

**WATER RESOURCES ACT 1991**

**THE WALES ROD AND LINE (SALMON AND SEA TROUT) BYELAWS 2017  
THE WALES NET FISHING (SALMON AND SEA TROUT) BYELAWS 2017**

**DOCUMENT NRW/5A  
SUMMARY PROOF OF EVIDENCE  
OF  
RUTH JENKINS  
HEAD OF NATURAL RESOURCE MANAGEMENT POLICY**

**on behalf of  
NATURAL RESOURCES WALES**

**NOVEMBER 2018**

## 1 Personal background

- 1.1 My name is Mrs Ruth Jenkins, and I am the Head of Natural Resource Management Policy (currently Acting Executive Director Evidence Policy and Permitting). In my role I oversee NRW policy and strategic planning work which sets out how NRW pursues the sustainable management of natural resources.
- 1.2 I am qualified to degree level in Environmental Science, with 30 years' experience in environmental policy and land management operations covering agriculture, forestry, water management and biodiversity and recreational access.
- 1.3 With regards to my involvement with the Wales Rod and Line (Salmon and Sea Trout) Byelaws 2017 and the Wales Net Fishing (Salmon and Sea Trout) Byelaws 2017 (together "**the All Wales Byelaws**"), I manage the fisheries advisors in my capacity as Head of Natural Resource Management and I lead the Strategic Fisheries Management Group across NRW which includes senior leads in national and operational management of fish stock and fisheries. Under my supervision, the fisheries advisors have led the work on developing the proposed case for amended byelaws and I have submitted and sponsored decision papers to the NRW Board.

## 2 Scope of evidence

- 2.1 My evidence seeks to demonstrate the legislative, strategic and policy context for NRW's wider duties which support the sustainable management of fish stock and fisheries in Wales through, in particular, the implementation of the All Wales Byelaws.

## 3 Legislative background

- 3.1 The Environment (Wales) Act 2016<sup>1</sup> sets the statutory purpose of NRW as being to pursue Sustainable Management of Natural Resources (**SMNR**). This promotes an integrated approach to addressing the pressures and drivers of ecosystem change, rather than just mitigating its effects. SMNR, together with NRW's duty in Section 6 of the 2016 Act to maintain and enhance biodiversity, and the Nature Recovery Action Plan (**NRAP**) (which represents the biodiversity strategy for Wales), provide NRW

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<sup>1</sup> LEG/25

with a renewed focus to exercise the full range of our functions so as to improve ecosystem resilience.

- 3.2 In the Well-being of Future Generations (Wales) Act 2015<sup>2</sup> (“**the 2015 Act**”), ‘sustainable development’ means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principles, is aimed at achieving the well-being goals set out in the 2015 Act.
- 3.3 NRW has also corporately set out its key wellbeing objectives and framed its corporate plan around these objectives. Its wellbeing objectives include, for example, championing the Welsh environment and the sustainable management of Wales’ natural resources, and to ensure land and water in Wales is managed sustainably and in an integrated way. This means that activity and resources are being aligned around NRW’s statutory duties under the 2016 Act, in the context of the 2015 Act.

#### **4 Sustainable Management of Natural Resources**

- 4.1 The SMNR objective is about taking action to build resilience into Wales’ natural resources and ecosystems so that the services they provide are available now, for future generations, and so they contribute to the achievement of the well-being goals.
- 4.1 The 2016 Act also sets out nine principles which apply when working towards the objective of the sustainable management of natural resources. These principles include, for example, taking account of the benefits and intrinsic value of natural resources and ecosystems, as well as taking action to prevent significant damage to ecosystems.
- 4.2 The principles of SMNR apply to NRW when exercising its functions, and to Welsh Ministers when developing and implementing the Natural Resources Policy.

#### **5 Biodiversity duty and lists**

- 5.1 Section 6 of the 2016 contains the biodiversity and resilience of ecosystems duty, which requires public authorities to seek to maintain and enhance biodiversity in the

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<sup>2</sup> LEG/23.

exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems. Section 7 also requires that the Welsh Ministers prepare and publish a list of species and habitats of principal importance for Wales, and take all reasonable steps to maintain and enhance those species and habitats, and to encourage others to take such steps. Atlantic salmon and sea trout are so listed.

- 5.2 NRW's work on biodiversity is guided by the six objectives of the Nature Recovery Action Plan for Wales ("**NRAP8**")<sup>3</sup> which have been identified to contribute to reversing the decline of biodiversity in Wales.

## **6 Other principles which NRW applies to the conservation of biodiversity**

- 6.1 There are other high-level principles which guide NRW's work. For example, the need to apply a Precautionary Principle arises from Article 191 of the Treaty of the European Union, ("**the TEU**")<sup>4</sup> which requires EU policy and action relating to the environment to embed the Precautionary Principle. This is equivalent in effect to the Precautionary Approach adopted by ICES and NASCO.
- 6.2 The Precautionary Principle as defined by the TEU concerns how decisions should be made when there is uncertainty about the (environmental) consequences. Generally, the requirement to prove no harm overrides the requirement to prove harm. The Precautionary Principle applies to NRW's approach to the conservation, management and exploitation of natural resources, and in turn, has informed its proposed All Wales Byelaws.

## **7 The State of Natural Resources Report**

- 7.1 SoNaRR<sup>5</sup> sets out the national evidence base for the sustainable management of natural resources. It shows that no ecosystem in Wales is currently showing all the attributes of resilience. This impacts the ability of our ecosystems to provide benefits for people, including contributing to well-being.

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<sup>3</sup> POL/17.

<sup>4</sup> LEG/7.

<sup>5</sup> POL/19.

## 8 Relationship between the two Acts

- 8.1 Wales' natural resources and ecosystems underpin our cultural, social, economic and environmental well-being. NRW's strategy for the sustainable management of fish stocks and fisheries is set in the context of the 2015 and the 2016 Act, as well as NRW's evidence base and the principles of SMNR.

## 9 Area statements

- 9.1 One of the key ways in which NRW will be bringing its evidence base together at relevant scales is the implementation of Area Statements. Area Statements set out a local evidence base for SMNR, and support place-based approaches, which are linked to the challenges, opportunities and national priorities in the Natural Resources Policy.
- 9.2 Area Statements' evidence, and the statutory requirement to use them, shows the difference between the longer-term challenges to fix our failing ecosystems and the need to apply shorter term functions which safeguard species conservation. The All Wales Byelaws provide a mechanism for achieving desired outcomes at an appropriate spatial and temporal scale, and can ensure we maintain a resource while we work to fix other issues which impact on ecological resilience.

## 10 Policy underpinning the All Wales Byelaws

- 10.1 Our policy for managing the biological diversity of fish stocks including their genetic material, is to deploy specific duties that allow NRW to maintain populations of relevant species while NRW manage the longer-term challenges. Where NRW known risks to biodiversity or uncertainty of outcomes from current interventions we would deploy actions to lower the risk.
- 10.2 The All Wales Byelaws are just one means by which NRW proposes to carry out of its functional responsibility. This functional responsibility includes the regulation of inland fisheries in Wales, with a duty under the Environment Act 1995 ("**the 1995 Act**")<sup>6</sup> to maintain, improve and develop fisheries. The Current Strategy for

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<sup>6</sup> LEG/11.

Sustainable inland fisheries in Wales-Agenda for Change<sup>7</sup> sets out the long-term ambition and direction NRW is taking in the management of inland fisheries and sets out the challenges, evidence requirements and how we need to work to deliver sustainable fisheries in Wales. In the case of fisheries management, NRW's purpose and duties in relation to the 1995 Act are complimented by its functional duties and allow NRW to make critical evidenced interventions to sustain fish stocks.

## 11 Other measures

- 11.1 NRW is proposing a number of responses to the depleting salmonoid stocks in addition to the All Wales Byelaws<sup>8</sup>. NRW's additional suite of measures is addressed further in the evidence of Mr Robert Vaughan<sup>9</sup>.
- 11.2 Collectively these specific actions and the range of other actions and general duties carried out by NRW are being designed to support SMNR in Wales, positively enabling appropriate land and water management practices by us and others.

## 12 Statement of truth

12.1 I hereby declare that:

- I. This proof of evidence includes all the facts which I regard as being relevant to the opinions that I have expressed and that the inquiry's attention has been drawn to any matter which would affect the validity of that opinion;
- II. I believe the facts that I have stated in this proof of evidence are true and that the opinions I have expressed are correct; and
- III. I understand my duty to the inquiry to help it with matters within my expertise and I have complied with that duty.

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<sup>7</sup> POL/6.

<sup>8</sup> See Appendix 1 to Mr Gough's evidence, NRW/1(B).

<sup>9</sup> NRW/6.

**Ruth Jenkins**

Head of Natural Resource Management Policy

Natural Resources Wales