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Cymru**  
**Natural  
Resources  
Wales**

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EU Exit & Strategy Unit  
Department for Energy, Planning and Rural Affairs  
Welsh Government  
1st Floor East, Cathays Park 2  
Cardiff  
CF10 3NQ

7<sup>th</sup> June 2019

Dear Sir / Madam,

Natural Resources Wales welcome the opportunity to comment on the *Environmental principles and governance in Wales post European Union exit* consultation. I attach our comments to this letter. In responding to this consultation, consideration has been given to the full breadth of Natural Resources Wales' role and remit.

In principle, Natural Resources Wales is supportive of the need for an Environmental Oversight Body, whether at a UK or Wales level, however we have identified a number of areas of concern with these proposals. We would like to highlight the following key points in addition to the responses to the consultation questions:

- It is important that there is an overarching framework with a clear integrated objective of "a high level of protection for the environment", as currently stated in Article 191(2) of the Treaty on the Functioning of the European Union. This would underpin the four environmental principles noted in the consultation and provide a framework for public authorities that supports delivery. Supporting the integration of environmental policy across wider policy remits is critical to helping to maintain and enhance functional environmental standards. This more holistic and integrated approach will promote better environmental outcomes and reduce the risk of regression in standards or gaps in application.
- It is essential that there is no overlap in functions between the new body and existing agencies such as Natural Resources Wales. In particular there is a need for further clarity on provision of advice and how this fits with the role and remit of the new body, Natural Resources Wales' leadership role on Sustainable Management of Natural Resources and our statutory regulatory powers, functions and duties. There is also the potential for wider impacts on other aspects of our role including

reporting and monitoring, policy and guidance. Currently EU Directives require monitoring and evidence-based reporting against environmental standards. These reports are aggregated at an EU level and direct transposition of this duty to UK law without recognition of the wider impacts and benefits such as reporting against international standards may leave a gap.

- The oversight body should act as a high-level strategic body, rather than risk duplication and confusion with the remits of other public bodies. To avoid duplication and the cost and competition for specialist technical expertise, the oversight body's advisory remit should focus on the matters relating to environmental law, application of the new framework including environmental principles and their application by public bodies.
- It is important that the oversight body is able to give sufficiently impartial and correct advice, therefore it may be advantageous or indeed necessary to draw upon expertise from across the UK. The proposals laid out in the consultation include the oversight body being able to draw upon the expertise and technical knowledge of other bodies. It is important to recognise that the expertise and knowledge pool may be relatively small in Wales for some technical areas. A common framework and UK wide agreement on the overarching principles would aid this approach.
- There is a need for further clarity on the jurisdiction and function of the new body. Currently the proposals for a Welsh body, that is separate to the Defra proposal for an English body, may result in different processes, interpretations and functions either side of the border. This risks a lack of 'level playing field' for businesses and organisations. It is important that we have clarity on the regulatory floor and any regional variances to allow Natural Resources Wales to be transparent in our regulatory functions and to support existing and future cross-border working and interpretation and delivery of policy and regulatory decisions. This is important, for example, in the management of cross border rivers, where there is a need for a consistent approach across environmental catchments that cross the border.
- A common framework for governance underpinned by a common objective, principles and standards would help to avoid gaps in the implementation of environmental policy across the UK. It would also help to clarify how regulators and administrations work together across the UK to manage transboundary issues, such as climate change, water quality or air pollution where a collaborative approach is essential. This approach would also clarify the role and remit of oversight bodies and regulated public bodies where devolved and non-devolved remits coincide. A common framework that followed a similar approach to the current EU framework would fully recognise and respect the different legal frameworks and devolved legislation across the UK.
- A common environmental framework and principles at a UK level would reduce the risk of regulatory divergence and provide a common baseline to landowners and industry, regardless of location. This would also reduce the risk of a 'race to the bottom' or other cross-border issues such as transboundary environmental damage

being subject to different regulatory standards. It would also recognise that although environmental policy is a devolved matter, environmental challenges such as air pollution, water quality and climate change where these are transboundary and can only be addressed collaboratively.

- Environmental principles help to drive environmental standards and inform the development of policy and legislation. The EU environmental principles currently apply to all administrations in the UK equally and are the legal framework for the development of policy and legislation by UK Government and the Welsh Government. Without a shared approach to a common overarching objective and environmental principles, the consultation's stated aim of a commitment to non-regression and enhancing environmental standards is likely to be more difficult to achieve.

I hope these principles help set the context within which our attached comments have been made.

Yours Faithfully

Ceri Davies  
Executive Director of Evidence, Policy and Permitting

## Our Roles and Responsibilities

- **Adviser:** principal adviser to Welsh Government, and adviser to industry and the wider public and voluntary sector, and communicator about issues relating to the environment and its natural resources
- **Regulator:** protecting people and the environment including marine, forest and waste industries, and prosecuting those who breach the regulations that we are responsible for
- **Designator:** for Sites of Special Scientific Interest – areas of particular value for their wildlife or geology, Areas of Outstanding Natural Beauty (AONBs), and National Parks, as well as declaring National Nature Reserves
- **Responder:** to some 9,000 reported environmental incidents a year as a Category 1 emergency responder
- **Statutory consultee:** to some 9,000 planning applications a year
- **Manager/Operator:** managing seven per cent of Wales' land area including woodlands, National Nature Reserves, water and flood defences, and operating our visitor centres, recreation facilities, hatcheries and a laboratory
- **Partner, Educator and Enabler:** key collaborator with the public, private and voluntary sectors, providing grant aid, and helping a wide range of people use the environment as a learning resource; acting as a catalyst for others' work
- **Evidence gatherer:** monitoring our environment, commissioning and undertaking research, developing our knowledge, and being a public records body
- **Employer:** of almost 1,900 staff, as well as supporting other employment through contract work

# Environmental Principles and Governance in Wales Post European Union Exit

## Consultation response form

Your name: Alan Hunt

Organisation (if applicable): Natural

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Responses should be returned by **9 June 2019** to

EU Exit & Strategy Unit  
Department for Energy, Planning and Rural Affairs  
Welsh Government  
1st Floor East, Cathays Park 2  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [Environmental.Governance@gov.wales](mailto:Environmental.Governance@gov.wales)

## **Environmental Principles**

Question 1: Do you agree the following principles should be included within legislation for Wales?

Yes.

However, it is important that all four principles are recognised as overarching principles either at a UK or a Wales level, rather than focussing on them in isolation in specific functional legislation that may not provide comprehensive coverage. For example, the “Polluter pays” principle helps to secure the regulatory floor, but in isolation is insufficient to deliver SMNR.

The consultation paper states that the precautionary principle is encapsulated within the SMNR principles and notes that it is not directly specified but is captured by the framework. However, it is important to note that both the Environment (Wales) Act and the Well-being of Future Generations Act were produced with the EU Environmental Principles as an overarching framework. Restating all the current principles in legislation would avoid any potential regression in standards and ensure that the EU Environmental Principles do not lose their legal status and priority that they possess in European law. Currently the EU Environmental Principles are legally binding on all public authorities, including Ministers and government departments, in the application of all their relevant functions.

Question 2: Do you think there are other principles, which may also need to be included?

Yes.

An objective of “a high level of protection for the environment”, as currently stated in Article 191(2) of the Treaty on the Functioning of the European Union. This would underpin the four environmental principles noted in the consultation and provide an overarching framework for public authorities that supports delivery and proportionate application of the environmental principles with a clear and consistent aim. This would also support the integration of environmental policy across wider policy remits and help to maintain and enhance standards.

This approach of a high-level objective supported by, and framing, a comprehensive set of integrated principles has been followed in the Environment (Wales) Act. The objective of Sustainable Management of Natural Resources underpins the SMNR principles and provides a clear and consistent aim in their application.

There may also be value in considering wider principles currently applied in European law or in international agreements such as non-regression, environmental enhancement and proportionality.

Question 3: Do you agree the duty to pursue sustainable management of natural resources and the application of the SMNR principles should be extended?

Yes, in principle.

However, in answering this question there are two points to consider. Firstly, the proposal to extend the duty to pursue SMNR and the applications of the principles in general, and secondly, as a specific proposal to address the identified gaps in the application and standing of the four EU environmental principles.

As a general proposal, extending the duty to pursue SMNR and apply the principles could help delivery against national policy and Area Statements and support the role of Public Services Boards. However, this should be an evidenced-based process to ensure a clear link between identified gaps in delivery and application of the extended duty to specific bodies and their remits, and the relationship between this extended duty and the existing Sustainable Development principle and the Well-being of Future Generations Act.

If, as noted, this proposal is specifically to address the identified gaps in the application and standing of the four EU environmental principles it is important to consider the current position. As noted in response to questions 1 and 2, currently the EU Environmental Principles are legally binding on all public authorities, including Ministers and government departments, in the application of all their relevant functions. Therefore, as the proposal is to encapsulate the environmental principles in this duty and to extend it only to Welsh public bodies, to avoid a gap in application it is essential that there is a supporting mechanism that also applies the EU Environmental Principles to non-devolved bodies and functions in the exercise of those functions in Wales, such as an overarching UK framework as noted in response to questions 18 & 19.

Question 4: On which Welsh public bodies, within devolved competence, do you consider a duty to pursue SMNR should apply?

In answering this question there are two points to consider, as noted in response to question 3. The proposal to extend the duty to pursue SMNR and the applications of the principles in general, and as a specific proposal to address the identified gaps in the application and standing of the 4 EU environmental principles.

As a general proposal, extending the duty to pursue SMNR and apply the principles could help delivery against national policy and Area Statements and support the role of Public Services Boards. However, this should be an evidenced-based process to ensure a clear link between identified gaps in delivery and application of the extended duty to specific bodies and their remits, and the relationship between this extended duty and the existing Sustainable Development principle and the Well-being of Future Generations Act.

As noted in response to question 1, currently the EU Environmental Principles are legally binding on all public authorities, including Ministers and government departments, in the application of all their relevant functions. Therefore, as the proposal is to encapsulate the environmental principles in this duty, it could be applied to all Welsh public bodies in the application of their relevant functions, in relation to the environment. This would help to avoid any potential regression in standards and to support the integration of environmental policy across wider policy remits. It would also help to ensure consistency where bodies currently may not be subject to both the Environment (Wales) Act and the Well-being of Future Generations Act by providing a single overarching objective and set of principles that helps to enable collective decision making.

As previously stated in our response to Welsh Government's *Taking forward Wales' sustainable management of natural resources consultation*, Natural Resources Wales would support progressive measures to expand the application of the SMNR principles, as set out in s4 Environment (Wales) Act 2016, to the Designated Landscapes' Authorities when undertaking their duties. This would achieve alignment with the modern agenda, with NRW's new purpose and would provide a clear delivery mechanism for Area Statements priorities, by placing the Designated Landscapes as 'the drivers' of SMNR delivery in their areas, which is a key proposal endorsed by the Future Landscapes Wales programme.

### **Accountability**

Question 5: Do you agree with the gaps identified, or do you consider there are other gaps, which need to be considered?

Yes, however there are additional gaps. Currently EU Directives require monitoring and evidence-based reporting against environmental standards. These reports are aggregated at an EU level and direct transposition of this duty to UK law without recognition of the wider impacts and benefits such as reporting against international standards may leave a gap.

The EU Commission and the CJEU have also provided guidance on the implementation of EU law, either in FAQs or as further directions, or in the case of the CJEU as case law or judgements. This function, when applied to Welsh legislation and Wales and England legislation is undertaken by various bodies and could result in a gap if there is variation in approach and decisions between different parts of the UK.

Further clarity is needed on the role of the proposed environmental oversight body in relation to the review and setting of standards and scrutiny of performance against those standards. This is an important function that should be supported by suitably resourced and impartial expert reference panels including policy makers, regulators and academics. If not sufficiently supported or clearly defined this could result in a significant gap in accountability and would be a regression.

Question 6: What role should existing accountability bodies provide in a new environmental governance structure for Wales?

The consultation identifies several accountability bodies and their remits and functions, as they apply in Wales. It is important that any new body, or changes to an existing body, complement and are compatible with the existing Welsh bodies and their functions. It is also important that during any transitional period there is strong alignment between Welsh legislation and transposed EU law and that the environmental principles continue to apply to all public authorities, including Ministers and government departments, in the application of all their relevant functions in Wales and the UK. To avoid significant gaps and risk of regression in standards or divergence, this necessarily includes non-devolved bodies and functions, as they apply in Wales, that are not currently subject to oversight by existing Welsh accountability bodies.

Any new environmental oversight body, or function, should have environmental protection (as enacted in law) as a core remit. This would help to ensure a full application of the environmental principles and would reduce the risk of a dilution or reduction in standards or focus during any transitional period in governance and legislation. During any transitional period, following EU exit, stability and continuity of standards and environmental oversight are essential.

Question 7: Is the outlined role and objective appropriate for a body responsible for overseeing the implementation of environmental law in Wales?

The outlined role and objectives are appropriate for overseeing implementation of the Environment (Wales) Act aligned with the Well-being of Future Generations Act. However, this limits the body to oversight of Welsh public bodies and leaves a significant governance gap in relation to non-devolved bodies and functions operating in Wales. Further clarification is also needed to ensure that the objectives set out are complementary to the roles and functions of existing bodies. For example, Natural Resources Wales also acts in an advisory capacity on the sustainable management of natural resources.

The proposals set out in questions 1 to 4 are to encapsulate the environmental principles in the duty to pursue Sustainable Management of Natural Resources and to extend it only to Welsh public bodies. Therefore, to avoid a gap in governance and application it is essential that there is a supporting mechanism that also applies the EU Environmental Principles to non-devolved bodies and functions, in the exercise of those functions in Wales, such as an overarching UK framework as noted in response to questions 18 & 19.

Question 8: Which policy areas should be included within the scope of new governance arrangements?

The proposed integrated approach that includes a range of environmental policy areas based on the definition of 'natural resources' set out in the Environment (Wales) Act is appropriate, however it is also important to promote the integration of environmental policy across wider policy remits. This approach would help to maintain and enhance standards by supporting public bodies in Wales to take account of the environment in their decision making, in line with their duty under the Well-being of Future Generations Act to contribute to all seven national goals.

There may also be benefit in including enforcement of climate change mitigation and adaption by public bodies within the scope of the environmental oversight body. As the UK Climate Change Committee has no enforcement role, the proposed environmental oversight body could provide this function in consultation with the UK Climate Change Committee. It is important that there is clarity on the role and remit of the new body to ensure that there is no overlap or duplication in functions between the UK Climate Change Committee and the new body.

Question 9: Do you consider the proposed list of bodies to be appropriate?

Yes, noting the answer given to question 10 below.

Question 10: Do you consider there are other Welsh bodies, which should also fall within the remit of an oversight body?

As noted above in answer to question 1 and 4, currently the EU Environmental Principles are legally binding on all public authorities, including Ministers and government departments, in the application of all their relevant functions. Therefore, if the principles and duties noted in this consultation were applied to all Welsh public bodies in the application of their relevant functions, in relation to the environment, it would be appropriate to include them in this list.

This would help to avoid any potential regression in standards and to support the integration of environmental policy across wider policy remits. It would also help to ensure consistency across the Welsh public sector and enable collective decision making.

Question 11: What should be the status, form and constitution of an oversight body?

It is essential that the oversight body is independent of Government and therefore able to pursue its remit fully but subject to appropriate scrutiny, as proposed in the consultation. It is also important that however the body is constituted it is able to work closely with the equivalent oversight bodies elsewhere in the UK to reduce the risk of regulatory divergence and provide a common baseline to landowners and industry, regardless of location. This would also reduce the risk of a 'race to the

bottom' and encourage a more collaborative approach to cross-border issues such as transboundary environmental damage where, for example, the point of origin and the location where impacts are observed could be in different administrations. In these cases, collaboration with other UK regulators and oversight bodies would be essential to ensure good outcomes for the environment.

Question 12: Should an oversight body be able to act in an advisory capacity?

The oversight body should act as a high-level strategic body, rather than risk duplication and confusion with the remits of other public bodies that also act in an advisory capacity, for example Natural Resources Wales' leadership role on SMNR. To avoid duplication and the cost and competition for specialist technical expertise, the oversight body's advisory remit should focus on the matters relating to environmental law and the environmental principles and their application by public bodies.

Paragraph 3.42 states that "*The body could also be able to draw upon the expertise and knowledge of other bodies to assist it in the exercise of its functions and act in an impartial and independent manner in how it selects external expertise*". The expertise and knowledge pool may be relatively small in Wales for some technical areas. It is important that the scrutiny body is able to give sufficiently impartial and correct advice, therefore it may be advantageous or indeed necessary to draw on expertise from across the UK. A common framework and UK wide agreement on the overarching principles would aid this approach.

Question 13: Should an oversight body be able to scrutinise implementation of environmental legislation?

Yes.

As identified in response to question 5, currently EU Directives require monitoring and evidence-based reporting against environmental standards. These reports are aggregated at an EU level and direct transposition of this duty to UK law without recognition of the wider impacts and benefits such as reporting against international standards may leave a gap. Consideration is needed on how the oversight body would address the sources of information currently reported to the EU under reporting obligations, which are used to help inform compliance with international legislation. Further clarity on how reporting and aggregating of environmental monitoring data for Wales and the UK against international and UN requirements is undertaken and delivered is essential. This and thematic reviews may require modification of transposed EU law to ensure operability.

The European Commission has provided guidance on the implementation of EU law, such as in the form of interpretation notes, FAQs and best practice guides. Further direction on the implementation of EU law has also come from the CJEU in

judgments on infraction cases against member states brought by the EC, and in rulings issued in response to direct referrals of questions by national courts. Equivalent functions, if applied to Welsh legislation and Wales and England legislation are undertaken by various bodies and could result in a gap if there is variation in approach and decisions between different parts of the UK.

Question 14: What should be the extent of this function?

Any proposals for the oversight body to have the power to commission or request additional information from other public bodies should also take account of the resourcing and budgetary constraints of these public bodies. It is important that the impact of additional, unfunded work on public bodies is fully considered especially given that it is likely that majority of these commissions or requests would apply to Natural Resources Wales. This should not prevent the oversight body from properly scrutinising and challenging the application of environmental legislation. However, it would recognise the need to ensure that additional resources may be needed to sufficiently support the proposed power to commission or request additional information. A proportional approach that considers the public interest would be appropriate.

The extent of the proposed oversight body's function to scrutinise the implementation of environmental legislation should aim to be equivalent to the current extent of the European Commission's function in scrutinising the implementation of environmental legislation to ensure no regression.

Question 15: What powers should a body have in order to investigate complaints from members of the public about the alleged failure to implement environmental law?

As noted in the consultation, it is essential that the functions of the proposed body are clearly defined and that members of the public understand the role and remit of the oversight body and the types and nature of complaints that it pursues. This will avoid conflict or duplication with the roles of other public bodies in Wales, for example, the Wales Audit Office or the Future Generations Commissioner. Any new environmental oversight body, or function, should have environmental protection as a core remit, that is the focus of its role and duties. This would help to ensure a full application of the environmental principles, environmental law and governance and would reduce the risk of a dilution or reduction in standards or focus during any transitional period. It would also make it easier for members of the public to understand the role and remit of the scrutiny body and the types and nature of complaints that it pursues.

It is important that the complaints process for members of the public is clearly defined. Currently a member of the public is able to complain directly to the European Commission, though individual complaints are not automatically investigated. It is also important that the resourcing and capacity of other public

bodies is considered as if, for example, it is necessary to exhaust the complaints procedure of a public body before complaining directly to the environmental oversight body, similar to that proposed by Defra, it may result in increased demands on resources for public bodies that are subject to oversight.

The oversight body should be able to initiate investigations into suspected serious breaches of environmental law proactively. It should be able to prioritise according to the seriousness of issues, rather than be obliged to investigate all matters equally, for example by applying a public interest test to potential cases. This will allow the most appropriate and significant issues to be prioritised. For example, by taking a proportionate and risk-based approach to managing complaints that would allow the oversight body to prioritise high risk issues; those that are time-sensitive or have a significant impact on the environment, or those that have aggregated a large number of complaints. This would help to mitigate the risk of vexatious complaints or low risk issues reducing the oversight body's capacity to respond to more serious issues.

The resourcing and expertise of the oversight body and its approach to complaints and investigations of suspected serious breaches of environmental law should be considered. As noted in response to question 12, the expertise and knowledge pool may be relatively small in Wales for some technical areas. It is important that the oversight body is sufficiently impartial and has the necessary technical expertise, therefore it may be advantageous or indeed necessary to draw on expertise from across the UK. A common framework and UK wide agreement on the overarching principles would aid this approach.

Question 16: What informal and formal methods of enforcement do you consider an oversight body should operate in order to delivery on its role and objectives?

The consultation highlights that the Court of Justice of the European Union (CJEU) has the power 'to impose sizable fines on Member States in breach of their obligations under EU law' and that this is not the case for current UK and Welsh environmental governance. It could be counter-productive if the Environmental Oversight Body has the power to impose substantial fines on public bodies, as it is likely to result in reduced budgets for public bodies to remedy any issues highlighted. Enforcement should focus on remedial action to rectify issues, rather than a punitive process. It is important that the oversight body has credible sanctions however it should also aim to make best use of public money.

The oversight body could play a role in enforcing Welsh Government's wider environmental targets and objectives and scrutinising delivery against specific national policy outcomes by public bodies. This would support the role and remit of other public bodies, provided that there was no overlap or duplication of functions.

Question 17: What enforcement actions do you consider need to be available?

As noted in the response to question 16, it is important that any financial sanctions powers are proportionate and supported by a wider approach focussed on remedying issues. Enforcement actions should be designed to deliver SMNR outcomes and could include a process similar to enforcement undertakings as an approach to deliver such SMNR outcomes by focusing on rectification at source. The primary purpose of an enforcement undertaking is to allow the offender to restore and remediate any environmental damage they have caused and could be applied to public bodies to promote rectification of issues as a key function of enforcement. A similar approach could be taken to rectifying processes where issues are identified.

### **Other**

Question 18: Would there be advantages in having a shared core set of common environmental principles?

Yes.

As stated in the consultation, environmental principles help to drive environmental standards and inform the development of policy and legislation. The EU environmental principles currently apply to all administrations in the UK equally and are the legal framework for the development of policy and legislation by UK Government and the Welsh Government. Without a shared approach to a common overarching objective and environmental principles, the consultation's stated aim of a commitment to non-regression and enhancing environmental standards is likely to be more difficult to achieve.

Common environmental principles at a UK level would reduce the risk of regulatory divergence and provide a common baseline to landowners and industry, regardless of location. This would also reduce the risk of a 'race to the bottom' or other cross-border issues such as transboundary environmental damage being subject to different regulatory standards. It would also recognise that although environmental policy is a devolved matter, environmental challenges such as air pollution, water quality and climate change where these are transboundary and can only be addressed collaboratively.

A common framework for governance underpinned by a common objective, principles and standards would help to avoid gaps in the implementation of environmental policy across the UK. An overarching 'constitutional framework' would provide a clear and consistent baseline for governments, regulators, regulated businesses and individuals. Welsh primary legislation, such as the Environment (Wales) Act 2016 and the Wellbeing of Future Generations (Wales) Act 2015, was framed in alignment with EU Environmental Principles as an overarching framework that applied to all administrations in the UK. Further clarity on the operationalisation of principles and how they should apply without a common approach to devolved and non-devolved matters may be required without an

overarching framework, particularly where transboundary impacts occur. A common framework that followed a similar approach to the current EU framework would fully recognise and respect the different legal frameworks and devolved legislation across the UK.

The current wording of the UK Government's draft Environment (Principles and Governance) Bill provides exemptions from the Policy Statement under Clause 1(6) that means the environmental principles may not be applied in several specific circumstances. These exemptions include UK bodies that operate in Wales and have are potentially a regression of standards in comparison to current EC oversight. These are likely to apply in Wales unless a common set of principles or overarching constitutional framework can be agreed between UK and devolved administrations.

Question 19: What potential governance structures do you consider are needed to enable collaboration and collective decision-making to enable interface between administrations?

There are a number of successful UK approaches to the setting of common frameworks and standards, that could be drawn on when considering governance structures to enable and facilitate collaboration and collective decision-making at a UK level. For example, the UK Technical Advisory Group (UKTAG) on the Water Framework Directive, the UK Forestry Standard (UKFS) and the UK Common Standards Framework for monitoring of protected sites.

The UKTAG is a working group of experts drawn from environment and conservation agencies. It was formed to provide technical advice to the UK Government, devolved administrations and its own member agencies. The UKTAG also includes representatives from the Republic of Ireland. Its role includes developing environmental standards and conditions to underpin the implementation of the Water Framework Directive.

The UKFS is the reference standard for sustainable forest management in the UK. It outlines the context for forestry, sets out the approach of the UK governments to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring – including national and international reporting such as the aggregation and reporting of data under international legislation and to the UN. The UKFS has been developed by the forestry authorities across the UK and has involved many interested parties and the general public in a formal consultation. The UKFS has been endorsed by the UK and country governments and applies to all UK forests and woodlands.

The UK Common Standards Framework for monitoring of protected sites is a detailed set of standards – coordinated and published by JNCC on behalf of the UK statutory nature conservation agencies – for monitoring and assessing the condition of habitats and species across the UK protected sites network (SSSIs and European sites). The common standards enable the aggregation of habitat and

species condition data at a site and country level, to enable national/UK level assessments of the conservation status of protected habitats, species and earth science features.

A common framework for governance underpinned by a common objective, principles and standards would help to avoid gaps in the implementation of environmental policy across the UK. It would also help to clarify how regulators and administrations work together across the UK to manage transboundary issues, such as climate change, water quality or air pollution where a collaborative approach is essential. This approach would also clarify the role and remit of oversight bodies and regulated public bodies where devolved and non-devolved remits coincide. It would also help in developing joint responses with other UK administrations and regulators to international environmental issues and provide a framework for aggregation and reporting at a UK level under a range of international and UN environmental commitments.