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# Welsh Legislation in a New Era: A stakeholder perspective for coastal management

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## Abstract

In Wales, there has been a concerted change in policy direction through the adoption of a new suite of legislation, presenting a mechanism for affecting change in how social, economic and environmental issues are addressed. From a coastal perspective, these Acts have the potential to improve management, resulting in sustainable, long-term solutions to the challenges facing Welsh coastal areas. Despite the positive rhetoric presented alongside these changes, their impact remains to be seen. In order to realise their expected success, engagement with practitioners charged with implementation is crucial to understanding the opportunities, challenges, successes and failures. Using saltmarshes as a lens to examine this new legislation, this paper presents the findings of a series of interviews with stakeholders from north Wales, exploring coastal practitioners' views of what the new Acts mean for them, identifying potential challenges and opportunities in the context of coastal management. A SWOT analysis informs a discussion of how the successful application of this innovative, ground-breaking suite of legislation may be achieved. The research found stakeholders to be generally positive about the new legislation, *and* the changes to coastal management that they signal across Wales. Opportunities included supporting greater collaboration, cross-sector working, interdisciplinarity and the potential to provide a blueprint for the rest of the UK as it navigates Brexit. Despite this positivity, concerns were expressed regarding funding and staff resources, lack of adequate support around implementation, among others. This integrated approach clearly stands as an opportunity to bridge traditional sectoral gaps instigating more effective stakeholder dialogue.

Keywords: governance, RESILCOAST, saltmarshes, stakeholder engagement, policy reform.

## 1. Introduction

Globally, coastal areas are being continually impacted and altered by both natural and anthropogenic drivers, with many of our coastal natural ecosystems suffering significant loss and deterioration (Nursery-Bray et al, 2014, Luisetti et al, 2011; Maes, 2008). In the face of these changes, the coastal zone is under increasing pressure, resulting in a reduced capacity for resilience, production and support for ecosystem service provision (UKNEAFO, 2014). Historically, such disparate pressures have resulted in a reactive, ad hoc approach to policy development, leading to intensely complex and fragmented institutional arrangements for coastal areas both in the UK (Ballinger, 1999) and in Wales (Ballinger, 1997), in common with many other parts of the world (Cicin-Sain and Knecht, 1998). Recognising and responding to such policy fragmentation in the 90s, a House of Commons Select Committee enquiry (1992) and considerable NGO activity (for example, see: Gubbay, 1990) alongside the development of European Recommendation of Integrated Coastal Zone Management (ICZM) (2002/413/EC), led to many ICZM-related non-statutory planning and management efforts at national and local levels (Stojanovic and Barker, 2008). This included the development of a National ICZM Strategy for Wales (Ballinger et al., 2010). Whilst many local partnership approaches had 'coordination' as a core objective, inherent problems related to their status and resources resulted in their limited influence, particularly in Wales (Ballinger et al., 2005a). Consequently, coastal governance across the UK, including Wales, remains complex and, at times,

fragmented (Boyes and Elliott, 2015; Luisetti et al, 2011). Overtaken by interests in marine affairs and planning, notably through EU policy and the UK's Marine and Coastal Access Act (2009), a range of new statutory instruments and procedures has been developed, geared towards a more integrated governance and management approach for marine and coastal areas (Rodwell, et al, 2014; Scarff et al, 2015; Brennan et al, 2014). This evolution of legislation has as expected had significant implications for the management and governance of coastal areas and land-sea interactions.

Following formal devolution in the late 90s, through the Scotland Act 1998, the Government of Wales Act 1998 and the Northern Ireland Act 1998, the four devolved administrations ('countries') of the UK have begun to develop policies which are better aligned with the priorities and needs of their territories, in areas where they have legislative and policy competence (MacKinnon, 2015). Over the subsequent decade various devolution settlements resulted in the transfer of increasing areas of legal competence to each devolved administration. Each has resulted in further divergence of policy, except in areas where UK Government maintains control, notably in security, policing and macro-economic policy (Williams, 2006). In the context of Wales, the Welsh Government has increasingly sought to develop national legislation that has Welsh priorities at its core, and has, in some cases, adopted a very different approach to that outlined by the UK Government at Westminster. This has been particularly the case around the development of policy and legislation related to sustainable development. Whilst several academic commentators have recently noted the inadequacies of the institutional structures and governance processes for sustainable development at a UK level (Ross, 2010), Wales has embarked on an ambitious legislative programme to support sustainable development decision-making at national and local levels.

Initially, the Government of Wales Act 2006 placed a statutory duty on Welsh Ministers to promote sustainable development and required Welsh Ministers to produce, monitor and update an all-Wales sustainable development Scheme (Williams, 2006; National Assembly for Wales, 2008). However, the recent Well-being of Future Generations (Wales) Act (2015) goes much further in facilitating the meaningful delivery of sustainable development, placing a legal duty on public bodies to safeguard the well-being of future generations both in the short and long-term, whilst taking social, economic, environmental and cultural well-being factors into consideration (Davies, 2016; 2017). This Act is part of a broader forward-thinking legislative portfolio, designed to drive systemic changes to the Welsh governance system. Key laws within this portfolio, and of particular importance to this research, are the Environment (Wales) Act (2016), the Planning (Wales) Act (2015), the Historic Environment (Wales) Act (2015) and the Active Transport (Wales) Act (2013) (summary presented in Table 1). Davies (2016) and Davidson (2016), amongst others, highlight the potential of this pioneering suite of legislation with potential to position Wales as a global leader in integrated governance. Furthermore, in terms of a legislative process, the Welsh Government has embedded efforts to actively engage relevant stakeholders in new legislation development through a multi-phase approach to consultation, stakeholder feedback and revision of legislation (see for example, Welsh Government, 2018a). This process can include the production of written papers (Green and White Papers, for example) for each proposed new piece of legislation, public meetings, focus groups and the collection of public views through a questionnaire process (Welsh Government, 2018b). In addition, the Welsh Government has taken action to provide accessible information about new legislation through the production of summary documents and informative, illustrative videos and animations (see for example, Welsh Government, 2016b).

<b>Welsh National Act</b>	<b>Summary of Key Points</b>
Active Travel (Wales) Act 2013	<ul style="list-style-type: none"> <li>- Legal requirement for local authorities in Wales to map and plan for sustainable and active travel.</li> <li>- Creates new duties that consider the needs and provisions required by walkers and cyclists.</li> <li>- Aims to better connect critical infrastructure (e.g. workplaces, hospitals, shopping centres) to reduce reliance on cars.</li> <li>- Requires annual updates from Welsh Government regarding progress made on the implementation of the Act.</li> </ul> <p>(Welsh Government, 2015a)</p>
Environment (Wales) Act (2016)	<ul style="list-style-type: none"> <li>- Positions Wales as a low carbon, green economy prepared to adapt to the impacts of climate change.</li> <li>- Encompasses a number of topics including: sustainable management of natural resources, climate change, waste reduction and management, fisheries, marine licensing, flooding and coastal erosion.</li> <li>- Mandates the preparation and implementation of a National Natural Resources Policy (under development).</li> </ul> <p>(Welsh Government, 2016c)</p>
Historic Environment (Wales) Act (2016)	<ul style="list-style-type: none"> <li>- Amends the pre-existing UK law providing legislative guidance for protecting and managing the historic environment (i.e. the Ancient Monuments and Archaeological Areas Act, 1979, and the Planning (Listed Building and Conservation Areas) Act, 1990.</li> <li>- Provides greater protection to listed buildings and scheduled ancient monuments in Wales.</li> <li>- Aims to improve sustainability of management of historic environments in Wales.</li> <li>- Will create greater transparency and accountability within relevant decision making.</li> </ul> <p>(Welsh Government, 2016a)</p>
Planning (Wales) Act (2015)	<ul style="list-style-type: none"> <li>- Aims to ensure fair, resilient planning that supports sustainable development.</li> <li>- Modernises the framework for delivering planning services, including allowing applications to be made directly to Welsh ministers.</li> <li>- Improves resilience by advocating collaboration between local planning authorities.</li> <li>- Enables an effective enforcement and appeals process.</li> </ul> <p>(Welsh Government, 2015b)</p>
Well-being of Future Generations (Wales) Act (2015)	<ul style="list-style-type: none"> <li>- Aims to improve the social, economic, environmental and cultural well-being of Wales through the achievement of 7 national well-being goals<sup>1</sup>.</li> <li>- Promotes more joined-up thinking to national well-being and decision making through the development of regional Public Service Boards (PSBs).</li> <li>- Establishes the role of a Future Generations Commissioner for Wales who is mandated as a steward for the interests of future generations in Wales.</li> </ul> <p>(Welsh Government, 2016b)</p>

Table 1: Summary of the new Welsh legislation (Taken from McKinley et al., 2018)

In this paper, we aim to evaluate the implications of the new legislation for regional stakeholders and practitioners working at grass-roots level, by using tailored interview methods and SWOT analysis of the findings to understand their perspectives on the five Acts listed in Table 1. Furthermore, we take account of the level of engagement with the new legislation, providing insights into the effectiveness of methods used by Welsh Government to engage stakeholders with this new suite of national legislation. The region of study is North Wales, with the research conducted as part of the RESILCOAST project<sup>2</sup>, focusing on a targeted stakeholder sample of coastal practitioners involved with management and use of saltmarsh environments in north Wales. We

<sup>1</sup> The Welsh well-being goals are: A prosperous Wales, A resilient Wales, A healthier Wales, A more equal Wales, A Wales of cohesive communities, A Wales of vibrant culture and thriving language, and A globally responsible Wales (Welsh Government, 2016b).

<sup>2</sup> RESILCOAST is an interdisciplinary, NRN-LCEE funded project investigating saltmarsh ecosystem resilience and its consideration within current coastal governance processes (<http://www.nrn-lcee.ac.uk/resilcoast/index.php.en>).

have focussed at the regional level because although guided by national policies, day-to-day coastal management falls to local government and management authorities to operationalise changes in policy and deliver policy goals/ objectives (O'Hagan and Ballinger, 2010). In the context of the Welsh coastline, this predominantly rural stretch of the coast includes a high proportion of designated areas of high nature conservation and natural landscape value. As a result, management has traditionally focused on these aspects, in order to comply with a plethora of European and national legislation as well as, more recently an expanding suite of Welsh policy and guidance. Unlike other coasts in Wales (for example, the Severn Estuary Partnership (SEP) and the Pembrokeshire Coastal Forum (PCF)) this stretch of coast has no ICZM-type coastal partnerships although some less broadly focused informal coastal networks have developed to inform the management of the coast's conservation areas and to help provide a strategic approach to shoreline management (PCF and SEP, 2016).

This study provides a lens through which the policy development and early implementation can be viewed from the perspective of regional and local operational stakeholders, identifying potential challenges and highlighting additional support requirements and opportunities to ensure successful application of this ground-breaking suite of legislation in Wales. This paper is timely, in that it comes at a time when Wales is still establishing the details of how some of this new legislation will be implemented and embedded into day-to-day environmental and natural resource management decision-making.

## 2. Methodology:

Data were collected through semi structured interviews conducted as part of the RESILCOAST project, feeding into a wider piece of work seeking to examine the implications of the new legislation for Welsh saltmarshes and their ecosystem services (see for example, McKinley et al, 2018). The interviews were organised and conducted between August and December 2016 (i.e. within 3 years to 6 months of the enactment of the legislation being examined). The interviews had three aims: 1) to establish stakeholder understanding of ecosystem services and the application of the concept within coastal policy and management; 2) to evaluate stakeholder perceptions of saltmarsh ESs and their value, and finally 3) to assess stakeholder views of the new Welsh legislation. This paper focuses on the results of the third section of the interview schedule, with a mix of open and closed questions used to elicit stakeholder views of the five new Acts.

Interviewees were approached through a purposive and snowball sampling approach – the initial sample were individuals known to be involved in environmental management or governance associated with saltmarshes, and wider coastal management (i.e. applying a purposive sampling approach), and included key organisations involved in coastal management (e.g. representatives from local government, Natural Resources Wales, the regional Coastal Group, and the regional Special Area of Conservation). Although the primary organisations were included in the initial sample, in a bid to increase representatively, each participant was asked to recommend additional contacts for participation in the research (snowball sampling). In total, 32 stakeholders were invited to participate in the interview, with a final sample of 16 self-selected interviews completed (50% response rate). In order to ensure consideration of views from across the diverse network of salt marsh stakeholders in Wales, interviewees represented a range of sectors and organisations, across local, regional and national scales, including those working at both a policy and an operational scale. Table 2 presents a summary of the interviewee profiles.

Sector Type	Stakeholder Organisation
National Government Body	The Crown Estate Natural Resources Wales (NRW)
Local Authority	Pen Llyn Sarnau Special Area of Conservation (SAC) through Gwynedd Council Local Planning Authority representatives Local Council representatives
Non-Governmental Organisation (NGO)	Royal Society for Protection of Birds Snowdonia National Park Authority The Wildlife Trust.
Relevant Stakeholder Networks	National Farmers' Union Cymru The Sea Angling Association Wales
Other	Consultant Coastal Engineer

Table 2: Profile of Respondent Stakeholders

The interview schedule comprised a series of open and closed questions, including the use of Likert scales (i.e. participants were asked to rate their awareness/ knowledge of the new legislation on a scale of 1-5). Question themes included: knowledge and awareness of the new legislation, level of engagement and support given as a result of the legislative changes, and views on challenges and opportunities associated with the new suite of legislation. The use of a semi-structured interview process allowed the interviews to evolve as necessary. Interviews were recorded, with permission from the interviewees, and were transcribed verbatim. The data were then analysed using data reduction and content analysis techniques, using the software programme, NVivo 11 (QSR, 2012) to code the interview transcripts into emergent, thematic categories. Each transcript underwent the same review and coding process – 1) an initial read and review, 2) a second review highlighting key themes, which led to the development of the emergent thematic code book, and 3) a third review during which excerpts and evidence for the codebook were identified and coded using NVivo 11. This process allowed the key discussion themes to be identified, and for a range of views to be examined through the analytical process.

### 3. Results

Through an in-depth, content analysis process, several key themes were elucidated from the stakeholder interviews. These themes included: 1) General awareness of the new legislation, 2) the opportunities for coastal environmental management associated with the new legislation, 3) the challenges that the new legislation will bring to operational authorities and implementing bodies, and 4) the implications of the UK's ongoing process of leaving the European Union (Brexit). These themes, and their potential implications for the future success of this new suite of Welsh legislation, are discussed below. Where appropriate, short quotes from interviewees have been included in italics within the text or, when using longer quotes, have been presented in text boxes.

#### 3.1. Stakeholder Awareness of new Welsh legislation

In the first instance, it was necessary to establish how aware relevant stakeholders were of the recent Welsh legislation. This question was asked as a closed, Likert scale rating question, combined with an opportunity for respondents to provide additional comments. Initially respondents were asked to consider each of the five Acts separately; however, it became apparent that interviewees

found it difficult to think of (and rate) the Acts as individual Acts, perhaps an indication of how the Acts have been explained. Therefore, a more open question was posed to interviewees to allow them to discuss their views and awareness of the Acts in more detail. Qualitative analysis of the data did not identify any indication of a higher level of knowledge or awareness relating to the 'older' legislation (i.e. the Active Travel (Wales) Act (2013) or any of the 2015 Acts). Furthermore, the analysis did not highlight any differences between an individual's role or background and their awareness of the difference Acts – overall, their self-assessed awareness of the Environment (Wales) Act (2016) and the Wellbeing of Future Generation (Wales) Act (2015) was higher than the other three Acts.

Analysis of the interviews found that while interviewees were aware of the legislation, this did not extend to a clear, in-depth understanding of the content of the Acts, with some stating that they *"were aware of them, [but] haven't actually read any of them"* and that they *"haven't gone into the small print"*. This question also led to some initial comments regarding the uncertainty associated with the new legislation, with one interviewee commenting that the Acts *"will have an effect, but we don't know how much of an effect because we don't know what will be expected of us"*. This theme of uncertainty continued throughout the interviews, and is further discussed in relation to the opportunities and challenges associated with the legislation, and also whether this may have implications for future efforts to engage stakeholders effectively in legislative change.

Interviewees generally expressed a need for more information about the legislation with some interviewees wanting more on the implications of the changes. One commented that *"I need to become more aware of them for and to improve my knowledge so that I know what [the] opportunities are"*. Although people were generally aware of the legislative changes, there was a feeling of uncertainty amongst interviewees regarding the implications and implementation of the legislation, with one interviewee commenting that *"it's a rapidly changing or evolving field of legislation really, a lot of new things being introduced for people to get their heads around"*. Ongoing changes in the legislative landscape are likely to continue for some time, as the UK continues to navigate its separation from the EU. The implications of these changes will be discussed in more detail later.

### 3.2. Opportunities associated with the new Welsh legislation

A number of opportunities to bring about positive change for coastal management in Wales were identified by interviewees. There was a consensus among interviewees that the new legislation, particularly the Well-being of Future Generations (Wales) Act (2015), would bring opportunities for greater integration between sectors, land users and organisations involved in natural resource management in Wales. One interviewee provided a statement which summarises the most frequent comments, stating that *"the opportunities are that there should be better co-ordination, better linkages between different departments so more forward thinking, more forward planning"*. Interviewees were of the opinion that the new legislation has the potential to encourage all stakeholders to work together as a 'whole', with one interviewee stating that *"it...forces you to think as a whole which is, you know that's a really positive side to it definitely"*.

In addition, it was felt that the new legislation, and the creation of new working relationships associated with the Acts (e.g. Public Services Boards<sup>3</sup> [PSBs] associated with the Well-being of Future Generations (Wales) Act (2015)) allowed all organisations, particularly more local bodies, to have a voice. One interviewee commented that this was already happening, even at this relatively early stage of the new legislation's implementation (see Box 1).

*"We've had a much stronger voice, I'd say, and it has got people talking with some of the departments again environment, so we've got people in waste services, other organisations and it's linked us into those services and there's a level dialogue between services then and so I think it's yeah, so far it has been a huge benefit"*

Box 1: Local Council Representative

This was further supported by another participant, who commented that the new legislation provided operational and authoritative bodies with clear objectives and priorities driven by national legislation *"which everyone has to buy into"*. There was a feeling that, previously, individuals and organisations have experienced challenges *"and...worked in silos"*. However, with the introduction of the new legislation, and the acceptance that there is *"no way [they] could do it on their own"* interviewees suggested that it may mean that *"people who have never actually spoken before will find themselves, when they do meet, sharing a lot of the language"*. The interconnected nature of the new suite of legislation was viewed as providing guidelines for natural resource management *"helping decision makers and stakeholders by talking a shared language"*, and *"work with new people, look at things holistically"*.

### 3.3. Challenges associated with the new legislation

While there were clearly several key opportunities that could be identified by interviewees, each respondent felt that the new legislation in Wales also brings a number of potential challenges including ones related to the ongoing, effective management of natural resources.

The main concern expressed related to the ongoing uncertainties regarding the interpretation and implementation of the new legislation, with one interviewee stating that *"the biggest... [is] translating it into how it's actually going to work"*. Questions were also raised as to whether the various sectors and issues that have previously been addressed as individual entities could be connected and effectively integrated; for example, those organisations brought together through the PSBs. Interviewees recognised the interconnectedness between the new legislation, which was, for the most part, viewed as a positive move; however, queries remain as to how the differing and multiple goals of the Acts (for example, sustainable development, social and economic well-being, as well as maintaining and protecting natural resources and the wider environment) will be realised (See Box 2).

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<sup>3</sup> Public Service Boards (PSBs) aim to improve the economic, social, environmental and cultural well-being of Wales by strengthening joint working across all public services. Membership includes local authorities, local health boards, Natural Resources Wales, the Fire and Rescue Authority, Welsh Ministers, Voluntary Organisations and the Police and Crime Commissioner (Welsh Government, 2016).



*“You know...in planning policy...the intention is...to encourage sustainable transport links and then you read elsewhere that you’ve got to maintain the designated habitats for the natural environment and no-one has actually sat down and thought, right, if we had to sustain these beaches, we have to sort out the transport system for these villages and that will inevitably have impact and influence the way in which we manage the natural environment. No-one has put those three things together.”*

Box 2: Coastal Engineer

There was a feeling that the direction and goals set out by the new legislation is vague and lacking in concrete detail, resulting in a limited sense of understanding of how the Acts, and their objectives or goals, should be realised. In particular, when asked about the level of support and guidance provided by Welsh Government on the new Acts, there was a feeling that guidance had been limited, *“quite vague and sketchy”*. One interviewee commented that *“There’s not much guidance been provided in terms of how we implement specific sections of those legislations”*. In addition to this, there was a concern that the Welsh Government does not currently have appropriate mechanisms in place to support the delivery of the goals outlined by these Acts. This is evidenced by one interviewee who stated that *“the worry is that, is there the actual mechanisms and infrastructure actually to bring this about? I think that’s the danger: in that, [if] you look at the Welsh Government, they seem to have very little money and there seems to be very little investment into the wider environment”*. The issue of reduced financial and staff resources was frequently commented upon by interviewees, with interviewees suggesting that reduced funding and constraints on staff time and resources could pose a challenge to successful achievement of the goals set out by the new legislation (See Box 3).

*“Especially with... all the cuts that we’re facing, and every authority is the same. You know you’re losing members of staff, you’re having this huge reduction in resources, and yes there’s a new act coming out and you’ve got legislation which says actually you’ve got more duties underneath this which is great because I think it gives more focus for the environment. But at the same time, you know for example [the] Council, now, will have to try and fulfil those duties with less resources and less staff and still, you know the work that we were doing previously so I think it will be incredibly challenging to be honest”*

Box 3: Local Council Interviewee

Concerns were expressed by interviewees that the new legislation would bring in new, and often additional, activities and tasks to their day-to-day working life, and that their capacity to deliver on these would be reduced as a direct consequence of the ongoing and longstanding funding cuts being experienced by local authorities and ENGOs across the UK.

Although interviewees suggested there would be opportunities associated with the *“new way of thinking”* associated with the new legislation, there were concerns that the new language and the move towards greater integration and interdisciplinarity remained a challenge. One interviewee commented: *“There’s a lot of jargon for people to get through, a lot of new stuff for people to assimilate and lots of new connections they need to be making in the way that the work day to day.”* Thematic analysis revealed concerns relating to the need for a new working culture, greater cross

discipline/ sector understanding from a range of sectors, and better communication using new terminology and language – all of which could pose significant challenges to individuals and organisations that may be used to operating within certain, narrowly specified, parameters. For example, those involved in coastal engineering now needing to take well-being parameters set out by the new legislation into consideration may find this to be outside of their ‘normal’ remit.

A final challenge identified by interviewees was a lack of public awareness regarding the new legislation, with one participant commenting that *“there is a challenge that if you walk down the street you can be sure normal people don’t really know about it”*. Analysis of the interviews also suggested that there are concerns associated with the jargon and technical language commonly associated with policy guidelines and documentation – there were concerns expressed that this could lead to members of the public feeling disengaged with the new legislation. Further to this, a need to ensure that the *“legislation [is] really succinct and relevant to everyday people...so that they take the legislation seriously and want to engage with it”* was expressed by interviewees, highlighting the importance of ensuring the legislation and their key messages are accessible and understandable.

#### 3.4. Brexit and the new Welsh legislation.

Given the timing of this research (August – October 2016), it is understandable, and expected, that the impact of the June 2016 Referendum was an over-riding theme of the interviews. There was a feeling from interviewees that the new approach taken by Welsh legislation could provide additional support in the face of potential weakening of environmental governance instruments derived from European Directives. In particular, interviewees expressed concerns regarding the potential undermining or reducing in strength of existing protected area designations and conservation/ management objectives. For example, one interviewee comments that it will be interesting *“to see what, if anything, the UK and/or Welsh government may be doing in terms of the potential watering down of the Habitats Directive”*.

Analysis of the interviews indicated a feeling that Welsh legislation could provide something of a blueprint to the rest of the UK, as both the devolved and the UK national Governments wade through the current governance complexities. More specifically, the legal obligations placed on public bodies to maintain and preserve national well-being, in all its guises, through the Well-being of Future Generations (Wales) Act (2015) were seen as something of a safety net as a time of uncertainty. However, there was an overriding view that the implications of the UK’s departure from Europe could not be known, and that the process is *“a great step into the unknown”* for natural resource management across Wales, and the wider UK.

A key concern recognised by interviewees is the loss of a higher ‘power’, an arbitrator or *“relevant authority”* to whom Welsh public bodies have an obligation to report to on the condition of the natural environment and the successful, or not, achievement of goals set out by policy. There was a feeling that loss of this additional level of authority would reduce the monitoring and reporting, with one interviewee stating that *“one of my concerns would be the fact that we have to report on a six yearly basis to Europe on the condition of the sites across the UK and when you don’t have that*

*incentive, yeah that concerns me a bit*". Further to this, another interviewee commented on the loss of an arbitration body (Box 4):

*"I like having an arbitrator sitting above the UK Government so that if any member of the public is dissatisfied with the decisions that are made that affect the European sites they've got someone to go to, to arbitrate, whereas I think that's the thing with Brexit, that that option will be closed to people".*

*Box 4: Representative of the National Park*

#### 4. Discussion

The recent introduction of new national legislation in Wales is changing the governance landscape underpinning environmental management. These legislative changes mean that natural resource management in Wales is in a state of transition, and efforts will need to be taken to ensure operational bodies are aware of their obligations, and how the changes will impact their day-to-day activities. This section examines Welsh stakeholders' views on the legislation, discussing potential implications for coastal management in Wales through a SWOT analysis (presented in Figure 1).

<p style="text-align: center;"><b>Strengths</b></p> <ul style="list-style-type: none"> <li>• General awareness and engagement with the new Acts are relatively high.</li> <li>• Calls for greater interdisciplinarity and collaboration between sectors, and across different management scales.</li> <li>• Creation of common goals and objectives through the new policies.</li> <li>• Development of integrated approach to addressing social, economic, cultural and environmental well-being and sustainability for Wales.</li> </ul>	<p style="text-align: center;"><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>• Chance to develop performance indicators to assess policy success and effectiveness.</li> <li>• Welsh legislation could provide a framework for other devolved countries in navigating Brexit.</li> <li>• Development of a common language and improved collaboration between sectors and stakeholders.</li> <li>• A chance to use multiple values to support management</li> <li>• Providing small organisations with a greater voice in decision-making.</li> </ul>
<p style="text-align: center;"><b>Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Although general awareness of the Acts is high, there is limited in depth, understanding of what the policy changes will mean for coastal management.</li> <li>• Need for better support for relevant stakeholders regarding implementation of the Acts and their goals.</li> <li>• Lack of information and guidance regarding implementation of the Acts.</li> <li>• Uncertainties on how different actors need to/will interact.</li> <li>• Limited interdisciplinary capacity to support the now integrated approach advocated by the new Acts.</li> <li>• Limited funding and staff resources to achieve additional goals set out by the new Acts.</li> </ul>	<p style="text-align: center;"><b>Threats</b></p> <ul style="list-style-type: none"> <li>• Uncertainty regarding the implications of the UK's departure from the UK.</li> <li>• Loss of EU monitoring guidelines and protection, including loss of a higher level of arbitration and policing.</li> <li>• Funding and staff cuts within public bodies, government organisations and ENGOS.</li> </ul>

Figure 1: SWOT analysis of the implications of the new Welsh legislation for coastal governance and management.

At first glance, analysis of the interviews could portray Welsh coastal practitioners' views as being very positive towards the new legislation; however, as evidenced in the section above, there are concerns and challenges that must be addressed. In reality, stakeholder views are mixed; there is an overwhelming optimism regarding the potential for positive change that could come with the new legislation. However, this is diluted by the various concerns and remaining areas of uncertainty. The

impact of reduced funding on government agencies, local authorities, and ENGOs has been well documented (BBC, 2017; Hull, 2016; The Guardian, 2016; Porter et al, 2015), and there is a clear feeling that the new Welsh legislation is simply adding to an already extensive to-do list for individuals and organisations feeling stretched and over-capacity. In spite of these concerns, however, the air of opportunity and optimism is almost palpable; this study finds different actors to be ready and willing, if not yet 100% able, to increasing dialogue between different stakeholder groups, supporting collaboration to achieve holistic and integrated achievement of the goals set out by the new legislation. The view quite simply appears to be that these groups should have been working together in the past, and that the new legislation provides a common foundation and framework for not only Welsh coasts and associated ecosystems, but also for the decision-makers and implementers responsible for their management.

#### *4.1. Current and Future Opportunities (Strengths and Opportunities)*

As would be expected with any change in policy, this suite of new Welsh national legislation brings with it several opportunities and challenges. Based on the stakeholder interview analysis, however, it is evident that there are strengths, both potential and pre-existing, that can be associated with these new Acts.

Clearly the newest additions to Wales' national policy toolkit represent an emphatic attempt to embed integration, collaboration, sustainability and well-being in all aspects of Welsh life. Particularly innovative are the goals outlined by the Well-being of Future Generations (Wales) Act (2015) aiming to achieve a collective, nationwide level of well-being; importantly, this includes environmental well-being. Coupled with this, the natural resources management approach advocated by the Environment (Wales) Act (2016) adds weight to the ongoing discussions around the values of natural resources, and the benefits derived from our natural environments (MA, 2005, UKNEAFO, 2014), thus extending the Welsh traditional focus on designated nature conservation and natural landscape protection values (Ballinger et al., 2005b). Taking the joined up approach advocated by these new Acts, it is clear that there are opportunities for approaching things differently, developing a common language between stakeholders, and including data/ evidence/ values that may have previously been marginalised or, even, omitted from these conversations earlier. For example, the cultural well-being components of the Wellbeing of Future Generations (Wales) Act (2015) lend support to those benefits and services associated with the coasts that perhaps have a less marketable or intangible value to society (Costanza et al., 2014; Bratt and De Groot, 2012; Chan et al., 2012), such as inspiration for art and literature, or sense of place and tranquillity. Furthermore, there was a clear feeling that by developing these common goals, requiring a holistic approach, smaller organisations have the potential to join forces to raise their collective voice, perhaps allowing them to gain more traction within the evolving decision making processes.

Although efforts have been made to relate to existing EU legislation (evidenced, for example, by the Environment (Wales) Act (2016) provisions for the protection of European Marine Sites), these have been criticised for lacking in detail, and providing only vague guidance in terms of the action required to achieve the goals of the Directives (Boyes and Elliott, 2014). As the UK continues to navigate through the process of leaving the EU, revising the coastal governance landscape accordingly (Hull, 2016), it is possible that the new Wales focused legislation will provide policy makers and practitioners with a clearer remit and greater guidance for the sustainable management of Welsh natural resources. Analysis of the interviews found that although there are some concerns about the implications of the Brexit process for coastal governance in Wales, there is also a feeling that this could also prove to be an opportunity for change and progress. Furthermore, Welsh

legislation may provide a blueprint for improved social, economic, environmental and cultural well-being; potentially mitigating for the impacts of the removal of some valuable pieces of EU legislation.

As the interpretation of legislation, and its associated guidance continues to evolve, the efficacy and performance of the Acts will need to be assessed. This is a growing area of interest, with increasing calls for a mechanism that would allow policy effectiveness to be assessed and evaluated. The value in this would be that policies could then be adapted where necessary to ensure maximum efficacy and successful implementation. In order for this to be done, the goals associated with each Act will require the generation of a success framework or key performance indicators that management bodies can use to assess their achievement of the legislative goals. This process would require a regional, or area based approach (as advocated by the Environment (Wales) Act (2016), to ensure success factors and goals are developed with a regional, sub-national perspective. Evidence of this is already being seen in Wales; for example, through the production of county well-being profiles which will be used to support the implementation of the goals set out by the Well-being of Future Generation (Wales) Act (2015). The complexities of developing and evaluating cross-sectoral management and legislation have long been recognised (see for example, Sorensen (1993) on ICZM, and more recent work from Maze et al. (2017)), with particular difficulties associated with attributing on-the-ground changes to such legislation where there is already a complex and overlapping policy regime, as in Wales. Such a process requires ongoing collaboration and cooperation between all relevant stakeholders and sectors, with efforts to include actors of all shapes and sizes, to ensure the successful realisation of the aspirations set out by this new direction of legislation.

#### *4.2. Current and Future Challenges (Weaknesses and Threats)*

Coupled with the opportunities associated with the new Welsh legislation are a number of potential current and future challenges for Welsh coastal governance. Although general awareness levels were quite high for the Well-being of Future Generations (Wales) Act (2015) and the Environment (Wales) Act (2016), overall knowledge and awareness of the other three pieces of legislation was found to be low. Although such variations may have been expected given the respondent profile, this limited level of awareness could have potential implications for ongoing management and decision-making within coastal governance; without a clear understanding of the objectives of this new legislation, and how these need to be implemented and realised at a local level, local authorities and other operational bodies are at risk of missing targets, or acting outside the most recent guidance. However, it should be noted that the majority of interviewees were involved in day-to-day, on the ground, action related to management of coastal sites; they were not involved in strategic decision making within their organisation and expected those involved in these aspects of their respective organisations to be more aware of the legislation. Given that the research found there to be no difference in respondent awareness based on background or experience, it is possible that this lack of awareness is indicative of gaps within organisations' internal communication and engagement processes, often resulting in few individuals contributing to an organisation's response to a particular consultation process for new legislation. Similar challenges were recognised by attendees at Welsh workshops on ICZM over a decade ago organised as part of the INTERREG COREPOINT project (COREPOINT, 2007). If the new legislation is to be successful, lessons need to be learned from these earlier experiences.

Additionally, in order for the new Welsh legislation to successfully deliver sustainable management of coastal areas, including salt marshes, local agencies need to be effectively engaged with the goals set by these new policies. For example, the Well-being of Future Generations (Wales) Act (2015) provides a national blueprint for Wales' well-being goals; however, the realisation of these goals will

differ locally and regionally, according to the socio-economic and environmental drivers and the findings of the local well-being plans (Welsh Government, 2016). This study finds that, although stakeholders have, for the most part, positive views regarding the new legislation, there are concerns about their operationalisation and how they will be realised in a practical sense. In particular, the feasibility of meeting new requirements within the setting of reduced funding and staff resources, and a greater need for interdisciplinarity are just some of the hurdles predicted by interviewees. However, as stated earlier, the interpretation and implementation of the new legislation is continually evolving (e.g. through the publication of the State of Natural Resources Report, formation of the PSBs and the generation of regional well-being reports across Wales (NRW, 2017)). It would be expected that the requirements and goals will be clarified as this continues.

As noted above, funding and resource constraints remain a very real challenge to many organisations; nevertheless, the call for greater interdisciplinarity and cross sector collaboration may result in an increase of shared goals, and thus, potentially, shared workloads serving to ease the burden while collectively, and simultaneously, meeting the objectives of the new legislation. This move towards greater integration reflects earlier efforts made by the ICZM approach to managing coastal resources (Ballinger, et al., 2010; McKenna et al., 2008; Cicin-Sain, 1993); while the terminology has moved on, the enabling factors for successful and effective coastal governance appear to remain. If the new Welsh legislation is to be effective, and to take its place as best practice legislation to support sustainable management of natural resources, then the challenges identified by the stakeholders in this study need to be addressed. Clearly despite Welsh Government's efforts to communicate to and engage stakeholders with the legislative changes, there are further opportunities for improvement.

Further to this, and as expected, concerns and uncertainty were expressed regarding the implications of the UK's departure from the EU, a situation expected to result in major consequences for UK environmental legislation (Reid, 2016; Scotford and Bowman, 2016). One year after the vote to leave, and there is no further clarification as to what UK environmental law outside the EU will look like – much will depend on the outcomes of the ongoing negotiation process (Pieraccini, 2016). It is certain, however, that leaving the EU will have wide ramifications across the UK policy landscape (Cowell, 2016; Hull, 2016), including the themes of environment, planning, heritage and health and well-being covered by the five Welsh Acts discussed here.

In this study, participants suggested that the loss of a higher authoritative body (e.g. European Court of Justice) could lead to difficulties in the future, and indicated uncertainty around the transposition of EU legislation and guidelines into national law. There was a feeling that this uncertainty posed significant risk to ongoing coastal governance in Wales. However, since the interviews were carried out, the UK Government has indicated that all European legislation will be automatically transposed into UK law through the Great Repeal Bill (Scotford and Bowman, 2016) although, at time of writing, there is considerable debate as to the level to which powers will be devolved in a post Brexit world (Williamson, 2018). While this does not necessarily provide a guarantee regarding coastal governance, it does provide some assurances that there will be no significant changes in the near future. As stated by Reid (2016), it is expected that many of the environmental laws introduced by the EU are likely to remain, albeit in an amended state. Additionally, due to devolution, in addition to guidance from Westminster, Wales will be responsible for developing its own environmental laws, in line with the UK Government (Reid, 2016; Hunt et al, 2016). There is, therefore, an opportunity for Welsh national policy to provide the groundwork for a more Wales focused, long-term vision for coastal governance in the future. The challenge will be ensuring that the devolved governments take an aligned approach to environmental laws across the UK; without a joined-up approach,

fragmentation of the laws underpinning natural resource management could be detrimental to our coasts, and other ecosystems.

## 5. Concluding comments and Lessons Learned

At a time of political uncertainty, following the UK's vote to leave the EU in summer 2016, the new additions to the Welsh suite of national legislation have the potential to ease Wales' transition into a world without EU membership. Until the UK, and therefore, Wales, officially leaves the EU, Welsh coastal governance and resource management remains guided by the 200 environmental policy instruments implemented at an EU level (Boyes and Elliott, 2014; 2016). It would be unrealistic to assume that these five pieces of national legislation can replace the volume of guidelines, goals, and objectives set out by the EU environmental governance network. Indeed, they have been developed in addition to, and in support of, existing international, EU and UK legislation, with a view to creating clarity as to how these should be interpreted in Wales. While the connection between these new Welsh Acts and existing UK policies (e.g. the UK Marine and Coastal Access Act, 2009; Marine Policy Statement) was not discussed by the interview participants, it should be recognised that the broader UK and international policy landscape will influence, and be influenced, by the changes in Wales. What is clear is that Welsh coastal stakeholders, for the most part, view the new legislation as a mechanism for positive change within Wales initially, and with the potential to influence legislative change across the UK, as a result of the EU exit. For this to be achieved, however, implementation of the new legislation will need to be monitored, with public bodies held to account in respect of their responsibilities to Welsh social, economic, environmental and cultural well-being and sustainability.

This paper presents the findings of a discrete research study conducted following an early evolutionary phase within the Welsh legislation landscape in recent years. While the nature of this type of qualitative investigation means the findings themselves are case specific, the research highlights the benefits of this type of novel approach to understanding the implications of changing legislation. The paper therefore provides a case, and indeed a recommendation, for more work to be done on understanding stakeholder views on policy and legislation development and implementation. This may be particularly pertinent for the wider UK following its exit from the EU in March 2019; globally, there are other examples of significant legislative overhaul (e.g. New Zealand) that have benefited from embedding effective stakeholder engagement into legislation development, taking an integrated approach to management of natural resources and applying an area-based approach as is being seen in Wales now (Robertson, 1993; Gleeson and Grundy, 1997). With this, and our own findings in mind, we recommend that more of this kind of investigative work be done - this study has shown that by having a clear understanding of stakeholders' views on legislative reform can aid ongoing implementation and support to ensure success and acceptance of the new legislation.

The integrated, inclusive, and forward thinking approach to all social challenges being adopted by Welsh Government clearly stands as an opportunity to bridge traditional sectoral gaps, and instigate more effective dialogue between stakeholders. Furthermore, these additions to Welsh national legislation have the potential to drive positive change within Welsh marine and coastal governance, sustainable development and management. Given the historical fragmentation within coastal governance, this new Welsh legislation provides a springboard for improving collaboration, cooperation and coherence for future coastal management and policy development. Indeed, there are challenges; but, the future remains optimistic.

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