

# ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 2*

#### **Part 1: Sustainable management of natural resources**

357. [Part 1](#) of Schedule 2 makes a number of amendments and repeals in relation to Part 1 of the Act.
358. [Paragraphs 1 to 5](#) make a number of amendments as a consequence of sections 16 and 23 of the Act. Amendments are made to the National Parks and Access to the Countryside Act 1949 (1949 Act), Countryside Act 1968 (1968 Act) and Wildlife and Countryside Act 1981 as a result of section 16 of the Act. These amendments have the effect of removing NRW's powers to make land management agreements under these Acts, as those powers are now replaced by the power in section 16 of the Act.
359. [Paragraphs 1 to 5](#) of Schedule 2 also amend various provisions that refer to agreements made under the previous powers in the 1949 Act, 1968 Act and 1981 Act so that they refer instead to land management agreements made under section 16 the Act.
360. [Paragraph 2\(2\)](#) repeals section 4 of the 1968 Act, removing NRW's power to conduct experimental projects or schemes. A broader power to conduct experimental schemes is now provided by section 23 of the Act, which substitutes Article 10C of the Natural Resources Body for Wales (Establishment) Order 2012.
361. [Paragraphs 6 to 9](#) make amendments to a number of Acts to create a link with relevant provisions in Part 1 of the Act. Paragraph 6 amends the Environment Act 1995 to ensure that National Park authorities are required to have regard to the most recent state of natural resources report and any relevant area statement(s) when publishing, adopting or reviewing management plans under section 66 of that Act.
362. [Paragraph 7](#) amends the Countryside and Rights of Way Act 2000 to ensure that in publishing, adopting or reviewing a management plan under section 89 of that Act, the relevant local authority or conservation board must have regard to the most recent stage of natural resources report and any area statement relevant to the area of outstanding natural beauty as appropriate.
363. [Paragraph 8](#) amends the Planning and Compulsory Purchase Act 2004, to ensure that the national natural resources policy is taken into account in the preparation of the National Development Framework and that in the preparation of Local Development Plans (LDP) regard must be had to any areas statements relevant to that LDP.
364. [Paragraph 9](#) amends the duty in section 40 of the NERC Act 2006 for public authorities to have regard to biodiversity, so that it applies only in relation to HMRC, and in relation to other public bodies when they are exercising functions in relation to England. Section 6 of the Act will apply instead where public authorities other than HMRC are exercising functions in relation to Wales.

*These notes refer to the Environment (Wales) Act 2016  
(c.3) which received Royal Assent on 21 March 2016*

365. Sub-paragraph (3) repeals section 42 of the NERC Act 2006 which requires the Welsh Ministers to prepare and publish a list of living organisms and habitats of principal importance for biodiversity in Wales. The requirement is now provided for by section 7 of the Act. A number of further amendments are made to Schedule 11 of the NERC Act 2006 in sub-paragraph (4).
366. [Paragraph 10](#) inserts a new paragraph into section 36(1) of the Well-being of Future Generations (Wales) Act 2015. The new paragraph will require Public Service Boards in preparing a local well-being assessment to take into account an area statement or statements published under section 10 of this Act, which relate to any part of a local authority's area. Sub-paragraph (2) updates the definition of UN Sustainable Development Goals in the 2015 Act.
367. [Paragraph 11](#) repeals paragraph 29 of Schedule 2 to the Planning (Wales) Act. Paragraph 29 amended the definition of a public authority in section 40 of the NERC Act 2006. Section 6 of the Act repeals section 40 of the NERC Act 2006 in relation to the functions of public authorities in relation to Wales and therefore paragraph 29 has no effect.