Sustaining a Living Wales (Consultation Document WG 13943)
Comments of the Open Spaces Society

The Open Spaces Society (in full the Commons, Open Spaces and Footpaths Preservation Society) is Britain’s oldest national conservation body. Founded in 1865 we campaign to create and conserve common land, town and village greens, open spaces and public paths, in town and country, throughout Wales and England. We are consulted by the Welsh Assembly Government on all applications for works on common land, and by highway authorities on all changes to the public-path network. We sent our 12-point Action Plan for Wales to all the candidates in the last Assembly election, asking for their backing, and eighteen of the 60 elected members (30%) supported it in whole or in large part.

We see Sustaining a Living Wales as a thoughtful and creative approach to some of the issues confronting Wales, but we have what we think are significant comments to make on it. We look forward to having the opportunity to engage in a continuing dialogue with the Assembly on these important issues.

Comments on General Questions

1. Developing a new approach to environmental protection based on ecosystems

The ecosystems approach is put forward as an integrating concept, but its presentation here omits or underplays three features which are vital to us and we believe to many of those concerned with the countryside. The three features are commons, access and landscape.

**Commons** are mentioned only once and that is in the context of agriculture – implying that they are no more than an agricultural resource. We fully agree that they are an important agricultural resource but they are much more than that. Eight per cent of Wales is common land, and commons are immensely important for their natural beauty, wildlife habitats, archaeology and opportunities for informal recreation. No other type of land offers such a range of public benefits. They are also crucial to the Welsh economy and sustainability because they provide grazing land (especially for hill farmers), and are significant tourist attractions. We are pleased that the Assembly is in process of implementing the 2006 Commons Act, but we would like to see the importance of commons recognised in its new approach. We believe there should be a requirement for common land and town and village greens within or adjacent to any proposed development to be a material planning consideration.

**Access** is a vital feature of people’s ability to use and enjoy the ecosystems but it receives only cursory mention in the Green Paper. There is no reference at all to the fact that all common land is open access land under the Countryside and Rights of Way Act, nor of the benefits to the public of open access on other land designated under the Act. Furthermore, there is no mention of the poor state of Rights of Way in Wales which inhibits the public from making use of the countryside in...
some areas. One of the OSS action points to which one-quarter of Assembly members committed themselves was to the provision of “Resources to sustain common land, town and village greens, open spaces, public paths, walking, horse-riding and cycling as vital to Wales’s economic diversification.”

**Landscape** We are concerned that in developing the ecosystems approach insufficient attention is paid to either the landscape or to tranquillity (or indeed tourism). We recognise that landscape is included under Cultural Services of Ecosystems but the Green Paper pays only peripheral attention to it whereas we see it as one of the outstanding qualities of the environment of Wales. Further indications of the low priority given to these issues are the lack of reference to the following.

- The European Landscape Convention receives no mention despite the fact that the Welsh Government has signed up to it.
- Landmap, only recently developed by CCW, at the request of WG, receives no mention despite the fact that it includes cultural, geological, visual and other aspects of landscape for the whole of Wales.
- Areas of Outstanding Natural Beauty (AONBs), which we see as an attractive way forward, appear to be under threat from the new approach.

The Consultation Paper “A Living Wales” (15th September 2010) quotes cultural services as covering “meaningful local places, socially valued landscapes, physical and mental health, leisure, recreation and tourism, aesthetic and inspirational benefits, spiritual and religious benefits, cultural heritage and diversity and ecological knowledge.” These aspects receive little attention in the Green Paper relative to other matters.

2. **Developing the concept of local resource management planning for natural resources to provide a simpler approach for stakeholders.**

Environmental resources in Wales are of local, national (Wales and UK) and international importance. Local planning makes good sense but it needs to reflect the views of all the local stakeholders. The management structures within AONBs offer a good example of an appropriate kind of local involvement.

3. **Developing a national resource management plan**

The newly-developed Landmap ([http://landmap.ccw.gov.uk/](http://landmap.ccw.gov.uk/)) provides an excellent means of evolving both a national and a local resource management plan.

4. **Streamlining regulatory regimes to achieve better outcomes for the environment and simpler systems for people**

There is a danger that simpler systems for people might only be obtained at the expense of better outcomes for the environment. Clearly a balance has to be struck but we suggest that in many cases better outcomes for the environment are more important than simpler systems for people. It is curious that in a Green Paper advocating “evidence-based” approaches, no evidence is offered to suggest that streamlining would achieve better outcomes for society as a whole than the current system.
5. Developing interactive geographical information systems to make information more accessible and engage people more widely.
Landmap has already been mentioned. Further development of this valuable tool would be preferable to starting afresh with some alternative.

6. Developing our approach to monitoring and data gathering to increase the emphasis on practical evidence gathering
We agree

Comments on Detailed Questions

1. If you agree or disagree with the proposals above, what are your main reasons?

As already indicated, our main concern with the document is its omissions. We find it hard to understand that a Green Paper which purports to deal with “sustaining a living Wales” pays so little attention to considerations of such central importance to the economy, history and culture of Wales as landscape, access and common land.

It is hard to avoid the suspicion that the underlying thinking is directed towards short-term benefits to business through deregulation and the removal of existing protective mechanisms – changes which in the long term will damage the unique qualities that bring so many tourists to Wales. This would damage the economy especially in those remote areas where alternative forms of employment are not easily found.

2. What do you think should be the main priorities for our work in simplifying and integrating designations, policies and regulatory regimes?

The main priority should be to produce evidence that such simplification and integration is beneficial to society as a whole in either economic or any other terms.

3. What would you define as the main success criteria for natural resource management?

The main criterion should be that the economy in rural areas has been developed in such a way that it depends upon the inherent landscape, natural beauty, biodiversity, archaeology and cultural identity of Wales. Only when this is achieved will economic and environmental priorities tend to coincide.

4. What would be the success factors for the new Welsh Single Body in delivering the new approach?

- The new body should be an independent advisor to the Welsh Government. It should be prepared to make its advice public including variations of opinion within the Single Body itself.
- The word Environment that used to appear in its title should be reinstated and its importance emphasised.
5. **Have we reflected the opportunities for business, enterprise and economic development with the natural environment? If not, what have we missed?**

You have presented business and economy as antagonistic to environmental protection. You have failed to show how they can be mutually reinforcing – as they should be if the concept of sustainable development is to be meaningful.

6. **Have we reflected the opportunities for social and well-being benefits for the people of Wales with the natural environment? If not, what aspects have we missed?**

No. As already indicated, insufficient attention is given to access to the environment, landscape, commons, cultural history including archaeology. The existing regulatory framework (including designations such as National Parks and AONBs) has been broadly effective in protecting these invaluable resources, and we are disappointed to see so little attention given either to the resources themselves or to these forms of protection. In failing to address these considerations, the Welsh Government has also neglected to take account of the benefits to the people of the rest of Britain and the world, risking damage to Wales’s tourism economy.

7. **Where should the boundaries lie between land use planning and environmental management planning and consenting?**

The boundaries should be determined by whether decisions have only local impact or whether the impact is national. Boundaries between local and national concern are not always clear, however, but in all cases local concerns need to be taken into account. As an example, the development of wind turbines has mainly national implications but their location raises strong local feelings that must be respected.

8. **What skills and tools would we need to make the new approach successful? Can you help us develop these?**

Greater community involvement through creation of designated areas with management systems like those of AONBs needs to be combined with training of members of the public in such fields as the use of Landmap.

9. **How could we ensure that offshore (marine) and onshore resource management plans work together?**

No comment.

10. **How could national or local resource management plans help preparation of local development plans?**

See 8 above.

11. **Should local ecosystems outcomes be included in local single integrated plans?**

No comment.
12 What steps could we take to create a market in those environmental services that are currently undervalued?

This question has two misleading implications.

The first is that undervaluation of environmental services is the only example of market failure when in reality the market can have outcomes which are the opposite of “services” (e.g., the effects of some types of farming on bird life).

The second implication is that the solution to such problems necessarily lies in the creation of a market whereas in practice regulation is often simpler, cheaper and more effective (e.g., it is more straightforward to ban the emission of farm effluent into streams than to try to “create a market” in which farmers would pay other members of the community for the right to be pollute rivers).

Market failure can occur for many reasons and in many contexts, and there is no “one fits all” solution. Broadly the possible solutions (outlined in any economic textbook dealing with the environment) include the following:

- **Regulatory.** The authority making the regulations may:
  - Use cost-benefit analysis (which is essentially a way of identifying the outcome the market would produce if it worked properly);
  - Decide on a target and look for the cheapest way of achieving it (the cost-effectiveness approach);
  - Introduce an outright ban on certain activities.

- **Use market tools.** These could be:
  - Taxes/subsidies. Governments can introduce a tax on undesirable outputs or a subsidy on desirable ones. Often it may be impossible to decide what the “optimal” level of such a tax/subsidy should be, but it can at least push output in the right direction
  - Create a market in quota rights. This requires the government to decide on an appropriate total quota (e.g., for carbon) and to allocate (or sell) it to carbon producers. A market can then develop in carbon emission rights. Again there is no particular reason to suppose that the market prices that emerge are “optimal” – they are merely a reflection of the arbitrarily determined quotas. However, the market is likely to ensure that the given quota is itself achieved in a reasonably efficient way.

- **Combination.** One example of a combined approach would be to create a designated area (such as an AONB or National Park) in which the representatives of the authority may use such of the above methods as seem appropriate.

Under each of these headings there are many variations to take account of the particular circumstances. In any case there is no inherent reason for supposing that the market tools are superior to the regulatory ones.
13 What other changes to legislation or systems are needed?

Again the question carries implications that may not be justified. In particular consideration needs to be given to the extent of change which is required. Our present framework of countryside legislation has much to commend it, particularly the use of designations. Change should only be made where existing systems are failing.