



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Welsh Government, via: [EthicsandRegulation@wales.gsi.gov.uk](mailto:EthicsandRegulation@wales.gsi.gov.uk)

11 May 2014

Dear Sir/Madam,

**Local Government Byelaws (Wales) Act 2012 – Implementation  
Consultation on new guidance and subordinate legislation under the Local Government  
(Wales) Byelaws Act 2012.**

**Response by Cyfoeth Naturiol Cymru/Natural Resources Wales**

Thank you for consulting Natural Resources Wales (NRW) on the above matter.

We work as a regulator, partner and advisor to businesses, non-governmental organisations, Local Authorities and communities to help deliver Welsh Government and European Union policies and priorities. We take an ecosystem approach to promoting sustainable development that delivers social, economic and environmental benefits to the people of Wales.

Of relevance to this consultation, Natural Resources Wales has powers to make byelaws transferred from its legacy body, Countryside Council for Wales. We have a limited number of instances where byelaw powers relevant to this consultation are used. We continue to value the availability of such powers as part of the tools we have available to support our work e.g. in relation to Skomer Marine Nature Reserve we feel they provide an effective deterrence. However, we often use alternative, stronger powers within legislation to pursue similar ends.

The guidance provided is generally clear and helpful in relation to the processes and practice required for the use of relevant byelaw making powers. In relation to the proposed Order and byelaws that do not require confirmation by the Minister, we do not wish to make additions to the list included in Schedule 1 at this time.

Our comments to the specific consultation questions are included below.

Please do not hesitate to contact the following member of staff in Natural Resources Wales if you would like to discuss our views on this matter in more detail: [Jont.Bulbeck@cyfoethnaturiolcymru.gov.uk](mailto:Jont.Bulbeck@cyfoethnaturiolcymru.gov.uk)

Yours sincerely,

Ceri Davies,  
Executive Director, Knowledge Strategy and Planning

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / Correspondence welcomed in Welsh and English

## **Natural Resources Wales specific comments**

### **Guidance document**

#### **1. Is the guidance clear and useful?**

- Yes
- No
- Not sure

*Comment:*

While generally clear and useful, some improvements could be made e.g. more plainly stating the authorities to whom the powers apply. In places the legislation applies only to county or county borough councils, yet the guidance is not always clear on this. It would be clearer if each section of the guidance names the relevant authorities a section of the legislation applies to.

Also in relation to NRW's powers it would help if the wording used in the guidance was clearer about whether or not the legislation applies only to the byelaw powers of NRW transferred from the Countryside Council for Wales [at the moment it is not clear if the legislation does or does not also include NRW's byelaw powers transferred from Environment Agency Wales or Forestry Commission Wales].

#### **2. Are there any aspects of the byelaw process for which you would find guidance helpful that have not been covered in the guidance document?**

- Yes
- No
- Not sure

*Comment:*

However, the inclusion of process diagrams within the guidance would be helpful.

### **Regulations**

#### **3. What are your views about the range within which fixed penalties may be set?**

The range of fixed penalties set out appears to be reasonable.

### **Explanatory Memorandum (EMRIA) - Regulations**

#### **4. What are your comments on the EMRIA document? :**

No comment.

#### **5. Do you agree with the benefits outlined for option 3 in the EMRIA document?**

- Yes
- No
- Not sure

*Comment:*

No comment

## Order

**6. Do you have any comments or views on the byelaw powers contained in the Order?**

- Yes  
 No  
 Not sure

*Comment:*

No comment

**7. Do you have any suggestions for other byelaw powers that you consider should be added to Schedule 1? If so, why do you consider it appropriate to do so in each case?**

- Yes  
 No  
 Not sure

*Comment:*

We have no request for additions at this time, but have noted the opportunity to do so in the future.

## Explanatory Memorandum (EMRIA) - Order

**8. What are your comments on the EMRIA document?**

No comment

**9. Do you agree with the benefits outlined for Option 3 in the document?**

- Yes  
 No  
 Not sure

*Comment:*

No comment

We understand that this response will be made public.

***Cyfoeth Naturiol Cymru / Natural Resources Wales***

***May 2014***