

Taking forward Wales' sustainable management of natural resources

Consultation response form

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Responses should be returned by to:

or completed electronically and sent to:

e-mail: naturalresourcemanagement@wales.gsi.go.uk

About this consultation

The consultation seeks views on new regulatory approaches to the sustainable management of natural resources in Wales. Proposals include:

- promotion of the circular economy
- nature-based solutions
- new markets and innovative mechanisms
- smarter regulation

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

Please enter here:.....

Farming and food production is completely integral to the environment, local and national economies, and communities. We consider there to be opportunities to beneficially implement circular economic approaches and to have a better understanding of the impact of actions and policies applied at any singular point. Some examples of improved circular economic approaches could include:

- Recognition of the wider economic benefits of local public procurement - Public procurement rules appear to not allow public bodies to choose to source from local businesses as a matter of choice and priority.
- Investment into local businesses from tourism and personal activities – many individuals benefit from the work of others without recognising the value of that work or contributing financially to it. This is a good example where public funds should come into farms and rural businesses to support public goods for all – there is a high level of market failure in rewarding for public goods and a strong case for this support coming from public funds.
- Greater connection between consumption and production, There are many examples of this, the example of regulations preventing the production of ‘skin on sheep products’ is one where demand has to be met by illegal supply, and the import of foreign sheepmeat when we have to rely on export markets to sell our own contributes less to a circular economy.

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 checked="" type="checkbox"/>
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Comments

Please enter here:.....

This appears an extremely complex question that is worthy of more detailed information, examples, and case studies to be considered. We would urge the Welsh Government to debate this in far more detail before any decisions are made.

The answers to this question depend on your view of nature based solutions. It could be argued strongly that there are cases where environmental regulation itself prevents nature based solutions. Examples of this include:

- Planning restrictions over nature based energy production such as wind turbines, hydro schemes
- The awarding of SSSI status altering land management when its status has been awarded due to something of environmental importance identified and due to previous land management
- Conflicts between the Basic Payment Scheme and tree cover. There are cases where we want to see more integration of trees but this puts payments at risk, so a contradiction in regulatory principles.
- TB orders could be argued to prevent the grazing of cattle on many of our upland areas to the detriment of pasture ecology – regulations that prevent nature based solutions.
- TSE regulations that require the splitting of sheep older than 12months prevent a nature based solution that would be possible by grazing wethers/hoggets during their second year when they would be most suitable for the pasture type.
- Fallen stock regulations reduce a 'nature based solution' in feeding wildlife
- Regulations relating to wild ponies appear to result in difficulties in disposing of abandoned horses and gaining any value that would result in more effective management.
- The CROW Act 2000 itself, providing open access can be argued to prevent nature based solutions to improving bird fledgling success or effective grazing practices (although it could also be argued to assist with health based solutions).

In summary the concept of nature based solutions may appear attractive and the principle is undoubtedly well intended, however, modern thinking should be more about holistic solutions, combining and integrating economic, social and environmental factors.

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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

<p>Please enter here:.....</p> <p>It is essential that markets and trade continue to function effectively to support business activity. It is from this activity that economic, environmental, and public benefits are derived.</p> <p>Our departure from the EU means that we will need to increase efforts to maintain existing markets and establish new ones. There is an absolute need to avoid any sudden market or trade turbulence as this will have serious economic, environmental and social impacts.</p> <p>The sheepmeat market that Wales’ sheep farming feeds into is diverse with a broad basket of market outlets (domestic in the form of supermarkets, High St. butchers, wholesalers and catering, and within that Halal, and then a diverse array of export markets). To an extent this market diversity is supported by the diverse nature of sheep farming – with over 60 different pure breeds of sheep and more than 80 breed societies running flock books. However some of our more heritage sheep systems (often those that are most important to deliver special environmental outcomes) are under threat due to not fitting ‘mainstream specifications’. Currently few market opportunities exist to support these traditional farming systems in the market place and there is no doubt that we are not using our product diversity in the market place to differentiate and add value (for example late season hill lambs and mutton). The NSA is currently conducting a feasibility study to explore the viability of establishing new market opportunities for heritage sheep systems and products such as wether lambs, mutton, and breed/environment specific sheep meat. This may also help by removing product from the mainstream market that reduces volumes hitting mass market specifications.</p> <p>Current meat hygiene regulations prevent the production of ‘skin on sheep products’ or ‘smokies’ as they may be known. FSA Wales has recently conducted a market survey that has clearly identified the demand for these products and that, being illegal here at present, and being illegally produced. This is a regulatory barrier that is preventing the production and sale of a product that is in demand and overcoming the obstacles that the regulatory structure presents is challenging. A more risk based approach where we recognise the food safety benefits that enabling a legal ‘within the system’ product to come onto the market and replace unregulated illegal product has,</p>
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and allowing a risk based testing procedure to build a body of evidence, is an example of a novel regulatory approach that has public benefits.

In general smaller low throughput slaughter facilities are under pressure due to disproportionate regulatory controls, yet these plants are essential to the local and independent food chain, and reduce reliance on migrant labour. Novel regulatory mechanisms need to be identified to support such an essential part of the food chain

Sheep farming is integral to wider land management/ecosystem service/natural capital. We would support the development of PES approaches but stress the need for these to be available on a wide scale and not just to those who are prepared to pay a consultant or have a high public profile.

As a principle we need more risk based regulatory approaches with the aim of lightening the load on low risk operations and focussing the load on high risk operations.

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

Please enter here:.....

We are generally in support of this proposal and we encourage the passing of powers from NRW to local stakeholders in the management of NRWs woodland estate. However the responsibility should, we believe, remain in the hands of NRW. We need more details and examples to better understand the impact.

Any move to increase block forestry planting area should be in collaboration with local stakeholder and land managers with replanting schemes considering more indigenous woodland and maintaining woodland cover.

We welcome approaches to integrate indigenous type tree planting within farmed landscapes as opposed to large areas of block plantations. We support more holistic woodland management rather than outright timber production.

We are opposed to incentives or taxation approaches that result in block forestry or large scale woodland plantations being a preferable land management option compared to grassland and grazing.

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

Please enter here:.....

We believe the absolute responsibility should remain with NRW even though the delivery of work/ the management/ the day to day responsibility could be devolved to local groups, providing that management continues to deliver good, sustainable and productive management of those woodlands. We believe this would improve clarity and understanding.

We believe that TPOs are adequate if enforced properly.

Question 6 –

Do you agree that a long-term forest management plan agreed between a forest manger/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

<p>Please enter here:.....</p> <p>We agree with the concept of long term and agreed forestry and woodland management plans as a way to regulate and autorise the felling of trees. This could help understanding of rotational coppicing as well as more mature tree harvesting and management.</p>
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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

<p>Please enter here:.....</p> <p>Please see above</p>

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

Please enter here:.....

We would expect that once a plan is agreed it should be adhered to with no revocation by NRW. Investment in forestry and woodland is long term and revocation could affect original plans. The process for plans should be robust and thorough. Amendments and revocations should be rare and only in consultation and negotiation with the land owner/manager.

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 enter here:.....

More detail is required with scenario setting to give practical examples and possible impacts.

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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>We believe that TPOs are adequate and well understood.</p>

Question 11 –

Designated Landscapes

Should the statutory purposes of AONB and National Parks be aligned 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

<p>Please enter here:.....</p> <p>We support the Future Landscape Wales statement, and the suggested abandonment of the Sandford principle. In particular the inclusion of local community, business, and economic aspects, in addition to environmental and access and enjoyment in decision making is welcomed.</p> <p>We welcome further alignment of sustainable management of natural resources with the need for ecosystem resilience and multiple social, economic, cultural, and environmental benefits they provide for our well being.</p> <p>We agree with proposal 6 – to align the statutory functions of designated landscapes more clearly with the sustainable management of natural resources – and we note the intention to connect the multiple and completely related aspects of social, economic, cultural, and environmental benefits. We should seek to have the widest possible interpretation of sustainable management and natural resources.</p>
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We can also agree with proposal 7 – to establish clear and formal relationships between the special qualities of a designated area and the partnerships, powers, and policies that drive its sustainable management. The NSA is involved in one such partnership (the Black Mountains Land Use Partnership) and we hope this could provide a blueprint and learning for what could be established elsewhere.

We support proposal 8 – to consider enabling governance arrangements to reflect local circumstances including delivery models partnerships and shared or delegated responsibilities.

In principle we can support refreshing the ways that allow areas to be recognised for their special qualities and their sustainable management. We support the principle of seeking an agreed standard for community consultation and representation, however we also recognise the need to ensure that existing land managers hold adequate representative powers, and that the rights of land owners and rights holders are respected and valued.

We support suggestions previously made that a stated proportion of NPA Board members be elected via direct local elections. The number of elected positions should outweigh appointed positions to reflect democratic principles.

Recognising the comments above we would also value more information and discussion on the practicalities of the proposals.

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

Please enter here:.....

See comments in 11 above

Bodes governing/making decisions in these areas should be democratically elected. Socio economic factors should be considered as equally important 'special qualities'.

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

Please enter here:.....

We believe the approach should be done on a voluntary and participatory basis.

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 checked="" type="checkbox"/>
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Comments

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

Please enter here:.....

We would encourage greater legislative protection to ensure that local landowners and managers be consulted thoroughly and at all stages when considering new land designations.

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

Please enter here:.....

We would request that the WG provide greater definition of 'recreation'. There are many different recreation activities ranging from quiet non interventionist walking, to noisy and disruptive activities such as group camping. No commercial 3rd party business use should be made of access land and public rights of way as this gives rise to abuse of the access and associated environmental and nuisance damage. For activities other than walking ie cycling, camping, climbing, water use, our opinion is that rights should not be extended further than those that currently stand. Voluntary use for these activities should be encouraged, if desired, by the landowner.

We understand the objectives for increased access and outdoor recreation (and for the understanding/clarity of rights) and we accept the benefits to society of access and pleasure to be gained from the countryside. However, since 2005 there has been a 3 fold increase in the amount of land available for access by the public including open access land and new trails and pathways with this being of both a statutory and voluntary nature. Our view is that there is adequate statutory accessibility to land and waterways in Wales and better use and understanding needs to be made of this existing facility. We believe that no further statutory rights should be granted, and any additional prospective access should be optional and by negotiation with the landowner.

We believe that there is adequate opportunity for access and enjoyment and we encourage better communication and more responsible use of the 451,000 thousand of hectares of access land (22% of Wales land area), and approximately 25,000 miles of pathways covered under existing rights . In our opinion the rules and conditions relating to open access land and bridleways and pathways are well defined and appropriate and should remain as they are. We are concerned that there is already a lack of understanding and poor compliance with existing rights and far more effort should be placed on increasing awareness of the public and enforcement of existing legislation. Opportunities for additional voluntary access and recreation are well established and many of these have been invested in by landowners. Additional statutory rights would undermine this investment and reduce alternative income sources for farmers and landowners - something the WG has been encouraging farmers to engage in.

We disagree with the proposal that the 'onus for use decisions' should go to individual users. Individual users can cause huge disruption for landowners and local residents, and cause damage to wildlife, environments and habitats. Local stakeholders and in particular land owners/rights holders are where decisions for use should rest.

Land owners, and those with legal rights to managing land (ie graziers and tenants) must not be exposed to potential liabilities or claims arising from access or recreation

There is a contradiction in encouraging farmers and landowners to diversify and target income oppoportunities from tourism and access, but then legislating to give much of this away free of charge. The free use of land based resources, most of which are privately owned, that then create income opportunities for other non land related tourist businesses (hotels, B&Bs, restaurants) is inherently unfair. We accept the statement 'Outdoor recreation provides benefits for both health and the economy', but the relationship between land, privately owned land, farming and grazing activities, and the ability for people to benefit from health giving activities , and the ability for land managers contributing to this provision must be recognised financially and into the long term. This should be recognised as a key aspect of future farm support packages post Brexit.

Specific responses to the proposals are listed below:

Proposal 10

To allow cycling and horseriding on footpaths would result in many footpaths being unsuitable for walking. The result could present health and safety risks (without adequate consideration to resourcing rescue services), but also in wet times footpaths would become unpassable, denying enjoyment for walkers and local residents. Additionally there would be increased damage to soil flora and fauna and on steep ground and in times of high rainfall the risk of diffuse pollution. There should be no multiple use of footpaths.

Proposal 11

b) We are opposed to the opening up of all inland waterways to vessels and sailboard. It would result in access and parking problems, and significant

environmental and aquatic habitat risks. We are strongly of the opinion that there needs to be refuges on a large scale for our current spread of wild species.

c) This proposal would appear to allow someone to take any animal onto land designated under CROW Act 2000. It may refer to horses, allowing horseriders free access across all CROW land. We are opposed to increasing access of this type due to the likelihood of damage to land, the difficulties of restricting access in unsuitable conditions, the disturbance of wildlife habitats and disturbance to traditional grazing animal patterns. The wording also suggests any animal legally kept in the UK (pet sheep, reptiles, predatory mammals) could be taken onto land designated under CROW Act 2000 – this would create significant biosecurity risks at a time when biosecurity standards on farms are being increased. We believe the restriction that only allows dogs to be taken onto open access land should remain.

i) We would caution strongly against allowing open bathing in all waters relating to land designated under the CROW Act 2000. It would cause environmental and wildlife problems, health risks, and safety concerns without adequate resources to deal with a potential increase in accidents.

s) We are opposed to removing existing restrictions that prevent organised games, camping, hang gliding or para gliding on land designated under the CROW Act 2000. The reasons stated above all relate to this proposal and in addition we are confident that such a relaxation would result in increased litter and environmental damage (in part by disturbing essential livestock grazing patterns).

Proposal 12

We are not opposed to individuals enjoying cycling and agree that cycling improves health and well being. However, organised cycle races on bridleways take money out of the local economy, cause parking and access problems and create environmental and social damage. As an example consider the impact of a cycle race meeting up with someone trying to rightfully ride a horse in the opposite direction – who has right of way and the psychological objective of the two are not compatible. There are serious health and safety risks likely to be experienced where some bridleway users may be enjoying peaceful access and then encounter a race involving a large number of bikes with competitive objectives in mind.

Proposal 13

Possibly, but only after agreement with related landowners

Proposal 14

We support the aim of reducing conflict over access to inland waterways. However we do not believe the resultant damage to environmental and aquatic habitats likely from allowing open access to rivers and other water can be justified.

Proposal 15

We accept NRW as the authority responsible for NEGOTIATING AND MEDIATING ACCESS AND EGRESS POINTS to any inland waterways. There should be a financial settlement with the landowner and only access into water for a limited distance from the access point, leaving quiet and

undisturbed areas. We are also concerned about enforcement.

Proposal 16

We do not believe that it is possible to enforce a statutory caveat on all users to behave responsibly. While the problems caused by increasing access in the ways described by this paper can in theory be partly offset by demanding responsible behaviour we cannot see how this can be enforced. This could create more conflict than currently exists.

Proposal 17

While we do not support the expansion of land or access authorities under the CROW Act, we do support a simple mechanism the enabling of temporary diversion and restrictions within the current Act. This would be for wildlife and farming protection, and at times for the protection of the public themselves. We would welcome examples of circumstances.

Proposal 18

We fully support the proposal to legislate to require dogs owned by the general public to be on short leads in the vicinity of livestock at all times of the year. Furthermore we would like to see a general requirement for dogs to be on leads at all times on land designated under CROW Act whether in the vicinity of livestock or not. We would like to see increased enforcement of dog fouling and internal parasite control. Consideration needs to be given to the potential need to release dogs if attention by cattle becomes problematic. We recognise the value of dog ownership to public well being and also that if there were to be a requirement for dogs to be on leads at all times there would need to be some recognition that some would not be at times. Examples include working dogs and rescue dogs for example, but there may be other local dogs that are truly under control and not causing a problem when on open access land. In recognition of this we would like to explore a local dog registration scheme where local known dogs may be approved and allowed to be on CROW Act land off of a lead. They may need to sign a declaration as part of a registration process to commit to their dogs always being within close range and under control and they could be identified on a web page.

Proposal 19

We agree with the development of one statutory map showing access areas but this should exclude water as we do not agree that water should have open access.

Proposal 20

We would accept an amendment to divert and extinguish rights of way but this needs to be by agreement with landowners

Proposal 21

We strongly oppose this proposal – we would appreciate more detail and examples but it would be unacceptable to allow local authorities to remove livestock control infrastructure.

Proposal 22

We oppose this proposal – it creates uncertainty and doesn't allow sufficient transition time.

Proposal 23

We do not agree that a continual updating process should be implemented.

Proposal 24

It is unclear what is being asked. If this refers to cycle paths as established by organisations such as Sustrans then we would be happy. Otherwise we are not aware of existing cycle paths.

Proposal 25

We wish to maintain the 2026 cut off deadline.

Proposal 26

An effective statutory code would be entirely dependent on enforcement and education. We are not confident that adequate consideration has been given to who this responsibility lies with or whether adequate resources have been identified to deliver effectively. Land owners and farming bodies should be involved in drawing up any statutory codes but there is little point unless proper enforcement is considered.

Question 16 –

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

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

Please enter here:.....

It is not clear that they would.

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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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>There is not sufficient information contained or practical examples given to enable proper assessment. We are not convinced that they would provide clarity.</p>

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 type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>No comment</p>

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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

<p>Please enter here:.....</p> <p>No comment</p>
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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 type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>No comment</p>
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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 type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>No comment</p>

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 type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>No comment</p>

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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 type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>No comment</p>

Question 24 –

Drainage Reform

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

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

<p>Please enter here:.....</p> <p>No comment</p>

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

<p>Please enter here:.....</p> <p>No comment</p>

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

<p>Please enter here:.....</p> <p>Our opinion is that these sections of the Environment Act should be left as they are</p>

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

<p>Please enter here:.....</p> <p>Prosecutions allow for proper consideration of circumstances whereas fixed penalty notices cannot give this consideration. Fixed penalties may be imposed in situations where non-compliance is entirely unintentional. An example may be where someone is suffers from illness and gets their waste disposal wrong – for them to be given a fixed penalty notice and then have to go through an appeals process would be entirely wrong. There would be many similar examples.</p>
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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

<p>Please enter here:.....</p> <p>Yes. We consider dropping litter from a vehicle to be an intentional act.</p>
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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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>We object to agriculture being singled out as ‘a key source of diffuse pollution’ with other contributors such as ‘urban land, forestry, atmospheric deposition and rural dwellings’ simply being recognised in the context of ‘may also contribute’. Whilst agriculture may be the largest user of land we are of the opinion that this singling out is disproportionate and doesn’t recognise the activities of low impact agriculture such as many sheep grazing and pastoral approaches. It also does nothing to recognise the advances that have been made over recent decades and the pressures being brought about by external influences on our food and farming system. For example farms have been encouraged to invest in renewable energy production such as AD and where pollution incidents have occurred (including cropping to feed such plants) these are likely to be attributed to agriculture rather than energy production.</p> <p>The comment does little to recognise the diffuse pollution caused by access and tourism, poor waste management, traffic and vehicle emissions. Industrial forestry can cause serious soil erosion at a level that would not be permitted of farms. As a sheep farming association we take the wording as being offensive and not conducive to constructive relationships.</p> <p>Low impact agriculture may have positive benefits for soil (it doesn’t just protect it it builds soil quality) whereas many of the proposals set out for access (such as cycling and horseriding on footpaths) positively damage soil quality. Similarly high level tourism and its associated transport dependency is damaging to air quality.</p> <p>There are too many contradictions within the proposals for them to be justifiable.</p>

Question 30 –

Agriculture

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

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

<p>Please enter here:.....</p> <p>We recommend that the current arbitration process in left in place.</p>
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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 type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>We have no evidence either way.</p>
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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

<p>Please enter here:.....</p> <p>We agree that clarification of ‘at least once a day’ would be helpful with the intention of no longer a period than 24 hours is ensured.</p>

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

<p>Please enter here:.....</p> <p>Yes we agree this would remove ambiguity</p>

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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

Please enter here:.....

Enforcement would be impossible. The key thing is that they are not used. Gaining access to someones house to check they didn't own one would be the next necessary step in enforcement and this would be unreasonable. Wales could not ban the selling self locking snares as many will be bought on line and from outside of Wales.

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

Please enter here:.....

We agree that it should be an offence to use snares on anyone elses land without permission.

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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p> <p>There are far more important issues to be addressing and it would be unlikely that enforcement would be sufficient to ensure implementation.</p>

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

<p>Please enter here:.....</p> <p>Not until further detail or information/examples are provided.</p>

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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p>

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 checked="" type="checkbox"/>	Not sure	<input type="checkbox"/>
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Comments

<p>Please enter here:.....</p>

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

Please enter here:.....

We welcome being consulted on all matters relating to any subjects affecting land management and farming, however in our opinion this is an unreasonable and confusing consultation. Many of the questions are unclear and can be interpreted in different ways; The consultation is incredibly broad in some ways but then surprisingly limited in others. For example the chapter on wildlife concentrates solely on snares and the only topic included within a whole chapter on agriculture is on the Agricultural Holdings Act.

In addition, that this consultation should be going on when there are many more serious priorities relating to our exit from the EU seems misguided. Our departure from the EU requires serious political and public engagement, stability and not further disruption and change. We would be prepared for all the proposals, even those we strongly agree with, to be put on hold until after the outcomes of Brexit are embedded.

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: