



# Environment (Wales) Act 2016

2016 anaw 3

## PART 1

### SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

#### *Introduction*

#### **1 Purpose of this Part**

The purpose of this Part is to promote sustainable management of natural resources.

#### **2 Natural resources**

In this Part, “natural resources” includes (but is not limited to)—

- (a) animals, plants and other organisms;
- (b) air, water and soil;
- (c) minerals;
- (d) geological features and processes;
- (e) physiographical features;
- (f) climatic features and processes.

#### **3 Sustainable management of natural resources**

(1) In this Part, “sustainable management of natural resources” means—

- (a) using natural resources in a way and at a rate that promotes achievement of the objective in subsection (2),
- (b) taking other action that promotes achievement of that objective, and
- (c) not taking action that hinders achievement of that objective.

(2) The objective is to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing—

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- (a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and
- (b) contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).

#### **4 Principles of sustainable management of natural resources**

In this Part, the “principles of sustainable management of natural resources” are—

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;
- (b) consider the appropriate spatial scale for action;
- (c) promote and engage in collaboration and co-operation;
- (d) make appropriate arrangements for public participation in decision-making;
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;
- (g) take account of the short, medium and long term consequences of actions;
- (h) take action to prevent significant damage to ecosystems;
- (i) take account of the resilience of ecosystems, in particular the following aspects—
  - (i) diversity between and within ecosystems;
  - (ii) the connections between and within ecosystems;
  - (iii) the scale of ecosystems;
  - (iv) the condition of ecosystems (including their structure and functioning);
  - (v) the adaptability of ecosystems.

*General duties of public authorities*

#### **5 General purpose of Natural Resources Body for Wales**

- (1) The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) is amended as follows.
- (2) For article 4 substitute—

“4 **General purpose**

- (1) The Body must—
  - (a) pursue sustainable management of natural resources in relation to Wales, and
  - (b) apply the principles of sustainable management of natural resources, in the exercise of its functions, so far as consistent with their proper exercise.
- (2) In this article—

“principles of sustainable management of natural resources” (“*egwyddorion rheoli cynaliadwy ar adnoddau naturiol*”)

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has the meaning given by section 4 of the Environment (Wales) Act 2016;

“sustainable management of natural resources” (“*rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 3 of the Environment (Wales) Act 2016.”

(3) In article 5—

- (a) in the heading, after “Body's” insert “ general ”;
- (b) in paragraph (1), for “purpose” substitute “ general purpose in article 4 ”;
- (c) in paragraph (3) for “functions” substitute “ general purpose in article 4 ”.

(4) Omit articles 5B and 5E.

## **6 Biodiversity and resilience of ecosystems duty**

(1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

(2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

(3) Subsection (1) does not apply to—

- (a) the exercise of a function by Her Majesty's Revenue and Customs, or
- (b) the exercise of a judicial function of a court or tribunal.

(4) In complying with subsection (1)—

- (a) the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Minister of the Crown and a government department must have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, and
- (b) any other public authority must have regard to any guidance given to it by the Welsh Ministers.

(5) In complying with subsection (1), a public authority other than a Minister of the Crown or government department must have regard to—

- (a) the list published under section 7;
- (b) the state of natural resources report published under section 8;
- (c) any area statement published under section 11 for an area that includes all or part of an area in relation to which the authority exercises functions.

(6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).

(7) A public authority must, before the end of 2019 and before the end of every third year after 2019, publish a report on what it has done to comply with subsection (1).

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- (8) A public authority that has published a plan under subsection (6)—
- (a) must review the plan in the light of each report that it publishes under subsection (7), and
  - (b) may revise the plan at any time.
- (9) In this section—
- “Minister of the Crown” (“*Gweinidog y Goron*”) has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
- “public authority” (“*awdurdod cyhoeddus*”) means—
- (a) the Welsh Ministers;
  - (b) the First Minister for Wales;
  - (c) the Counsel General to the Welsh Government;
  - (d) a Minister of the Crown;
  - (e) a public body (including a government department, a local authority, a local planning authority and a strategic planning panel);
  - (f) a person holding an office—
    - (i) under the Crown,
    - (ii) created or continued in existence by a public general Act of the National Assembly for Wales or of Parliament, or
    - (iii) the remuneration in respect of which is paid out of money provided by the National Assembly for Wales or Parliament;
  - (g) a statutory undertaker.
- (10) In subsection (9)—
- “local authority” (“*awdurdod lleol*”) means a council of a county, county borough or community in Wales;
- “local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given by the Town and Country Planning Act 1990 (c. 8);
- “statutory undertaker” (“*ymgymerwr statudol*”) means any of the following—
- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
  - (b) an operator of an electronic communications code network (within the meaning of paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21));
  - (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part 5 of that Act applies;
  - (d) a gas transporter (within the meaning of Part 1 of the Gas Act 1986 (c. 44));
  - (e) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
  - (f) a water or sewerage undertaker;
  - (g) the Civil Aviation Authority or a holder of a licence under Chapter 1 of Part 1 of the Transport Act 2000 (c. 38), to the extent that the person holding the licence is carrying out activities authorised by it;
  - (h) a universal service provider within the meaning of Part 3 of the Postal Services Act 2011 (c. 5);

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“strategic planning panel” (“*panel cynllunio strategol*”) means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004 (c. 5).

## **7 Biodiversity lists and duty to take steps to maintain and enhance biodiversity**

- (1) The Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- (2) Before publishing a list under this section the Welsh Ministers must consult the Natural Resources Body for Wales (“NRW”) as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 6, the Welsh Ministers must—
  - (a) take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and
  - (b) encourage others to take such steps.
- (4) The Welsh Ministers must, in consultation with NRW—
  - (a) keep under review any list published by them under this section,
  - (b) make such revisions of any such list as appear to them appropriate, and
  - (c) publish any list so revised as soon as is reasonably practicable after revising it.
- (5) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.

*State of natural resources report*

## **8 Duty to prepare and publish state of natural resources report**

- (1) NRW must prepare and publish reports in accordance with this section containing its assessment of the state of natural resources in relation to Wales.
- (2) Each report must, among other things, set out—
  - (a) NRW's assessment of the extent to which sustainable management of natural resources is being achieved;
  - (b) NRW's assessment of biodiversity (including the living organisms and types of habitat included in any list published under section 7);
  - (c) what NRW considers to be the main trends and factors that are affecting, and are likely to affect, the state of natural resources;
  - (d) any aspects of the state of natural resources about which NRW considers that it does not have sufficient information to make an assessment.
- (3) NRW must publish its first report before the end of four months starting with the day this section comes into force.
- (4) Subsequently, NRW must publish a report before the end of the calendar year preceding a year in which an ordinary general election is due to be held.
- (5) NRW must publish a draft of each report required by subsection (4) before the end of the calendar year preceding the year in which the report must be published.

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- (6) In this section, “ordinary general election” means the poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c. 32).

*National natural resources policy*

**9 Duty to prepare, publish and implement national natural resources policy**

- (1) The Welsh Ministers must prepare and publish a document setting out their general and specific policies for contributing to achieving sustainable management of natural resources in relation to Wales (the “national natural resources policy”).
- (2) The national natural resources policy must set out what the Welsh Ministers consider to be the key priorities, risks and opportunities for sustainable management of natural resources in relation to Wales, including what they consider should be done in relation to climate change and biodiversity.
- (3) The Welsh Ministers may include anything in the national natural resources policy which they consider relevant to achieving sustainable management of natural resources in relation to Wales.
- (4) The Welsh Ministers must—
  - (a) take all reasonable steps to implement the national natural resources policy, and
  - (b) encourage others to take such steps.
- (5) The Welsh Ministers must publish the first national natural resources policy before the end of 10 months starting with the day this section comes into force.
- (6) The Welsh Ministers—
  - (a) must review the national natural resources policy after each general election, and
  - (b) may review the policy at any other time.
- (7) The Welsh Ministers may at any time revise the national natural resources policy and must publish the national natural resources policy as revised.
- (8) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.
- (9) In preparing or revising the national natural resources policy, the Welsh Ministers must have regard to the most recent report under section 8 on the state of natural resources in relation to Wales.
- (10) When the Welsh Ministers publish the national natural resources policy (or a revised policy), they must also publish a report summarising—
  - (a) any consultation that was carried out in preparing the policy, and
  - (b) any representations that were received as a result of the consultation.
- (11) In subsection (6), “general election” means a poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c. 32) or an extraordinary general election under section 5 of that Act.

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### *Area-based implementation of the national policy*

## **10 Meaning of public body in sections 11 to 15**

- (1) In sections 11 to 15, “public body” means any one of the following—
  - (a) a council of a county or county borough in Wales;
  - (b) a Local Health Board;
  - (c) the following NHS Trusts—
    - (i) Public Health Wales;
    - (ii) Velindre;
  - (d) a National Park authority for a National Park in Wales;
  - (e) a Welsh fire and rescue authority;
  - (f) the Higher Education Funding Council for Wales;
  - (g) the Arts Council of Wales;
  - (h) the Sports Council for Wales;
  - (i) the National Library of Wales;
  - (j) the National Museum of Wales.
- (2) The Welsh Ministers may by regulations amend subsection (1) by—
  - (a) adding a person,
  - (b) removing a person, or
  - (c) amending a description of a person.
- (3) But the regulations—
  - (a) may amend subsection (1) by adding a person only if that person exercises functions of a public nature;
  - (b) may amend that subsection by adding a Minister of the Crown only if the Secretary of State consents.
- (4) If the regulations amend subsection (1) so as to add a person who has functions of a public nature and other functions, sections 11 to 15 apply to that person only in relation to those of the person's functions that are of a public nature.
- (5) Before making regulations under subsection (2), the Welsh Ministers must consult—
  - (a) NRW,
  - (b) each person the Welsh Ministers propose to add or remove by the regulations, and
  - (c) such other persons as the Welsh Ministers consider appropriate.

## **11 Area statements**

- (1) NRW must prepare and publish statements (“area statements”) for the areas of Wales that it considers appropriate for the purpose of facilitating the implementation of the national natural resources policy.
- (2) NRW may use the area statements for any other purpose in the exercise of its functions.
- (3) Each area statement must—
  - (a) explain why a statement has been prepared for the area, by reference to—
    - (i) the natural resources in the area,
    - (ii) the benefits which the natural resources provide, and

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- (iii) the priorities, risks and opportunities for the sustainable management of natural resources which need to be addressed;
  - (b) explain how the principles of sustainable management of natural resources have been applied in preparing the statement;
  - (c) state how NRW proposes to address the priorities, risks and opportunities, and how it proposes to apply the principles of sustainable management of natural resources in doing so;
  - (d) specify the public bodies which NRW considers may assist in addressing the priorities, risks and opportunities.
- (4) NRW must ensure that every part of Wales is included in at least one of the areas for which it prepares an area statement.
- (5) NRW must—
- (a) take all reasonable steps to implement an area statement, and
  - (b) encourage others to take such steps.
- (6) NRW must keep area statements under review and it may revise them at any time.
- (7) Before publishing an area statement, NRW must consider whether—
- (a) another plan, strategy or similar document should be incorporated into the area statement, or
  - (b) the area statement should be incorporated into another plan, strategy or similar document.

## **12 Welsh Ministers' directions to implement area statements**

- (1) The Welsh Ministers may direct a public body to take such steps as appear to them to be reasonably practicable to address the matters specified in an area statement under section 11(3).
- (2) Before giving a direction the Welsh Ministers must consult the public body they intend to direct.
- (3) Where a direction is given to a public body under this section, the body must comply with it.
- (4) A direction under this section may not require a public body to do something it may not otherwise do in the exercise of its functions.
- (5) A direction under this section—
- (a) must be published;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on an application by, or on behalf of, the Welsh Ministers.

## **13 Guidance about implementing area statements**

- (1) In exercising its functions, a public body must have regard to any guidance given to it by the Welsh Ministers about steps that should be taken to address the matters specified in an area statement under section 11(3).
- (2) The Welsh Ministers must publish any guidance they give for the purposes of this section.



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#### **14 Duty of public bodies to provide information or other assistance to NRW**

- (1) If NRW asks a public body to provide NRW with information which it requires for the purpose of exercising functions under section 8 or 11, the public body must provide the information unless the public body is prohibited from providing it by virtue of an enactment or any other rule of law.
- (2) If NRW asks a public body to exercise its functions to provide NRW with other assistance which NRW requires for the purpose of exercising functions under section 8 or 11, the public body must provide the assistance unless the public body considers that doing so would—
  - (a) be incompatible with the public body's own duties, or
  - (b) otherwise have an adverse effect on the exercise of the public body's functions.
- (3) The duties of a public body in subsections (1) and (2) are also duties of the Future Generations Commissioner for Wales, but they only apply to the Commissioner if the information or other assistance is required for the production of a report under section 8 on the state of natural resources.

#### **15 Duty of NRW to provide information or other assistance to public bodies**

- (1) If a public body asks NRW to provide the public body with information which it requires for the purpose of implementing an area statement, NRW must provide the information unless NRW is prohibited from providing it by virtue of an enactment or any other rule of law.
- (2) If a public body asks NRW to exercise its functions to provide the public body with other assistance which the public body requires for the purpose of implementing an area statement, NRW must provide the assistance unless NRW considers that doing so would—
  - (a) be incompatible with NRW's own duties, or
  - (b) otherwise have an adverse effect on the exercise of NRW's functions.

#### *Land management agreements*

#### **16 Power to enter into land management agreements**

- (1) NRW may make an agreement with a person who has an interest in land in Wales about the management or use of the land (a “land management agreement”), if doing so appears to it to promote the achievement of any objective it has in the exercise of its functions.
- (2) A land management agreement may, among other things—
  - (a) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (b) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
  - (c) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
  - (d) provide for any matter for which a management scheme relating to a site of special scientific interest provides (or could provide);

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- (e) provide for the making of payments by either party to the other party or to any other person;
- (f) contain incidental and consequential provision.

(3) In this section—

“interest in land” (“*buddiant mewn tir*”) includes any estate in land and any right over land, whether the right is exercisable by virtue of ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;

“management scheme” (“*cynllun rheoli*”) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (c. 69) (see section 28J);

“site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (see section 52(1)).

## 17 Effect on successors in title of certain land management agreements

(1) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is not registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement—

- (a) the agreement may be registered as a land charge under the Land Charges Act 1972 (c. 61) as if it were a charge affecting land falling within paragraph (ii) of Class D,
- (b) the provisions of section 4 of that Act (which relates to the effect of non-registration) apply as if the agreement were such a land charge, and
- (c) subject to the provisions of section 4 of that Act, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.

(2) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement—

- (a) the agreement may be the subject of a notice in the register of title under the Land Registration Act 2002 (c. 9) as if it were an interest affecting the registered land,
- (b) the provisions of sections 28 to 30 of that Act (effect of dispositions of registered land on priority of adverse interests) apply as if the agreement were such an interest, and
- (c) subject to the provisions of those sections, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.

(3) A person has a qualifying interest in land for the purpose of this section if the interest is—

- (a) an estate in fee simple absolute in possession;
- (b) a term of years absolute granted for a term of more than seven years from the date of the grant and in the case of which some part of the period for which the term of years was granted remains unexpired.

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(4) In this section—

“registered land” (“*tir cofrestredig*”) has the same meaning as in the Land Registration Act 2002;

“successor” (“*olyndd*”), in relation to an agreement with a person with a qualifying interest in any land, means a person deriving title or otherwise claiming under that person with a qualifying interest, otherwise than in right of an interest or charge to which the interest of the person with the qualifying interest was subject immediately before—

- (a) the time when the agreement was made, where the land is not registered land, or
- (b) the time when the notice of the agreement was registered, where the land is registered land.

## **18 Application of Schedule 2 to the Forestry Act 1967 to land management agreements**

Schedule 2 to the Forestry Act 1967 (c. 10) (power for tenant for life and others to enter into forestry dedication covenants) applies to land management agreements as it applies to forestry dedication covenants.

## **19 Effect of agreements on dedication of highway and grant of easement**

For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land by virtue of a land management agreement is to be disregarded.

## **20 Transitional provisions**

- (1) An agreement relating to land in Wales entered into by NRW, or any predecessor of that body, under a disappplied enactment is to be treated as a land management agreement.
- (2) The disappplied enactments are—
  - (a) section 16 of the National Parks and Access to the Countryside Act 1949 (c. 97);
  - (b) section 15 of the Countryside Act 1968 (c. 41);
  - (c) section 39 of the Wildlife and Countryside Act 1981 (c. 69).

## **21 Crown land**

- (1) The appropriate authority may enter into a land management agreement as respects an interest in Crown land held by or on behalf of the Crown.
- (2) A land management agreement as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (3) “Crown land” means land an interest in which—
  - (a) belongs to Her Majesty in right of the Crown,
  - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
  - (c) belongs to the Duchy of Cornwall, or

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- (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (4) “The appropriate authority”, in relation to any land, means—
- (a) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
  - (b) if the land belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (c) if the land belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (d) if the land belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.
- (5) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

### *Experimental schemes*

## **22 Power to suspend statutory requirements for experimental schemes**

- (1) On the application of NRW, the Welsh Ministers may by regulations make provision in relation to Wales—
- (a) conferring on any person exemption from a statutory requirement for which NRW is responsible;
  - (b) relaxing any such requirement r in its application to a person;
  - (c) requiring a person to whom an exemption or relaxation applies to comply with conditions specified in the regulations;
  - (d) modifying an enactment in a way the Welsh Ministers consider necessary for the enforcement of, or in consequence of, any provision made by virtue of paragraphs (a) to (c)?.
- (2) Regulations under subsection (1) may not make provision removing or modifying a function of a Minister of the Crown that was exercisable by a Minister of the Crown before 5 May 2011 unless the Secretary of State consents to the provision.
- (3) Before making provision under subsection (1), the Welsh Ministers—
- (a) must be satisfied that the provision is necessary to enable an experimental scheme that is likely to contribute to the sustainable management of natural resources to be carried out,
  - (b) must be satisfied that the regulations will not have the overall effect of increasing the regulatory burden on any person, and
  - (c) must consult—
    - (i) persons they think are likely to be affected by provision in the regulations, and
    - (ii) persons they think are likely to be otherwise affected by the experimental scheme.

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- (4) Regulations under subsection (1) have effect during a period specified in the regulations which must not exceed three years.
- (5) But regulations under subsection (1) may, on one occasion only, extend the period for which previous regulations under that subsection have effect by a period of not more than three years from the end of the period specified in the previous regulations.
- (6) Where the only substantive effect of regulations under subsection (1) is to revoke previous regulations under that subsection, the regulations may be made without an application from NRW.
- (7) And subsection (3) does not apply to provisions in regulations under subsection (1) which revoke previous regulations under that subsection (whether or not NRW applies for the revocation).
- (8) Where provision has been made under subsection (1) to enable an experimental scheme to be carried out, NRW must—
  - (a) evaluate the scheme at such time as it considers appropriate, and
  - (b) publish a report setting out the evaluation and describing any action that NRW considers should be taken in light of it.
- (9) For the purposes of this section—
  - (a) a statutory requirement is a requirement imposed by an enactment;
  - (b) NRW is responsible for a statutory requirement if—
    - (i) it is a requirement to comply with a standard set or requirement imposed by NRW,
    - (ii) it is a requirement to obtain a licence or other authorisation from NRW before doing something,
    - (iii) it is a requirement that may be enforced by NRW, or
    - (iv) it is a requirement that applies to NRW and is concerned with the way in which, or the purposes for which, natural resources are managed or used.
- (10) In this section, “experimental scheme” means a scheme carried out under arrangements made by NRW under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

## **23 Power of NRW to conduct experimental schemes etc.**

In the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), for article 10C substitute—

### **“10C Research and experimental schemes**

- (1) The Body may make arrangements for the carrying out (whether by the Body or by other persons) of research and experimental schemes that are relevant to the exercise of its functions.
- (2) The Body may provide support (by financial means or otherwise) for research and experimental schemes that are relevant to the exercise of its functions; and paragraphs (2) and (3) of article 10B apply to the giving of financial assistance under this paragraph.

*Status: Point in time view as at 01/04/2017.*

*Changes to legislation: Environment (Wales) Act 2016, PART 1 is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In carrying out activities under this article relating to nature conservation, the Body must have regard to any common standards established under section 34(2)(c) of the Natural Environment and Rural Communities Act 2006 in so far as they are applicable to the activities.

(4) In this article—

“experimental scheme” (“*cynllun arbrolfol*”) means a scheme designed—

- (a) to develop or apply new or modified methods, concepts or techniques, or
- (b) to develop or test proposals for regulatory change;

“research” (“*ymchwil*”) includes inquiries and investigations.”

### *General*

## **24 Power to amend periods for the preparation and publication of documents**

(1) The Welsh Ministers may by regulations make provision changing the time by which the following documents must be prepared or published—

- (a) a state of natural resources report or a draft of such a report;
- (b) the national natural resources policy.

(2) Regulations under subsection (1) may make provision by way of amendment of this Part.

(3) Before making regulations under subsection (1) the Welsh Ministers must consult NRW.

## **25 Regulations under this Part**

(1) A power to make regulations under this Part is to be exercised by statutory instrument.

(2) A power to make regulations under this Part includes power—

- (a) to make different provision for different purposes or cases;
- (b) to make transitional or saving provision.

(3) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

(4) A statutory instrument containing regulations whose only substantive effect is to revoke regulations made under section 22(1) is not subject to the requirement in subsection (3), but must be laid before the National Assembly for Wales after being made.

## **26 General interpretation of this Part**

In this Part—

“biodiversity” (“*bioamrywiaeth*”) means the diversity of living organisms, whether at the genetic, species or ecosystem level;

“land” (“*tir*”) includes land covered by water;

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“land management agreement” (“*cytundeb rheoli tir*”) means an agreement under section 16;

“national natural resources policy” (“*polisi adnoddau naturiol cenedlaethol*”) has the meaning given by section 9;

“natural resources” (“*adnoddau naturiol*”) is to be interpreted in accordance with section 2;

“NRW” (“*CNC*”) means the Natural Resources Body for Wales;

“principles of sustainable management of natural resources” (“*egwyddorion rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 4;

“sustainable management of natural resources” (“*rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 3.

## **27 Minor and consequential provision**

- (1) The amendments made by this Part to the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) do not affect the power of the Welsh Ministers to make further orders under sections 13 and 15 of the Public Bodies Act 2011 (c. 24) amending or revoking the provision made by those amendments.
- (2) Part 1 of Schedule 2 provides for minor and consequential amendments and repeals relating to this Part.

**Status:**

Point in time view as at 01/04/2017.

**Changes to legislation:**

Environment (Wales) Act 2016, PART 1 is up to date with all changes known to be in force on or before 08 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.