



Llywodraeth Cymru
Welsh Government

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Environment Bill

Summary of White Paper

Why do we need an Environment Bill?

- ❖ The Minister for Natural Resources and Food set out in his statement **Shaping a more Prosperous and Resilient Future** how the Welsh Government is working to join up the design and delivery of policies and services to achieve long-term sustainable growth, resilience and diversity, resource efficiency and to tackle poverty.
- ❖ The statement is clear that in order to secure Wales' future prosperity we need to recognise the value of our natural resources and the services or benefits they provide to society
- ❖ The **Programme for Government** contains a number of commitments in relation to natural resource management to deliver on this ambition, including the introduction of an **Environment Bill** for Wales.
- ❖ We need a modern legislative framework that will enable a joined-up approach to managing our natural resources, as well as recognising their value and the opportunities they provide.

Why do we need an Environment Bill?

- ❖ The evidence is clear from recent reports such as the UK **National Ecosystem Assessment** on the state of UK ecosystems showing declining ecosystem services as well as continuing declines in biodiversity reported in the **2013 State of Nature Report**
- ❖ In order to tackle this, there is international recognition of the need for a more joined-up approach to managing our natural resources, which better recognises the value of our ecosystems and the services they provide.
- ❖ Our consultation in 2010 and the 2012 **Sustaining a Living Wales Green paper** showed broad support for this fresh approach to the planning and management of natural resources in Wales at a national and local level.
- ❖ This **White Paper** now sets out the legislative changes needed in order to enable joined-up approach to managing our natural resources.

What is the aim of the Bill?

- ❖ To ensure we have the right legislative framework in place to manage our natural resources in a joined-up way.
- ❖ To put in place governance to ensure we use and manage Wales' natural resources to deliver lasting economic and social benefits as well as environmental.
- ❖ To deliver better outcomes for Wales by helping to strip away unnecessary complexity and simplifying processes.
- ❖ The principles of the ecosystem approach are at the heart of the Bill, ensuring that the value of our ecosystems can be properly considered (see slides 22-24).

How will this aim be achieved?

There are four key themes in the Environment Bill White Paper:

- **Theme 1** (Chapter 2) looks at joining-up the existing statutory frameworks for natural resource planning and management in Wales.
- **Theme 2** (Chapter 3) considers proposals to ensure NRW has the right legislative tools to enable them to implement a joined-up approach to natural resource management.
- **Theme 3** (Chapter 4) sets out actions to ensure Wales' natural resources are used to best effect and reduce waste.
- **Theme 4** (Chapter 5) sets out proposals to simplify, streamline and clarify the law for a number of existing environmental regulatory regimes.

Theme 1: Natural Resource Management

Aim:

- ❖ To join up the existing statutory frameworks for natural resource planning and management in Wales. To achieve this by establishing:
 - **A legal definition for ‘natural resources’**
 - **A national Natural Resources policy**
 - **An area-based approach for natural resource management**
 - **A mechanism to report on the state of nature resources**

Theme 1: Natural Resource Management

Proposal: To establish a legal definition for Natural Resources in Wales

- ❖ We are consulting on the following legal definitions, which will underpin the proposals for a new framework for natural resource management. The definitions reinforce the principles of the ecosystem approach and sustainable development.

- ***Natural resources*** – this will consider the benefits that natural resources provide wider than just those exploited for economic gain, for example: air and water, geologic and landscapes, biodiversity and ecosystems.

- ***Integrated Natural Resource Management*** – this is a planning and priority setting process that coordinates the maintenance, enhancement and uses of natural resources so that the long term benefits are optimised for the people, environment and economy of Wales

- ***Sustainable Management*** – this is the collective action required for managing the maintenance, enhancement and use of natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and environmental well-being, while maintaining the life-support systems of nature. In doing so, ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations.

Theme 1: Natural Resource Management

Proposal: To establish a National Natural Resource Policy

- ❖ A Natural Resources Policy will set out the high-level direction of travel for all natural resources related policy in Wales, including key opportunities, trends and priorities on a national basis.
- ❖ It will consider where the sustainable management of natural resources can help to optimise social, economic and environmental benefits for now and the long term.
- ❖ It will be owned by Welsh Ministers and will include targets, measures and priorities for the management of natural resources that contribute to outcomes agreed by Government at the national level and assist with the implementation of responsibilities set out by EU legislation.

Theme 1: Natural Resource Management

Proposal: To establish an area-based approach for the sustainable management of natural resources

- ❖ Taking an area-based approach provides a role for Natural Resources Wales to facilitate the co-ordination of the maintenance, enhancement and use of natural resources within a given area.
- ❖ The aim is to provide clarity for stakeholders and other delivery bodies in relation to where opportunities and challenges for the management of natural resources exist.
- ❖ It is not proposed that a specific process or areas will be prescribed on the face of the Bill. The approach will contain sufficient flexibility for NRW to develop and adapt the approach effectively.
- ❖ As well as considering natural resources, the area-based approach will need to give specific consideration to how the management of natural resources can help Wales adapt to and mitigate for the impacts of climate change.

Theme 1: Natural Resource Management

Proposal: Mechanism to report on the state of natural resources

- ❖ There is a proposed duty for Natural Resources Wales to report, at least every 5 years, on the state of natural resources in Wales.
- ❖ The report will include information on general trends, successes and challenges to implementing a joined-up approach to natural resource management.

Theme 2: Opportunities to deliver

Aims:

- ❖ To provide NRW with the tools for better ways of working which will promote wider economic and social benefits as well as environmental ones. This includes proposals on:
 - Payments for ecosystem services
 - Management agreements
 - General Binding Rules
 - An experimental power for Natural Resources Wales to test innovative approaches

- ❖ To enable future legislative change to our primary legislation to fully deliver a joined up approach where there are still barriers that restrict NRW in delivering in an integrated way.

Theme 2: Natural Resource Management

Proposal: Natural Resources Wales - stimulating the use of market mechanisms for ecosystem services

- ❖ We are seeking views on whether there is merit in creating new powers which give Natural Resources Wales a specific role in developing market mechanisms to support the sustainable management of natural resources.
- ❖ This could include 'brokering' Payments for Ecosystem Services (PES) schemes, establishing accreditation and providing assurance for schemes, or simply providing information and advice to others.
- ❖ We have commissioned a study to look at the opportunities for PES in Wales. The findings will help us to finalise our proposals, including other actions we need to take to stimulate market mechanisms.

Theme 2: Natural Resource Management

Proposal: Natural Resources Wales - extending the scope of management agreements

- ❖ A management agreement is a financial mechanism for securing a particular course of action between two parties, and is commonly used to deliver nature conservation.
- ❖ The proposal is for a new power to enter into management agreements with any landowner or business so as to achieve the actions required for the sustainable management of natural resources. This would widen the existing management agreement powers that Natural Resources Wales has.

Theme 2: Natural Resource Management

Proposal: General Binding Rules

- ❖ General Binding Rules are a lower level regulatory function which do not always require formal licences or consents.
- ❖ We are seeking views on securing powers for the Welsh Ministers to, via secondary legislation, make provision for General Binding Rules in relation to the sustainable management of natural resources.
- ❖ It could be an opportunity to reduce bureaucracy and can help a more consistent and proportionate approach to regulation.

Theme 2: Opportunities to deliver

Proposal: Innovative approaches to joined-up natural resource management

- ❖ There may be occasions where it is not possible, or it is more difficult, for NRW to deliver the sustainable management of natural resources.
- ❖ We are seeking views on a new experimental power to assist Natural Resources Wales to deliver in more innovative ways.
- ❖ Potential examples include catchment trading schemes (particularly in relation to Payments for Ecosystem Services), and short-term trials of technical approaches to permitting which allow for technological innovation, and adaptive management approaches.

Theme 2: Opportunities to deliver

Proposal: Powers to clarify the alignment of Natural Resources

Wales' duties and other primary legislation with the new high-level purpose

- ❖ **This proposal will enable Welsh Ministers to make future changes to existing primary legislation where it can be demonstrated it restricts NRW in delivering integrated natural resource management.**
- ❖ **Where there is clear evidence that amendments are needed then we will seek to reflect these changes on the face of the Bill.**
- ❖ **Any such amendments would ensure continued compliance with EU obligations and would not remove any protection.**

Theme 3: Resource efficiency

Aims:

- ❖ To ensure Wales' natural resources are used to best effect and to reduce waste. There are specific proposals in relation to:
 - ❖ Waste segregation and collection, in order to help drive investment towards the most sustainable waste management solutions for Wales
 - ❖ Changes to the Carrier bag charging scheme, which seek an extension to enabling powers

Theme 3: Resource Efficiency

Proposal: To help further improve waste segregation, collection and recycling in Wales

- ❖ We have set ambitious targets for the recycling of waste in Wales. We need to put in place firm but proportionate policies to achieve high levels of high quality recycling. Ultimately, increased recycling is good for the Welsh economy and the environment.
- ❖ We are proposing to give Welsh Ministers the power to:
 - Require businesses and the public sector to present their recyclable waste separately for collection;
 - Require waste collectors to collect specified materials separately;
 - Prohibit the incineration of specified materials;
 - Prohibit the landfilling of specified materials; and
 - Prohibit the disposal of food waste to sewer.

Theme 3: Resource Efficiency

Proposal: To further improve the Carrier Bag charging scheme

- ❖ The existing carrier bag charge has been very successful in dealing with single use carrier bags. However, we cannot currently intervene with any other types of carrier bag that could potentially harm the environment through their improper disposal, such as 'bags for life'.
- ❖ The proposals seek an extension to our enabling powers, which will only be exercised should future evidence indicate that this is necessary.
- ❖ Regulations would then only be made after extensive further consultation with stakeholders, including retailers and manufacturers.

Theme 4: Smarter management

Aim:

❖ To simplify, streamline and clarify the law for a number of existing environmental regulatory regimes in relation to:

- Marine licensing management
- Shellfisheries management
- Flood and Water management
- Land drainage management

Theme 4: Enabling Smarter Management

Proposal: To promote simplification, streamline or clarify the law in relation to:

Marine Licensing

- ❖ The new powers would provide for a more flexible and fit for purpose approach to charging fees for marine licensing.
- ❖ Powers to charge will enable Natural Resources Wales to recoup their costs, where appropriate and reasonable, and will provide a more effective and efficient system of marine licensing for Wales.

Shellfisheries management

- ❖ There is a need in Wales to improve our fisheries legislation, to ensure that it is fit for purpose, easy to understand and leads to increasingly resilient and diverse Shellfishery ecosystems.
- ❖ The proposals are for a simplified and more integrated approach without unnecessary bureaucracy.

Theme 4: Enabling Smarter Management

Proposal: To promote simplification, streamline or clarify the law in relation to:

Flood and Water management

- ❖ The proposals will enable the Welsh Ministers to make an order to “tidy up” the legislation in preparation for a future consolidation Bill.
- ❖ Welsh Ministers will be able to address any issues relating to differences between two or more provisions in the current legislation, simplify complicated procedures in the legislation and correct any errors.

Land Drainage

- ❖ The proposal will resolve an issue caused by a gap in the legislation in relation to the enforcement of orders made by the Agricultural Land Tribunal for Wales. Welsh Ministers will have the power to enter land to inspect whether an order has been complied with.

What we want to achieve....

For communities and to tackle poverty

- ❖ There are clear connections between tackling poverty and the use of natural resources. The proposals for an area-based approach will ensure that we have the right information on the challenges and opportunities in different areas. This evidence will help inform decisions on how we can improve our environment for our communities – particularly in deprived areas.
- ❖ We want this new approach to help better target investment in local improvements or to support decision making on development opportunities.
- ❖ The proposed area-based approach to natural resource planning will help build resilience for Wales' natural environment. By building resilience, for example to the causes and consequences of climate change, we are improving the resilience of vulnerable groups and communities and helping to stop more from falling into poverty.

What we want to achieve....

For businesses and the economy

- ❖ **Introducing a joined-up area-based approach to manage our natural resources will help to simplify processes, benefiting businesses and making resource efficiency savings.**
- ❖ **The Bill will also help to ensure that we have the right information earlier in order to identify the right development opportunities in the right places that support our ambitions for long-term growth.**
- ❖ **The Bill will help Natural Resources Wales to develop new ways of working to help maximise long term benefit from our natural resources. This is a real opportunity to help drive sustainable growth and exploit new markets in environmental sectors, such as carbon storage and water management.**

Forward look

- ❖ **Environment Bill White Paper consultation closes
15th January 2014**

- ❖ **Natural Resource Management conference:
25th November**

- ❖ **Conference and engagement events:**
 - 2nd December - Merthyr Tydfil
 - 4th December - Aberystwyth
 - 9th December - Llandudno Junction

- ❖ **The Environment Bill is currently due to be introduced in 2015.
This timetable is subject to change.**

How does the White Paper apply the 12 principles of the Convention on Biological Diversity?



Environment Bill

CBD Principle	Topic	Brief Description	How the proposals in the Environment Bill White Paper apply the principles
1	Societal Choice	The objectives of management of land, water and living resources are a matter of societal choices	Natural resource management is designed to be a planning and priority setting process – providing evidence and advice to others that are in a position to take decisions on the choices for society. It is designed to be fully embedded into the Future Generations agenda setting framework.
2	Localised Decisions	Natural resource management should be decentralized to the lowest appropriate level	A key principle of the Natural Resources Policy document is to clearly acknowledge and articulate the most appropriate level at which decisions should be taken.
3	Adjacent Effects	Natural resource managers should consider the effects of their activities on adjacent and other ecosystems	The area-based approach is not prescriptive. The White Paper recognises that it is important to ensure that there is flexibility and that the geographical scope of the policy or management problem is drawn appropriately, given the interconnectivity of ecosystem processes and functioning and the services which flow from them
4	Economic Drivers	Manage the ecosystem in an economic context.	The Natural Resources Policy Document must reflect the national outcome setting process to be established through the Future Generation Bill which will include social, economic and environmental outcomes. It must also recognise and address measures for managing market mechanisms.
5	Ecosystem Resilience	Conservation of ecosystem structure and functioning, in order to maintain ecosystem services	Both the National Policy document and the area-based approach should give priority to the fundamental structure and functioning of the underpinning ecosystems, prioritising where they contribute to the national outcomes. Ecosystem Resilience will be a key indicator of success.

6	Environmental Limits	Ecosystem must be managed within the limits of their functioning	Policies should ensure that the management strategies adopted are realistic and achievable in terms of working with natural processes and limits where known. The Policy document and area-based approach should build in actions to enhance ecosystem resilience so that positive management strategies and interventions are adopted that buffer from the potential of reaching environmental limits.
7	Spatial and Temporal Scale	Integrated natural resource management should be undertaken at the appropriate spatial and temporal scales	The White Paper expressly does not define boundaries for the area-based approach – the approach will contain sufficient flexibility for NRW to develop and adapt the approach effectively, based on the evidence to hand, and the practicalities of delivery.
8	Long Term Approach	Recognising the varying temporal scales and that characterise ecosystem processes, objectives should be set for the long term	This is consistent with the Future Generations bill and the setting of long-term national and local outcomes. The National Policy document and the area-based approach must develop a long-term policy position (30-50 years) to optimise benefits for the well-being of Wales.
9	Managing Change	Management must recognise that change is inevitable	Whilst the policy document is intended to give a general direction of travel it must not constrain the ability for a particular policy or management intervention to respond to the need for change. It is suggested that this might be evaluated through a simple “adaptation” test, which could be part of the SA/SEA process. Proposal NRM11 in the White Paper is an enabling power for Welsh Ministers to enable them to make potential future changes to the legislative framework where they relate to NRW’s functions, or where they act as barriers to integrated natural resource management.

10	Biological Diversity	Management should seek the appropriate balance between, and integration of, conservation and use of biological diversity	One of the primary aims of establishing the new legislative framework is to ensure ecosystems are more resilient and continue to deliver long-term benefits to Wales. The White Paper supports the consideration of the ecosystem services model, which places biological diversity at the heart of the supporting services (system) which in turn underpins a range of important, provisioning, regulating and cultural ecosystem services. It is expected that some of the key indicators of the national policy document will be biodiversity related.
11	Evidence	Management should consider all forms of relevant information including scientific and local knowledge, innovations and practices	The area-based approach is based on gathering the relevant information from a whole range of sources to develop a robust evidence base. Local information, through engagement with local service boards, and community engagement, will be an important factor. The consultation process may include a call for evidence from all sectors of society to gather information and advice of further develop alternative management strategies for natural resources.
12	Stakeholder Engagement	Management should involve all relevant sectors of society and scientific disciplines	A consultation will be required for the National Policy Document, and the area-based approach would include a statement of community involvement. Although methods and approaches to stakeholder engagement will not be set out on the face of the legislation, NRW will be expected to look at how to integrate existing stakeholder engagement processes that occur across the broader areas of their functions.