

**Dated: 6<sup>th</sup> February 2019**

**MEMORANDUM OF UNDERSTANDING between Natural Resources Body for Wales (NRW) of 29 Newport Road, Cardiff, CF24 0TP and Welsh Local Government Association (WLGA), of Local Government House, Drake Walk, Cardiff, CF10 4LG.**

**1. Aim and purpose of the Memorandum**

- 1.1. This Memorandum records the understanding of NRW and WLGA in respect of their common objectives relating to matters of mutual interest, primarily operational activity and facilitating strategic and policy collaboration with local authorities through the WLGA. It will support better working arrangements and communication whilst public sector resources are reducing to ensure efficient and effective provision of frontline services. Further details of which are set out at in the Annexes attached. It sets out a framework through which the parties seek to enhance the delivery of mutual objectives by sharing knowledge and information.
- 1.2. This Memorandum recites the responsibilities of the parties and establishes the general principles for their cooperation.
- 1.3. This Memorandum shall be effective from the date recorded above and it will be regularly reviewed in accordance with paragraph [6] of this Memorandum.

**2. Roles and functions of the signatories**

**2.1. NRW**

2.1.1 NRW is a Welsh Government Sponsored Body. NRW's purpose is to pursue sustainable management of natural resources in relation to Wales and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

2.1.2 The roles and responsibilities include, amongst others:

- A principal adviser to the Welsh Government on the environment and natural resources and a statutory consultee to planning applications per year;
- Acting as a regulator using over 40 different sets of regulation including those for designated sites, the marine environment, forestry and the nuclear, waste and water industries;
- A land manager for 7% of the land area of Wales including woodlands, water and National Nature Reserves;
- An environmental operator managing over 120,000 hectares of woodland and maintaining almost 2,000 miles of flood defences;



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- As an incident responder dealing with approximately 9,000 reported incidents and issuing flood warnings to over 100,000 people;
- Promoting enterprise activities on the estate it manages, including energy projects and the harvesting and marketing of timber.

## **2.2. WLGA**

2.2.1 The WLGA represents the interests of the 22 local authorities in Wales. The three national park authorities and the three fire and rescue authorities are associate members. It seeks to provide representation to local authorities within an emerging framework that satisfies priorities of their members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

## **3. Principles of working together**

3.1. NRW and WLGA each recognise the independent remit of the other party and the requirement for each party to exercise its own discretion in all decision making, but will aim to:

- collaborate and cooperate where appropriate in the achievement of their shared and respective objectives in the marine and terrestrial environments;
- engage in open discussion in areas of mutual interest to achieve their respective objectives in contributing to the sustainable development of the marine and terrestrial environments;
- operate in a transparent way while undertaking their responsibilities;
- involve and work with each other in areas of shared interest or concern, with other relevant delivery partners included, where appropriate and agreed;
- share and keep each other informed of any data, research, collected information or other work or development that either party believes would be helpful to the other in connection with the decisions or activities of either party, taking account of their respective obligations under the Data Protection Act 1998 and subject to any intellectual property or confidentiality restrictions placed on the parties;
- explore further opportunities to develop shared working practices and reduce duplication of effort. Where such opportunities are identified, the specific terms on which the parties will share working practices will be negotiated and agreed outside the terms of this Memorandum; and
- seek to deliver consistent and coordinated messages when working together on projects and when working with Government, delivery partners and the public.

## **4. Status**



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- 4.1 NRW, as a Welsh Government Sponsored Body, is accountable to Ministers and the Welsh Government, as set out in the Establishment Order for the Body and the agreed Governance Framework. The parties recognise that any relevant requirements in these governance arrangements take precedence over this Memorandum.
- 4.2 The parties agree that this Memorandum is not legally binding between them and does not create any form of partnership or legal rights or obligations. It is however a statement of their shared intention to work together in a spirit of co-operation in pursuance of the matters outlined above.
- 4.3 Nothing in this Memorandum of Understanding shall fetter the discretion of NRW and its duties to be impartial, fair to all affected persons and to exercise (and be seen to exercise) its functions in accordance with the requirements of relevant legislation at all times. Accordingly, nothing in this Memorandum is to be taken as limiting or affecting NRW's exercise of its powers and duties.

## **5. Announcements**

The parties will endeavour to keep each other informed in advance (taking into account confidentiality and other obligations owed to third parties) of any forthcoming significant public policy announcements on material matters of mutual interest including, for example only, early notice of non-restricted significant business developments and non-routine asset sales.

## **6. Review and appraisal of the Memorandum**

- 6.1. In addition to ad hoc meetings as business dictates, NRW and WLGA will also meet approximately every six months (these meetings may be via video/tel conferencing) ("the Biannual Meeting") to review the shared wider strategic context of the environments in which they operate and explore opportunities for the improvement of joint working practices.

- 6.2. This Memorandum will be reviewed:

(a) at the Biannual Meeting; and

(b) whenever substantial changes occur to the policies, external relationships and structures of the parties concerned, or to the interaction between governments within the UK;

and any amendments to this Memorandum consequent upon those reviews will be incorporated into it by the parties by mutual agreement.

## **7. Primary Contacts**

NRW and WLGA will each nominate a primary contact. These primary contacts will be responsible for encouraging a fluent and (where the commercial interests of the parties allow) transparent relationship between NRW and WLGA, resolving difficulties and monitoring the smooth operation of this Memorandum.

## **8. Signatories**

8.1. The parties agree to the terms set out in this Memorandum.

Signature

Signature

Sir David Henshaw

Debbie Wilcox

(Interim) Chair of

Leader

Natural Resources Body for Wales

Welsh Local Government Association



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## **Annex 1**

There are already a number of areas where the activities of respective operational staff work closely on a regular basis:

- Flood and water management;
- Coastal defence and flood mitigation;
- Environmental enforcement;
- Waste management;
- Legislative implementation;
- Water and air quality;
- Energy and decarbonisation;
- Landscape (National Parks and AONBs);
- Countryside and land management;
- Planning and permitting;
- Public Services Boards (PSB).

Recognising the evident synergies and desire for a sustainable Wales, Local Authorities and Natural Resources Wales acknowledge that greater collaboration could add value to existing ways of working.

### **The agreement will be informed by and reflect the following ways of working**

- Issues raised early and resolved at relevant level in organisations
- Only systemic/strategic issues brought up to NRW Head of Place/LA Director resolution
- All staff understand escalation hierarchy and used appropriately
- All existing forums used appropriately
- Managers have the day to day working relationships
- Resolve as much as possible at officer/manager level locally,
- NRW Operational Managers – liaise with Head of Service in LA
- Bring the exceptions/strategic issues up to Heads of Place/Director – (for NRW: involve policy lead from EPP and Head of Business as required).
- Head of Place/Director - regular liaison (6 monthly).
- Monthly catch up between the Primary Contacts (Section 7) informed of issues/opportunities by NRW Heads of Place/ LA Directors.
- Primary Contacts coordinate the Biannual 6 monthly review and appraisal as set out in Section 6.

## **Governance**

Informed by the above we will establish and maintain communication links at all levels throughout our respective organisations, with representation relevant and appropriate to the nature of the issues (ranging from operational to strategic, local to national.)

See Annex 2 for NRW Place boundaries and details of our 6 Heads of Place (and one for Marine). This provides the geographical inter-relationship between the NRW operational areas and the Local Authorities in Wales.

## **Operationally**

- Resolve at the source point of an issue
  - Task and Finish(T&F) groups as necessary
- Establish liaison mechanism to enable discussion and resolution
  - LA and NRW Operational Team Leaders (regularly)
  - Heads of Service (LA) and Operational Managers (NRW) (quarterly)
  - Director of Environment/Director of Environmental Health (LA) and Heads of Place (NRW) (6 monthly).

## **Strategically**

- WLGA Director/Policy and NRW EPP (Evidence Planning and Permitting) representative and Head of Place representative forming Primary Contact as per Section 7. (Once monthly liaison group). NB. in NRW Heads of Place will raise strategic/national issues up to Head of Business/Executive Team (ET).
- Political Leaders and Chair of NRW (annually)
- CEO WLGA and CEO NRW (as necessary)

## **Information**

- Data sharing
  - Through Area Statements once available
  - Through PSB at a local level
  - Routinely
  - Exceptionally



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#### **Existing liaison arrangements:**

**This agreement sets the framework, but does not replace existing liaison mechanisms such as,**

##### **i) Policy:**

- POSW (Planning Officer Society for Wales). NRW is a statutory consultee for local authority planning applications. Marine licensing for undertaking works on the coast and marine environment are issued by NRW.
- Waste. NRW undertakes the role of regulator and issues waste licences. In the regulator role a requirement is placed upon local authorities to provide regular detailed reports on the disposal of waste materials.

##### **ii) Regional liaison**

- Flood Risk Management Groups  
Three Groups established on regional basis North, South East and South West. In each of these geographical area representatives from the local authorities, together with NRW representatives and Water Companies meet at least every 4 months to identify, discuss and address issues of mutual concern at both local and national level.
- Local Resilience Fora.  
These are fora established in each police area by key emergency responders and specific support agencies, (NRW and Local Authority Emergency Planning Officers attend) as a requirement of the Civil Contingencies Act 2004. An LRF allows responders access to a forum to consult, collaborate and disclose information with each other to facilitate planning and response to emergencies, and produce a [Community Risk Register](#).

#### **Other areas for working together (see Annex 3)**

- Efficiency opportunities
- Shared use of assets (people and physical)
- Procurement
- Review of existing working arrangements to bring up to date with new legislation etc.  
– i.e. Fly-tipping working agreement





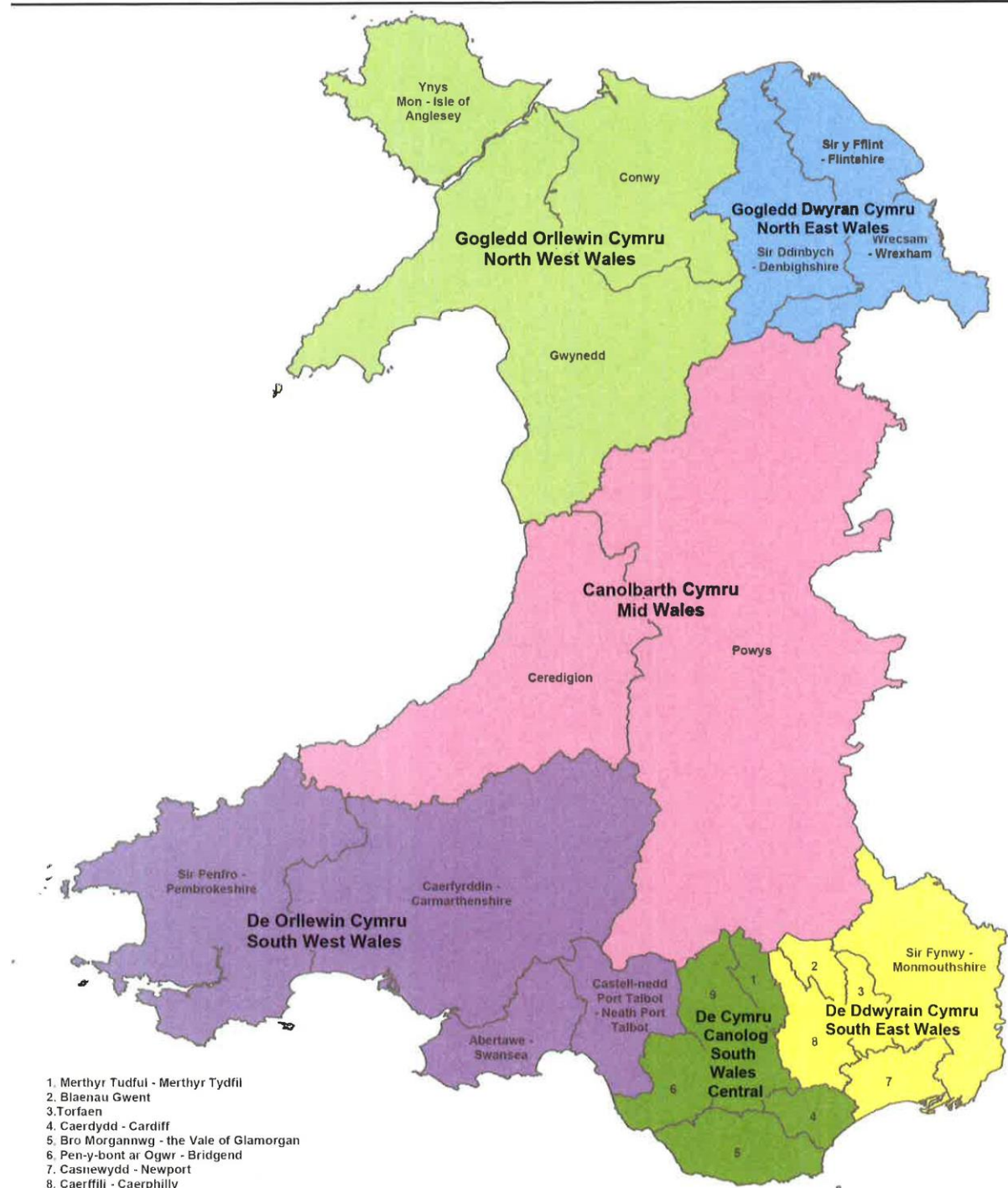
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## **Annex 2**

NRW operational boundaries for each place and who is head of that place





In NRW we have taken the decision to change our structures and ways of working to enable us to respond to the requirements of the Well-being of Future Generations Act and Environment Act. The new structure we are transitioning to in operations will be made up of six “places”, with a leadership team member responsible for each, focussed and responsive to the needs of our local partners on Public Services Boards and organisations such as the National Parks. This change is significant and demonstrates our commitment to “place making” and the importance of valuing local distinctiveness.

NRW <b>Head of Place</b>	Local Authority <b>Director</b> of Environment
Sian Williams (North West)	Gwynedd  Ynys Mon  Conwy
Lyndsey Rawlinson (North East)	Denbighshire  Flintshire  Wrexham
Martin Cox (Mid Wales)	Ceredigion,  Powys
Martyn P Evans (South West)	Pembrokeshire  Carmarthenshire  Swansea  Neath Port Talbot
John Hogg (South Central)	Bridgend  Rhondda Cynon Taff  Vale of Glamorgan



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	Merthyr Tydfil Cardiff
Steve Morgan (South East)	Caerphilly Blaenau Gwent Monmouthshire Newport Torfaen
Rhian Jardine (Development Planning and Marine)	



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## **ANNEX 3**

### **POTENTIAL AREAS OF WORKING TOGETHER**

- **Efficiency opportunities**
  - Maintenance provision of assets infrastructure: Consider criteria and grading system and joint training on maintenance - so that we can share routine operational activities more efficiently.
  - Shared office space in the long term when leases etc. come up for renewal consideration should be given to exploring the opportunities to share office accommodation between local authorities and NRW.
  - Shared assets/machinery Consideration be given to operational requirements and functions of vehicles and machinery is there common purpose, infrequent use which would justify rationalising /collaborating in joint procurement
  - Share depots – is there available space at NRW depots and /or Local authority depots for operational vehicles and machinery to be co-located and provide a single depot or a better operational cover and response over a wider area
  - Shared training exploring opportunities for a collaborative approach to training taking examples from current joint training initiatives already being offered and undertaken between local authorities, WLGA and NRW staff particularly in flood risk management



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- Shared volunteer workforce/community wardens Where these have been established through NRW schemes or LA's schemes to protect the well-being of communities (specifically in areas of flood risk); utilise and share their respective experience and knowledge.
- Apprenticeships. Where apprenticeship schemes by either NRW or Local Authorities are in place or are being considered then the opportunity to expand and broaden the apprentice experiences joint placements could be determined.