



UK Environmental Law Association's response to the Welsh Assembly Government's consultation document 'A living Wales – a new framework for our environment, our countryside and our seas.'

Introductory comments

UKELA is the UK's foremost membership organisation working to improve understanding and awareness of environmental law, and to make the law work for a better environment. As such, UKELA has a keen interest in ensuring the effectiveness of the legal framework to securing nature conservation.

3. Refreshing Regulatory and Management approaches

The laws appertaining to nature conservation are complex, having been developed over many years and established to meet national requirements and international obligations. Changes have occurred reflecting increased threats to wildlife, changes in land use and meeting international obligations. The provisions for and affecting the wider countryside, environment and marine have developed in parallel and are equally complex but in the main, are complementary. The appropriate relevant policies were often in conflict but there is now better cohesion to ensure that interests are not inadvertently adversely affected. However, occasionally problems still occur.

A high percentage of the current national environmental laws are derived from the European Union by means of EC Directives. Failure to meet these obligations will result in severe penalties. EU policies with respect to agriculture and fisheries are meant to complement the environmental agendas.

The non-EU derived nature conservation legislation meets obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention); the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) and the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention).

Whilst it would appear logical to seek to simplify the laws for example to distinguish between those relating to non-EU and EU laws or between international and national laws, in reality the overlaps between the provisions are such that there is little flexibility to make any substantial changes to the legal framework.

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Given the complexity of current legislation its consolidation is desirable. However, this would require changes to primary legislation and the use of valuable parliamentary time for little added value.

The effectiveness of the laws and relevant policies is greatly enhanced by the relevant bodies having a clear understanding of roles and responsibilities and through better coordination and closer working relationships at local, regional and national levels.

Protected areas

Over time protected areas are likely to deteriorate without the sympathetic management of land and sea areas adjacent to them. For the network to be sustainable wider measures are required with the appropriate management encouraged with the use of fiscal incentives if necessary. In addition a sustainable network of protected areas is critical in addressing the impacts of climate change.

5. Refreshing Institutional Arrangements

See the above penultimate paragraph. Effectiveness would be improved with greater co-ordination and closer working. Integration and restructuring suggests fundamental changes in terms of delivery, possibly a merger of the bodies. This could be effective but as with any change there is a risk that conflicts of policy and implementation could arise, especially with the availability of limited resources.

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