# Environment (Wales) Act 2016

**2016 anaw 3**

## PART 1

SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

*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) **[**[F1]the Commission for Tertiary Education and Research**]**;

(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;

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(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.

**Textual Amendments**

**F1** Words in s. 10(1)(f) substituted (1.8.2024) by Tertiary Education and Research (Wales) Act 2022 (asc 1), s. 148(2), **Sch. 4 para. 36** (with s. 19); S.I. 2024/806, art. 2(k)(xix) (with art. 28)

## 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

(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

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(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.

**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.

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## 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(10)(d) substituted by S.I. 2024/706 reg. 22(a)
- s. 6(10)(d) substituted by S.I. 2024/706 reg. 22(b)