

## **Towards the Sustainable Management of Wales' Natural Resources: Consultation on proposals for an Environment Bill**

The Health Protection Committee welcomes the opportunity to comment on the above consultation.

Since many of the questions posed in the consultation document are not wholly relevant to the Health Protection Committee and there are other issues we would like to raise, our comments are provided in bullet points as follows:

- We acknowledge and welcome the proposals to develop a more integrated approach to sustainably manage Wales' natural resources. However, we feel that the consultation document would be improved by including more information of the influence that natural resources can have on population health, wellbeing and quality of life, as well as other wider health determinants such as the economy, community and housing quality. The relationships between health and the environment in its widest sense are significant. Whitehead and Dahlgren stated many years ago that, in its simplest sense, health is a function of a person's socio-economic and environmental circumstances, as well as hereditary and personal influences.<sup>1</sup> The World Health Organization (WHO) estimates that globally, 24% of the burden of disease can be attributed to environmental stressors.<sup>2</sup> In the UK, this estimate is lower, but still a significant 14%.<sup>2</sup>
- There is no doubt that the relatively new Natural Resources Wales (NRW) agency should lead much of what the White Paper proposes, but a comprehensive Environment Bill should ultimately recognise the roles that other bodies can play in achieving a more integrated management of Wales' natural resources. Health Boards, Public Health Wales, Local Authorities and others can make a significant contribution to help achieve the objectives outlined in the White Paper. As such, whilst it is essential for an Environment Bill to complement other emerging Welsh Government policies such as the *Future Generations, Planning Reform, Housing, Heritage* and *Access Bills*, it is prudent for similar links to be made with the proposed *Public Health Bill*.
- Similarly, whilst there is a proposal to require other bodies to cooperate, share information, jointly plan and report on sustainable environment matters, the White Paper fails to recognise the reciprocal of this i.e. how NRW can and must support other agencies achieve their strategic goals. In other words, as well as stating what "other key players need to do to deliver the opportunities identified in order to optimise the sustainable management of natural resources", an Environment Bill should set out what NRW needs to do to deliver the opportunities identified in order to optimise population

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<sup>1</sup> Dahlgren G, Whitehead M (1991). *Policies and strategies to promote social equity in health*. Stockholm: Institute for Future Studies.

<sup>2</sup> WHO (2008). *The global burden of disease: 2004 update*. WHO: Geneva, Switzerland.

health, wellbeing and quality of life in Wales. Developing Single Integrated Plans (SIPs) through Local Service Boards (that take into account Local Development Plans and other strategic documents) will facilitate this and generate opportunities to collaborate to jointly identify and implement work priorities and plans.

- The White paper sets out the need to increase the resilience of our natural resources by preparing for future challenges, such as those presented by climate change. Vulnerability to climate change is manifested by an increase in extreme events, such as flooding, storms and gales, changing rain patterns and heat waves. In her 2012-13 Annual Report the Chief Medical Officer recommended the Welsh Government and Public Health Wales should work with local and national agencies, such as the NHS, local government and Natural Resources Wales, to improve community resilience, the provision of public health advice and the implementation of recovery strategies to respond to extreme weather and other natural events. The White Paper provides an opportunity to consider environmental challenges including flood risk management and recovery. One potential improvement to flood management could be the creation of a Welsh Flood Forum, similar to that already in place in Scotland, to provide support for and represents those who are affected by or are at risk of flooding.
- Adopting an 'area-base approach' is sensible as it is inappropriate to apply a 'one size fits all' model across Wales. It will be important for an Environment Bill to not only consider the natural resources local context but also the local context in terms of health and other influencing factors. However, care should be taken when implementing actions against identified work priorities and plans through an 'area-based approach' since many partner organisations have an all-Wales remit; efforts should be made to ensure consistency, reduce existing inequalities and minimise the creation of new inequalities.
- The proposal to test and trial experimental schemes or projects to address work priorities is welcomed. To increase the effectiveness and impacts of such projects, a collaborative approach should be taken to plan and implement them. To determine effectiveness, all projects should be subject to formal evaluation which quantifies not just environmental impacts but also health and other outcomes.
- The White Paper makes several proposals to refine the regulatory framework that underpins current and future natural resource management. The suggestion to "tidy up" existing legislation in the interim is sensible as this is likely to inform the development of a more coherent and integrated future regulatory framework. Such a review should take account of new and emerging technologies to access natural resources - for example shale gas extraction.
- Protecting and improving air, water and land quality across Wales is a priority but little reference, if any, is made to *reacting* to pollution and/or contamination problems.

Instead, the emphasis seems to be on being *proactive*. Whilst this is entirely appropriate, it is equally important for an Environment Bill to ensure that any proposals do not detract from the need for NRW to maintain its existing role in responding to incidents, both in terms of preparedness and response.

- Waste management proposals are described in detail in the White Paper. We welcome this but would ask that the Environment Bill also considers and puts measures in place to minimise the possibility of adverse knock-on effects from these proposals that may impact local environments and public health and increase the work loads of NRW and others. Ways to increase rates of recycling are an example of this where it is likely that more waste materials will need to be stored for sorting at Materials Recovery Facilities. In Wales, over the past couple of years, numbers of fires (accidental and deliberate) at legal and illegal waste facilities have increased; these proposals may actually raise the risk of fires occurring at such sites and so the regulatory framework should be tailored and strengthened to avoid this.
- We welcome the proposal to give NRW 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. However, there is also a need to consider how environmental controls are maintained, not just when ownership changes, but when businesses are in financial difficulty and become insolvent. The priorities of liquidators are focused on mitigating the financial and legal impact of a company failure rather than meeting their obligations of existing environmental controls and the protection of public health. This potential gap in regulatory control is worthy of consideration, particularly in the current period of austerity. It may also be an opportunity to use the General Binding rules concept. In relation to Development Control, careful thought should be given to greater linkage between the Planning and Environmental Permit application processes in Wales. This will ensure that potential environment and health impacts are identified at the earliest opportunity and timely actions can be taken to avoid, reduce or mitigate against risks. Doing this will also serve to minimise confusion amongst Planning Authorities, Regulators, consultees and communities. Also, an Environment Bill should not just consider the role of Strategic Environmental Assessments in shaping Wales' communities but also that of (integrated) Health Impact Assessment.
- The Welsh Government Nature Fund will provide a real opportunity not just to benefit nature but also public health. Consideration should be given to a prioritisation process that promotes projects that meet both objectives. For example the remediation of contaminated land to reduce impacts on the ecosystem could also reduce the risk to humans from exposure to contaminants and benefit public health. This would be more sustainable and such projects could also improve access to promote healthier lifestyle activity - for example walking or cycling.

- Finally, we are surprised there is no mention of the need to share data and information between partner agencies to facilitate the monitoring of trends and patterns in environmental indicators, hazards and their impacts. It is recognised that environmental hazard distribution, exposures and impacts can vary across Wales and this may lead to social or environmental injustice concerns and health inequalities. It would be extremely beneficial from a public health perspective for Natural Resources Wales to consider the potential merits in sharing intelligence and data to inform related surveillance work and identify possible research opportunities. Moving forward, it would be prudent for Natural Resources Wales to consider the contribution it can make to the evolving environment and health surveillance ambitions of Public Health Wales.

We trust these comments are of use to you.

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## Towards the Sustainable Management of Wales' Natural Resources

### Environment Bill White Paper – Consultation Responses

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Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Adam Rowe	
<b>Organisation</b>	Local Records Centres Wales (LRCW).  LRCW is the network of Local Records Centres in Wales which comprises: BIS (Biodiversity Information Service for Powys and Brecon Beacons National Park; Cofnod – North Wales Environmental Information Service; SEWBReC (South East Wales Biodiversity Records Centre); and WWBIC (West Wales Biodiversity Information Centre).	
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<b>E-mail address</b>	adam.rowe@sewbrec.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input checked="" type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

## Chapter 2 - Natural Resource Management

### Question 1

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

Yes

No

***Please provide comment:***

We welcome the opportunity to comment on this White Paper and support the proposal to adopt an integrated approach to natural resource management in Wales. The four Local Records Centres (LRCs) in Wales are concerned with the collation, management and dissemination of biodiversity data and we are therefore pleased that the white paper recognises the importance of the evidence-based approach. For the Environment Bill to deliver its proposed outcomes, it is vital that existing relationships between public bodies such as NRW and organisations such as the four Welsh LRCs are confirmed and strengthened. We must maximise the benefits of the resources of information, knowledge and skills contained within the LRCs and limited resources must not be allocated to projects which duplicate existing arrangements.

Having stated our support, we do however have some concerns that there is too much vagueness surrounding much of what is described in the White Paper. The general approach seems to be that Welsh Government (WG) is seeking a broad consensus on what is currently a very vaguely-defined way forward. Successful delivery of its broad aims will rely on powers of secondary legislation and detailed policies that are not yet proposed or agreed.

### Question 2

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

No

***Please provide comment:***

We are pleased that concise definitions have been provided for consultation and that the tone of the definitions is clearly one of long-term sustainable management of resources, rather than their exploitation. However, we do have strong concerns that the term 'biodiversity' seems to have been omitted in favour of 'biological resources'. There has been a significant emphasis on biodiversity conservation over the past two decades and the omission of the term risks disenfranchising huge numbers of people. Whatever definition is ultimately agreed, it needs to be explained and promoted to a public audience across Wales in clear and simple terms. The public has taken time to embrace the term 'biodiversity' and we would not wish to complicate matters by removing it from the new terminology utilised within natural resource management.

### **Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

No

***Please provide comment:***

Yes, this is a very important issue for Wales and it needs to be integrated into our new legislation. We believe that biodiversity change is a very sensitive indicator of climate change and that evidence held by LRCs in Wales (now and in the future) should be fully utilised to monitor climate change and resilience at the local and Wales-wide scales.

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### **Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

No

***Please provide comment:***

The five-year cycle of setting and reporting on priorities seems sensible.

We hope that processes adopted are simple and not burdensome on any parties involved. WG needs to ensure that right evidence is available to measure success or failure and therefore it will need to plan how evidence is gathered and managed at the outset. The types of data required for measuring and reporting outcomes may not currently exist. Although LRC Wales hope to be involved in reporting, it should not be assumed that we have the data or resources to assist without some careful forward planning.

The timing of target-setting and reporting rounds should, if possible, be co-ordinated with other major national/international reporting obligations and targets, e.g. Article 17 Habitats Directive reporting, EU Biodiversity Strategy to 2020 target to half biodiversity loss, future State of Nature in Wales reporting.

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### **Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

No

***Please provide comment:***

It is clearly necessary to tackle natural resource management at a local or regional scale within Wales rather than at the whole country scale. Considering the regular historical (and likely future) re-drawing of administrative boundaries, it seems that a system utilising natural boundaries (such as catchments) may be a sensible option. Downsides will be that boundaries will not match those of any partner organisations and it is likely that regional organisations such as the LRCs will have to engage with natural resource plans and initiatives across multiple catchments.

We have some concerns whether all options have been fully examined at this stage, as catchments seem to be the only area-based example proposed in the White Paper. It seemed from attendance at the November 2013 Natural Resource Management conference and the subsequent White Paper consultation workshops that the choice of catchments is a *fait accompli*. Will a catchment-based approach will be flexible enough for the broad ecosystem services approach? Problems may occur at the margins of catchments (e.g. watersheds or coastal areas) and at national boundaries (e.g. where parts of Wales lie within English catchments). It is also hard to envisage how this approach will work unless there is full coverage across Wales. We also wondered whether approaches need to be spatial or whether there is an opportunity to organise initiatives by relevant topics or themes.

Whichever area-based approach is adopted, We would like to see a commitment to gathering and making best use of data for each of the defined areas. This commitment will allow better access to data across all parties and also provide a legacy dataset for use on further work within the same or an overlapping area. We therefore believe that when defining the area, it is important to plan the data which may be available or required and for this to translated into a more detailed 'data plan' for each of the projects or programmes undertaken in the area. In doing this all those involved in the area will be able to make best use of the available evidence. We believe LRCs could provide an independent and experienced hub for this data, coordinating it across the areas and each of those involved in its management.

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

***Please provide comment:***

Whatever approach is adopted certainly needs to be flexible enough to be future-proof.

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**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes

No

***Please provide comment:***

We welcome the move for public bodies to “co-operate, share information, jointly plan for and jointly report on the management of natural resources” and for them to develop a “consistent evidence base”. However we believe there is a necessity for the information to be shared outside public bodies, so that information can be used by other sectors, allowing innovative ways of managing our natural resources. We are concerned that the remit to develop an evidence base lies with NRW and hope that they do this through continued support for the Welsh LRCs, thereby allowing continued access to the species records we hold (over 6 million, as at January 2014).

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**Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes

No

***Please provide comment:***

It is difficult to know from the White Paper what reporting responsibilities NRW will have. Will they be to Welsh Government or directly to the UK or European Governments? If it is the latter, we hope that Welsh Government will continue to keep a strong watching brief over the reporting powers of NRW and give them sufficient resources to be able to do this effectively.

If NRW are the lead reporting authority, we believe they need to have access to the best available evidence. For this to happen we believe it is important that Welsh Government and NRW support the collation of Wales-wide biodiversity data through Welsh LRCs. In the past biodiversity reporting has not always consistently accessed data held by the LRCs, however with a planned approach we believe data held at the Wales level can be rapidly and consistently accessed by NRW for a range of reporting purposes. We believe therefore it is important that NRW agrees with LRCs in Wales what data are required and for this to form an integral part of any agreement made between it and LRC Wales.

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**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

The Environment Bill presents a great opportunity to enshrine in law the need for a robust evidence base, and to further develop and enhance the relationship between LRCs, NRW and other agencies.

We agree with a need for a more integrated approach underpinned by a sound evidence base. However we are concerned that there will be may be duplication of effort if NRW does not integrate information held in Welsh LRCs within the evidence base and that they also need to be proactive about sharing the information with others. We would like to see a strong dialogue between NRW and Welsh LRCs, so that for its extended powers NRW can access the best available biodiversity data in the most efficient method.

We are confident that the LRCs in Wales are sufficiently flexible to respond to the impacts and meet the challenges of the proposals, but for this to happen we must have regular and effective dialogue with NRW.

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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **Question 10**

**Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?**

Yes

No

Please provide comment:

Although we are in favour of the development of new opportunities, we are concerned that biodiversity does not get lost amongst the opportunities which may generate revenue. We hope that NRW will continue to give a high priority to biodiversity and that when new opportunities arise they will wherever possible make the benefits for biodiversity one of the key outcomes from the opportunity. This is important as biodiversity provides a key ecosystem service, but one which is difficult to quantify in monetary terms.

A further proviso is that any new ways of working adopted should retain the need for decisions to be based on robust evidence. Where NRW looks to other organisations to help fulfil its outputs, these organisations should also be required to source and share evidence.

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### **Question 11**

**What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?**

It is important that NRW uses the best available evidence to support its approach, whether this is innovative or not. However perhaps it is even more important to use the best evidence when something is untried, at least to justify the reasoning for this approach. Furthermore we would recommend that when building innovative approaches NRW considers the sort of evidence it wishes to use, how that is best procured and how any out-coming evidence is best stored, managed and shared. We therefore believe that better planning of the data requirements of these new approaches would reap both immediate and long-term benefits. We hope that LRCs can be involved in developing this process with NRW.

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### **Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

No

***If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?***

NRW should be able to do this as they should have access to all the necessary evidence with which to make decisions. In order to ensure that ecosystem services continue to be provided by those who are in receipt of payment, mandatory surveying and reporting should take place, with the results placed in the public domain in a format that is easily accessible. LRCs could be utilised to provide data for broking and accreditation of PES Schemes as well as receiving data from future surveys.

A concern would be that were NRW to have a role as 'buyer' then additional funding would have to be provided to meet this unless this was in the form of 'cross trading' with NRW providing support in other ways.

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### **Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

We agree that it is appropriate that the extent should be limited to the objectives and that agreements should run with the land. In addition, individual agreements need to take into account what NRW needs to meet those objectives, i.e. effective monitoring providing robust evidence, in keeping with the proposed reporting cycle and high-level objectives to meet European and global targets.

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### **Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

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No comment

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

Broadly support A.

Concerns with B that existing primary legislation conferring protection on wildlife and habitats has evolved over time to meet wider obligations. Without knowing what Integrated Natural Resource Management will look like, we cannot at this stage support the power to amend that legislation in the future. Wildlife does not heed political boundaries.

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

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Not answered

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

Not answered



## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?

Yes

No

*Please provide comment:*

Not answered

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Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?

Yes

No

*If yes, what are they, and why should they be chosen?*

Not answered

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**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No

*If no, please state why and an alternative.*

Not answered

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**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

Not answered

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**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

***If yes, what are they?***

Not answered

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**Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

***If no, what other approach could we adopt?***

Not answered

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**Question 23**

**Do you agree that there should be a prohibition on the disposal of food waste to sewer?**

Yes

No

*If yes, should this apply to:*

**a)  
Sector**

**Households  
c) Both**

**b) Businesses and Public**

*Please provide comment:*

Not answered

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**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?**

Not answered

*i)*

*ii)*

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**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

**Yes**

**No**

*If no, what alternative lead in time would you suggest?*

Not answered

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**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

**Yes**

**No**

**Not answered**

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**Question 27**

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**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW**
- Local Authorities**
- Sewerage undertaker or**
- Other**

*If 'Other' please propose an alternative regulatory body and state reasons:*

Not answered

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**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

Not answered

## Carrier Bags

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### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

Not answered

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### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

Not answered

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

Not answered

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

Do you agree with the proposals in relation to Marine Licensing?

Yes

No

*Please provide comment*

Not answered

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#### Question 33

Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

- pre-application costs?
  - variation costs?
  - costs of transferring of licenses?
  - coverin  
g regulatory costs, via subsistence changes?
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Not answered

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**Question 34**

**Do you have any comments relating to the impact of the proposals?**

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Not answered

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**Shellfisheries Management**

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**Question 35**

**Do you agree with the proposal in relation to Shellfishery Orders?**

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Yes  No

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***Please provide comment***

Not answered

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**Question 36**

**Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?**

**Yes**

**No**

***Please provide comment***

Not answered

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**Question 37**

**Do you have any comments on the impact of this proposal (for example, impacts on your business)?**

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Not answered

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes

No

*Please provide comment*

Not answered

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No

*Please provide comment*

Not answered

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**Question 40**

**Do you have any comments on the impact of either of these proposals?**

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Not answered

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**Implementation / Equalities**

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**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

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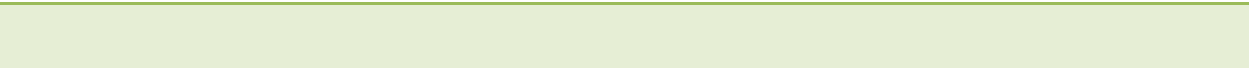
Not answered

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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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Not answered



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## Environment Bill White Paper

23 October 2013 – 15 January 2014

**Name**

**Organisation**

**Ceredigion County Council**

**Address**

Penmorfa, Aberaeron, Ceredigion, SA46 0PA

**E-mail address**

lan.Dutch@ceredigion.gov.uk

**Type**

*(please select one from the following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

**Third sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)**

**Academic bodies**

**Member of the public**

**Other (other groups not listed above)**

## Chapter 2 - Natural Resource Management

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### Question 1

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

Yes

No

***Please provide comment:***

Broad support for a clear legal framework and statutory basis for integrated resource management using an ecosystems approach.

The approach is inevitably complex and wide-ranging and the details / mechanisms for implementation will be critical to success.

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### Question 2

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

No

***Please provide comment:***

Need to emphasise the principles of the Ecosystems Approach, including recognise that ecosystems must be managed within the limits of their functioning (Principle 6).

Whilst the document highlights the sustainable use of natural resources, there is more limited consideration of biodiversity and nature conservation management. For example there is no explicit reference to meeting the Wales, UK, EU and UN Convention on Biodiversity (CBD) 2020 targets.

The conservation of biodiversity must be accepted as a central tenet of sustainable development, and not secondary to economic and social development.

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### **Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

No

***Please provide comment:***

There are significant and wide-ranging risks presented by climate change and this should be factored into ecosystems management and national and local levels for the reasons outlined in sections 2.27-2.29.

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### **Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

No

***Please provide comment:***

The setting of national outcomes and priorities will assist in providing a clear framework for action. This will need to be supported by a clear evidence base against which actions can be measured.

This will also assist in formulating programmes and actions at the local level and in encouraging organisations to cooperate, share information and engage in joint working (e.g. through Local Service Boards, LBAP Partnerships, etc.).

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### **Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

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Yes  (with qualifications)

No

***Please provide comment:***

Broadly support an area-based approach. However the nature and scope of Area-based plans requires detailed consideration, as does the consideration of how organisations such as the Local Authorities work on the ground.

The relationship with other plans and strategies is also crucial, for example the effect of Proposal NRM4 and its implications for the production of Local Development Plans (LDP). There are indeed a number of issues that need to be considered in relation to LDPs:

- It is probable that a management area would falls within two or three authority areas, all of which may be at different stages in their Local Development Plan (LDP) process.
- What is the effect of designation of an area for an LDP: if a Local Planning Authority has an adopted LDP, does this new designation require an immediate review of the LDP?
- It is conceivable that an LDP and a management plan may have competing requirements. How would these be reconciled and which plan has primacy? (in the longer term this may be less of an issue as processes are dovetailed)
- In order to avoid potential conflicts it would be desirable for the strategic aims of area plans to be incorporated in LDPs. In this way the strategic requirements for land-use planning and ecosystems management (on land) are integrated / coordinated effectively.

Other factors / considerations include:

- The need to ensure a link with Single Integrated Plans.
  - The definition of Areas. Will these be based on river catchments and if so how the system take account the management of other 'natural areas' (e.g. the Cambrian Mountains).
  - The mechanism for working with local authorities and other local interests in devising area based plans (for example are area based partnerships to be formed?). The arrangements for engagement with partner organisations will be critical; including direct involvement in the planning process: the comments made above regarding integration with LDPs are also relevant here, as is the role of Local Service Boards.
  - the relationship with other plans and strategies (both land and marine based)
-

### **Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes  (with qualifications)      No

***Please provide comment:***

It is assumed that this question related to other plans and strategies which cover elements of the natural environment and its use (as listed in section 2.72 of the consultation document).

It is likely that the approach would be flexible enough for the higher level / strategic plans to be replaced in the future (e.g. river basis plans; national flood and coastal erosion strategy). However, there would also be concern over the possibility of the NERC duty being removed and not being replaced by a similar requirement.

Other plans and strategies have a more local and specific purpose; these will continue to have an important role in helping to deliver national and local objectives, in biodiversity management and in facilitating community engagement.

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### **Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes       No

***Please provide comment:***

Cooperation with the local authority is essential as the local authority will be an important delivery partner given the range of functions relevant to resource management.

Reference to the LDP and Single Integrated Plan and the role of Local Service Boards has already been made (see response to Question 5).

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### **Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes

No

***Please provide comment:***

There will nevertheless be a need for effective communication with other organisations that can assist in evidence gathering (e.g. Local Record Centres; LBAP Partnerships).

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### **Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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Additional comments are as follows:

- Management should be carried out at the lowest appropriate (i.e. principle 2 of the ecosystems approach). The closer the management is to the ecosystem, the greater the responsibility, ownership, accountability, participation and use of local knowledge.
  - The key role of local authorities in delivering area based management actions and a clear understanding of how Local Authorities work on the ground.
  - The importance of working in partnership, in particular with local authorities and LBAP Partnerships, and associated NRW support mechanisms (grant aid and locally-based NRW staff).
  - The desirability of establishing those requirements to be delivered by local authorities in order that the resource implications can be identified (and provision made).
  - Identification of one lead officer where possible to deal with Local Authorities in these areas in order to make the process of working simpler.
-



## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **Question 10**

**Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?**

Yes

No

***Please provide comment:***

Broadly support the approach outlined in the consultation document under proposal NRM7, subject to safeguards to protect.

Paying for services is potentially a positive way for businesses and landowners to appreciate the value of the environment. However, there is a risk to this that they will be getting paid for things they should already be doing and appropriate management might not continue unless payments are received. There is also the issue of long term sustainability and take-up of these schemes. More information is needed.

Simultaneous applications for different consents are supported in principle. However this would require much further discussion to ensure that targets are still able to be met from all sides e.g. if discharge consents were to be agreed at the same time as planning permission.

In principle a reduction in bureaucracy would be beneficial. However, caution should be taken to not dilute the importance of the requirements and appropriate fines would need to be a deterrent.

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### **Question 11**

**What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?**

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Whilst it is important that the value of ecosystems services are recognised, it should also be recognised that nature conservation has its own intrinsic value and there are inherent risks in seeking to apply monetary values to the natural environment. Nature conservation legislation must not be endangered in developing this approach.

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### **Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

No

***If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?***

See comments made in response to Q10.

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### **Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

No comments.

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

See comments made in response to Q10.

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

Further consideration is required on this matter.

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

Further details and consideration is required on this matter.

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

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Simultaneous applications for different consents are supported in principle. However this would require much further discussion to ensure that targets are still able to be met from all sides e.g. if discharge consents were to be agreed at the same time as planning permission.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

**Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?**

Yes

No

#### ***Please provide comment:***

Ceredigion supports the aims of the Environment Bill in maximising both the quality and quantity of materials available for recycling, protecting the environment and supporting the Welsh economy. The Council does have reservations however in relation to the proposal to extend the range of materials that should be collected separately.

Ceredigion County Council believes that the consultation document is misleading by stating that current legislation requires “anyone collecting waste will need to collect paper, glass, metal and plastic by separate collection...” The Waste (England and Wales) Regulations 2011 (as amended) will require, from January 2015, that anyone collecting paper, metal, plastic or glass to do so by separate collection. Whilst the difference in drafting may be slight, it is important that the Welsh Government clarifies its proposals. Extending a requirement to “anyone collecting waste will need to collect paper, glass, metal, plastic, card, wood, and food waste by separate collection” is very different to a proposal to extend a requirement for “anyone collecting paper, glass, metal, plastic, card, wood, and food waste should do so by separate collection”. The latter merely states the method of collection, whereas the former would impose additional service requirements upon Local Authorities at a time of unprecedented financial constraints.

The Council has repeatedly stated that it believes decisions on waste collections should be made locally, reflecting local circumstances, the “one size does not fit all” argument. The County Council has some concern that the separate collection of wood is both logistically challenging for Ceredigion and unnecessary. The Authority has already put in place adequate arrangements for the collection of wood waste at its network of Household Waste Sites.

Ceredigion County Council is concerned that the Welsh Government is consulting on its proposals to extend the requirement for separate collection when guidance on what is “technically, economically and environmentally practicable” is still awaited. In the absence of such guidance, the extent of the current legislative requirements remains uncertain. It is clear that this “TEEP” test will be critical to Local Authorities in planning waste collection services and Ceredigion County Council would urge the

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Welsh Government to address the uncertainties as a matter of some urgency.

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**Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?**

Yes

No



*If yes, what are they, and why should they be chosen?*

N/A

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**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No



*If no, please state why and an alternative.*

Ceredigion County Council supports the principle of the proposal to place a duty on waste producers to present their recyclable waste for collection. However the suggestion that “as minimum separation criteria, waste could be separated by the business waste producer into separate streams of metal and plastic, glass, co-mingled paper/card, food waste, wood and a residual stream” is unhelpful and appears to be inconsistent with the separate collection proposals discussed above. The County Council would suggest that the separation criteria for waste producers would need to be consistent with the requirements of the waste collector.

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**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

The Council considers that the vast majority of its commercial customers would not have sufficient space to store 7 waste streams separately, as they are predominantly SMEs. The Council also considers that it would not be technically, environmentally or economically practicable for it to collect 7 waste streams separately given the very rural nature of Ceredigion.

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**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

The County Council supports the principle of maximising the recycling of waste materials wherever possible. The Council also supports the conversion of residual waste to energy for those materials that cannot be recycled. The Council considers that the current legislative requirements, in particular the high statutory recycling targets in Wales, are sufficient to drive sustainable waste management practices, particularly through recycling. Energy from Waste and landfill bans are therefore considered to be unnecessary. In addition, the Council has some concerns regarding the specific proposals.

In relation to uncontaminated paper, card and plastic, the Council can envisage a

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number of scenarios under which EfW may be preferable to recycling. For paper and card, ecological foot-printing analysis “shows a greater benefit for efficient Energy from Waste treatment over composting. So, if recycling options are not available, this will be the preferred route<sup>1</sup>.” The proposal to ban paper and card from Energy from Waste facilities will therefore result in poorer environmental outcomes in circumstances where recycling options are not available. This is particularly the case for low grade paper and card for which recycling options are limited. A similar situation exists for plastics whereby, in ecological foot-printing terms, both high efficiency EfW treatment and landfill are preferable to open-loop recycling<sup>1</sup>.

The County Council considers that current legislative instruments, in particular the very challenging nature of the Welsh Government’s statutory recycling targets, are already potentially driving Local Authorities to choose less sustainable treatment solutions and this situation will be compounded by further restrictions which clearly result in perverse outcomes.

The Council has some concerns that should recycling markets for any of the specified materials fail, all other sustainable treatment solutions would be closed and landfilling of the materials would also no longer be an option under the proposals. The Council has some concern therefore that such bans may give rise to fly-tipping or illegal waste disposal activities.

In relation to the banning of “untreated wood”, the Council considers the use of wood in biomass combustion systems to be a valuable and sustainable alternative to fossil fuel heating systems and would welcome the exclusion of biomass facilities, along with Anaerobic Digestion facilities from the duties of the proposals.

The Council has some concern that the proposals in relation to Energy from Waste bans comes at a poor time. Many Local Authority consortia are nearing final stages of competitive dialogue as part of the Welsh Government Procurement Programme and may have entered into long term contractual obligations in terms of the composition of residual waste.

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### **Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

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<sup>1</sup> “Towards Zero Waste, Collections, Infrastructure and Markets Sector Plan for Consultation”, The Welsh Assembly Government, March 2011

***If no, what other approach could we adopt?***

See response to Question 21.

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**Question 23**

**Do you agree that there should be a prohibition on the disposal of food waste to sewer?**

Yes

No

***If yes, should this apply to:***

***a) Households***

***b) Businesses and Public Sector***

***c) Both***

***Please provide comment:***

Ceredigion County Council supports the treatment of food waste by Anaerobic Digestion. The Council has some concerns about how the food waste would be identified and how a ban would be enforced. It also considers that regulating this would be an onerous additional task for any Local Authority at a time when cutbacks are being made.

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**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?**

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See response to Question 23.

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**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

Yes

No

***If no, what alternative lead in time would you suggest?***

Given that guidance is still awaited in relation to the “TEEP” test and contamination limits, the Council has some concern that the lead times are ambitious. In addition, the Council has long term contractual obligations in place and urges the Welsh Government to consider the arrangements that Local Authorities have already put in place.

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**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

Yes

No

See response to Question 21.

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**Question 27**

**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

***If 'Other' please propose an alternative regulatory body and state reasons:***

See response to Question 23.

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**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

No further comments than those given above.

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## Carrier Bags

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### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

However clear communications need to be considered in order not to undermine efforts by Local Authorities promoting the re-use of items such as re-usable carrier bags.

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### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

No comment.

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

Yes

No

## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### **Question 32**

**Do you agree with the proposals in relation to Marine Licensing?**

Yes

No

#### ***Please provide comment***

There is currently an issue that the Marine Licensing team is overstretched and as a result the service is taking longer than it should. This is not a criticism of the existing staff, but the level of resource that is made available for dealing with licence requests.

The Authority has no issue with the proposals as long as the level of service is improved as a result, although it is difficult to provide a definitive response without knowing the scale of fees involved or the level of improvement to the efficiency and certainty of a timely response which could be expected as a result.

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#### **Question 33**

**Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:**

- pre-application costs?
- variation costs?
- costs of transferring of licenses?
- covering regulatory costs, via subsistence changes?

The only concern here is that some of the monitoring measures proposed by consultees during the licence application and monitoring processes are tenuous to say the least.

If fees were to be raised for this regulating role, the County Council would expect the monitoring requirements to be limited to those which are relevant to the scheme for which a licence is requested, and not include measures which another organisation would want to see included simply for their own organisation's benefit / use.

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### **Question 34**

**Do you have any comments relating to the impact of the proposals?**

No additional comments to those provided above.

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## **Shellfisheries Management**

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### **Question 35**

**Do you agree with the proposal in relation to Shellfishery Orders?**

Yes

No

#### ***Please provide comment***

The proposals appear sensible and should allow for better protection of the marine environment as well as being more workable for fishermen. There is recognition that any orders with the potential to impact European sites would require HRAs, and by formalising shellfishery management plans, gives the flexibility to adjust management if required to address issues that develop during the life of the plan.

What appears to be less clear is what consultation there would be on amendments to management plans, once orders have been approved. Where there is the potential to impact European Marine Sites it would be helpful to clarify that NRW (and other Relevant Authorities if appropriate) are to be consulted.

*Note: It is understood that there are no several or regulating orders in Ceredigion's waters but it is conceivable that there might be applications for them in the future.*

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**Question 36**

**Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?**

**Yes**

**No**

*Please provide comment*

No comments.

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**Question 37**

**Do you have any comments on the impact of this proposal (for example, impacts on your business)?**

No additional comments to those provided above.

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes

No

*Please provide comment*

The County Council agrees with the proposal in relation to changes to Section 29 as there is clearly a gap in the existing legislation.

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No

*Please provide comment*

The Council agrees with the proposal in relation to changes to Section 47 as there is a need to ensure that Welsh Ministers have equivalent powers to those of the Secretary of State.

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### **Question 40**

**Do you have any comments on the impact of either of these proposals?**

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No additional comments to those provided above.

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## Implementation / Equalities

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### Question 41

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

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No comments.

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### Question 42

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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Other comments:

- Sustainable development should underpin the Future Generations Bill. Whilst sustainable development is very much integrated into the Environments Bill, the core principle of the Bill should be the environment, and the sustainable use of it.
  - Resource and capacity issues for implementation in a period of financial pressure.
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**McDonald's response to TOWARDS THE SUSTAINABLE MANAGEMENT OF WALES'  
NATURAL RESOURCES – CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL**

**Contents:**

- 1. Response form**
- 2. Covering letter**
- 3. McDonald's responses to questions posed in *Consultation on proposals for an Environment Bill***

1. Response form

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name**

**Organisation**

McDonald's Restaurants Ltd

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**E-mail address**

**Type**

*(please select one from the following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

**Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)**

**Academic bodies**

**Member of the public**

**Other (other groups not listed above)**

## **2. Covering letter**

The Environment Bill Team  
Climate Change and Natural Resource Policy Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir/ Madam,

### **McDonald's response to the Consultation on proposals for an Environment Bill**

McDonald's is pleased to respond to Welsh Government's consultation, *Towards the sustainable management of Wales' Natural Resources: Consultation on proposals for an Environment Bill*. As a modern, progressive restaurant company, we recognise our responsibility to protect and preserve the environment – and we are determined to leverage our scale to maximise our positive impact on the environment. For example, last year we were the headline sponsor of Keep Wales Tidy's inaugural 'Clean Coasts Week'. Over 100 clean-up events took place across the Welsh coastline, and over 2,000 bags of rubbish and debris were collected from beaches and estuaries. We continue to sponsor the campaign in 2014.

Over the course of 2013, we have been actively engaging with SEPA (the Scottish Environment Protection Agency) on the Scottish Government's regulations on separate waste collections. Although we recognise there are significant differences between the two proposals, our Scottish work, including extensive trialling, means we are well-placed to comment on the application of waste separation legislation to our sector.

Please find below our response to the consultation questions relevant to our business.

If you require any more details, please do not hesitate to get in touch. I would be happy to meet with you to discuss these matters further, and to provide you with further details of the trials we have implemented in Scotland and the conclusions we have drawn from them.

Yours faithfully,

Katie Parker  
Head of Environment  
McDonald's Restaurants Ltd

### **3. McDonald's responses to questions posed in Consultation on proposals for an Environment Bill**

#### Regulation of waste collection and segregation

**Q19. Do you agree that the level of segregation asked of individuals/businesses is acceptable? If no, please state why and an alternative.**

**A19.** We believe the proposals, as they apply to our sector, are reasonable where the business handles/controls the waste directly – i.e. what the quick-service restaurant (QSR) sector calls 'back-of-house'. However, the QSR sector also includes areas where consumers dispose of their own waste – what the sector calls 'front-of-house'.

Our work in Scotland has shown that while back-of-house waste separation is achievable, a requirement to separate front-of-house waste is much more challenging for our sector. Indeed, the results of our trials to date suggest that, as things stand, meaningful customer separation is virtually impossible. These trials have not yet resulted in any recyclable material, as contamination levels have consistently been too high. We would therefore be keen to understand as soon as possible if the regulations seek to include front-of-house waste, and if so, to engage in a dialogue about how the requirement to separate might be feasibly interpreted for the purposes of the sector, given the stated objective is to increase recovery of waste materials, and in light of the parallel drive to minimise contamination levels in waste streams.

We would also appreciate clarification on the issue of the co-mingling of waste streams. We believe that, where the same quality of recyclate can be achieved, co-mingling is an appropriate solution from an environmental, economic and practical viewpoint.

**Q20. Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source? If yes, please identify them and explain why.**

**A20.** As outlined above, on the evidence of our trials to date in Scotland, we have come to believe that from a technical and economic perspective, it will be virtually impossible for the QSR sector to implement front-of-house separation of each of the individual waste streams that are relevant to our business (paper, card, plastic, and food). We would be more than happy to brief you on the results of our Scottish trials to date, which clearly demonstrate the challenges our sector faces, and to engage in a dialogue about the best way forward.

With regards to back-of-house separation, again, we would appreciate clarification on the issue of the co-mingling of waste streams. Our restaurants deal in very high volumes within small building footprints, and where the quality of the recyclate is not compromised, we believe co-mingling is an acceptable solution from an environmental perspective, while taking into account the spatial realities of our restaurant environment.

**Q21. Do you agree with the materials that we propose to ban from landfill or energy from waste facilities? Are there any other materials which should be banned from landfill or energy from waste facilities? If yes, what are they, and why?**

**A21.** In terms of the materials specified, while we support the specification that uncontaminated paper and card, as opposed to all paper and card, should be banned from landfill or energy from waste facilities where it is practical to source segregate, we would appreciate clarity on whether the ban on plastic is also for uncontaminated material only. In general, we believe that the ban should only apply to materials that it is practical to source separate – food waste in packaging, for example, will provide practical difficulties when it comes to separation, and therefore should not be included in the ban.

With regards to the proposal as a whole, we would emphasise that the necessary infrastructure must be in place before these proposals take effect. There must be clear alternative disposal routes for waste that is not of a high enough quality to be recycled, yet must be diverted from landfill or energy from waste facilities.

**Q22. Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach? If no, what other approach could we adopt?**

**A22.** Yes, we support the development of guidance in this way, but again we stress the need for clear alternative disposal routes.

**Q25. Do you agree that lead in times for the proposals are reasonable? If no, what alternative lead in time would you suggest?**

**A25.** The viability of meeting the lead-in times proposed is subject to a number of factors:

- Clarification of the inclusion or otherwise of front-of-house operations within the scope of the proposals; this is crucial for our planning. If front-of-house operations are included, we need as much lead-in time as possible. We are keen to meet with you to understand the expectations on this, and to discuss the feasibility of implementation within the timeframes, given the time and cost involved in implementing the necessary infrastructure for customer separation.
- The necessary infrastructure being in place for waste that is not of a high enough quality to be recycled, yet must be diverted from landfill or energy from waste facilities.

**Q26. Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

**A26.** Yes, we agree that NRW are the appropriate organisation to regulate in this area, and would welcome an early opportunity to meet with the relevant point of contact at NRW to discuss how these proposals impact our sector.

**Q28. Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

**A28.** As previously stated, the scale of the impact of the proposals on our business and sector will depend on the inclusion or otherwise of front-of-house operations.

From a front-of-house perspective, if included, the economic impact to our business would be significant. The consultation paper states that “it is clearly understood that there should not be additional burdens on businesses at a time when conditions in the UK economy are putting businesses under severe trading pressure”. It goes on to state that, in terms of impact, “businesses generally will not be required to do much more than what many businesses are already doing in separating their wastes for collection”. While we are prepared to invest in infrastructure and initiatives that improve our environmental practices, our concern is that, on the basis of trials to date, customer separation will not yield any recyclable material. At the same time it will impose costs on the business in terms of capital expenditure (bin modifications) and additional labour. This is a subject we would be happy to discuss further in person.

From a back-of-house perspective, we would ask the Welsh Government to take into consideration the additional cost in terms of staff time if some element of co-mingling - where it does not impact on the recyclability of the material, is not considered acceptable.

## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

We want your views on our proposals for an Environment Bill.

Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

To help record and analyse the responses, please structure your comments around the following questions. You do not need to comment on all questions.

The Welsh Government will run a series of engagement events across Wales on the White Paper during the consultation period.

Please submit your comments by 15 January 2014.

If you have any queries on this consultation, please email:

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **Data Protection**

**Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.**

**The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.**

**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.**

**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Andrew Blake	
<b>Organisation</b>	Wye Valley AONB Partnership	
<b>Address</b>	Wye Valley AONB Office Hadnock Road Monmouth NP25 3NG	
<b>E-mail address</b>	aonb.officer@wyevalleyaonb.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input checked="" type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

The Wye Valley Area of Outstanding Natural Beauty (AONB) Partnership welcomes the opportunity to respond and contribute to this important document.

The Wye Valley AONB is one of the eight nationally protected landscapes in Wales. Areas of Outstanding Natural Beauty and National Parks share the highest level of protection in relation to landscape. The primary purpose of AONBs (and National Parks) is to conserve and enhance natural beauty. The lower Wye Valley is renowned as one of the most attractive lowland landscapes in Britain, covering 326 km<sup>2</sup> (128 sq miles) between Chepstow and Hereford. The Wye Valley AONB, designated in 1971, is unique in straddling the border between England and Wales and incorporates parts of the counties of Herefordshire (46% of the AONB), Monmouthshire (36%) and Gloucestershire (18%). The lower Wye Valley is therefore both one of the 5 AONBs in Wales and one of the 34 AONBs in England.

The Wye Valley AONB is managed by a Joint Advisory Committee (JAC). The JAC is a strong cross-border partnership of local authorities, government agencies and co-opted members consisting of interested local and national organisations. The JAC oversees the implementation of the statutory AONB Management Plan by the AONB Unit and other partners and advises on issues, policies and strategies. The AONB Unit also services a number of sub-groups and working groups of local experts and interested parties. The term



‘AONB Partnership’ is used to refer to all the partners engaged directly in the management and governance of the AONB.

## Chapter 1 - Introduction

### 1.1 - 1.7 **Supporting a more effective approach**

The Wye Valley AONB Partnership welcomes the intention to frame Wales’ economic, environmental, and social decision making within the wider context of achieving a more sustainable way of living. We particularly welcome recognition of the value of Wales’ natural resources and the interdependent nature of their relationships with each other and with social and economic factors.

We also welcome the intention to simplify processes and plans. However, it should be recognised that environmental processes and plans exist to help manage the often complex, poorly understood and nuanced relationships with natural processes between natural and human interaction.

### 1.8 - 1.17 **Case for Change**

We broadly support the intention to address the issue of market failure around some environmental goods and services. However, we are concerned that there is confusion in 1.8 between the natural resources of Wales and the services they provide.

We also would have expected to see some recognition, that provisioning and regulating services can be managed through the interplay of market forces, regulation, and incentives, whereas cultural services cannot. Protected landscapes deliver a disproportionately high level of cultural services but mechanisms to value them, pay for them, and manage them are not discussed. Cultural services represent a significant natural resource for Wales with important social and economic impacts. Greater emphasis should therefore be placed on these services currently subject to the impact of market failure, particularly if Wales is to fully utilise its natural resource capital effectively.

Therefore we believe there is scope for Welsh Government to better articulate the relationship, and difference, between the natural resources of Wales and the services they provide.

We particularly welcome the general point made in 1.13 on the need for a regulatory framework that allows for the integration of environmental, economic, and social considerations. However we are concerned that the underpinning role played by the natural environment in supporting the economy and society is missing from this paragraph. This leads to the impression that the proposals for regulation do not fully reflect the case for change set out earlier in the chapter.

We object to the incorrect reference and interpretation of legislation in 1.14. relating to National Parks and Areas of Outstanding Natural Beauty (AONBs). The founding legislation for these protected landscapes was the National Parks and Access to the Countryside Act 1949 Act and this was enacted as a clear response to social needs, not ‘in response to specific environmental problems’. The 1949 Act was intended to improve opportunities for

recreation and access, which was, and still is, a positive economic driver. The phrase ‘preservation’ in the 1949 Act was replaced with ‘conservation’ through an amendment in the Countryside Act 1968. The term ‘special qualities’ exists in relation to the National Parks’ second purpose but it does not exist in relation to AONB designation, to which the legislation refers purely to ‘natural beauty’. Citing an erroneous and out of date reference to the legislative framework for AONBs in the Case for Change is unhelpful. It is also exceedingly disappointing considering that our response to the ‘Sustaining a Living Wales’ in May 2012 identified a similar error.

#### 1.18 - 1.26 **The Role and Functions of Natural Resources Wales**

We support the concern raised by the National Association for AONBs (NAAONB) that the purpose of Natural Resources Wales is open to interpretation and potentially inconsistent with the stated commitment to achieving sustainability.

#### 1.27 - 1.34 **Legislative and Policy Context**

We welcome the clear link between the Environment Bill, the Future Generations Bill, and the Planning Reform Bill. However, it would be useful to see greater clarification over how these bills will interact and how delivery of the long term outcomes of the Future Generations Bill will be supported by the Environment Bill and the Planning Reform Bill, accepting that Town and Country planning is one of the main regulatory and decision making mechanisms available to effect environmental change.

We fully support the recognition, in paragraph 1.34, of the relationship between the natural and historic environment, particularly in relation to the term ‘landscape’. We are keen, however, to stress the importance of retaining the term ‘landscape’ within the draft definition of natural resources in order to fully reflect the suite of Wales’ natural resources. We fully support the consideration of landscape in an integrated approach to natural resource management. We are particularly pleased to see reference to the term ‘natural beauty’.

## Chapter 2 - Natural Resource Management

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### Question 1

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

**Yes**

### ***Please provide comment:***

The Wye Valley AONB Partnership welcomes many of the proposals set out in Chapter 2. We support an area based approach to integrated natural resource management and agree that establishing a legal definition for natural resource management should be the first step. We particularly agree that any definition should clearly highlight the fact that natural resource management is more than exploitation for economic gain. There should also be specific reference to the word ‘landscape’ with a clear understanding and interpretation of it as a

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valuable resource important to the ecosystem service approach as well as its significance in relation to our cultural heritage. The ‘landscape’ approach is an effective mechanism to achieve integrated natural resource management.

We would value clarity on the relationship between statutory AONB management plans and the natural resource management plan, and hope that this would encompass the role that the State of the AONB reports could make in providing a sound evidence base.

We support the definition of sustainable management set out in 2.17 but we are not convinced that the statutory purpose of NRW, set out 1.24, is aligned with this definition. This is a fundamental issue that needs to be addressed at this stage.

We agree that the current system to protect, regulate, and manage the environment is complex. However we would like to emphasise that AONBs and National Parks are essentially enabling designations that work at a landscape scale and recognise environmental, social and economic constraints and approach them in an integrating way. Recognition of this, and correction of the erroneous statement in 1.14, would deliver a true representation of services and opportunities the protected landscapes provide for Wales.

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## **Question 2**

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

***Please provide comment:***

It is welcomed that ‘Landscape’ will be recognised as one of Wales’ important natural resources and that its definition combines physical features of the natural environment, and cultural and historic influences - in line with the European Landscape Convention and Ecosystems Approach.

Para 1.34 provides further specific headings for landscape including cultural heritage, sense of place and natural beauty, which help frame how landscape is perceived from a number of separate but related perspectives and allowing the conservation and designation functions of Cadw and NRW to be reflected in the Bill. The definition of 'landscapes' also needs to be include ‘seascapes’. Landscape Character Assessments also help to articulate the elements and features of an area which give it its specific character and sense of place.

The landscape approach can realise the opportunities for ecosystem delivery at a regional and local level and is also a useful context within which to spatially map and understand the components of Green Infrastructure. It is felt that the White Paper is somewhat ambiguous on whether the ecosystem service approach in the Bill will utilise a landscape approach, or whether it will be based on biodiversity resilience. It is the latter that reads as the primary delivery vehicle for the fulfilment of the ecosystem approach. A landscape led approach would provide an holistic framework to address social, economic and environmental issues which can focus on opportunities and benefits rather than just constraints, thus attracting jobs, funding

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and investment for a sustainable future.

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### **Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

*Please provide comment:*

The examples given in 2.28 & 2.29 focus on ecosystem habitats, but there are many more factors and services that should be referenced in such scenario; such as how natural resources near settlements provide green infrastructure functions of improving air quality, reducing noise, surface run-off and flood management, moderating any heat island affect and creating quality spaces which people use to enhance their health and wellbeing.

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### **Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

*Please provide comment:*

It appears logical to relate natural resource management to the Future Generations Bill. It is essential that these outcomes are aligned with those in the Policy Statement for Protected Landscapes. However, ‘national outcomes’ and priorities need to be set in ways that are locally deliverable, but there may well be projects which, due to complexity and needing to test and define approaches (e.g. delivery of the water framework directive), cannot be conveniently aligned with this time frame.

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### **Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

***Please provide comment:***

We welcome the inclusion of AONB Management Plans in 2.71. However, we would like to draw attention to the Land Use Consultants report of 2009\*, which identified the correlation between ecosystem service delivery, their pressures and risks, and the protected landscapes (National Parks and AONBs); effectively ecosystem hotspots. We are therefore surprised that not more is made of the potential value of the protected landscapes and their Management Plans in informing an area based approach to natural resource management.

The identified correlation of AONBs (and National Parks) to the richness of ecosystem service provision provides a useful case study for the potential of the area-based approach; with those designations having systems of management planning, partnership governance, the duty to have regard, management teams etc. and opportunities for delivering conservation / enhancement &/or restoration of the functionality of ecosystems.

We are unsure why, in Table (ii), the ‘National Park duty of regard’ (Environment Act 1995, s.62.) is included but not the similar ‘AONB duty of regard’ (Countryside & Rights of Way Act 2000, s.85).

\*Land Use and Environmental Services, Final Report to the Environment Agency, Project no. SC080014, July 2009

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

***Please provide comment:***

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**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

No

***Please provide comment:***

We are not convinced that this will be an effective or efficient tool, particularly as it is hard to see how this duty might apply to the private and third sectors, who are key players in achieving the desired outcomes. The requirement for a duty to co-operate will not guarantee co-

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operation. Co-operation and collaboration comes about as a result of agreed shared direction, not compliance with a duty. This may actually distract focus and resources away from development of co-operation into monitoring of the ‘duty’ and enforcement. It seems highly unlikely that any ‘enforced co-operation’ is going to be productive. True co-operation requires behavioural change, cross sectorial understanding, and an environment within which collaborative systems and processes can flourish. The AONB Family has worked hard to instil a culture of co-operation and collaboration across its networks, and AONB partnerships continues to develop this area of work, expanding across the public, private and third sectors. This collective experience would make a valuable contribution to this area of thinking.

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### **Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes

*Please provide comment:*

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### **Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

The Wye Valley AONB Partnership welcomes the recognition, in 2.89, of Cross-border issues. As a cross-border Protected Landscape partnership we are permanently engaged in cross border co-operation and collaborative landscape scale projects. It is essential that all parties to natural resource management in Wales understand that ecosystems and their services do not follow administrative boundaries. Therefore any resources, regulation or legislation must work effectively at a landscape, UK and European scale with counterparts, habitats and ecosystems across the border.

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## **Chapter 3 - Natural Resources Wales – new opportunities to deliver**

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### **Question 10**

**Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?**

No

***Please provide comment:***

The Wye Valley AONB Partnership has significant concerns about the proposal to enable Welsh Ministers to make changes to primary legislation through secondary legislation, where this is needed to align NRW's duties with primary legislation. We do not believe that these powers are needed and we are concerned at the precedent being set for amending primary legislation without adequate scrutiny. Similarly, as there is no agreed 'definition for integrated natural resource management', we do not support the proposal "to enable Welsh Ministers to make specific changes to existing primary legislation, where it can be demonstrated that the current law is contrary to the definition, purpose and objectives of integrated natural resource management".

In addition, we are unclear how this proposal reflects the recommendations set out in The Welsh Government's Constitutional Affairs Committee Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years, February 2011. This would benefit from significant elaboration.

However, we welcome the opportunity to refine NRW's purpose and to resolve the potential inconsistency in interpretation of the commitment to achieving sustainability, as opposed to 'sustainable use', as outlined earlier and by the National Association for AONBs (NAAONB). Within this NRW's landscape function needs to be clearly set out. The White Paper defines landscape as including cultural heritage, sense of place and natural beauty. This recognition is welcomed as these elements of the landscape are important for sustainable resource management and economic, social and environmental reasons at both regional and local landscape scales. They are championed within nationally designated areas, but are present in all landscapes, as recognised by the European Landscape Convention.

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**Question 11**

**What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?**

No comment

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**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

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***If ‘yes’, do you consider that there is a need for any new powers to help to further opportunities for PES?***

The PES proposal could tie in very well with landscape approach, Green Infrastructure approach, and complement or supplement the Community Infrastructure Levy (CIL) funding pots for dedicated projects.

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**Question 13**

**What should be the extent of NRW’s power to enter into management agreements?**

No comment.

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

No comment

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**Question 15**

**In relation to Welsh Ministers’ amendment powers, do you support: a) the initial proposal to limit it to NRW’s functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

We support neither. See response to Question 10 above.

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

No comment

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

No.

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*We are making no comment on Questions 18-41*

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**Implementation / Equalities**

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**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

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No comment

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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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No

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The Environment Bill Team  
Climate Change and Natural Resource Policy Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

15<sup>th</sup> January 2013

Dear Welsh Government

## Response to Welsh Government White Paper consultation on proposals for an Environment (Wales) Bill

Thank you for giving Wildlife Trusts Wales the opportunity to comment on the Environment (Wales) Bill. Our detail comments are contained within Appendix 1 but summarized below.

There are areas we support in the White Paper such as the extension of the carrier bag levy to bags for life. We also welcome the ecosystems based approach and we hope that this consultation is the start of not just a legislative process but of **joint delivery with the third, private and public sectors**.

However, there are significant areas of concern.

We would like to see an **overall vision** for the Environment Bill along the lines of 'creating healthy, resilience ecosystems for current and future generations enabling them to live within environmental limits'. This would then flow from the Future Generations Bill.

**We object very strongly to NRM11, the proposal to enable Welsh Ministers to amend primary legislation using secondary legislation.** If used, this power would reduce Assembly scrutiny of, and influence over, what could be significant changes to the legislative framework for environmental protection and management in Wales.

We believe it would render the statute book in Wales less transparent and understandable. Both options proposed under NRM11 are incredibly broad (NRW's functions and powers come from approximately 230 pieces of primary legislation). **We wholeheartedly reject the proposed licence to make incremental changes to Primary Legislation without proper scrutiny and consider this to be unconstitutional.**

Notwithstanding the above, the White Paper can be in places be quite generalist and theoretical. In fact, **it appears to have more in common with a Green Paper rather than a White Paper.** So we would recommend that the next step in developing this new and critical approach would be a **Draft Environment Bill.** This document should then give time for some more concrete and determined proposals for further consultation and scrutiny.

We also have concerns with the proposals in the White Paper which place too much emphasis on the use of natural resources and not enough on their enhancement, protection and responsible stewardship. We are concerned also that without a clear remit for NRW to be an environmental champion there will be a lack of focus on enhancing biodiversity which in turn may lead to failure to achieve existing legislative commitments, e.g. Aichi targets and climate change targets. **This is vital because, in order to enable an ecosystems based approach, you have to ensure that biodiversity is protected and constantly enhanced as it underpins the entire process (as per Convention on Biological Diversity).** This is also paramount considering that when examining environmental limits we are already exceeding our planetary limits in terms of biodiversity.

**We note that protected sites are not specifically mentioned in the proposals.** To undertake an



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Mae Ymddiriedolaethau  
Natur Cymru yn Elusen  
Gofrestredig Rhif:  
104567  
ac yn Gwmni wedi ei  
Chyfyngu gan Warant  
Rhif: 3032775

Wildlife Trusts Wales is  
a Registered Charity:  
104567  
and a Company Limited  
by Guarantee: 3032775

Gwarchod **Bywyd Gwyllt** ar gyfer y Dyfodol  
Protecting **Wildlife** for the Future

ecosystem approach protected site management is vital to sustain the natural resource base. It is therefore disappointing this is not reflected in the content of the White Paper.

A key test will be how the new emphasis on an ecosystem approach will influence over other processes and actors; e.g. Welsh Government deployment of RDP funds; local plan allocations and specific decisions by Government, Local Authorities, public bodies and others.

Whilst we welcome the involvement of NRW in **Payment for Ecosystem Services** (PES) schemes, we have reservations over NRW as PES broker. However, we welcome the proposal for NRW to enter into management agreements to get an agreed plan of interventions that are attached to land and create more natural solutions to flood risk, etc.

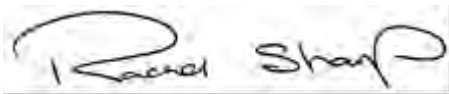
We also welcome the extension of the carrier bag levy to bags for life but would also recommend the direct channelling of revenue back into Welsh charities to support delivery of environmental benefits for Wales.

But we are concerned about the low importance within the document given to marine management. For example, **there is no mention of how marine protected areas will help inform the Marine Plan. More detail is needed on how they intend to meet Good Ecological Status for MSFD** or how area based plans fit with marine planning and how collective pressure will be measured.

We would like it noted that WTW wish to be involved in the future development and operationalising these new frameworks such as National Resource Planning.

Once again, thank you for the opportunity to comment on this document.

Yours sincerely

A handwritten signature in black ink that reads "Rachel Sharp". The signature is written in a cursive style with a large initial 'R'.

Rachel Sharp  
CEO, Wildlife Trusts Wales

# APPENDIX 1

## RESPONSE TO WELSH GOVERNMENT WHITE PAPER CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT (WALES) BILL

### Introduction

Wildlife Trusts Wales (WTW) is the umbrella organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales (hereafter referred to as the 'Wildlife Trusts') working together in partnership to achieve a common aims. The Wildlife Trusts collectively speak on behalf of more than 28,000 members and manage over 200 nature reserves, covering more than 6,000 hectares of prime wildlife habitat, from rugged coastline to urban wildlife havens.

Wildlife Trusts strive for a *Living Landscapes* and *Living Seas*, recognising this as an inspirational end point where our environment, society, and economy coexist for the benefit of wildlife and people. We want to foster the connectivity that links our urban and rural areas, our freshwater and coast, our land and sea. We aim, along with our partners, to create;

- ecologically functioning areas that can adapt to climate change; providing resilience and connectivity for wildlife,
- access and enjoyment for people
- a population that is inspired by the natural world and value our environment for the many ways in which it supports our quality of life;
- a sustainable, low carbon contribution to the economy;
- areas that provide a suite of essential ecosystem goods and services.

Our interests therefore lie in people and communities, wildlife, and their interaction.

We are at a pivotal moment. Unsustainable practices have caused dramatic decline in habitats and species outside protected sites leading to the loss of ecosystem services over vast swathes of the Welsh countryside.

We would like to see an **overall vision** for the Environment Bill along the lines of 'creating healthy, resilience ecosystems for current and future generations enabling them to live within environmental limits'. This would then flow from the Future Generations Bill.

WTW supports the overarching high-level ambition to develop and embed an ecosystem approach to management of the environment in Wales. **We believe there is an urgent need to increase investment in restoring ecosystems through new approaches to enhance, protect and manage all elements of the natural and historic environment, both now and for future generations.** The White Paper contains a number of concepts and proposals which continue to develop this vision and WTW supports and welcomes this work. We support the ecosystems based approach has and we hope that this consultation is the start of not just a legislative process but of joint delivery with the environmental NGO (eNGO), private and public sectors.

However, **we do have concerns regarding proposals in the White Paper that place too much emphasis on the use of natural resources and not enough on their enhancement, protection and responsible stewardship.** We would also like to emphasise that although new practices will be needed to adopt an ecosystems based approach, we should not lose sight of the importance of using existing tools (e.g. site designations, other legislation) in delivering this approach.

WTW wishes to be involved in the future development and operationalising of new frameworks, and believes that ensuring a strong purpose for Natural Resources Wales (NRW) to champion the protection and improvement of all elements of Wales' environment, land and seascapes, and to ensure a truly integrated approach to sustainable development, will be crucial to overall success. **Absence of a clear remit for NRW to be an environmental champion may lead to a lack of focus on enhancing biodiversity for example, and this could result in failure to achieve existing legislative commitments** (e.g. Aichi targets and climate change targets) as well as a wider failure to live within environmental limits.

We are sure this is not a situation that Government or anyone wishes to see, and it is therefore crucial that the unique opportunity presented by the White Paper, to enable people to live within environmental limits, to

Gwarchod **Bywyd Gwylt** ar gyfer y Dyfodol  
Protecting **Wildlife** for the Future

increase our resilience to climate change and to address the future needs of society in Wales, is fully harnessed. To do this we must ensure that appropriate focus and support is given to the positive measures available to protect and enhance our environment, as well as make sustainable use of its valuable natural resources for society and economy of Wales.

We trust that Welsh Government will be able to take our concerns and comments into account when analysing responses. **As valued stakeholders we are anxious that our views are considered in the Governments' evaluation, and that effective mechanisms are in place for us to fully understand how our comments are taken into consideration as the process moves forward.**

## **Chapter 2: Natural Resource Management**

### **NRM 1 – Legal definition for natural resources**

- We welcome the fact that Welsh Government proposes to have clear definitions to assist in the development of the new approach. However, we note a number of omissions/ limitations with Governments' proposals.
- **The definitions are extremely focused on natural resource use and neglect nature conservation, which, under the Convention of Biological Diversity<sup>1</sup> (CBD) is fundamental to the ecosystem approach.** This is a major omission. The concepts and principles of the CBD which themselves inform an ecosystem approach are not used directly by Welsh Government in their appraisal of natural resource definitions and their effects, nor in later sections describing the policies and priorities to implement integrated natural resource management.
- We would like to highlight that delivering nature conservation and restoring degraded ecosystems is central to delivery of sustainable development. **To enable an ecosystems based approach you have to ensure that biodiversity is protected and constantly enhanced as it underpins the entire process.** In this way you achieve re-investment into the system therefore making the natural environment better enabled to deliver ecosystem services to meet the demands of our growing population and enable us to mitigate against our changing climate.
- **The definition omits reference to living within environmental limits. We see this as a critical component and one that provides a link between the Environment and the Future Generations Bills.**
- In addition, we are disappointed that the terminology which is used does not reflect specific sustainable development language in relation to the needs of future generations. Instead the 'woolly' concept of "environmental wellbeing" is reintroduced, which can be misinterpreted legally as relating to human wellbeing only. We urge that this ambiguous language is replaced.
- We welcome that the collective actions refer to all public authorities and delivery bodies, not just NRW. However, we would welcome clarification as to how this will be monitored and reported on, ideally this should be through an independent body such as the Wales Audit Office to the Minister.
- Another omission from the definition of natural resources is seascapes. In general, there is a lack of reference in the proposals to seascapes and how marine issues will be incorporated into natural resource management planning.
- Some words in the definition, such as landscapes, need to be more clearly defined to ensure that they are not open to variable interpretations. The definition of landscapes set out in paragraph 1.34 should be used in the legal definition.

### **NRM 2 – National natural resources policy and priorities**

- **This proposal presents an excellent opportunity to set out statutory targets relating to international targets to which Welsh Government is already committed on the key issues of climate change and biodiversity loss.** These are two extremely challenging issues to tackle, and we believe statutory targets are needed to ensure commitment and to show clear lines of responsibility for our international commitments.
- Welsh Government's **Climate Change strategy is not referenced** in the White Paper and neither are the key emission reduction targets (3% per annum from 2011 and 40% total reduction by 2020 from 1990 baseline) nor the work of the Climate Change Commission for Wales (CCCW) and its sub-groups' Sectoral Adaptation Plans (one of which is planned for the natural environment and land use). Instead the White Paper references the UK Climate Change Act (2008) and the adaptation reports required under this Act. This is a missed opportunity.

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<sup>1</sup> <http://www.cbd.int/sp/>

- The Welsh targets could be incorporated into the proposed **National Natural Resource Management** Policy, given statutory status in the Bill and delivered, in part at least, through the proposed natural resource area-based approach.
- We believe that addressing climate change through an Environment Bill should be about giving statutory recognition to the use of all Welsh natural resources that have a bearing on both mitigation and adaptation, and therefore effectively embedding the relevant parts of the Welsh Government’s Climate Change Strategy.
- We understand that the proposed approach draws on legislation that exists elsewhere, including in South Australia, and we note that the South Australian Natural Resources Management Act includes in its objects the recognition of the **intrinsic value of natural resources, protection of biological diversity** and support for the **restoration and rehabilitation of ecological systems**<sup>2</sup>. We suggest that Wales should also recognise these elements of natural resource management.
- In point 2.22 it is stated that “The Environment Bill will therefore provide the legislative basis for a national natural resources policy aligned to the national outcomes set out through the Future Generations Bill.” We are still waiting to find out exactly what these will be, which makes it difficult to comment with any certainty on this proposal. We would however, like to re-emphasise that national outcomes such as living within environmental limits and using our fair share of the earth’s resources in order to meet our needs, would be necessary to support the approach needed in the Environment Bill.
- **In general the White Paper can be in places be quite generalist and theoretical. So we would recommend that the next step in developing this new and critical approach would be a Draft Environment Bill.** This document should then give time for some more concrete and determined proposals for further consultation and scrutiny.

**NRM3-6 – Establishing and embedding natural resource management: development and priority setting of an area-based approach by NRW, a duty on other bodies to take the approach into account and reporting on progress**

- The proposals outlined in NRM3-6 are positive, however, more clarification is required before we are able to comment on their effectiveness in detail.
- One of the key benefits of the new approach should be that it enables NRW to deliver existing responsibilities more effectively including protected site condition, WFD and biodiversity targets, etc. However, **we note that protected sites are not specifically mentioned in the proposals** (except brief reference to MPAs). It would be naive in the extreme to think that the new area-based framework would replace the need for all of the existing tools we have available to ensure protected site management as they remain vital to sustaining the natural resource base, and it is disappointing this is not reflected in the content of the White Paper.
- **It is extremely important that Government does not lose sight of existing targets, e.g. 2020 biodiversity target, as it works to develop these changes.** The approach presents a real opportunity to build on existing tools and create exciting opportunities for what we call ‘landscape scale conservation’. It is therefore essential that current mechanisms for delivering these priorities, are fully explored and integrated into the overarching approach the Government is seeking to create.
- **A key test will be how this process has influence over other processes and actors; e.g. Welsh Government deployment of RDP funds; Local Plan allocations and specific decisions by Government, local authorities, public bodies and others.** The detail of how a duty for other bodies to take account of the area based approach and integrated natural resource management will operate, will be critical in ensuring that this process is cohesive and everyone works together to achieve national priorities. From the content of the White Paper it is unclear what status these plans would have. Lessons should be learned from the experiences of the work undertaken on the Wales Spatial Plan.
- **We welcome acknowledgement that the area-based approach for the sustainable management of natural resources is also appropriate in the marine environment and the importance of embedding any marine action within the evolving marine planning process.** Marine planning provides the platform for an ecosystem-based approach to managing our marine waters and is a key tool for achieving the overarching target of Good Environmental Status by 2020 under the Marine Strategy Framework Directive. An important component of this area-based approach for the marine environment, and something that is not recognised in the consultation document, is the contribution that an ecologically coherent network of Marine Protected Areas (MPAs) can make to EBM goals, specifically by reducing the cumulative impacts of stressors on marine ecosystems. The recently published ‘Wales Marine and Fisheries Strategic Action Plan’

<sup>2</sup><http://www.legislation.sa.gov.au/LZ/C/A/NATURAL%20RESOURCES%20MANAGEMENT%20ACT%202004/CURRENT/2004.34.UN.PDF>

sets out the Welsh Government's approach to implementing an ecosystem-based approach in the marine environment but the links to the wider natural resource management agenda need to be much more explicit.

- We welcome the recognition in paragraph 2.81 that non-monetised benefits need to be understood when analysing the evidence on natural resources as it is important to recognise the benefits of a quality environment that cannot easily be quantified.
- We would also like to highlight the key role for the eNGO sector both in helping to develop natural resource management plans and in contributing to their delivery. In order to be able to fulfil this role effectively, eNGO sector organisations will need adequate resources. All partners, including those from the eNGO sector, should be involved at an early stage in the development of natural resource management plans.
- We need clarity on what status these plans will have, who will resource the process and implementation of them

### **Chapter 3: Natural Resources Wales – New opportunities to deliver**

#### **NRM 7 – Experimental powers for NRW**

- Given that Welsh Ministers will need to give formal approval to the terms of any scheme to be introduced, safeguards will need to be put in place to ensure the use of these new powers does not become too politicised. These should include ensuring that the process of developing and designing new schemes and seeking formal approval for them is undertaken in an open and transparent way with a clear mechanism for stakeholders to provide their own proposals for potential schemes as well as being consulted on NRW's proposals. There is a role for the third sector here in both engaging a wide range of stakeholders and providing expertise when co-producing schemes with local communities.
- In addition, there needs to be effective assessment and reporting of the outcomes of those schemes that are introduced so that lessons can be learnt from the process. In particular **there is a need to show how re-investment into the natural process is being achieved through monitoring against biodiversity targets.**

#### **NRM 8 – NRM and its role in development of Payments for Ecosystem Services (PES)**

- We welcome development of **Payment for Ecosystem Services (PES)** schemes, the important role for NRW and the exciting opportunities for involvement of environmental NGO and private sectors.
- We have reservations over NRW being broker whilst also establishing accreditation and assurance for schemes, as well as providing information and facilitation services, and its regulatory role.
- We suggest that it would be more appropriate for NRW to fulfil the latter two of these roles. **We would like to see the role of brokering agreements being with the third sector.**
- We find it disappointing that there is no reference at this stage to working in partnership with the eNGO and the private sector. NRW cannot deliver an ecosystem based approach, nor can the third sector, we need to work together with the private business.

#### **NRM 9 – Management agreements**

- We welcome this proposal for NRW to enter into management agreements to get an agreed plan of interventions that are attached to land and create more natural solutions to flood risk, etc. However, we would like to emphasise how important it is that these agreements are attached to land holdings however, if they are not there is a danger that payments could become a commodity, as was the case with entitlement payments.
- How this process works and how it would be resourced is unclear and although this level of detail is not needed at this stage, consideration must be given in case there is a legal requirement to enable these agreements.
- There is also a need for greater clarity as to whether NRW can require landowners to enter into management agreements. If so, how will this integrate with other agreement for land interventions such as measures under glastir.

#### **NRM 10 – New powers for the implementation of General Binding Rules**

- WTW broadly welcomes any initiative that seeks to remove duplication and improve efficiency of process through streamlining. However, this process needs to give full and detailed consideration to existing environmental requirement such as SEA and Habitat Regulations. Therefore, NRW will need to ensure that this process is vigorously monitored and enforced. This will require new resources especially when applied in the marine environment.



#### **NRM11 – Ministerial power to amend primary legislation via secondary legislation**

- **We object very strongly to NRM11, the proposal to enable Welsh Ministers to amend primary legislation using secondary legislation. If used, this power would reduce Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and management in Wales. We believe it would render the statute book in Wales less transparent and understandable.**
- Both options proposed under NRM11 – (a) enabling Welsh Ministers to amend primary legislation specifically relating to NRW functions and powers, and (b) creating a broader power to amend environmental legislation – are incredibly broad (NRW's functions and powers come from approximately 230 pieces of primary legislation).
- The White Paper does not include specific examples of where this power needs to be applied because no specific examples have hitherto been identified by Welsh Government. We believe that the need for change should be identified via a formal review process and, if this concludes that a change is needed; proposals for primary legislation should be published.
- We note that proposals in NRM11 go against Recommendations 2, 3 and 4 in the Constitutional Affairs Committee report<sup>3</sup>, published in 2011. We wholeheartedly reject the proposed licence to make incremental changes to Primary legislation without proper scrutiny and consider this to be unconstitutional.
- We have outlined our deep concerns regarding this proposal to the National Assembly's Environment and Sustainability Committee, and recommended that Government produce a Draft Bill to enable better understanding and scrutiny of the proposals.

#### **Resource Efficiency (Chapter 4)**

##### **Regulatory Body(ies) for Waste**

- Although NRW is the right body to enforce some of the changes/ requirements outlined in the White Paper, some support will also be required from local authorities and the eNGO sector.
- For example, local authorities may be better able to undertake the regulation as part of their existing work, as is the current practise with regard to fly-tipping, where there was a Memorandum of Understanding between local authorities and the Environment Agency about who would take responsibility, depending on the scale of the incident.
- Education campaigns can often be more successfully delivered by the eNGO sector through their work on the ground with communities of place and interest.

##### **RE 6 & 7 – Carrier bag charges**

- WTW has been a beneficiary of revenue as a result of the successful implementation of a single use carrier bag charge in Wales i.e. **our partnership with the Co-operative Food and Pharmacy stores**. We have used this money to take forward crucial work in a range of areas of environmental improvement; work that serves to further mitigate the damaging environmental impacts of single use carrier bags.
- **We welcome the proposal to extend the carrier bag levy to bags for life. However, with regard to any revenue raised, we would recommend the direct channelling of revenue back into Welsh environmental charities to support the delivery of environmental and other social and economic benefits for Wales, rather than it being a requirement for retailers to pass on their net proceeds to any good causes.** This would ensure that all funds are used within Wales and that the Environment Bill is supporting the resourcing of natural resource management.

#### **Smarter Management (Chapter 5)**

##### **SM 1 – Marine Licensing Management**

- **There is no mention of how marine protected areas (MPAs) will help inform the marine plan.** More detail is also needed on how measures will work to meet Good Ecological Status for Marine Strategy Framework Directive (MSFD).

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<sup>3</sup> National Assembly for Wales Constitutional Affairs Committee. (2011). Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years. <http://www.assemblywales.org/cr-ld8393-e.pdf>

- Marine planning is intended to deliver the ecosystem approach, therefore we would seek clarification on how in-combination and cumulative pressures will be assessed, and if licences are granted what mitigation measures will be employed.
- We welcome the introduction of marine licensing pre-application fees (in line with the Marine Management Organisation (MMO) system) and would support the policy of full recovery costs. We support the 'subsistence charge' if this is invested into marine monitoring and research to provide a greater evidence base, to help with assessment of potential negative impacts and their mitigation.
- We look forward to the opportunity to input into a separate full consultation on the proposed revisions to marine licensing and urge Government to ensure that any measures within the forthcoming Bills are complimentary and compatible.

#### **SM2 – Shellfishery Management**

- **The amendments to the Sea Fisheries (Shellfish) Act 1967 appear to provide a mechanism for fuller consideration of activities within or without European Marine Sites (EMS). The opportunity to amend a submitted managements plans at short notice, should the need arise to remove the risk of damage to an EMS site, appears to embrace the precautionary principle and will help ensure compliance with conservation obligations such as the habitat regulations.**
- In regards to the proposed measures to ensure compliance with management plans for several orders, the White Paper refers to Part 8 of the Marine and Coastal Access Act (MCAA). Part 8 MCAA, 238(3) (e) of MCAA notes that Byelaws are exempt from enforcement under MCAA. As Wales has inherited many byelaws from the Sea Fisheries Committees, and is currently reviewing and replacing all byelaws with Fisheries Orders under MCAA, it would therefore be pertinent to ensure that any existing byelaws exempt from enforcement powers, as proposed, are also addressed and replaced with a Fisheries Order. This will ensure a level playing field in regards to all future Several Order proposals in Welsh Waters.
- Whilst we welcome proposals for greater provision of enforcement to combat non-compliant damaging activities, we are aware that enforcement activities in Wales are at present not widely used. Therefore in recommending that greater enforcement duties be employed to ensure that several orders are compliant with conservation measures adjacent or within an EMS sites, we would welcome better use of existing enforcement measures, as necessary, across all areas of fishing.

## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

We want your views on our proposals for an Environment Bill.

Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

To help record and analyse the responses, please structure your comments around the following questions. You do not need to comment on all questions.

The Welsh Government will run a series of engagement events across Wales on the White Paper during the consultation period.

Please submit your comments by 15 January 2014.

If you have any queries on this consultation, please email:

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **Data Protection**

**Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.**

**The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.**

**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Ben Underwood
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<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input checked="" type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

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## Chapter 2 - Natural Resource Management

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### Question 1

Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

Yes

No

*Please provide comment:*

Firstly it is very encouraging that there are numerous references in the White Paper to the importance of managing the natural environment alongside social and economic considerations and that NRW, whilst undertaking its functions, must consider these factors equally.

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### Question 2

Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?

Yes

No

*Please provide comment:*

In principle we agree with the approach. However, it is key to acknowledge that sustainable resource management cannot take place if those expected to deliver (landowners, farmers, foresters) do not have an economically viable business. If they don't, put quite simply, there will be no-one in rural Wales to deliver natural resource management in the future.

Integrated natural resource management is fine, but terminology surrounding the ecosystem approach is still not widely understood and certainly means nothing to practical land managers.

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**Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

No

*Please provide comment:*

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**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

No

*Please provide comment:*

National outcomes and priority actions for natural resource management are important to provide a coordinated approach and direction to activity on the ground. However, at all times due regard needs to be given to the fact that the natural environment is owned and managed, in the main, by private individuals and businesses who need to take a longer term view on how they manage their land. The vast majority of landowners want to hand on to their successors an asset that is at least as economically, environmentally, and socially valuable as it was when they took it on and, thus they have a long term view which shouldn't be curtailed unnecessarily by setting short term outcomes.

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**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

No

***Please provide comment:***

Yes, however we do have some concerns around the detail of the area-based approach. There is merit in identifying the opportunities, risks and challenges for the natural environment on a more localised basis; however, it cannot result in unnecessary restrictions on sustainable farming businesses and wider land management for commercial purposes. The threat of 'lines on a map' are that it results in a postcode lottery of where you can and can't carry out certain land management activities which can impact on profitability of agricultural land ultimately land values.

The priorities and challenges in each area must be identified and discussed with full engagement of those who are actively managing land and running businesses in the vicinity. The relationship these area-based priorities will have on the planning system is unknown. The CLA would have grave concerns if this process hindered sustainable development in rural Wales.

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

***Please provide comment:***

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**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes

No

***Please provide comment:***

The relationship these area-based priorities will have on the planning system is unknown. The CLA would have grave concerns if this process hindered sustainable development in rural Wales.

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**Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes

No

***Please provide comment:***

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**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

We have already mentioned our concerns about the postcode lottery effect and the impact on land management practices being displaced from one area to another. We have also highlighted our concerns about the impact the regional priorities may have on the planning system.

Another note of caution of the area-based approach to managing natural resources would be the level of repetition in terms of stakeholder/interest group meetings between each area. More talk and less action would not be a welcome direction of travel.

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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### Question 10

Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

Yes

No

*Please provide comment:*

Yes, subject to the specific *caveats* set out below. We are particularly encouraged to see things moving forward regarding PES.

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### Question 11

What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

We are strongly supportive of new approaches to sustainable land management, but we are concerned about the proposals for experimental powers. If they are drawn up with insufficient rigour or consideration for the needs of rural businesses they run the risk of doing more harm than good. We suggest it would be more appropriate to consider what new approaches are required and then look and what additional powers are required to facilitate them. There can then be a proper level of informed discussion to establish the details of what is required.

Trials on private land would have to be safeguarded by an agreement that any land involved would not be 'locked down' in perpetuity.

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**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes **X**

No **X**

***If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?***

We are delighted that the Welsh Government and NRW intend to take such a proactive role in the development of markets for ecosystem services. We agree that NRW is an appropriate body to act as facilitators, brokers and creditors. We would support the introduction of new powers necessary to facilitate these functions. The precise details of these new powers will, of course, depend on the model adopted.

In addition, we suggest that NRW be given the power to be a beneficiary or provider of last resort if, for some reason, the original beneficiary or provider ceases to exist. The assumption is that the role would be transferred to an appropriate new beneficiary or provider as soon as one could be found.

We note that the Law Commission has recently consulted on the need for legislative changes in this area, primarily conservation covenants. The issues raised in that consultation will also need consideration.

We emphasise that all these arrangements will only find favour with landowners if they enter into them voluntarily. Any system based on or involving the compulsory acquisition of land will be unacceptable to the vast majority of landowners. As such we see any sort of offsetting as being primarily a commercial matter with the landowner deciding that he wishes to dedicate his land for conservation purposes so long as the price is right.

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**Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

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We do not see a need for there to be any limit on the power to enter into management agreements so long as the agreements are consistent with NRW's powers. Moreover, they must be genuine agreements which the landowner has entered into voluntarily. There can be no element of compulsion.

We concur that such agreements should be registered as local land charges.

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

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We are opposed to the proposal regarding General Binding Rules. NRW should not adopt them. The regulatory burden on rural businesses is already significant and in many cases has a tangible impact on profitability. However, these regulations are generally accepted by business because they are intended to deal with clear and identified risks of harm. To introduce what are essentially further regulations bringing an additional level of red tape to deal with the rather nebulous concept of best practice, rather than clear harm, is not justified and will not have the same level of support.

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A X**

**B X**

***Please provide comment:***

We are in favour of consolidating and clarifying the existing laws. We accept that the current situation is far too complicated and cumbersome. However, we are concerned that the proposed mechanism for improving matters is sufficiently vigorous. We do not believe that simply consulting the public and laying the draft Order before the Welsh Government provides sufficient safeguards. There is too much of a risk that matters will not be properly scrutinised and that, in particular, implications for business will be missed. As such, there needs to be a specific process by which those with appropriate technical and practical expertise are engaged and obliged to comment.

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

We are not aware of any evidence.

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

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We believe that most of what is proposed, particularly the proposals concerning the development of markets for ecosystem services, has the potential to bring significant benefits for the natural environment of Wales and rural landowners. Nevertheless, we are concerned that the procedure for creating the necessary legislative framework is insufficiently robust to ensure that these markets deliver what is required.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?

Yes

No **X**

*Please provide comment:*

The waste segregation is too burdensome to small businesses.

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Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?

Yes

No **X**

*If yes, what are they, and why should they be chosen?*

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**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No

***If no, please state why and an alternative.***

It is quite telling that the estimated costs of waste segregation to small businesses have not been calculated. The CLA fully supports recycling, however, the level of segregation that is being proposed could place a significant burden on small and medium businesses. Further investment into segregation at the waste facility sites would be more effective.

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**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

***If yes, please identify them and explain why.***

The majority of small businesses throughout Wales, particularly prevalent in rural Wales, would not be able to accommodate this. Certainly taking the CLA as an example of a small business, we work from a small light industrial unit, with little spare space and a level of waste disposal that would not justify the numerous bins and collection visits required.

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**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

No comment.

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**Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

*If no, what other approach could we adopt?*

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**Question 23**

**Do you agree that there should be a prohibition on the disposal of food waste to sewer?**

Yes

No

*If yes, should this apply to:*

**a)**

**Sector**

**Households**

**c) Both**

**b) Businesses and Public**

***Please provide comment:***

No comment.

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**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?**

**i)**

No comment

**ii)**

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**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

Yes

No

*If no, what alternative lead in time would you suggest?*

No comment.

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**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

Yes

No

No comment.

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**Question 27**

**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

*If 'Other' please propose an alternative regulatory body and state reasons:*

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**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

No comment.

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## Carrier Bags

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### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

No comment.

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### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

No comment.

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

No comment.

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**Chapter 5 - Smarter Management**

**Marine Licensing Management**

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**Question 32**

**Do you agree with the proposals in relation to Marine Licensing?**

Yes

No

***Please provide comment***

No comment.

**Question 33**

**Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:**

- pre-application costs?
- variation costs?
- costs of transferring of licenses?
- covering regulatory costs, via subsistence changes?

No comment.

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**Question 34**

**Do you have any comments relating to the impact of the proposals?**

No comment.

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**Shellfisheries Management**

**Question 35**

**Do you agree with the proposal in relation to Shellfishery Orders?**

Yes

No

*Please provide comment*

No comment.

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**Question 36**

**Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?**

Yes

No

*Please provide comment*

No comment.

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**Question 37**

**Do you have any comments on the impact of this proposal (for example, impacts on your business)?**

No comment.

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes **X**

No

***Please provide comment***

Yes, this seems a sensible proposal.

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes **X**

No

***Please provide comment***

Yes, these mirror the provisions for England.

---

**Question 40**

**Do you have any comments on the impact of either of these proposals?**

No.

---

**Implementation / Equalities**

---

**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

No comment.

---

**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

---

The CLA has been developing thinking on PES for many years now and would be happy to discuss this further.

---

## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

We want your views on our proposals for an Environment Bill.

Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

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Please submit your comments by 15 January 2014.

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[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.**

---

**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Andy Rowland
<b>Organisation</b>	ecodyfi
<b>Address</b>	Y Plas, Machynlleth SY20 8ER
<b>E-mail address</b>	andy.rowland@ecodyfi.org.uk

**Type**  
*(please select one from the following)*

- |   |                              |
|---|------------------------------|
| <b>Businesses</b>   | <input type="checkbox"/>     |
| <b>Local Authorities/Community &amp; Town Councils</b>  | <input type="checkbox"/>     |
| <b>Government Agency/Other Public Sector</b>  | <input type="checkbox"/>     |
| <b>Professional Bodies and Associations</b>   | <input type="checkbox"/>     |
| <b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b> | yes <input type="checkbox"/> |
| <b>Academic bodies</b>  | <input type="checkbox"/>     |
| <b>Member of the public</b>   | <input type="checkbox"/>     |
| <b>Other (other groups not listed above)</b>  | <input type="checkbox"/>     |
-

**Question 1**

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

Yes

*Please provide comment:*

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---

**Question 2**

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

*Please provide comment:*

Strongly agree it should refer to more than exploitation (2.13)

Agree it should be based in ecosystems approach

Definitions look good

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**Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

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Yes

*Please provide comment:*

---

---

**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

*Please provide comment:*

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---

**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

---



Yes

No

*Please provide comment:*

probably

---

---

**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

*Please provide comment:*

---

---

**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes

---

***Please provide comment:***

Local Planning Authorities are natural partners

---

---

**Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes

***Please provide comment:***

---

**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

## Chapter 3 - Natural Resources Wales – new opportunities to deliver

---

### Question 10

Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

Yes

No

*Please provide comment:*

---

---

### Question 11

What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

---

---

**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

No

*If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?*

---

**Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

---

**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

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---

**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

---

**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

---

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### **Question 18**

Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?

Yes

No

*Please provide comment:*

---

---

Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?

Yes

No

*If yes, what are they, and why should they be chosen?*

---



**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No

*If no, please state why and an alternative.*

---

---

**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

---

**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

---

---

**Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

*If no, what other approach could we adopt?*

---

**Question 23**

Do you agree that there should be a prohibition on the disposal of food waste to sewer?

Yes

No

*If yes, should this apply to:*

a)

Sector

Households

c) Both

b) Businesses and Public

*Please provide comment:*

---

---

**Question 24**

Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?

i)

ii)

---

**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

**Yes**

**No**

*If no, what alternative lead in time would you suggest?*

---

---

**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

**Yes**

**No**

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**Question 27**

---

---

**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW**
- Local Authorities**
- Sewerage undertaker or**
- Other**

*If 'Other' please propose an alternative regulatory body and state reasons:*

---

---

**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

## Carrier Bags

---

### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

---

---

### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

---

**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

Do you agree with the proposals in relation to Marine Licensing?

Yes

No

*Please provide comment*

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#### Question 33

Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

- pre-application costs?
- variation costs?
- costs of transferring of licenses?
- coverin  
g regulatory costs, via subsistence changes?





*Please provide comment*

---

---

---

**Question 36**

Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?

Yes

No

*Please provide comment*

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---

**Question 37**

Do you have any comments on the impact of this proposal (for example, impacts on your business)?

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## Land Drainage Management / Flood and Water Management

---

### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes

No

*Please provide comment*

---

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No

*Please provide comment*

---

**Question 40**

**Do you have any comments on the impact of either of these proposals?**

---

---

**Implementation / Equalities**

---

**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

---

---

**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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**Biosffer Dyfi Biosphere is a good area to try out some of these approaches, as NRW is doing already, since the status is partly about being a testbed for sustainable development and partnership structures exist**

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## **Towards the Sustainable Management of Wales' Natural Resources**

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---

**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Martin Murphy
<b>Organisation</b>	Tidal Energy Ltd
<b>Address</b>	Vision House, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS
<b>E-mail address</b>	martin.murphy@tidalenergyltd.com

<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input checked="" type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

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## Chapter 2 - Natural Resource Management

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### Question 1

Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

Yes ✓

No

*Please provide comment:*

---

---

### Question 2

Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?

Yes ✓

No

*Please provide comment:*

---

---

**Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

**Yes** ✓

**No**

*Please provide comment:*

---

---

**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

**Yes** ✓

**No**

*Please provide comment:*

---

---

**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

**Yes** ✓

**No**

*Please provide comment:*

---

---

**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

**Yes** ✓

**No**

*Please provide comment:*

---

---

**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes ✓

No

*Please provide comment:*

---

---

**Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes ✓

No

*Please provide comment:*

---

**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

## Chapter 3 - Natural Resources Wales – new opportunities to deliver

---

### **Question 10**

Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

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No

*Please provide comment:*

---

---

### **Question 11**

What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

---

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---

---

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---

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---

---

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**A**

**B**

***Please provide comment:***

---



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**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

---

---

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---

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

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*Please provide comment:*

---

---

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*If yes, what are they, and why should they be chosen?*

---

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---

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---

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*If yes, what are they?*

---

---

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**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

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*If no, what other approach could we adopt?*

---

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Do you agree that there should be a prohibition on the disposal of food waste to sewer?

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No

*If yes, should this apply to:*

a)

Sector

Households

c) Both

b) Businesses and Public

*Please provide comment:*

---

---

**Question 24**

Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?

i)

ii)

---

**Question 25**

Do you agree that lead in times for the proposals are reasonable?

Yes

No

*If no, what alternative lead in time would you suggest?*

---

---

**Question 26**

Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.

Yes

No

---

**Question 27**

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- NRW
  - Local Authorities
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-

*If 'Other' please propose an alternative regulatory body and state reasons:*

---

---

**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

---



## Carrier Bags

---

### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

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*Please provide comment*

---

---

### Question 30

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Yes

No

*Please provide comment*

---



**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

---

## Chapter 5 - Smarter Management

### Marine Licensing Management

---

#### Question 32

Do you agree with the proposals in relation to Marine Licensing?

Yes ✓

No

#### *Please provide comment*

From an industry perspective, provided that adoption of the proposals does lead to an efficient and robust process then the proposals are supported. Tidal Energy Ltd remains concerned, however, that such proposals present an uncapped and uncertain cost through the licencing process.

---

---

#### Question 33

Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

- pre-application costs?
  - variation costs?
  - costs of transferring of licenses?
  - covering regulatory costs, via subsistence changes?
-

Again, provided that a predictable, responsive, timely and reasonable process is instigated then recovery of these costs should be considered carefully in the context of the total charging process.

---

---

**Question 34**

**Do you have any comments relating to the impact of the proposals?**

The main impact relates to whether or not, or how such a revision to the licencing regime will mitigate the risk to a developer in the application process specifically in terms of time and cost.

---

**Shellfisheries Management**

---

**Question 35**

**Do you agree with the proposal in relation to Shellfishery Orders?**

Yes

No

*Please provide comment*

---

---

**Question 36**

Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?

Yes

No

*Please provide comment*

---

---

**Question 37**

Do you have any comments on the impact of this proposal (for example, impacts on your business)?

---

---



## Land Drainage Management / Flood and Water Management

---

### **Question 38**

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No

*Please provide comment*

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No

*Please provide comment*

---

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**Do you have any comments on the impact of either of these proposals?**

---

---

**Implementation / Equalities**

---

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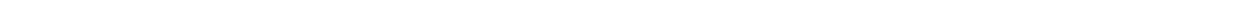
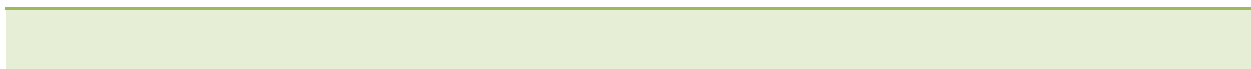
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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

---





## Tuag at Reolaeth Gynaliadwy o Adnoddau Naturiol Cymru

### Papur Gwyn Bil yr Amgylchedd – Ymatebion i'r Ymgynghoriad

Rydym yn awyddus i gael eich barn chi ar ein cynigion ar gyfer Bil yr Amgylchedd.

Mae eich safbwyntiau yn bwysig i ni. Credwn y bydd y ddeddfwriaeth newydd yn gwneud gwahaniaeth i fywydau pobl. Mae'r Papur Gwyn hwn yn destun ymgynghoriad cyhoeddus, a byddwn yn croesawu eich sylwadau chi. Bydd yr ymgynghoriad yn dod i ben ar 15 Ionawr 2014.

Er mwyn helpu i gofnodi a dadansoddi'r ymatebion, dylech roi eich sylwadau mewn ymateb i'r cwestiynau canlynol. Nid oes angen i chi roi sylwadau ar bob cwestiwn.

Bydd Llywodraeth Cymru'n cynnal cyfres o ddigwyddiadau ymgysylltu ar hyd a lled Cymru ar y Papur Gwyn yn ystod y cyfnod ymgynghori.

Dylech gyflwyno eich sylwadau erbyn 15 Ionawr 2014.

Os oes gennych unrhyw ymholiadau ynghŷn â'r ymgynghoriad hwn, anfonwch neges e-bost at:

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

---

#### Diogelu Data

Bydd unrhyw ymateb a anfonwch atom yn cael eu gweld yn llawn gan staff Llywodraeth Cymru sy'n delio â'r materion sy'n cael eu trafod yn yr ymgynghoriad. Efallai y bydd aelodau eraill o staff Llywodraeth Cymru yn eu gweld hefyd, er mwyn eu helpu i gynllunio ymgynghoriadau yn y dyfodol.

Mae Llywodraeth Cymru'n bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl y byddwn hefyd yn cyhoeddi'r ymatebion yn llawn. Fel arfer, bydd enw a chyfeiriad (neu ran o gyfeiriad) y person neu sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Bydd hyn yn helpu i ddangos bod yr ymgynghoriad wedi'i gynnal yn briodol. Os nad ydych yn dymuno i'ch enw neu eich cyfeiriad gael eu cyhoeddi, ticwch y blwch isod. Byddwn yn cuddio'r manylion hyn.

Mae'n bosibl y bydd yr enwau neu'r cyfeiriadau y byddwn yn eu cuddio yn cael eu cyhoeddi'n ddiweddarach, er nad ydym yn credu y bydd hyn yn digwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn galluogi'r cyhoedd i wneud cais i weld gwybodaeth sy'n cael ei chadw gan nifer o gyrff cyhoeddus, yn cynnwys Llywodraeth Cymru. Mae hyn yn cynnwys gwybodaeth nad yw wedi'i chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn caniatáu i wybodaeth gael ei hatal mewn rhai amgylchiadau. Os bydd unrhyw un yn gofyn i weld gwybodaeth sydd wedi'i hatal gennym, byddwn yn penderfynu a fyddwn yn ei rhyddhau ai peidio. Os bydd rhywun wedi gofyn i ni beidio cyhoeddi eu henw a'u cyfeiriad, byddwn yn ystyried y ffaith bwysig hon. Fodd bynnag, efallai bod rhesymau pwysig pam y byddai'n rhaid i ni ddatgelu enw a chyfeiriad rhywun, er eu bod wedi gofyn i ni beidio eu cyhoeddi. Byddwn yn cysylltu â'r unigolyn hwnnw ac yn gofyn eu barn cyn y byddwn yn gwneud penderfyniad terfynol i ddatgelu'r wybodaeth.



## Papur Gwyn Bil yr Amgylchedd

23 Hydref 2013 – 15 Ionawr 2014

**Enw** Nerys Wyn Davies

**Sefydliad** Cyngor Gwynedd

**Cyfeiriad** Uned Bioamrywiaeth, Adran Rheoleiddio, Cyngor Gwynedd, Swyddfa'r Cyngor, Caernarfon, Gwynedd, LL55 1SH

**Cyfeiriad e-bost** neryswyndavies@gwynedd.gov.uk

**Math**  
*(dewiswch un o'r canlynol)*

**Busnesau**

**Awdurdodau Lleol/Cynghorau Tref a Chymuned**

**Asiantaeth y Llywodraeth / Sector Cyhoeddus Arall**

**Cyrff a Chymdeithasau Proffesiynol**

**Trydydd sector (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, cwmnïau cydweithredol, mentrau, crefyddol, sefydliadau dielw)**

**Cyrff academiaidd**

**Aelodau'r cyhoedd**

**Arall (grwpiau eraill nad ydynt wedi'u rhestru uchod)**

## Pennod 2 – Rheoli Adnoddau Naturiol

### **Cwestiwn 1**

**Ydych chi'n cytuno â'r pecyn cyffredinol o gynigion ar gyfer rheoli adnoddau naturiol ym mhennod 2?**

**Ydw** ✓

**Nac ydw** ☐

#### ***Rhowch eich sylwadau:***

Mae'r pecyn o syniadau yn gwneud synnwyr, ond dim digon o fanylder. Does dim digon o ddefnydd o'r term bioamrywiaeth a bywyd gwyllt, dim ond 'adnoddau naturiol' sy'n golygu llawer iawn mwy o bethau.

Dylai Bioamrywiaeth fod yn un o'r prif bileri o'r diffiniad 'datblygiad cynaliadwy'.

Mae angen targedau ar gyfer cyflwr yr adnoddau naturiol eu hunain, nid yn unig targedau ar gyfer rheoli'r adnoddau. Hefyd does dim llawer o sôn am y targedau Bioamrywiaeth 2020; dylai'r rhain fod yn fwy canolog ac amlwg yn y ddogfen.

Mae'r dull ar sail ardal yn gallu gweithio yn dda ar gyfer rhai problemau fel atal llifogydd, ond mae'n bwysig cydnabod efallai nad yw'r ateb i bopeth. Does dim llawer o fanylder am y dull yma. Beth fydd yn digwydd i'r llefydd tu allan i'r ardaloedd yma? Sut fydd ffiniau yr ardaloedd yma yn ymdopi gyda Cynlluniau Datblygu Lleol gwahanol neu ffiniau yr Awdurdodau Lleol? Mae angen mwy o fanylder am y dull yma.

Mae'n bwysig hefyd nad yw CNC yn colli yr holl waith da mae'r tri chorff blaenorol wedi ei greu wrth adeiladau partneriaethau lleol, gweithredu'n lleol ar gyfer bioamrywiaeth, a chyfathrebu ar lefel lleol.

Efallai dylai'r bil geisio cydnabod beth sydd ddim yn dderbyniol ar gyfer bioamrywiaeth. Mae angen i'r bil ddangos sut fydd bioamrywiaeth yn cael ei warchod a diogelu ar gyfer y dyfodol.

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### **Cwestiwn 2**

**Ydych chi'n cytuno â'r agwedd i ddiffinio adnoddau naturiol, rheoli adnoddau naturiol mewn ffordd gynaliadwy a rheoli adnoddau naturiol mewn ffordd integredig yng Nghymru?**

**Ydw** ✓

**Nac ydw** ☐

***Rhowch eich sylwadau:***

Mae angen sicrhau cysondeb rhwng dulliau a therminoleg gydag esboniad clir ar beth mae'r rhain yn ei olygu.

Angen bod mwy sbesiffig a sôn fwy am fioamrywiaeth a thargedau bioamrywiaeth.

Mae angen rhoi sylw cyfartal i'r tri rhan o'r egwyddor 'Rheoli Adnoddau Naturiol' sef yr amgylchedd, economy, cymdeithas gan sicrhau bod y rhain wir yn gynaliadwy.

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**Cwestiwn 3**

**Ydych chi'n cytuno y dylid ymgorffori'r gallu i wrthsefyll y newid yn yr hinsawdd a lleddfu newid yn yr hinsawdd yn ein dull arfaethedig o reoli adnoddau naturiol ar lefelau lleol a chenedlaethol?**

**Ydw** ✓

**Nac ydw**

***Rhowch eich sylwadau:***

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**Cwestiwn 4**

**Ydych chi'n cytuno, wrth bennu canlyniadau a chamau gweithredu blaenoriaeth cenedlaethol ar gyfer rheoli adnoddau cenedlaethol, y dylent ddilyn y cylch pum mlynedd ar gyfer pennu canlyniadau cenedlaethol fel y cynigir yn y Bil Cenedlaethau'r Dyfodol?**

**Ydw** ✓

**Nac ydw**

***Rhowch eich sylwadau:***

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**Cwestiwn 5**

**Ydych chi'n cytuno y bydd dull ar sail ardal yn helpu i ddarparu dull cyflenwi clir a phendant gyda blaenoriaethau clir?**

**Ydw**

**Nac ydw**

***Rhowch eich sylwadau:***

Mae'r dull ar sail ardal yn gallu bod yn effeithiol iawn ar gyfer rhai materion. Ond does dim llawer o fanylder yn y ddogfen ar ba sail fydd yr ardaloedd yma yn cael eu dewis, a sut byddent yn cael ei gweithredu, ac yn integreiddio gydag ardaloedd eraill.

Ni fydd pob cynefin yn ymateb yn ffafriol i'r dull ardal, ac ni fydd pob problem yn gallu cael eu datrys yn y modd yma. Mae'n bwysig bod ystyried llawn yn cael ei roi i hyn.

Mi fydd creu ardaloedd newydd yn creu anawsterau wrth weithio rhwng ffiniau Awdurdodau Lleol, Cynlluniau Datblygu Lleol, Partneriaethau - sut fyddwch yn dod dros hyn?

Beth sy'n digwydd i'r llefydd tu allan i'r ardaloedd yma?

Mae angen osgoi gweithio ar raddfa rhy fawr ble fyddent ddim yn gallu gwneud gwahaniaeth/bod yn ddefnyddiol. Efallai bydd ceisio cynnwys popeth (sef lechyd, tai, addysg ayb) yn rhy uchelgeisiol a bell cyrhaeddol.

Gwneud defnydd o'r partneriaethau lleol sydd wedi cael eu sefydlu yn barod tebyg i Cynlluniau Gweithredu Bioamrywiaeth Lleol.

Angen gwell cydweithio rhwng yr adrannau yn Llywodraeth Cymru a CNC.

Gwneud gwell defnydd o'r Canolfannau Cofnodi Lleol i gasglu gwybodaeth a thystiolaeth.

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### **Cwestiwn 6**

**Ydych chi'n cytuno bod y dull yn ddigon hyblyg i alluogi i elfennau sylweddol o'r cynlluniau ar gyfer rheoli adnoddau naturiol gael eu hamnewid yn y dyfodol?**

**Ydw**

**Nac ydw**

***Rhowch eich sylwadau:***

Dim digon o fanylder ac esboniad ar sut fydd y dull yn gweithio i roi sylw i hyn eto.

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### **Cwestiwn 7**

**Ydych chi'n cytuno â'r syniad o orfodi cyrff cyhoeddus eraill i gydweithredu yn y dull ar sail ardal?**

**Ydw** ✓

**Nac ydw**

***Rhowch eich sylwadau:***

Mae cydweithredu yn digwydd yn barod heb orfodi. Mae'n angenrheidiol bod y cyrff cyhoeddus yn cydweithio gyda'i gilydd, yn enwedig ar gyfer dull heriol fel y dull ar sail ardal. Buasai cryfhau'r Ddeddf Amgylchedd Naturiol a Chymunedau Gwledig (NERC) 2006 yn help enfawr.

Gall y dull ardal fod yn ffordd o sicrhau bod cyfleon ar gyfer bioamrywiaeth yn cael eu creu yn hytrach nag lliniaru'r effaith o ddatblygiadau ar fioamrywiaeth.

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**Cwestiwn 8**

**Ydych chi'n cytuno mai Cyfoeth Naturiol Cymru ddylai weithredu fel y prif awdurdod adrodd ar gyfer adnoddau naturiol?**

**Ydw** ✓

**Nac ydw**

***Rhowch eich sylwadau:***

Mawr gobeithiwn na fydd CNC yn mabwysiadu'r dull o'r top i'r gwaelod tebyg i Lywodraeth Cymru. Mae'r tri chorff blaenorol wedi adeiladu perthynas da gydag Awdurdodau Lleol, gyda lefel da o gyfathrebu ar lefel lleol. Buasai yn drueni a siom gweld hyn yn newid, ac yn sicr dyma un o gryfderau'r tri chorff blaenorol. Mae dal angen i'r gweithredu a chyfathrebu ddigwydd allan yn y maes ar lefel lleol er mwyn i'r dulliau mwy strategol yma allu gweithio yn effeithiol.

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**Cwestiwn 9**

**A oes gennych chi unrhyw sylwadau ar effaith y cynigion hyn (er enghraifft, yr effeithiau ar eich sefydliad chi)?**

Mae pryder mawr gan yr Awdurdodau Lleol bydd llawer o'r dyletswyddau yn cael eu pasio o CNC i'r Awdurdod Lleol. Yn sicr mae ganddynt ddyletswydd glir i reolaeth ein hadnoddau naturiol, ond o dan yr amgylchiadau economaidd presennol mi fydd yn anodd iawn ymdopi gyda llawer mwy o ddyletswydd a gweithredu yn effeithiol.



## Pennod 3 – Cyfoeth Naturiol Cymru – cyfleoedd newydd i gyflenwi

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### **Cwestiwn 10**

**Ydych chi'n cytuno â'r cynigion ym mhennod 3 ar ffyrdd newydd o weithio ar gyfer Cyfoeth Naturiol Cymru (CNC)?**

**Ydw** ✓

**Nac ydw**

#### ***Rhowch eich sylwadau:***

Mewn egwyddor mae'r rhain yn gwneud synnwyr, ond mae pryder o sut fyddent yn gweithio yn ymarferol.

Mae pryder mwy dros y syniad o roi gwerth ar wasanaethau ecosystemau, ac yn rhoi argraff i ddatblygwyr ei bod yn dderbyniol dinistrio safle pwysig wrth daflu arian i mewn i'r gronfa. Nid yw hi'n bosib rhoi gwir werth ar fioamrywiaeth ac nid yw yn aml yn bosib ail-greu yr un peth. Does dim digon o ddata nag tystiolaeth i weld yn union beth fydd yn bwysig i ni ar gyfer y dyfodol.

Mae cael cyfres o ddulliau gwahanol i dalu am wasanaethau ecosystem yn gallu bod yn ddefnyddiol mewn rhai materion tebyg i reoli tir ar gyfer bioamrywiaeth. Ond dydi un dull ddim yn mynd i weithio ar gyfer popeth.

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### **Cwestiwn 11**

**Pa gyfyngiadau neu drefniadau diogelu ar ddefnyddio pwerau a allai fod yn angenrheidiol er mwyn galluogi CNC i dreialu dulliau arloesol o reoli adnoddau naturiol mewn ffordd integredig?**

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Mae risg mawr wrth geisio rhoi gwerth ar fioamrywiaeth. Mae angen cymryd pwyll mawr wrth wneud y gwaith yma, ac angen data a thystiolaeth dda fel rhan o'r broses.

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### **Cwestiwn 12**

**Ydych chi'n cytuno bod CNC yn gorff priodol i weithredu fel hwyluswyr, broceriaid ac achredwyr ar gyfer Taliadau ar gyfer Cynlluniau Gwasanaethau Ecosystemau?**

Ydw

Nac ydw

***Os 'ydw' yw eich ateb, ydych chi'n credu bod angen unrhyw bwerau newydd er mwyn helpu i ddatblygu cyfleoedd Taliadau ar gyfer Gwasanaethau Ecosystemau ymhellach?***

Na, mae potential enfawr o wrthdaro buddiannau yma ac felly nid yw CNC yn addas i weithredu fe hwyluswyr. Maent angen bod yn ddiuedd a chanolbwynti ar y ffeithiau.

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### **Cwestiwn 13**

**Faint o bŵer y dylai Cyfoeth Naturiol Cymru ei gael i lunio cytundebau rheoli?**

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Dylai CNC allu llunio cytundebau rheoli sydd yn cyrraedd swyddogaeth y gwaith. Ond mae'r arian tu ôl i gytundebau rheolaeth yn y gorffennol wedi bod yn annigonol. A fydd adnoddau digonol ar gael i CNC i weithredu yn effeithiol?

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#### **Cwestiwn 14**

**Gan gydnabod bod rhai pwerau yn bodoli yn hyn o beth, pa gyfleoedd sy'n bodoli i sefydlu Rheolau Rhwymo Cyffredinol y tu hwnt i'w cwrpas presennol?**

Mae'r rôl rheoleiddio yn holl bwysig, ac mae angen cymryd camau gweithredu pendant yn erbyn y rhai sy'n llygru.

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#### **Cwestiwn 15**

**Mewn cysylltiad â phwerau diwygio Gweinidogion Cymru, ydych chi'n cefnogi: a) y cynnig gwreiddiol i gyfyngu swyddogaethau CNC, yn amodol ar yr amodau a nodwyd); neu b) y cynnig ychwanegol i gynnwys deddfwriaethau cyffredinol ar yr amgylchedd,**

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yn amodol ar yr amodau a nodwyd?

A

B

*Rhowch eich sylwadau:*

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### **Cwestiwn 16**

**Nodwch unrhyw dystiolaeth benodol o wrthdaro neu rwystrau posibl rhwng amcanion rheoli adnoddau naturiol mewn ffordd integredig a chymhwyso deddfwriaeth bresennol.**

Gall y dull ar sail ardal greu wrthdaro, felly mae'n holl bwysig bod adrannau Llywodraeth Cymru a CNC yn cydweithio. Mae hefyd angen defnyddio dulliau addas a phositif i annog cydweithrediad gan dirfeddianwyr hefyd - mae angen dangos bod mantais i hwythau hefyd.

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### **Cwestiwn 17**

**A oes gennych chi unrhyw sylwadau ar effaith y cynigion hyn, er enghraifft, ar eich busnes neu'ch sefydliad chi?**

Mae'n holl bwysig bod CNC yn parhau gyda'r dull o weithio yn lleol ar lefel lleol tebyg i'r tri chorff blaenorol. Mae angen parhau gyda'r gwaith allan yn y maes er mwyn i'r dulliau strategol mawr lwyddo.

Mae pryder bydd rhai dyletswyddau yn cael eu pasio o CNC i'r Awdurdodau Lleol, ac na fyddent yn gallu ymdopi yn y sefyllfa economaidd bresennol.

Angen sicrhau nad ydynt yn anghofio ac yn gwneud defnydd o'r partneriaethau cryf sydd eisoes wedi cael eu sefydlu.

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## Pennod 4 – Defnyddio Adnoddau'n Effeithlon

### Gwahanu a Chasglu Gwastraff

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#### **Cwestiwn 18**

Ydych chi'n cytuno â'r pecyn o gynigion ym mhennod 4 ynglŷn â rheoleiddio'r gwaith o wahanu gwastraff a dull o gyfuno'r 5 mesur gyda'i gilydd?

Ydw

Nac ydw

*Rhowch eich sylwadau:*

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A oes yna unrhyw ddeunyddiau neu ffrydiau gwastraff eraill y dylid eu cynnwys yn y gofynion i ddioli a chasglu ar wahân?

Oes

Nac oes

*Os oes, beth yw'r rhain, a pham y dylid eu dewis?*

**Cwestiwn 19**

**Ydych chi'n cytuno bod y lefel o wahanu sy'n ofynnol gan unigolion / busnesau yn dderbyniol?**

**Ydy**

**Nac ydy**

*Os nad ydych yn cytuno â hyn, nodwch pam ac awgrymwch ateb arall.*

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**Cwestiwn 20**

**A oes unrhyw fathau neu feintiau penodol o fusnesau lle na fyddai'n ymarferol yn dechnegol, yn amgylcheddol nac yn economaidd i gadw 7 ffrwd wastraff gwahanol yn y tarddle?**

**Oes**

**Nac oes**

*Os oes, nodwch hwy ac esboniwch pam.*

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**Cwestiwn 23**

**Ydych chi'n cytuno y dylid gwahardd yr arfer o gael gwared ar wastraff bwyd mewn carthffosydd?**

**Ydw**

**Nac ydw**

**Os ydw, a ddylai hyn fod yn berthnasol i:**

**a)**  
**cyhoeddus**

**Cartrefi**  
**c) Y ddau**

**b) Busnesau a'r sector**

**Rhowch eich sylwadau:**

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**Cwestiwn 24**

**A oes gennych unrhyw sylwadau ynglŷn â sut y gellir gorfodi gwaharddiad o'r fath gyda i) busnesau a'r sector cyhoeddus ii) cartrefi?**

**i)**

**ii)**

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**Cwestiwn 25**

Ydych chi'n cytuno bod yr amseroedd arwain ar gyfer y cynigion yn rhesymol?

Ydy

Nac ydy

*Os ydy, pa amser arwain arall y byddech chi'n ei awgrymu?*

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**Cwestiwn 26**

Ydych chi'n cytuno mai CNC yw'r sefydliad gorau i reoleiddio'r ddyletswydd i wahanu gwahanol fathau o wastraff? Os nad ydych yn cytuno, rhowch eich rheswm a chynnig corff rheoleiddio arall.

Ydw

Nac ydw

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**Cwestiwn 27**

Yn eich barn chi, pa gorff yw'r un mwyaf addas i reoleiddio'r gwaharddiadau ar waredu gwastraff bwyd mewn carthffosydd ar gyfer busnesau a'r sector cyhoeddus:

- Cyfoeth Naturiol Cymru
- Awdurdodau Lleol
- Ymgymwrwr carthffosiaeth neu
- Arall

*Os 'Arall' yw eich ateb, awgrymwch gorff rheoleiddio arall a nodwch eich rhesymau dros eich dewis:*

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**Cwestiwn 28**

A oes gennych chi unrhyw sylwadau ar effaith y cynigion hyn (er enghraifft, yr effeithiau ar eich sefydliad chi)?

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## Bagiau Siopa Untro

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### Cwestiwn 29

Ydych chi'n cytuno â'r cynnig i ymestyn pwerau galluogi Gweinidogion Cymru er mwyn iddynt allu, drwy reoliadau, pennu isafswm taliadau ar gyfer mathau eraill o fagiau siopa yn ogystal â bagiau siopa untro?

Ydw

Nac ydw

*Rhowch eich sylwadau*

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### Cwestiwn 30

Ydych chi'n cytuno â'r cynnig i ymestyn pwerau galluogi Gweinidogion Cymru er mwyn iddynt allu, drwy reoliadau, ei gwneud yn ofynnol i fanwerthwyr drosglwyddo eu helw net i unrhyw achosion da?

Ydw

Nac ydw

*Rhowch eich sylwadau*

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**Cwestiwn 31**

**A oes gennych unrhyw sylwadau ar effaith y cynigion hyn (er enghraifft, effeithiau ar eich sefydliad chi)?**

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**Cwestiwn 34**

**A oes gennych unrhyw sylwadau ar effaith y cynigion?**

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**Rheoli Pysgodfeydd Cregyn**

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**Cwestiwn 35**

**Ydych chi'n cytuno â'r cynnig ynglŷn â Gorchmynion Pysgodfeydd Cregyn?**

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**Ydw** ✓

**Nac ydw**

*Rhowch eich sylwadau*

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**Cwestiwn 36**

**A oes unrhyw newidiadau eraill i'r system Gorchymyn Pysgodfa Unigol a Gorchymyn Rheoleiddio Pysgodfa y dylid eu hystyried yn eich barn chi (h.y. allwch chi feddwl am unrhyw ffyrdd eraill o wella arferion presennol)?**

Oes

Nac oes

*Rhowch eich sylwadau*

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**Cwestiwn 37**

**A oes gennych chi unrhyw sylwadau ar effaith y cynnig hwn (er enghraifft, effeithiau ar eich busnes chi)?**

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## Rheoli Draenio Tir / Rheoli Llifogydd a Dŵr

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### Cwestiwn 38

Ydych chi'n cytuno â'r cynnig ynglŷn â'r newidiadau i Adran 29 Deddf Draenio Tir (1991)?

Ydw

Nac ydw

*Rhowch eich sylwadau*

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### Cwestiwn 39

Ydych chi'n cytuno â'r cynnig ynglŷn â'r newidiadau i Adran 47 Deddf Rheoli Llifogydd a Dŵr (2010)?

Ydw

Nac ydw

*Rhowch eich sylwadau*

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**Cwestiwn 40**

**A oes gennych chi unrhyw sylwadau ar effaith unrhyw un o'r ddau gynnig hyn?**

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**Gweithredu / Cydraddoldeb**

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**Cwestiwn 41**

**Rydym eisiau sicrhau bod Bil yr Amgylchedd yn adlewyrchu anghenion Dinasyddion Cymru. Felly, byddwn yn gwerthfawrogi unrhyw sylwadau sydd gennych ar unrhyw un o'r cynigion yn y Papur Gwyn hwn a allai gael effaith ar a) Hawliau dynol b) yr Iaith Gymraeg neu c) y nodweddion gwarchoddedig sydd wedi'u cynnwys yn y Ddeddf Cydraddoldeb 2010. Mae'r nodweddion hyn yn cynnwys cenedl; oedran; crefydd; hil; cyfeiriadedd rhywiol; trawsrywiol; priodas neu Bartneriaeth Sifil; Beichiogrwydd a Mamolaeth; ac anabledd.**

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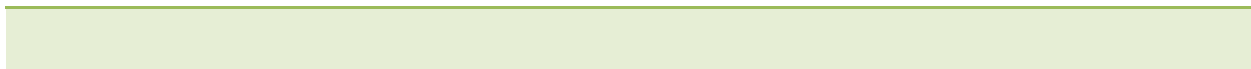
**Cwestiwn 42**

**A oes gan yr ymgynghoreion unrhyw sylwadau eraill neu wybodaeth ddefnyddiol ynglŷn**

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**ag unrhyw un o'r cynigion yn y Papur Gwyn hwn?**



Dear Sir/Madam,

Please see below our response to the Consultation on the Environment Bill White Paper.

#### Response from SDCC Executive

The white paper emphasises the strong link between sustainability and natural resource management. In its simplest terms the proposed approach to Natural Resource Management (based on ecosystem services) – if it gets it right – will help us consider the real value of our natural resources and will support us in making good decisions now and that won't cause problems for future generations down the line.

This will support the policy ambitions of Wales in relation to Sustainable Development – in particular the upcoming Future Generations Bill – and the linkage to making sustainable development the central organising principle of all public sector bodies, which includes Natural Resources Wales.

We would however like to see more detail as to how these upcoming Bills (Environment Bill, Future Generations Bill and the Planning Bill) will link together to support each other. We believe that it makes sense to use the governance structures of the FG Bill – especially as it is to make sustainable development the central organising principle of public sector bodies.

If a holistic approach is to be taken of the environment in the Bill then there is no mention of either living within environmental limits or the precautionary principle to resource management and use. We also think that it is important to put emphasis on the underpinning role that biodiversity has in supporting the services provided by natural resources.

Many thanks,  
Brian Houston on behalf of the SDCC Exec.

**Brian Houston**  
*Resilience & Sustainability Manager.*  
*Environment Partnership Coordinator*

**Rhondda Cynon Taf C.B.C,**  
**Highways, Transportation and Strategic Projects,**  
**Environmental Services.**

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## CIWM Cymru Wales Response to Environment Bill –White Paper

The CIWM Cymru Wales Centre held a workshop last 6<sup>th</sup> December 2013 at which the resource efficiency proposals for Waste were discussed and the results of the discussion below have been added to by further information from members who did not attend this discussion which have been placed in the consultation paper response form below.

Note: For information, we are providing the list of delegates who attended our workshop (page 4 of this response).

### **A- Results of discussions at the workshop:**

#### **Duty on non-domestic waste producers to source segregate paper, card, plastic, metal, glass, food & wood - 2017**

- Need phased introduction - larger businesses first
- Market development – particularly for plastic and wood. Greater reprocessing capacity in Wales
- Thresholds – quantities of target materials produced
- Active engagement of businesses prior to implementation
- Additional resources re regulation

#### **Extension of current 2015 separate waste collection requirement for paper, plastic, metal and glass to include card, wood & food - 2017**

- Clarify what wastes are covered – household? C&D?
- Remove responsibility from LAs to collect commercial waste
- What is the definition of source-segregated? What does it mean for small producers?
- End markets need to be developed – particularly wood
- TEEP guidance needed
- If no commercial collections, will duty fall to LAs to provide services
- Cuts to LA sustainable waste management grant – but asked to do more
- Cost benefit analysis of proposals needed – need to be able to see complete picture to be better informed
- Too much regulation – add costs to LAs and businesses
- Communal collection facilities – e.g. Trade waste bring sites – is this classed as separate collection?
- Needs to consider service availability in rural areas
- Ill-conceived, ill-thought, poorly written!
- Will there be a de minimis level that will be exempt from source segregation?
- Tolerance for quality/ contamination levels?

#### **Landfill and EfW bans for paper, card, plastic, metal, glass, food & wood - 2017**

- Landfill Bans:
  - Landfill tax already driving materials away
  - Ban organics makes future landfill mining more viable
  - Ensure landfill tax continues to work
  - Collections systems/ quality is key
- EFW bans:
  - How to enforce?
  - Who is responsible
  - Posturing?? Permits already limit. Extra cost/ bureaucracy

- EfW plants require volume/ calorific values
- Ban discourages investment in EFW
- What penalties for non-compliance
- Is this counter to TZW policy
- If not in Wales, where will it go?
- Does it apply to export?
- Some sort of tax/ financial driver as an alternative to a ban

### Ban on disposal of food waste to sewer – business premises - 2017

#### Maceration

- Need to explain why this is important
- How many businesses have them?
- Limit to larger business premises
- What support for business on the additional cost of collections?
- Issues with additional storage
- Issues with frequency of collection
- Positive impact on food waste reduction
- Should it be in building regs? From 2017 not allowed to be installed...
- Unnecessary regulation? What would the impact be?
- Water companies should be part of the regulation
- Fees for macerators?
- Hard to regulate – macerator police!
- Effective monitoring – e.g. pretreatment
- Cost-benefit analysis
- If the sewage treatment plants have AD is this not an effective treatment method?
- Extra environmental impact of collection in rural areas
- Waste cooking oil a separate issue? Oil in households more of an issue in households than in business potentially.

## B- Environment Bill White Paper – Consultation Responses

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### Data Protection

**Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.**

**The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.**

**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have**

withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.



## Environment Bill White Paper

23 October 2013 – 15 January 2014

Name

Organisation

Address

E-mail address

Type

*(please select one from the following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)

Academic bodies

Member of the public

Other (other groups not listed above)



**CIWM Cymru Wales consultaion workshop - delegates**

	<b>Name</b>	<b>Organisation</b>
1	Mustafa Megrahi	Atlantis
2	David Roman	British Heart Fundation
3	Tony White	Caerphilly CBC
4	Hayley Evans	Caerphilly CBC
5	Graham Owen	Caerphilly CBC
6	Scott Jones	Caerphilly CBC
7	Mark Williams	Caerphilly CBC
8	Malcolm Smith	Caerphilly CBC
9	Andy Barker	CIWM
10	Rebecca Huck	CIWM Cymru Chair
11	Chris Heeley	Coral Products
12	Richard Carter	EDB
13	David Harding	ERP
14	Steffan Jones	Gwynedd CBC
15	Medwyn Williams	Gwynedd CBC
16	Stephen Edwards	Gwynedd CBC
17	Colin Kirkby	LARAC
18	Nicola Davies	Low and Behold Ltd
19	Rachel Jowitt	Monmouthshire
20	Glynn Davies	Plan B Management Solutions
21	TBA	Plan B Management Solutions
22	TBA	Plan B Management Solutions
23	TBA	Plan B Management Solutions
24	David Williams	Potters Waste Management
25	Gerald Morris	Resource Efficiency Wales
26	James Kay	Resource Efficiency Wales
27	Jane Stephenson	Resource Futures
28	Brian Mayne	Ricardo-AEA
29	Nia Owen	Ricardo-AEA
30	Janet Rawlings	Self-employed
31	Jane Probert	Swansea University
32	Karen Cannard	The Rubbish Diet
33	Midge Doyle	TMS Ltd
34	Clifford Parish	Vale Of Glamorgan CBC
35	Dan Cooke	Viridor
36	Phil Bines	Viridor
37	Fiona Bussell	Viridor
38	Dai Stephens	Viridor
39	Patrick Murray	Viridor
40	Martin Williams	Viridor
41	Cathy Rossiter	Viridor
42	Russell Owens	Welsh Government
43	Jane Richards	Welsh Government
44	Rhiannon Phillips	Welsh Government
45	Keith Cornell	WhyNotRecycle
46	Craig Mitchell	WLGA
47	Ruth Llewellyn	WRAP Cymru
48	Ruth Richards	
49	George Bielawski	
50	Roy Probert	
51	David Snelson	
52	Richard Thomas	

## Chapter 2 - Natural Resource Management

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### Question 1

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

Yes

No

***Please provide comment:***

We appreciate that the proposals to further improve waste segregation may create opportunities for enduring and high quality business opportunities and jobs which support enterprise and promotion of the circular economy and green growth agenda. But the relationship of this aspect of the white paper with the fact that waste issues do not apparently clearly fall within the natural resources and the natural resources management definitions within the draft bill.

This will result in conflict within NRW to resource the waste related elements of the bill (in terms of finance and staff work preferences) alongside the natural resources management approach which clearly encompasses the majority of the other work of the Natural Resources Wales body. Where work on wastes directly impacts natural resources through pollution of water, land or air in Wales it would clearly fall within the scope of natural resources and natural resources definitions but the environmental benefits of improving waste segregation, recycling and the other waste proposals within this bill would not have a direct impact on natural resources within Wales and would not clearly sit within the major thrust of NRW's work. This is a major disconnect within NRW and will be to the detriment of NRW's delivery of this additional work on waste, it would be better if WG could incorporate the necessary work on waste and resource efficiency clearly within the definition of natural resources or natural resource management. It might be helpful if these definitions aligned with the definition within the EU resource efficiency strategy "Natural resources underpin the functioning of the European and global economy and our quality of life. These resources include raw materials such as fuels, minerals and metals but also food, soil, water, air, biomass and ecosystems."

The natural resource management policy statement does make the links between natural resources, green growth, sustainable use of resources, and sustainable management of waste clear, but these are not explicitly visible in the definitions section of the environment bill white paper.

The absence of consideration of waste management as part of the process contributing towards sustainable use of natural resources is illustrated by the absence of regional waste plans within the illustrative list of plans in table (ii).

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### Question 2

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

No

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***Please provide comment:***

The common English language definition that refers to materials or substances that occur in nature that can be exploited for economic gain, does not cover the important elements of natural resources and their management, particularly with regard to the sustainability aims and objectives of the Welsh Government. It fails to consider the environmental, economic and social ramifications related to it. Nor does it cover the management of resources which may be derived from natural resources but in other geographic parts of the world and are imported into Wales for use and eventually disposal, clarification of the definitions in this draft act or modification of the definitions to encompass the management of resources that are in Wales whether they are derived from indigenous natural resources or not.

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**Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

No

***Please provide comment: /***

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**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

No

***Please provide comment:***

The five-year cycle will allow for the changing local and national contexts to be reported and consequently priorities and issues can be identified and readdressed on a regular basis. This seems particularly beneficial for both Macro and Micro levels, national and local levels respectively for all to keep up with. This will only be a success if all organisations that are involved with natural resources and their management report back to Natural Resources Wales in a consistent manner

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**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

No

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***Please provide comment:***

Yes and No, as it will vary by each individual topic and/or issue. Certain issues and monitoring will need to be pan Wales, UK, or the EU in order to contribute to the improvement.

An area based approach appears to be the most effective approach to delivery, although a true reflective answer is difficult to provide as the definition of the boundaries that this new area based approach will work towards has not been established and is not provided. The area boundaries need to not only reflect natural systems but also administrative geographies.

It appears that it will be beneficial, as ecology does not respect boundaries and it will allow organisations to contribute towards issues at a local level rather than contributing to the national level. Although it is important that regular reporting occurs in order to ensure that priorities in the national interest are also established and achieved.

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

***Please provide comment:***

There is not enough information provided to answer the question, as there is limited detail of the additional proposed Bill's that the Environment Bill will work in conjunction with, such as the Planning Reform Bill and the Future Generations Bill.

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**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?**

Yes

No

***Please provide comment:***

Without a joined up cooperative approach it seems that this new Environment Bill will fail, as it relies upon a number of parties and stakeholders involvement. It could potentially lead to one or two individuals undermining the whole group's efforts. For example if certain organisations or bodies do not cooperate with others it will detrimentally effect information reporting and sharing of practice, and consequently the area as a whole. Private sector bodies should also be encouraged to co-operate as they also have potential to assist with the process.

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**Question 8**

Do you agree that NRW should be the lead reporting authority for natural resources?

Yes

No

*Please provide comment: /*

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**Question 9**

Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

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**Chapter 3 - Natural Resources Wales – new opportunities to deliver**

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**Question 10**

Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

Yes

No

*Please provide comment:*

No comment.

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**Question 11**

What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

No comment.

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**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

**Yes**

**No**

***If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?***

No comment.

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**Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

No comment.

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

No comment.

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

No comment.

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### **Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

No comment.

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### **Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

No comment.

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## **Chapter 4 - Resource Efficiency**

### **Waste Segregation and Collection**

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#### **Question 18**

**Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?**

Yes

No

***Please provide comment:***

The joined up approach to solid waste streams is entirely reasonable but the change required for contractors and waste producers is both significant and open to different interpretations. Without clear guidance and a phased approach there is the risk that the regulations will become meaningless, as those potentially impacted look for loopholes to avoid an impractical level of cultural change within the workplace. In Scotland similar regulations for segregation that were meant to take full effect on 1<sup>st</sup> January 2014 appear likely to be implemented over a much longer period, with the risk that they won't be taken seriously. Contractors and collection authorities have different views of what 'separate collection' means, waste producers are not fully aware of the implications and the resourcing and timing of the change does not allow for the industry to respond as comprehensively as the regulations require. For instance the large scale supply of recycling bins needs several months' notice, but local authorities and commercial contractors did not have a deadline for placing orders for bins, and would not have been able to risk ordering on spec. If the regulations in Wales are to be more effective they should:

- avoid 1<sup>st</sup> January as an operational deadline – Christmas is the worst time of year for most businesses to introduce changes – maybe 1<sup>st</sup> January for putting a plan together
-

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but the start of the financial year in April for implementation

- phase the requirements in over at least a year, starting with larger businesses and/or sites, in order to avoid a single deadline for everyone and to increase awareness for SMEs before they are required to act
- consider a generic communication campaign supported by generic collection containers, in order to support the change and to plan container supply well in advance – for a business with multiple sites in Wales there is a strong disincentive to contract local authorities with differing systems, they would need a more joined-up offering to compete on a level playing field with private contractors

However it is worrying that WG can consider any additional burdens on LA's in the current economic climate. Welsh Local Authorities already have a statutory obligation to achieve Recycling and Composting Targets by 2025, in order for this to be achieved greater extraction of materials from the residual waste stream will be required; it is likely this will include further segregation of material streams. By placing a further obligation on the authorities as waste collectors there is duplication of the requirements and potential for contradiction.

With regards to the timing of the proposed measures clear Recycling and Composting Targets are already set out with key milestones for their achievement. With the target of 70% being in year 2025 and local authority waste strategies established around this framework, it appears contrary to introduce an additional obligation for the separation of recyclates potentially from 2017.

LA's will strive to continue to provide their current front line services despite significant cuts in sustainable waste management grant and even greater cuts in core budgets.

Whilst we would all accept the environmental benefits of additional recycling these often come at a cost and in the current economic climate consideration should be given to suspending SRT's (if there is an economic case to do so) so we can divert our remaining resources into other essential front line services.

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**Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?**

Yes

No

***If yes, what are they, and why should they be chosen?***

The rationale being suggested that there will be very little or no additional cost in collecting the additional range of materials is difficult to understand..

The majority of collectors are already constrained by capacity on their vehicles and any additional pressure around the margins would result in significant additional collection costs. It is also confusing as it suggests the obligation to sort should rest with the producer but then suggests a joint responsibility for ensuring compliant with the Waste to Energy/Disposal Facility and the person delivering.

There is also of course an issue with many MRF's not dealing with the additional waste streams and with LA's that often source segregated service perhaps not having capacity to deal with these materials at their existing premises.

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### **Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

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Yes

No

*If no, please state why and an alternative.*

If the target is to genuinely increase recycling the initial requirement should allow an opt-out for segregation of materials that arise in small volumes. It is not practical to expect businesses that in many cases carry out no waste segregation to instantly move to a system which covers all these materials. They may not have the space to collect and store separate materials and will not have the experience to effectively communicate the requirements to all employees and visitors. In some cases two-stream segregation would be the optimum short term change using a co-mingled approach rather than a full source segregation approach.

The requirement to segregate is fine (as long as it does not place an additional burden on the business as suggested in the report) but some local authorities feel that the requirement to collect should be removed from LA's.

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### Question 20

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

Businesses do not always have the internal or external storage space for multiple rigid containers, but could move in the right direction by targeting one material or mixed stream. It would be better to get a realistic commitment to separate out paper in a small office for instance than the forced inclusion of a lot of materials that contaminate paper. For areas where employees eat and drink, for instance at the back of a shop, the work space is not always sufficient for segregation of all the different packaging types generated, and a Dry Mixed Recycling bin would be better than an unrealistic attempt to introduce four or five different bins. A test might be whether the business is capturing at least 50% of the volume of its waste for recycling (this is easier to estimate than weight).

There are many small businesses (particularly shops) where waste storage and containment is a big problem and consideration should therefore be given to a "de minimis" level below which a duty to segregate does not apply. For example: Business with a turnover of under £1,000,000 or those who produce less than 1 tonne of waste per week. But it is recognised that weekly collection of recyclates could be delivered by a comingled recyclate collection.

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### Question 21

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

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**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

***If yes, what are they?***

It is virtually impossible to get all residents on board with what they should be recycling now and it will be impossible to determine who is contaminating and then when it exceeds some notional 'contamination level' who will end up paying the penalties?

Local authorities would be reassured by confirmation from Welsh Government that there would be no impact on Government sponsored waste management projects. Where agreed gate fee (and all other aspects of the contract) would remain unchanged.

However, if guidance is produced it should include on explicit assumption that residual waste from a well performing kerbside collection system would not contain valuable recyclables.

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### **Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

***If no, what other approach could we adopt?***

This proposal potentially penalises organisations who have limited or no control over the quality of the products they receive and is likely to be impossible to enforce and administer.

Where energy from waste contracts have already been agreed there was no mention of 'contamination limits' or the types of materials that should not be treated via Waste to Energy or landfilled so any additional cost would presumably pass to LA's or other waste collectors.

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### **Question 23**

**Do you agree that there should be a prohibition on the disposal of food waste to sewer?**

Yes

No

***If yes, should this apply to:***

**a) Households**

**b) Businesses and Public Sector**

**c) Both**

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***Please provide comment:***

Why not just ban the fitting of these devices to new properties (regulated by Building Regulations) and ban the sale of such items in the UK.

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**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?**

*i) Building Control/Building Regulations.*

*ii) Building Control/Building Regulations.*

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**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

Yes

No

***If no, what alternative lead in time would you suggest?***

No comment.

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**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

Yes

No

No comment.

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### **Question 27**

In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

*If 'Other' please propose an alternative regulatory body and state reasons:*

Though Building regulations for new developments.

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### **Question 28**

Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

No comment.

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## **Carrier Bags**

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### **Question 29**

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

No comment.

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### **Question 30**

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

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***Please provide comment***

To local organisations including charities and sports clubs.

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

No comment.

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## **Chapter 5 - Smarter Management**

### **Marine Licensing Management**

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**Question 32**

**Do you agree with the proposals in relation to Marine Licensing?**

Yes

No

***Please provide comment***

No comment.

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**Question 33**

**Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:**

- pre-application costs?
- variation costs?
- costs of transferring of licenses?
- covering regulatory costs, via subsistence changes?

No comment.

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**Question 34**

**Do you have any comments relating to the impact of the proposals?** No comment.

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## Shellfisheries Management

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### Question 35

Do you agree with the proposal in relation to Shellfishery Orders?

Yes

No

*Please provide comment*

No comment.

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### Question 36

Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?

Yes

No

*Please provide comment*

No comment.

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### Question 37

Do you have any comments on the impact of this proposal (for example, impacts on your business)?

No comment.

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## Land Drainage Management / Flood and Water Management

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### Question 38

Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?

Yes

No

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*Please provide comment*

No comment.

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**Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No

*Please provide comment*

No comment.

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**Question 40**

**Do you have any comments on the impact of either of these proposals?**

No comment.

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**Implementation / Equalities**

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**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

No comment.

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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

No comment.

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## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

We want your views on our proposals for an Environment Bill.

Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

To help record and analyse the responses, please structure your comments around the following questions. You do not need to comment on all questions.

The Welsh Government will run a series of engagement events across Wales on the White Paper during the consultation period.

Please submit your comments by 15 January 2014.

If you have any queries on this consultation, please email:

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **Data Protection**

**Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.**

**The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.**

**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.**



**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	John Griffith Roberts (in capacity Chair ALGAO Cymru)	
<b>Organisation</b>	Association of Local Government Archaeologists (ALGAO) Cymru	
<b>Address</b>	Snowdonia National Park Office Penrhyndeudraeth Gwynedd LL48 6LF	
<b>E-mail address</b>	John.Roberts@eryri-npa.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input checked="" type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

**Chapter 2 - Natural Resource Management**

### **Question 1**

**Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**

Yes

No

***Please provide comment:***

As specialists with knowledge of and interest in the historic environment and historic landscapes we are concerned that the overall package of proposals will not improve the tools to promote these aspects of the environment. Whilst there is acknowledgment in 1.34 that ‘the natural and historic environments are inextricably intertwined and shape the character of the Welsh landscape’, there are no specific mechanisms identified for integrating the historic environment in decision-making. We do not think the inclusion of landscapes in the definition of the natural environment is sufficient to ensure that ‘cultural heritage, sense of place and natural beauty shaped by man-made influences’ is considered as part of an integrated approach.

By historic environment we mean: historic landscapes, including those of the Register of Outstanding Landscapes of Historic Interest and Special Landscapes of Historic Interest, Parks and Gardens, Scheduled Ancient Monuments (SAMs) and their setting, Historic Environment Features (HEFs) and their settings, and other archaeological and historical sites recorded in the Regional Historic Environment Records (HERs). Sites and their settings are an integral part of the historic landscape, and the development of landscapes over time is a product of both cultural and natural heritage.

The three bodies that have been amalgamated to form Natural Resources Wales (NRW) each had different protocols for incorporating historic environment expertise into their work programmes; the creation of NRW represents an opportunity to develop a coherent and consistent approach to the Welsh landscape. Without one, we believe that there is significant risk of serious and needless damage to its historic character.

We welcome the focus in 1.35 on the importance of recognising ‘the connections between social justice, economic prosperity and the use of natural resources, for current and future generations’, and would like to emphasise how the current landscape is a product of these connections in the past. Understanding this and how it shapes future decisions is an integral part of its value.

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### **Question 2**

**Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**

Yes

No

*Please provide comment:*

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**Question 3**

**Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes **X**

No

*Please provide comment:*

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**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes **X**

No

*Please provide comment:*

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**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

No

*Please provide comment:*

It has the potential to do so, but will only work if there is good identification of and collaboration between all relevant stakeholders. Defining areas will be critical and may be easier to achieve in some areas than others. It will be easiest where topographically coherent areas coincide with political polities.

Some AONBs have governance structures that integrate historic environment expertise, others do not.

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

*Please provide comment:*

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**Question 7**

Do you agree with placing a requirement on other public bodies to co-operate in the area-based approach?

Yes

No

*Please provide comment:*

It would be helpful to define what good co-operation would comprise.

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**Question 8**

Do you agree that NRW should be the lead reporting authority for natural resources?

Yes

No

***Please provide comment:***

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**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

We are concerned that without expert and timely historic environment advice at both site and landscape scale, there will be considerable, inadvertent, irreversible and in most cases unnecessary damage to sites and landscapes over the long term. The scope of this expertise is two-fold: the recognition that advice is required and sought; the advice itself.

As members of the Association for Local Government Archaeologists (ALGAO) Cymru, we are concerned that without a consistent and coherent approach to the important historic elements of the environment, there will be a discrepancy between approaches to mitigate change where this lies within the remit of NRW and where it does not (for example, in a planning context). This is likely to appear most unreasonable where change is proposed on a large scale. We have particular concerns regarding proposed forestry works, both new plantings and management.

We would welcome changes to the White Paper that provided more specific detail on the early consideration of environmental gains and ‘win wins’ as part of wider social and economic decision making.

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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **Question 10**

**Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?**

Yes

No

***Please provide comment:***

We would echo the comments above (in terms of the need for co-ordination and consultation with the historic environment sector), in particular in relation to the proposed new powers for NRW to enter into management agreements with land owners and businesses for the sustainable management of natural resources.

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### **Question 11**

**What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?**

Requirement to obtain specialist advice on the potential impact on the historic environment.

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**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

No

*If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?*

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**Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

**A**

**B**

***Please provide comment:***

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

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This type of curatorial role would be appropriate for our members to carry out, as impartial specialists, since they do not also act as commercial contractors. However, there would be resource implications for our members should they be required to provide specialist advice.

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?

Yes

No

*Please provide comment:*

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Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?

Yes

No

*If yes, what are they, and why should they be chosen?*

---

**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No

*If no, please state why and an alternative.*

---

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**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

---

**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

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---

**Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

*If no, what other approach could we adopt?*

---

**Question 23**

**Do you agree that there should be a prohibition on the disposal of food waste to sewer?**

Yes

No

*If yes, should this apply to:*

**a)  
Sector**

**Households  
c) Both**

**b) Businesses and Public**

*Please provide comment:*

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---

**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?**

*i)*

*ii)*

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**Question 25**

**Do you agree that lead in times for the proposals are reasonable?**

**Yes**

**No**

*If no, what alternative lead in time would you suggest?*

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**Question 26**

**Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.**

**Yes**

**No**

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**Question 27**

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**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW**
- Local Authorities**
- Sewerage undertaker or**
- Other**

*If 'Other' please propose an alternative regulatory body and state reasons:*

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**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

## Carrier Bags

---

### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

---

---

### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

---

**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

Do you agree with the proposals in relation to Marine Licensing?

Yes

No

#### *Please provide comment*

If there are proposals to levy a fee for licensing, some of this should be used to fund the provision of historic environment advice.

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#### Question 33

Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

- pre-application costs?
  - variation costs?
  - costs of transferring of licenses?
  - covering regulatory costs, via subsistence changes?
-



***Please provide comment***

The expansion of sea fisheries in recent years in North Wales, has not benefited the historic environment in which this industry operates. We would welcome a mechanism, such as the aggregate levy, to enable reinvestment in protection of important features of the historic marine environment (such as harbours, wrecks, preserved terrestrial features on inundated land, fish weirs, tidal mills and so on).

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**Question 36**

**Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?**

Yes

No

***Please provide comment***

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**Question 37**

**Do you have any comments on the impact of this proposal (for example, impacts on your business)?**

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes **X**

No

#### ***Please provide comment***

We welcome these proposed changes.

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No **X**

#### ***Please provide comment***

We would like greater consultation with historic environment specialists to form part of working protocols in this area.

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**Question 40**

**Do you have any comments on the impact of either of these proposals?**

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**Implementation / Equalities**

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**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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*Should we give consideration to examples?*

*e.g. Carbon storage and water capture*

*Use of stone and earth to block drainage ditches – inadvertent use of prehistoric sites, many of which are not scheduled, when other material could as easily be used.*

*Rewetting is generally good for preservation of remains, but increased peat cover will obscure sites currently visible and this needs to be recognised and good site records maintained so that these sites aren't damaged in the future when they are no longer visible*

*Area-based approach offers real opportunities – the historic environment is best seen in landscape/area terms and the best, most cost-effective results are achieved at this scale*

*Commitment to right information earlier on welcomed; this must include information on the historic environment. A robust and consistent mechanism is required for this to be effective*

*Examples of late consultation causing problems? Explanation about why historic environment advice not sought early enough?*

*Emphasis on integration and joined-up approach welcomed, but for this to dovetail with proposals that run formally through the planning system, historic environment advice must be sought outside strict statutory and planning contexts*

*The emphasis on biodiversity is welcomed. All biodiversity is related to human action over the last 10,000 years and cannot be considered separate from it.*

*'Evidence' and 'Stakeholder engagement' too vague  
Not sure if historic environment provision fits here*

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	John Munro
<b>Organisation</b>	Welsh Retail Consortium
<b>Address</b>	Suite 103 209 City Road Cardiff CF24 3JD
<b>E-mail address</b>	john.munro@brc.org.uk

**Type**  
*(please select one  
from the  
following)*

- |   |                                     |
|---|-------------------------------------|
| <b>Businesses</b>   | <input type="checkbox"/>            |
| <b>Local Authorities/Community &amp; Town Councils</b>  | <input type="checkbox"/>            |
| <b>Government Agency/Other Public Sector</b>  | <input type="checkbox"/>            |
| <b>Professional Bodies and Associations</b>   | <input checked="" type="checkbox"/> |
| <b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b> | <input type="checkbox"/>            |
| <b>Academic bodies</b>  | <input type="checkbox"/>            |
| <b>Member of the public</b>   | <input type="checkbox"/>            |
| <b>Other (other groups not listed above)</b>  | <input type="checkbox"/>            |

## Chapter 2 - Natural Resource Management

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### Question 1

Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

Yes

No

***Please provide comment:***

We agree that natural resource management is important and this is very much part of our members' sustainability strategies, which include commitments and targets on zero waste, renewable energy and sustainable sourcing.

Our members have learnt this is a journey which requires investment.

If the overall package of proposals is to be successful, we recommend that Natural Resource Wales needs to recognise this is a journey and:

1. Support development of infrastructure especially in the area of waste management with grants and flexible planning laws;
  2. Adopt a voluntary approach rather than a legislative approach;
  3. Avoid lots of red tape
  4. Acknowledge that while definitions are helpful, an element of flexibility is essential;
  5. Allow sufficient time. 2017 is only 3 years away, and the development of new infrastructure, such as building an anaerobic digestion (AD) plant, can take over 4 years to deliver
-

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### Question 18

Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?

Yes

No

*Please provide comment:*

The concern here is whether retailers will have to physically separate these streams of waste at store – this can be an issue for smaller stores where space is very limited. We would welcome confirmation on whether it is acceptable for the waste contractor to collect these streams as comingled recycling separated from general landfill waste. This comingled recycling can then be sorted at the first level Materials Recovery Facility (MRF).

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Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?

Yes

No

*If yes, what are they, and why should they be chosen?*

---

---

#### Question 19

Do you agree that the level of segregation asked of individuals / businesses is acceptable?

Yes

No

---

***If no, please state why and an alternative.***

Our members take waste and recycling very seriously and many are working towards a zero waste target. For example, one supermarket member already diverts over 97% of its total waste from landfill and recycles the waste streams specified in the White Paper at source, where it can. This retailer also operates a mixed recycling stream in staff/colleague areas. In addition, it uses MRFs and waste transfer stations for further of segregation of waste before energy recovery. Source segregation is not always possible for all waste.

If the intention is that retailers will have to segregate all the streams at store, this is not acceptable as retailers do not have enough space at back of store to action this.

As stated in our response to Q.18, we agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation only if retailers can present comingled recyclable materials for collection, as opposed to physically separating these waste streams at store.

Our members operate at a national level across the four UK nations and we believe it is crucial for any new legislation or regulations to be as consistent as possible with that in place or proposed for the other UK nations. In this instance, we would recommend that the proposed measures on waste collection and segregation mirror those recently implemented in Scotland, where possible.

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### **Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

***If yes, please identify them and explain why.***

Smaller stores, for example high street stores and convenience stores and food will not have sufficient space to action this.

#### Quick service restaurants

Due to the unique complications associated with customer waste separation in the quick-service restaurant (QSR) sector, we would urge the Welsh Government to consult closely with the sector on the waste separation proposals contained within this white paper.

The QSR sector includes areas where consumers dispose of their own waste – this is known as ‘front-of-house’. Our QSR members are currently working to assess the feasibility of achieving customer separation that results in quality recycle, however they report that such a requirement is proving extremely challenging.

While our QSR members support legislation that encourages increased recycling, and can put in measures to separate waste from kitchen areas, customer waste is difficult to separate due to the level of contamination and mix of materials used. Any front of house separation requirements would also require significant financial investment, but the QSR members report

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a very low yield of quality recyclate from front of house tests that have been completed.

Clearly, given the relatively short timescales involved before implementation, the sector needs clarity on whether the regulations apply to front-of-house operations. If so, we would urge the Welsh Government to meet with representatives of the sector to better understand the issues posed, and to discuss potential ways forward.

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### **Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

It is unclear how a ban on certain materials from landfill or energy from waste would be managed and monitored. A voluntary agreement would be a more preferable approach.

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### **Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

Yes

No

Guidance on acceptable levels of contamination levels would be helpful, but we believe that this should be part of a voluntary agreement and best effort approach, as operating in Scotland

*If no, what other approach could we adopt?*

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**Question 23**

Do you agree that there should be a prohibition on the disposal of food waste to sewer?

Yes

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

b) *Businesses and Public*

*Please provide comment:*

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---

**Question 24**

Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?

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**Question 25**

Do you agree that lead in times for the proposals are reasonable?

Yes

No

*If no, what alternative lead in time would you suggest?*

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**Question 26**

Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.

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Yes

No

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**Question 27**

In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

*If 'Other' please propose an alternative regulatory body and state reasons:*

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**Question 28**

Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

Additional infrastructure to support the delivery of these proposals is necessary.

From our members' previous experience, the potential impacts of these proposals are:

- **Additional costs.** Recycling is not always the cheapest disposal route. Depending on location of the recycling site, the largest part of recycling costs can be transport. Retailers will also face training costs and additional bin costs. These extra costs may be offset to some extent by income from the sale of recyclable materials, but this income is market driven and can be very variable.
  - **Additional space requirements.** These proposals will require retailers to locate space to capture recycling streams, and store and transport recyclable materials.
-

## Carrier Bags

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### Question 29

**Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?**

Yes

No

### ***Please provide comment***

In summary our view is as follows:

- The Welsh levy for single use carrier bags is a success and has dramatically reduced single use carrier bag usage.
- Extending the levy to reusable bags is counter intuitive and indeed could drive customers back to using single use bags.
- Increasing and extending the levy jeopardises public goodwill towards this initiative and is likely to cause confusion.
- If implemented, there will be a considerable cost to our members.

### Success of the Welsh levy for single use carrier bags

Given the success of Welsh single use carrier bag charge in terms of public support and environmental impact, there is no reason in our opinion to extend the levy to plastic reusable bags for life. One of our supermarket members reports a reduction of over 90% in single use carrier bags in its stores in Wales. This reduction has been accompanied by an increase in sales of all reusable bags as customers adjust to the levy. Additionally, this retailer reports that at times when customers forget their bags, or purchase more than the bags they have can hold, an inexpensive reusable bag is their usual preferred option.

### Extending the levy to reusable bags is counter intuitive

We welcome the fact that the Welsh Government intends to continue to monitor the amount of reusable plastic carrier bags distributed in Wales and would not use the proposed extended enabling powers unless the sale of reusable bags continues to rise and outstrip sales growth. However we do not believe that a mandatory charge on low cost reusable plastic bags is appropriate as it will penalise customers for doing the right thing and being environmentally conscious.

Re-using bags is a totemic environmental behaviour and the extension of this principle to other areas would make a big difference in sustainable consumption. Extending the levy to reusable bags is counter-intuitive for our customers who are being encouraged to switch to reusable bags. There is no evidence that customers will treat some of the lower cost reusable bags as the new 'throw away bag'.

There is no evidence available to suggest that extending the levy will have any further environmental impact. In fact, extending the levy to reusable bags may have the following unintended consequences:

- Encouraging consumers to revert to purchasing single use bags – which calls into
-

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question the purpose of the initial single use carrier bag levy and its success to date in reducing the number of single use bags distributed. Some retailers have removed single use carrier bags from their stores and, in order to remain competitive vis-à-vis their competitors in terms of being able to provide a low cost bag option, would consider reintroducing them if the 5 pence charge is extended to low cost reusable bags.

- Forcing customers to purchase more expensive and more durable reusable bags. While reuse of these more durable bags is a positive behaviour, it is worth nothing that they need to be used far more than a low cost reusable bag in order to offset their carbon footprint. An Environment Agency study found that while conventional, lightweight carrier bags made from high-density polyethylene (HDPE) have the lowest carbon footprint of any type of bag; a reusable carrier bag made from low-density polyethylene (LDPE) has to be used at least 4 times to have less environmental impact. In contrast, a heavier more durable bag, made from non-woven polypropylene (PP) and a cotton bag would have to be used at least 11 and 131 times respectively<sup>1</sup>.

If a charge for low cost reusable bags is introduced, it will have a greater impact on impulse shopping, which is more likely to take place in small and independent retailers and in local communities. It is also likely to have a greater impact on lower income families who are less receptive to environmental initiatives and more likely to make more frequent, smaller purchases.

#### Costs to retailers

If the carrier bag levy was to be extended reusable bags, introducing it would come at considerable cost to our members' businesses, for example in terms of IT and unique bag bar-coding for Welsh stores.

#### Market research in Northern Ireland

To conclude, we would highlight the findings of market research recently conducted in Northern Ireland by Lucid talk on behalf of the Northern Ireland Retail Consortium (NIRC). This survey asked consumers about a proposed 5 p levy in Northern Ireland for plastic reusable bags costing 20p or less. The headline results were as follows:

- 92% of consumers were NOT aware of the proposed 5p tax on reusable bags;
- 94% of Consumers do NOT want the proposed 5p tax on reusable bags;
- 50% of consumers usually or always take reusable bags with them when they shop;
- 77% of consumers do use reusable bags again; and
- 11% of consumers would move from reusable bags to single use bags if a tax is introduced for reusable bags.

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#### **Question 30**

**Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?**

Yes

No

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<sup>1</sup> Environment Agency. Life Cycle Assessment of Supermarket Carrier Bags Report: SC030148

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***Please provide comment***

We welcome the fact that should Ministers choose to make regulations requiring retailers to pass on the net proceeds from the 5 pence carrier bag charge, these regulations would enable retailers to pass on proceeds to any type of good cause rather than restricting them to environmental good causes in particular.

However, we believe that the current voluntary code is the appropriate approach and is working well. The British Retail Consortium (BRC) and the Scottish Retail Consortium (SRC) have encouraged the English and Scottish Governments to adopt a similar code. We are keen to work with our members and the Welsh Government to ensure that the voluntary code continues to be effective.

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

We want your views on our proposals for an Environment Bill.

Your views are important. We believe the new legislation will make a difference to people's lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 15 January 2014.

To help record and analyse the responses, please structure your comments around the following questions. You do not need to comment on all questions.

The Welsh Government will run a series of engagement events across Wales on the White Paper during the consultation period.

Please submit your comments by 15 January 2014.

If you have any queries on this consultation, please email:

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **Data Protection**

**Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.**

**The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.**

**Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name** Russell Horsey

**Organisation** Institute of Chartered Foresters

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**Type**  
*(please select one from the following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

**Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)**

**Academic bodies**

**Member of the public**

**Other (other groups not listed above)**

## Chapter 2 - Natural Resource Management

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### Question 1

Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?

Yes

No

*Please provide comment:*

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### Question 2

Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?

Yes

No

*Please provide comment:*

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The Institute welcomes the opportunity to comment on the bill which sets the framework for how Natural Resource Wales will operate in the future. The Institute is concerned that the way the bill has been written makes it hard to read and much of the terminology and underlying ideas are so broad that they will be difficult to regulate.

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### Question 3

Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at

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**both national and local levels?**

Yes

No

*Please provide comment:*

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**Question 4**

**Do you agree that the setting of national outcomes and priority actions for natural resource management should follow the five-year cycle for national outcome setting as proposed in the Future Generations Bill?**

Yes

No

*Please provide comment:*

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**Question 5**

**Do you agree that the area-based approach will help provide a clear, prioritised and focussed approach to delivery?**

Yes

No

*Please provide comment:*

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**Question 6**

**Do you agree that the approach is flexible enough to enable significant elements of the plans for natural resource management to be replaced in the future?**

Yes

No

*Please provide comment:*

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**Question 7**

**Do you agree with placing a requirement on other public bodies to co-operate in the**

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**area-based approach?**

Yes **X**

No

*Please provide comment:*

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**Question 8**

**Do you agree that NRW should be the lead reporting authority for natural resources?**

Yes **X**

No

*Please provide comment:*

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**Question 9**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

The Institute think that a key issue to come out of this bill is the need for NRW and Welsh Government to commit to work with all stakeholders.

The Institute is concerned that there is still no firm commitment to deliver the Welsh Woodland Strategy, a good example of this lack of cohesiveness is the fact that the Welsh woodland strategy is not mentioned or referenced within the recent consultation on the NRW corporate plan.

The formation of NRW was supposed to cut regulation and improve services which the Institute had assumed would include more joined up working with Government, but this does not seem to be the case.

The Institute is very concerned that it is proposed to change the woodland strategy potentially just to fit within a new format. The Institute believe that this energy would be better using working to promote the current strategy.

## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### Question 10

Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?

Yes

No

*Please provide comment:*

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### Question 11

What limitations or safeguards on the use of powers might be necessary to enable NRW to trial innovative approaches to integrated natural resource management?

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**Question 12**

**Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?**

Yes

No

*If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES?*

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**Question 13**

**What should be the extent of NRW's power to enter into management agreements?**

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**Question 14**

**Recognising that there are some existing powers in this respect, where are the opportunities for General Binding Rules to be established beyond their existing scope?**

The Institute have major concerns that the proposed introduction of general binding rules in forestry is increasing regulation but the Institute is unable to see what additional benefit this may bring.

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**Question 15**

**In relation to Welsh Ministers' amendment powers, do you support: a) the initial proposal to limit it to NRW's functions, subject to conditions as stated); or b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?**

A

B

***Please provide comment:***

The Institute are also concerned that this proposal will allow future legislation with limited subsequent opportunity for scrutiny or detailed rules.

**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.**

The Institute are concerned that this proposal to introduce more charges is disproportionate and will stifle business.

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**Question 17**

**Do you have any comments on the impact of these proposals, for example, on your business or organisation?**

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

**Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?**

Yes

No

*Please provide comment:*

The Institute questions this proposal to segregate treated wood from untreated wood and is concerned this may lead to additional illegal fly tipping.

The Institute also understand that as a result of segregation untreated wood would not be allowed to be burnt. The biomass sector within Wales is increasing in size and popularity with the public, and is an important source of income for woodland owners and also within the context of the Welsh rural economy. Whilst recent announcements within Wales are supportive in the use of wood as fuel, this regulation would seem to go against policy and sends a mixed message.

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**Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?**

Yes

No



*If yes, what are they, and why should they be chosen?*

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**Question 19**

**Do you agree that the level of segregation asked of individuals / businesses is acceptable?**

Yes

No

*If no, please state why and an alternative.*

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**Question 20**

**Are there any particular types or sizes of businesses where it would not be technically, environmentally or economically practicable to keep the 7 waste streams separate at source?**

Yes

No

*If yes, please identify them and explain why.*

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**Question 21**

**Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?**

Yes

No

**Are there any other materials which should be banned from landfill or energy from waste facilities?**

Yes

No

*If yes, what are they?*

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**Question 22**

**Do you agree that developing guidance for acceptable levels of contamination in residual waste for landfill/ incinerator operators and the regulator is a workable approach?**

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Yes

No

*If no, what other approach could we adopt?*

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**Question 23**

Do you agree that there should be a prohibition on the disposal of food waste to sewer?

Yes

No

*If yes, should this apply to:*

a)

Sector

Households

c) Both

b) Businesses and Public

*Please provide comment:*

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**Question 24**

Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households?

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*i)*

*ii)*

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**Question 25**

Do you agree that lead in times for the proposals are reasonable?

Yes

No

*If no, what alternative lead in time would you suggest?*

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**Question 26**

Do you agree that NRW are the best placed organisation to regulate the duty to source segregated wastes? If no, please give the reason and propose an alternative regulatory body.

Yes

No

**Question 27**

**In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector:**

- NRW**
- Local Authorities**
- Sewerage undertaker or**
- Other**

***If 'Other' please propose an alternative regulatory body and state reasons:***

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**Question 28**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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## Carrier Bags

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### Question 29

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, provide for minimum charges to be set for other types of carrier bags in addition to single use carrier bags?

Yes

No

*Please provide comment*

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### Question 30

Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Yes

No

*Please provide comment*

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**Question 31**

**Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?**

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

Do you agree with the proposals in relation to Marine Licensing?

Yes

No

*Please provide comment*

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#### Question 33

Do you have any comments on whether the Welsh Government should extend NRW's ability to recover costs associated with marine licensing by charging fees for:

- pre-application costs?
  - variation costs?
  - costs of transferring of licenses?
  - coverin  
g regulatory costs, via subsistence changes?
-



*Please provide comment*

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**Question 36**

Are there any other changes to the Several and Regulating Order regime that you think should be considered (i.e. can you think of any other ways that current practices could be improved)?

Yes

No

*Please provide comment*

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**Question 37**

Do you have any comments on the impact of this proposal (for example, impacts on your business)?

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

**Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?**

Yes

No

*Please provide comment*

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### **Question 39**

**Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?**

Yes

No

*Please provide comment*

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**Question 40**

**Do you have any comments on the impact of either of these proposals?**

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**Implementation / Equalities**

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**Question 41**

**We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and, disability.**

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**Question 42**

**Do consultees have any other comments or useful information in relation to any of the proposals in this White Paper?**

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