriate actions which seemed to be promised in the Environment (Wales) Act 2016 and the Well-Being of Future Generations (Wales) Act 2015 have not been realised in the measures now proposed.

In her introduction to this Consultation Document, the Cabinet Secretary for Environment and Rural Affairs correctly states, ***“The long-term resilience of our economy and society is dependent on the resilience of our ecosystems. In Wales, we must not reverse our progress or hinder our ability to improve environmental standards; we must take opportunities to build on them.”*** Disappointingly, the proposed measures outlined in the current Consultation do little if anything to meet these requirements and indeed in a number of instances are counter to them, threatening to make things worse rather than better.

Time constraints and lack of specific knowledge in some areas prevent me from responding in detail to all the points in the Consultation and so I will restrict my necessarily brief responses to specific areas and some general observations.

GENERAL OBSERVATIONS

1. The Consultation document is a great disappointment. The lack of identification in the Consultation of a number of major issues affecting Wales’ natural resources suggests by default that the Welsh Government considers that Wales’ environment is generally in good heart and something to be proud of, requiring only a tweaking of the existing legislative and regulatory provisions rather than a major overhaul. The reality is very different. With, for example, up to 80% of Wales’ countryside having a bio-diversity of the lowest quality, many watercourses being

fishless or with seriously depleted aquatic life as a result of repeated agricultural pollution, many farmland bird and insect species declining dramatically, the loss of what were world-class game fisheries, and large areas of the upland landscape being reduced to *Molinia* deserts, we in Wales have little to be proud of. Many other examples of declining species and degraded environments also exist.

In her Ministerial Foreword, the Cabinet Secretary states that, “***the resilience of our ecosystems and our biodiversity continues to decline***”. Whilst it is reassuring that she recognises that a decline of some sort is going on, she is missing the point that it is the actual ecosystems and the biodiversity that are in decline (and have been for some time) and not just their resilience.

2. The measures in the Consultation fail to adequately identify let alone address some of the principal threats to Wales’ environment and natural resources, in particular the very damaging impacts of intensive agriculture such as point source and diffuse pollution, soil compaction, habitat degradation and reduced biodiversity. Diffuse agricultural pollution is incorrectly described in the document as a ‘low risk activity’ – it is a widespread and serious problem.

3. The Consultation fails to recognise that financial constraints, operational failings and unclear and / or inappropriate objectives are preventing Natural Resources Wales from providing an effective service, from ensuring that statutory responsibilities are achieved, and from protecting and enhancing Wales’ natural resources, and it makes no proposals for improving the situation.

4. In the absence of any contra-evidence, this Consultation document demonstrates that both Welsh Government and Natural Resources Wales are failing to tackle many of the major causes of loss of, and damage to, Wales’ natural resources thereby leaving themselves open to judicial review and/or legal action. An unwillingness to stand up to the farming lobby with its short term and capitalist outlook is seen as a major reason for this failure.

5. In the light of the opportunities for a major and far reaching review of the regulatory measures adopted in Wales provided by Brexit and the limited time scale for the introduction of such measures, it is particularly regrettable that Welsh Government appears to be reluctant to take decisive and effective action, preferring instead to fiddle with the edges.

SPECIFIC OBSERVATIONS

CHAPTER 1 – REGULATORY FRAMEWORK

The regulatory framework currently adopted for tackling the problems created by intensive agriculture is both ineffective and inappropriate. The problems are so serious and widespread that urgent and decisive action is required if the Welsh Government is to meet its obligations under the Environment (Wales) Act 2016, the Well-Being of Future Generations (Wales) Act 2015 and existing EU legislation. I will not reiterate the evidence for this as it has been set out on many occasions by authorities greater than myself and in many fora. Contrary to the views expressed by some AMs, a voluntary approach by the farmers stands no chance of working as has been evidenced by its failure over the years, and the grant provisions of the EU’s Common Agricultural Policy with their emphasis on increased productivity have only made things much worse.

A balance needs to be found that will ensure the sustainability of both the agriculture industry and the environment / natural resources in Wales, with farmers being rewarded for reaching and maintaining agreed environmental standards on their farms. Currently, a short term, capitalistic attitude to farm and land management results in farmers ‘fouling their own nests’, which is not in their longer term interests or those of others. To achieve the necessary balance, the regulatory framework should be changed through the scrapping of the CAP and its replacement with a grant system that will:- 1. Only pay grant to farms which have formulated, and then complied with, an

agreed environmental business plan and which achieve agreed environmental standards on their holdings, and 2. Provide a ring fenced source of funds to enable farms to achieve compliance.

CHAPTER 2 - FORESTRY

Proposal 4. I would strongly oppose the proposal to disband the Regional Advisory Committee. There are a number of examples where the NRW has put business / economic considerations ahead of environmental ones and either disregarded advice from within and without the organisation or not sought such advice at all in breach of legal obligations. The Canaston Woods felling scheme in Pembrokeshire is such a case in point. In view of this I believe that it is vital that external parties with no vested interest are able to hold the organisation accountable for its actions and philosophies and to ensure that environmental considerations are given appropriate weight against business ones. The retention of the RAC is therefore essential.

CHAPTER 4 – ACCESS TO OUTDOORS

Proposal 14. The proposal to extend the access land provisions of Part 1 of the CRoW Act to all rivers and other inland waters is a highly contentious one with which I strongly disagree. Effectively this would open up all rivers, however small, to any form of non-powered craft at any time of the year and under any water conditions. The perpetual debate about the legitimacy of rights of access of canoeists who pay nothing and have no ownership rumbles on unabated, but is clear to my mind. Opening up all rivers to boaters without safeguards and restrictions is equivalent to the uncontrolled opening up of all golf courses to mountain bikers or ramblers. It would interfere with the legitimate use of the facility by people who pay considerable sums of money to use it and who are usually involved in significant work to manage, protect and develop it. It would also have significant implications for the natural resources of the area.

The rivers of Wales tend to be considerably smaller than their counterparts where canoeing access agreements are in force in England and Scotland. In spite of this, for years in Wales there have been perfectly good access agreements set up and ratified between canoeists, angling interests, landowners and environmentalists on suitable stretches of many Welsh rivers. The design of these has taken into account the needs of the canoeists, the anglers and the environment so that conflict is limited and environmental damage is minimised and there is no reason why they should not work effectively. It is only the more militant and unreasonable canoeists supported in part by the Welsh Canoe Union that have ridden roughshod over these agreements and refused to abide by them.

It should be remembered that Section 2(4) of the Salmon and Freshwater Fisheries Act 1975 which applies in Wales makes it an offence to disturb spawning fish, the eggs of spawning fish or the gravels used by fish for spawning, so the implementation of this proposal would be a detrimental step, leaving the Welsh Government open to criticism for allowing environmental damage through effectively permitting the disturbance of spawning areas. In addition, many of the rivers, particularly in their upper reaches, flow through designated Nature Reserves and areas accessible only from the water that have been set aside as nursery / conservation areas by angling clubs and landowners and these run the risk of damage and disturbance through the passage of boats.

The decline of Welsh river fisheries from their past status of world-class fisheries to their current impoverished state, with all the considerable loss in income for rural economies that has resulted,

would only be hastened and exacerbated by the introduction of this measure. If implemented this proposal is likely to be the death knell for Welsh wild game fisheries. The Welsh Government should be introducing measures to enhance Welsh rivers and fisheries, not put further pressure on them and this proposal should be reconsidered.

CHAPTER 5 – MARINE AND FISHERIES

Again the Consultation document fails to identify or address one of the principal threats to the Welsh marine ecosystem. Unsustainable and damaging fishery practices, in particular trawling and dredging for fish and shellfish by vessels of non – Wales origin are having a major impact on fish and shellfish stocks as well as taking a by-catch of non-target species and damaging the sea bed. One of the opportunities offered by Brexit is the ability of Wales and the United Kingdom generally to reclaim fishing in territorial waters for its own home fleets. This would be a major benefit not only to the inshore commercial fishermen but also to the marine ecosystem as a whole, which is fast becoming a major generator of income for coastal communities through eco-tourism. I would urge the Welsh Government to take the courageous step of closing Welsh marine waters to at least the 12 mile limit to non-Welsh vessels and banning unsustainable and environmentally damaging methods of trawling, dredging and drift netting in Welsh waters.

I agree with the concept of introducing Regional Marine Plans within the marine planning framework (Proposal 28), the provision of powers to Ministers to flexibly manage fisheries (Proposal 29) and the introduction of an improved licensing regime for aquaculture (Proposal 30). These would appear to be sensible and useful measures.

CHAPTER 6 – WATER

Abstraction Reform. There is considerable concern about the possible impact of water abstraction both from surface waters and from ground water sources on the flows of natural watercourses. The maintenance of flows and depths in rivers and inputs to still waters is essential for the well being of the aquatic environment and its fauna and flora. As an example, a major industrial abstraction in the Narberth area of Pembrokeshire is believed to be having a major adverse impact on nearby rivers and ground waters. Any reform to the regulation and management of abstractions in Wales would need to ensure that the new provisions provided robust and effective control and enforcement to protect local environments and natural resources.

CHAPTER 8 – SMARTER REGULATION

The Role of Basic Measures

Intensive agriculture is identified correctly as being a major source of diffuse pollution. However, the suggestion is made in the text that individually such diffuse pollution events are ‘low risk activities’. This is not true in the case of agriculturally created run off from fields that can, and often do, have very serious impacts on receiving watercourses resulting in them becoming fishless or seriously depleted. The occurrence of diffuse rather than point source pollution events is increasingly common in Wales as a result of intensive agricultural practices and policies. The implementation of the Common Agricultural Policy grant payment scheme that rewards increased production encourages farmers to maximise their eligible land by farming right up to the edge of watercourses and increasing their herd sizes, but does not require them to also increase their waste storage facilities.

This has a number of major implications for the environment. As there is no concomitant financial incentive to increase their slurry storage facilities, the capacity of the farm's slurry storage becomes insufficient to cope with the larger herd, a situation that is exacerbated by the higher rainfall in our increasingly wet summers falling into uncovered lagoons and the use of chemicals to make slurry runnier for ease of piping and spreading. Increased herd sizes also means that stocking rates on land is increased, resulting in soil compaction so that any rain or other liquid that falls on the land has a tendency to run off straight into roads, ditches, drains and ultimately into watercourses carrying soil and contaminants with it. This soil and contaminants leaching into the watercourses will impact on the quality of the river environment resulting in the siltation of gravels, de-oxygenation, eutrophication, poisoning, and other effects, which can and often do lead to the fauna and flora of the watercourse becoming seriously degraded. There are a number of streams in Pembrokeshire that are now fishless or seriously impacted as a result of diffuse pollutions.

In my experience, NRW often does not take such diffuse pollution incidents seriously and is reluctant to take any action when incidents are reported on the stated grounds that they are not deemed to be 'serious enough'! I am not clear as to what exactly is proposed under the 'basic measures' provision but on the basis that diffuse agricultural pollution could never under any circumstances be classed as a 'low risk activity' then it seems inappropriate that this should be included under this provision. Equally, the proposal to deal with those in breach by imposing a 'proportionate civil sanction' or a 'fixed or variable penalty notice' is unlikely to be sufficient deterrent to encourage a change in behaviour. Even penalties in the Courts for farm pollution incidents are inadequate and disproportionately small and farmers themselves have been known to consider such penalties as being just a routine business expense.

CHAPTER 9 - AGRICULTURE

This is where the most far reaching and comprehensive proposals should be addressed, as, with the possible exception of climate change, it is intensive agriculture that is having the most serious detrimental effects on Wales' natural resources. The absence of any meaningful provisions within this Consultation document to tackle these problems implies either that the Welsh Government does not take the issues seriously, that it is putting agriculture ahead of the environment in its priorities, or that it is intending to tackle these issues head on in a separate Consultation. I trust that the last alternative is the correct one as the implications of it being one of the other two are too serious to contemplate.

As a minimum, the Welsh Government should take the early decision to implement the provisions of the Nitrates Directive and the introduction of NVZs across the whole of Wales and not just the current 2.4% of the country that is covered at present. Some have said that the NVZs currently in place are not working but this is an opportunity to address any perceived weaknesses in the current implementation of the Directive so that it is effective and appropriate in Wales. All areas of Wales where intensive agriculture is practised are at risk so if the Government is genuine in its stated intention to protect and enhance Wales' natural resources it is vital that measures are implemented urgently.

CHAPTER 10 - WILDLIFE

A major element of Wales' natural resources, the subject of this Consultation, comprises its wildlife, its flora and fauna. The well being of **all** of Wales' natural resources are dependent on the health and diversity of this wildlife. It is, therefore, very hard to understand why this Consultation has **no** proposals, except new regulation proposals for trapping, under the wildlife heading and it

suggests that the Welsh Government and its NRW advisors believe (erroneously) that Welsh wildlife is in good heart and needs no additional measures to protect and enhance it. As I have previously stated scientific evidence indicates that, *inter alia*,:- the biodiversity of up to 80% of Wales' countryside is of the lowest quality (NRW figures); many of Wales' watercourses are fishless or with seriously depleted aquatic life as a result of repeated point source and diffuse agricultural pollution; many farmland bird and insect species are declining dramatically; Wales is losing what were world-class game fisheries; large areas of the upland landscape have been reduced to *Molinia* deserts; and large areas of the Welsh marine ecosystem are being degraded by unsustainable methods of commercial fishing by non-Welsh vessels. I can only hope that this gaping hole in the portfolio of proposals for protecting and enhancing Wales' natural resources is being addressed by Welsh Government and will form the basis of a separate Consultation. If it is not, then Wales is set on a path of continuing decline in its productivity, economy and standing as a desirable environment to live in and visit.

SUMMARY

This Consultation document is remarkable not so much for what it contains but for what it leaves out. I have not spent time answering many of the 40 questions posed in the document, as they seem to be to be fiddling at the edges while the key vital matters are not being addressed. Until and unless Welsh Government addresses these major issues in a courageous and robust way we are all wasting our time and Wales environment that we should all care about deeply, its long term productivity and its value to those who live here will continue to decline.

Individual Ministers and the Welsh Government as a whole have statutory obligations and responsibilities under both the Well-Being of Future Generations (Wales) Act and the Environment (Wales) Act and failure to meet these obligations and responsibilities will leave them open to being taken to judicial review and other legal action.

The Well-Being of Future Generations (Wales) Act, for instance, requires the Government, Ministers and public bodies including the NRW to act "***in accordance with the sustainable development principle***", whereby the "***needs of the present are met without compromising the ability of future generations to meet their own needs***". On the evidence of this Consultation document, the Welsh Government and Natural Resources Wales will be failing to comply with a number of requirements of the Act unless they have a radical rethink of their proposals and policies.

As a further example, the Environment (Wales) Act places an even more specific duty on public bodies under Section 6(1), namely the Biodiversity and Resilience of Ecosystems duty which requires that "***A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions***".

In the light of the parlous and deteriorating state of the biodiversity throughout the majority of Wales it is clear that the Welsh Government and the NRW are failing in this duty and the lack of any clear proposals to remedy this situation means that they intend to continue to fail to comply. This leaves them open to legal action both now and in the future and it can only be hoped that a major change in Government policy and practice will prevent this. Urgent implementation of the Nitrates Directive in an appropriate form across **ALL** areas where intensive agriculture is practised in Wales will be a valuable start.

In my response to the previous Consultation on the development of the Natural Resources Policy in Wales earlier this year (copy attached as an Addendum and an integral element of this response) I set out what I believe needed to happen. This present Consultation clearly demonstrates that none of my previous recommendations have been taken on board, something that I could readily accept if there was evidence that they had been considered and rejected for valid reasons. In the absence of any such evidence I will restate my recommendations here in the hope that they might be considered this time and endorsed by others.

<< In summary, I don't believe that any Natural Resources Policy produced and implemented by the Welsh Government can be given any credence or stand any chance of making a real difference unless the following key changes are made to the way that things are managed in Wales.

- **The seriousness of the current situation regarding the degradation of much of the Welsh environment and the role of rural businesses in that degradation is publicly recognised and widely disseminated by the Welsh Government**
- **The Welsh Government uses the opportunity of the publication of the forthcoming Natural Resources Policy to publically declare in detail how it intends to urgently and robustly stop the many issues which are currently contributing to the degradation of the environment within a short timescale**
- **The Natural Resource Policy will need to overtly provide the means, method and resources to restore the damage already created and to monitor the on-going situation to prevent future deterioration**
- **The Welsh Government and those who work within it must get out of the pockets of big business interests and take a wider and long term view of policies with the environment and its sustainability at the centre of all policy**
- **The Welsh Government must either replace Natural Resources Wales with another body that is fit for purpose or provide considerably increased funding and greater guidance and direction to the NRW so that i). the organisations resources and operational procedures and practices are capable of successfully implementing the Policy, ii). its staff have the will and expertise to do so, and iii). the confidence of the general public in the organisation can be restored and maintained.**
- **The Welsh Government must find a way of ensuring that the profitability of Welsh agricultural businesses is enhanced through an increase in the return they receive from their products rather than through increasing productivity and cutting corners to the detriment of the environment.**
- **Post-Brexit, the Welsh Government must ensure that any subsidies and grants paid to farmers are for environmentally beneficial as well as business purposes and not for purposes that increase the pressure on the land and its bio-diversity. Development grants should not be awarded to a farm business where agreed environmental standards are not met on the farm unless that grant is ring fenced for work to be carried out to enable those environmental standards to be achieved and maintained. >>**

5th September 2017

Environmental and Fisheries Services