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The Environment Bill Team
Climate Change & Natural Resources Policy Division
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

Ref:
MMC/

Telephone No.
01691 775251

Date:
10th January 2014

Environment Bill White Paper

Dear Sir/Madam

Thank you for the opportunity to review this paper, noting that it is a comprehensive document dealing with many aspects of NRW's activities.

A substantial part of the document deals with technical and management procedures on which it is difficult for us to make constructive comments.

However there are some matters referred to which would seem appropriate for us to comment on, and these are appended.

Yours faithfully



Mike McKenna
Chairman

Chapter 1	<p>You refer to the Planning Reform Bill, and we just wish to note that we welcome the fact that there will be changes in the planning system to speed up the process, make it more efficient and dealing with applications fairly and consistently. Currently, the process is an obstacle to investment by multi-national Companies. A faster process will encourage future investment in Wales.</p> <p>To illustrate this, the Legacy to Oswestry 132kV upgrade is happening almost 10 years later than planned, is currently adding £½Million extra annually in costs because of poor infrastructure charges, and dissuades industry from operating or investing for the future.</p>
Chapter 2 Q2.	<p>The definition of “an area based approach” in our opinion is not sufficiently crisp and potentially at odds with an integrated and consistent approach and policy throughout Wales, which is essential to ensure fairness.</p>
Chapter 3 Q10	<p>We support the aim to look at innovative ways of working. With a sensible approach bureaucracy can be reduced, and efficiencies obtained.</p> <p>However, we believe that there should be an enshrined requirement to achieve quantifiable cost saving benefits using this approach.</p>
General comments	<p>We support the intention to utilise the resources of Wales in a more sustainable way, but it is not clear from reading this document what the specific priorities will be. For example:-</p> <p>There is no reference to farming as an activity, although 73% of Wales land mass is grass grazing. The Environment Bill has the potential to improve the wellbeing of the people in Wales by encouraging innovation in farming, and so generating more wealth at the same time as achieving an improved environment.</p>

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

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 Patricia Dodd Racher

Organisation Calon Cymru Network

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Type
(please select one from the following)

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

While agreeing with the aims of co-operative working and information sharing, it is not clear to us whether the bill would take precedence over restrictions on information sharing mandated by issues of commercial confidentiality. Neither is it clear how different points of view could be reconciled.

An 'area based approach' as opposed to a thematic approach has the potential to aid integrated planning but we think more attention needs to be given to the identification of discrete areas, and to integrated planning between areas.

In section 2.20, the proposal for Welsh Ministers to be able to interpret the definitions in the bill is not balanced by any requirement for supplementary democratic approval of interpretations.

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:

Food production and other land-based industries should be included in the definition

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:

However, we do not think it is possible to incorporate climate change and climate change mitigation in integrated resource management is the intention is to monetarise ecosystem services. We reject the implication that climate change could be 'managed' by creating markets in its manifestations.

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 X

Please provide comment:

Not necessarily five years: there should be freedom for democratically elected decision makers to respond to any change in circumstances.

Question 5

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

Yes

No X

Please provide comment:

The intention appears to be to focus on river catchments, which is a reasonable if limited organising principle, but most local government bodies, third-sector organisations and community groups are not organised on this basis. We would prefer areas to be determined by communities themselves.

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 X

Please provide comment:

Once marketization is in place, commercial contracts will make any change problematic. In our view it is necessary to treat air, land and sea environments as the pre-requisites for life, and as such their maintenance should be a fundamental state responsibility, paid for collectively.

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:

Community councils and third-sector groups should also be involved in environmental protection work.

Question 8

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

Yes X

No

Please provide comment:

It is probably a sensible role for NRW to be the lead reporting organisation,

Question 9

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

No comment

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 X

Please provide comment:

We believe that the proposal, to further the role of NRW to stimulate the use of market mechanisms to pay for ecosystem services, is based upon an assumption that the systems of the natural world can be valued monetarily. We reject this assumption because:

- *Prices cannot encapsulate nature's use-value for all living organisms including ourselves, either now or in generations to come.*
- *Nature itself is composed of interacting, changing systems which cannot be commodified into homogenous value units.*
- *Market pricing does not take into account the irreversible character of finite resource use or of many systemic changes that commerce might encourage (such as the impacts on climates of carbon released from burning 'renewable' biomass).*
- *Prices are determined by a multiplicity of factors, not solely by the scarcity of a 'commodity'.*

These objections are explained in many papers on ecological economics and biophysical economics, e.g. see 'Indicators of Sustainable Development: Some Lessons from Capital Theory' by Peter A Victor, Ecological Economics 4, 3:191-213

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 could support a range of small-scale pilot projects for research purposes.

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 X

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

Apart from opposing the concept of marketised ecosystem services, in our view NRW would be, as an unelected body, inappropriate as facilitator, broker and accreditor of Payments for Ecosystem Services Schemes.

We would prefer the protection of natural systems to be the designated responsibility of local government at all levels, working with specialists and concerned individuals in bodies like NRW and in third-sector organisations. We would accept that local government needs (yet another) reorganisation to reduce the number of unitary authorities and devolve powers over small-scale local planning and land-use issues to town/district councils.

Question 13

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

There is logic to the suggestion that management agreements should apply to land rather than to its owners, but we do not think that NRW should have sole power to instigate 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?

No comment

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 additional proposal for Welsh Ministers' amendment powers to cover broader environmental legislation should be rejected, in our view, because there is insufficient guidance on the scope of such legislation.

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

Question 17

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

No comment

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 X

No

*Please provide comment:
No 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?
No comment*

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

No comment

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

No comment

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

No comment

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

b) Businesses and Public

c) **Both**

Please provide comment:

Households and businesses with access to compost bins could manage all vegetable waste, but there can be difficulties for households and businesses which lack any outdoor space, unless they receive food waste collections at least weekly.

Question 24

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

No comment

i)

ii)

Question 25

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

Yes

No

No comment

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 X

No

Probably yes, but is there the will to increase staffing and funding to enable NRW to cope?

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)?

No comment

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 X

No

No comment

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 X

Please provide comment

In our view the net proceeds should hypothecated for purposes of environmental protection.

Question 31

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

No comment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes X

No

No comment

Please provide 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?
 - coverin
g regulatory costs, via subsistence changes?
-

The imposition of more charges would hamper small businesses and therefore we would argue that either these regulatory costs are paid from general taxation, or that businesses below a specified size threshold should be exempt.

Question 34

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

No comment

Shellfisheries Management

Question 35

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

Yes X

No

Please provide comment

No 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

No comment

Question 37

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

No comment

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 X

No

Please provide comment

No comment

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

No comment

Question 40

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

No comment

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?

No comment

Blaenau Gwent County Borough Council – Response to Environment Bill White Paper

Consultation questions

Chapter 2 - Natural Resource Management

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

Yes, the Authority agrees with the overall package of proposals in relation to natural resource management. However, the document does not stipulate in great detail on how it is going to be achieved. The proposals outline a generic overview of what is intended to be achieved; yet clear and detailed information is not available within the consultation document.

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

Yes, the Authority agrees with this approach.

- 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, climate change is a key element and consideration of integrated resource management and this should be at both national and local levels. However, the issues are also international and the aspirations of the Welsh Government 'one planet living' has a small but vital part to play to a global problem.

- 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 in the Future Generations Bill?**

Yes, the Authority believes they should be reviewed and renewed as technology and research advances rapidly. A five-year cycle seems a reasonable timeframe to update/review policies and to take into account emerging concerns.

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

Yes, the Authority feels these areas need to link and work together to achieve the same goals.

- 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?**

The Authority requires further details on the approach in order to fully respond to and answer this question.

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

The Authority requires further details on the approach in order to fully respond to and answer this question.

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

Yes, the Authority feels it appropriate for the NRW to take this role as the infrastructure and knowledge is already held within this organisation.

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

Individual local authorities have already been procuring and implementing different service changes within their own areas due to targets and advice from the Welsh Government. The Authority feels that the Welsh Government should consider what is already happening within Authorities before such an area-based approach is brought in which requires new procurement projects, capital investment and to avoid further disruption to local authorities (including recovery rates already met) and the public. We are all obviously very much aware of the short and long term budgeting issues likely to fall on all hence it is vital that we fully understand the potential impact that may result.

Chapter 3 - Natural Resources Wales - New opportunities to deliver

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

Yes, the Authority agrees with the overall proposals in relation to the new ways of working for NRW. However, the document does not stipulate in great detail on how it is going to be achieved. The proposals outline a generic overview of what is intended to be achieved; yet clear and detailed information is not available within the consultation document.

- 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?**

The Authority requires further information on what and how these innovative approaches will work. All legal requirements will need to be considered such as contracts that are already in place.

12. Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes? Do you consider that there is a need for any new powers to help to further opportunities for PES?

Yes, the Authority believes that the NRW is the correct organisation to act as facilitators, brokers and accreditors for the Payments for Ecosystem Service Schemes if it were to be implemented.

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

The Authority is unsure as to what the need for NRW to be involved in such agreements. What would be the purpose therefore of the Environmental Management System for certain waste facilities? Would this create a conflict situation if any issues or prosecutions arise and would the NRW act as a neutral body between Contractors and local authorities?

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 Authority would agree to this in principal but for the General Binding rules to be established would require secondary legislation and further details would be required.

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, and why?

The Authority would welcome the additional proposal to cover broader environmental legislation, and the theories behind the ultimate goals of the NRW, but this is a huge challenge and would it makes things more complex/complicated and would the resources be available to deliver?

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 Authority feels as though it may be difficult to balance the conflict between developing market mechanisms and protecting ecosystems. Also the barriers would be the cost and resources needed to protect ecosystems. All the aspirations within the consultation are linking up with existing legislation and are working towards achieving the same goal to protect and enhance the environment.

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

The Authority feel as though the impacts would be increasing costs of procurement processes, time and resources when Local Authorities are having to make significant savings.

Chapter 4 - Resource efficiency

Regulation of Waste Segregation and Collection

18. Do you agree with the proposals in chapter 4 and approach of combining the 5 measures together, in relation to regulation of waste segregation? Are there any other materials or waste streams which should be included in the requirements to sort and separately collect? If yes, what are they, and why should they be chosen?

Yes, the Authority agrees with the proposals in chapter 4 in principal but requires further information on each proposal.

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

Yes the Authority agrees with the level of segregation asked of individuals/businesses, but logistics and difficulties in methods of collections should also be taken into account. Also there needs to be an element of flexibility for timeframes with the implementing of such changes as such changes require longer procurement processes. For example, allowing local authorities to show that they are working towards implementing such changes as of 1st January 2015, rather than having the services in place by 1st January 2015.

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? If yes, please identify them and explain why.

The Authority feels as though WG strategy and legislation are indicating that waste separation is the best method then this should be promoted across all areas. However, it is difficult to perhaps ensure that small businesses keep all 7 waste streams separate at source due to the small amounts produced and other potential restrictions.

21. 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?

Yes, the Authority agrees with the proposals to ban the materials from landfill and energy from waste facilities. However, to ensure that all of these waste

streams are kept separate at source, for example HWRCs, may be difficult which could result in these waste streams requiring an element of secondary sorting before entering landfill/efw plants.

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? If no, what other approach could we adopt?

Yes the Authority agrees with the proposals for this particularly as MRFs are also going to have an acceptance level.

23. Do you agree that there should be a prohibition on the disposal of food waste to sewer? If yes, should this apply to: i) households, ii) businesses and public sector or iii) both?

The Authority has concerns on how this will be regulated. This would also be better answered by the water companies than a Local Authority. There is also still an issue around the definition of the product classification after the processes have taken place.

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

The Authority has concerns on how this will be regulated and enforced. This is an area better suited for the water companies to respond to.

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

The authority feels that a target date of 2017 is very tight in order to achieve these aspirations. This would involve a longer term behavioural change programme to stop people putting/washing certain things down the drain.

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, the Authority feels that NRW should regulate the duty to source segregated wastes.

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: i) NRW ii) Local Authorities iii) sewerage undertaker or iv) other. If 'Other' please propose an alternative regulatory body and state reasons.

The Authority are concerned with how this will be regulated and delivered. Any proposals would require infrastructure changes in order to achieve monitoring of what is disposed of to sewer.

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

The Authority would need to review and amend as appropriate the current services, which it offers to businesses and households with regards to any impact to local authorities.

Carrier Bags

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, the Authority agree with this as long as a similar approach is also considered for implementation throughout the UK.

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, the Authority agrees with the proposal to extend the enabling powers of the Welsh Ministers to require retailers to pass on their net proceeds to any good cause. This would help many more community based projects.

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

The authority consider that there is no direct impacts upon the local authority around the proposed charging and extending of the enabling powers in dealing with carrier bags.

Questions 32 - 40 the Waste Section are unable to answer as they are outside the remit of waste

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.

The Authority feels as though the views in relation to the proposals in this White Paper will not have an impact on any of the above.

42. Do you have any other comments or useful information in relation to any of the proposals in this White Paper?

The Authority has no further comments to put forward.

I am responding on behalf of our local flood group (Talybont Flood Group)

Much of what the white states is very laudable. However, our experience is that you need to sort out the tortuous nature of responsibility for water courses within Wales.

At the moment responsibility is split between NRW (Main Rivers) and local Councils (Minor waterways). Sometimes (as in our case) sections of the same river have different responsible authorities.

This works against any co-ordinated approach.

No matter what structures are put in place you must ensure that sensible dialogue between organisations takes place – either that or put all water courses under a single authority to gain a more co-ordinated approach.

Yours

Mick Fothergill

Towards the Sustainable Management of Wales' Natural Resources

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Please submit your comments by 15 January 2014.

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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.

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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

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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

X

Other (other groups not listed above)

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: but with strong reservations regarding the lack of a clear line of action regarding protected landscapes (national parks and areas of natural beauty).

Please provide comment:

Definition of Landscape

The linkages between this initiative and recent initiatives regarding Protected Landscapes and the Historic Environment (Historic Landscapes in particular) may not be as fully developed as it should be as regards the definition and interpretation of “the landscape” and its management. Consistency is needed between the Environment Bill and proposed legislation and policies under the remits of the Minister of Culture and Sport and The Minister of Housing and Regeneration.

See also comments on Questions 7.

This comment leads to a more fundamental question regarding the status of Wales’ protected landscapes in the context of three proposed bills – natural resources, heritage and planning:.

Protected Landscapes (National Parks and AONB’s)

In recent months, the Welsh Government has sought the public’s views regarding a Draft Policy Statement for Protected Landscapes in Wales (Summer 2103), and more recently, the White paper on a proposed Planning Bill.

It is not clear in these documents or the White Paper on the Environment Bill if the Welsh Government intends to continue to manage these areas under the original, Westminster based, laws, or to assume full statutory responsibility. This is a serious gap in the legislative program considering that National Parks and AONB’s comprise 25% of the land area of Wales, and are considered as prized natural and cultural/historical assets.

The legislative gap combined with the mixed messages in the Policy Statement for Protected Landscapes and the proposed White Paper on the proposed Planning Bill leaves the distinct impression that the Welsh Government remains uncertain how protected landscapes, and national parks in particular, fit in the current legislative program.

The parameters governing the management of protected landscapes have changed significantly since they were first established in the United Kingdom. Discussions leading to the outcomes of the Rio Conference in 1992 placed greater emphasis on sustainability as an underlying principle of management together with the protection of biodiversity and respect for cultural/historical values. In recent years, concern about the effects of climate change and the socio-economic well being of communities both within and adjacent to protected areas present new challenges.

As a result, the management of protected areas has become more complex, according to several international experts. For example, there is a proposal to designate the slate landscapes of North Wales as a World Heritage area, which adds a new layer of (historic) conservation values to be grafted onto the present system and managed to a level that meets international expectations.. There will be pressures on local communities to provide international visitors with facilities services commensurate with other World Heritage sites.

Three alternative approaches could be considered under the present program of legislative change:

1) The emphasis on area-based (ecosystem) planning in the proposed Natural Resources bill suggests that a section on National Parks and AONB's might fit into the proposed Natural Resources Bill. This will ensure "natural integrity" of protected landscapes as a prime consideration in managing the area.

2) The question of the sustainability, the socio-economic well being of the communities both within and adjacent to protected landscape areas also needs to be factored into the discussion. This suggests the proposed Planning Bill as a logical place, but not necessarily the right one if "natural" values are given greater weight in development decisions. Furthermore, planning is one of several tools available to managers in the conservation of protected areas.

3) The protection of the historical/cultural character of the same areas combined with the protection of natural beauty suggests inclusion in the proposed Heritage Bill. The words "*cadw*" and "*cadwraeth*" come to mind in this context. Pairing the historic environment with protected landscapes in the bill gives greater prominence to Welsh culture and history and the effect of successive generations on Wales' protected landscapes. It will give greater meaning to the history of quarry workers in Gwynedd, or Raymond Williams' *People of the Black Mountains*.

The time is opportune for the Welsh government to clarify the legal status of natural parks and AONB's in Wales. The proposed law and associated management practices in Wales should be compatible with, but not necessarily identical to other jurisdictions in the United Kingdom to ensure consistency in protection across the UK. Incorporation of the law in the proposed Heritage Bill, is recommended.

Supplementary note.

Norway's Nature Diversity Act (2009), Chapter V serves as a useful guide for a law drafted in the context of a national commitment to sustainability and an emphasis on the conservation of natural resources:

The following articles provide useful commentaries on the Norwegian experience:-

- Sissel Hovik , Camilla Sandström & Anna Zachrisson (2010) Management of Protected Areas in Norway and Sweden: Challenges in Combining Central Governance and Local Participation, Journal of Environmental Policy & Planning, 12:2, 159-177, DOI: [10.1080/15239081003719219](https://doi.org/10.1080/15239081003719219)

—Ole Kristian Fauchald & Lars H. Gulbrandsen (2012) The Norwegian reform of protected area management: a grand experiment with delegation of authority?, Local Environment: The International Journal of Justice and Sustainability, 17:2, 203-222, DOI: [10.1080/13549839.2012.660910](https://doi.org/10.1080/13549839.2012.660910)

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:

Subject to inter-legislative consistency (see Question 1 above and Question 7 below)

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:

A statement regarding climate resilience and climate change could be included in the Preamble of the proposed bill. As I understand it, a Preamble provides a government with the opportunity to state its intention and the judicature the background information necessary to interpret the law.

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:

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:

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:

The approach in this case is likely to be a process of replacement and integration depending on the issue and the circumstances. Provision should be made for this in the application of the area-based approach.

See also response to Question 7 below.

Question 7

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

Yes with reservations

Please provide comment:

In effect, the government is proposing that the joined-up approach becomes a mandatory requirement of area-based management. This, in theory, should be a matter of operational policy rather than a legislative requirement. On the other hand, governments in the past have been placed in the position of urging public bodies to work together and fostering a culture of on-going co-operation only to find a strong tendency for bureaucracies to move towards compartmentalization, to the detriment management systems such as the ecosystem approach.

Rather than focusing on public bodies, the government might consider listing the basic laws where cooperation is deemed necessary in the application of the area-based approach, such as Land Use Planning and the Historic Environment, then give the Minister discretionary power in the law to bring together the public agencies and local authorities associated with the administration of these acts.

Legal recognition might also be given to the establishment of a co-management regime that includes representation from public bodies, local authorities and civil society. The Minister of Culture and Sport recently included the concept of co-management in the proposed policy on protected landscapes, but the case for the proposal was too vague.

The possibility of providing in law for the establishment of co-management regimes in the context of the government's proposed new bills and policies is an interesting prospect worth exploring with a view to its application to the Environment Bill and the Welsh Government's proposed laws regarding land use and historic environment.

Furthermore, it would not be in the public interest to recommend a single management regime under this act without exploring the possibility of alignment and merging legislative interests across a single management platform. This may entail a review of collaborative government and its potential application.

Question 8

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

Yes

Question 9

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

No comment

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?

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?

-
- 1) Within the general scope and parameters of European law and practice
 - 2) Social and economic evaluation, e.g. business and social impact
 - 3) Public review and consultation.
-

Question 12

Do you agree that NRW is an appropriate body to act as facilitator, broker and accreditor of Payments for Ecosystem Services Schemes?

Not necessarily

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

An interesting proposition, that warrants further discussion with representatives of the financial sector in Wales, and with the governments of other jurisdictions where this approach is practiced. Paragraph 3.18 indicates that a study to consider PES in Wales has been commissioned.

Question 13

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

The questions of the impact on property rights and the possibility of "cloud on title" need careful consideration in the context of this proposal. A "cloud on title" carries a negative connotation as an encumbrance. There is another, more positive, perspective regarding management agreements: that a property subject to agreement has been managed for the general good, and that the agreement constitutes a benefit.

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?

Similar laws and practices in Canada and the USA fall under the subject of Pollution Prevention, which is perhaps a better way of describing the effect of General Binding Rules. The approach evolved and matured rapidly in the 1990's with the general support of business community.

(This approach should not be confused with the Rivers Pollution Prevention Act of 1875, which has an interesting history in terms of its application to cross-border rivers in Wales during the period following its adoption.)

it might be prudent to conduct a review of laws and practices with pollution prevention in a selected number of states and provinces in North America to determine legal boundaries, how the programs are administered and acceptance by business and the public.

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?

Please provide comment:

As mentioned earlier in Questions 1 and 7, the Welsh Government might be better positioned in the short term to ensure consistency across the current suite of proposed laws such as the proposed Environment Bill, Land Use Planning and the Historic Environment to ensure a sound base. It would also be prudent to provide for the periodic review, amendment and augmentation of these laws in the future as a signal to future Welsh governments and legislators of the need to keep laws up to date.

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 Solutia Site, Cefn Mawr, County Borough of Wrexham.

The Solutia Site is located near the Pont Cysyllte Aqueduct, a World Heritage Site, the Clwydian Range and Dee Valley AONB and the community of Cefn Mawr. The redevelopment of the site was recently the subject of dispute between local residents and the County Borough of Wrexham regarding the potential loss of historic remains connected with the canal nearby.

The debate regarding the future use of the land in question focused on historic value. But the historic record also suggests the possibility of environmental contamination from past industrial activities associated with the chemical industry. This, in turn, raises questions regarding the physical condition of the site, and the possibility of contaminated leachate from the area flowing into the River Dee from a tributary stream next to the site in question. It is not clear if the question of contamination from the site was taken into consideration.

A coordinated approach to the redevelopment of the site in question would have considered a range of potential problems and ensured that questions regarding contamination together with landscape and historic values would have been factored into the decision making process.

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?

Please provide comment:

The management of waste is a complex subject. It was difficult to visualize the 5 measures in combination with one another.

Part of the difficulty may be a gap in the proposed legislation as set out in the preceding chapters. Perhaps a specific section regarding waste management is needed in the proposed bill to serve as a foundation for the suite of regulations that the government contemplates for this issue.

Further consideration also needs to be given the segregation and disposal of the following: chemical, electronic and bio-medical wastes, low-level radioactive wastes, and the transport of waste for treatment and disposal between local authorities in Wales and into or from jurisdictions outside Wales.

As a general point, nothing is mentioned in the proposed regulations about the importance of “public education” regarding acceptable waste management practices. An informed and educated public is more likely to become a more active partner in waste management programs. The notions of improved public knowledge and understanding, encouragement, incentive, responsibility and behavioral change come to mind in this regard.

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

Yes

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

Electronic waste, e.g. old computers, televisions, batteries and other electronic materials particularly from the service sector,

Potentially hazardous waste such as herbicides, pesticides, paints, cleaning fluids also need to be separated and made safe either for recycling or permanent disposal.

See also Question 18 above

Question 19

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

Yes

If no, please state why and an alternative.

Important to explain the benefits to the environment and the economy.

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 _____

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

Yes _____

If yes, what are they?

See response to Question 18 above

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?

_____ **No** _____

This is vague. Perhaps the question of “acceptable levels of contamination” should be based on the precautionary principle a definition of which could be included in the proposed bill (see response to Question 18 above).

Question 23

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

Yes

If yes, should this apply to:

c) Both

Please provide comment:

This is a difficult problem that may require different approaches depending on the source. For example, the waste stream of a food processing plant, the aggregate effect from the retail sector (restaurants and food shops) and public institutions in communities and households.

Question 24

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

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

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

A regulation adopted by the Welsh Government would ensure consistent application throughout the country. Exemptions might be considered for local authorities where local management practices and the technological capacity are in place to handle waste food in an environmentally acceptable manner.

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?

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?

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?

Please provide 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?
-
-
-

Question 34

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

Shellfisheries Management

Question 35

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

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)?

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

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

Please provide comment

Question 39

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

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?

Yes

Cross-border Issues:

Section 2.86 provides for Welsh ministers to have the power to issue direction on other bodies to cooperate, share information, jointly plan for and jointly report on the management of natural resources>

Provision for Ministerial power may be necessary regarding memoranda of understanding of agreements regarding cross-boundary matters, such as flood and pollution control in trans-border rivers.

Consideration also needs to be given to the ability of the Minister to enter into agreements or memoranda of understanding with other countries, such as the Republic of Ireland, regarding the protection of Wales' marine environment from the development of oil resources in the Celtic Sea.

Towards the Sustainable Management of Wales' Natural Resources

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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.

X

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name

Organisation

Cardiff University (retired)

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)

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:

It may be my reading of the document but I cannot find any reference to the protection of species. Under your ecosystem approach I cannot help but wonder what will happen to Welsh natural gems such as Stanner Rocks NNR with its plethora of rare species?

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:

Leaves too much leeway to offset one element against the other

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:

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:

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:

This is likely to lead to a loss of detail (eg rare localised species) in a broad brush approach.

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:

Sounds like dangerous talk for “if it is getting expensive let’s ditch it” – not conservation for the future

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:

Probably but it needs to get its act together pretty quickly – at the moment it doesn't even seem to understand itself!!

Question 9

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

Worried about conflicts e.g. between open access for canoes (a VERY bad idea) and anglers

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?

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

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.

On the river Wye at Newbridge on Wye there is an ancient ford adjacent to the existing bridge which serves no effective function. The ford is now one of the best salmon spawn sites on this stretch of river but in 2013 as in the last at least 5 years immediately the salmon have spawned 4WD vehicles and motor bikes churn up the ford. This is illegal under the salmon and Freshwater Fisheries Act. Powys CC, CCW and Environment Agency are all aware of the problem but will not stop it. All these bodies are effectively aiding and abetting a criminal activity but without an integrated approach I guess nothing will be done

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?

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Yes

No

If no, please state why and an alternative.

Question 20

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Yes

No

If yes, please identify them and explain why.

Question 21

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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

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Yes

No

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Chapter 5 - Smarter Management

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Yes

No

Please provide comment

Question 33

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-

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Please provide comment

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Please provide comment

Question 40

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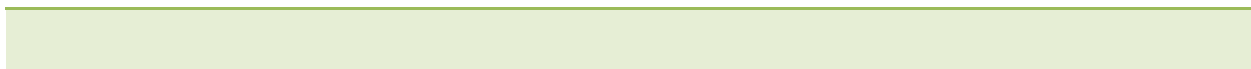
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Question 42

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Environment Bill White Paper

23 October 2013 – 15 January 2014

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E-mail address	kirkvaluations@hotmail.co.uk

Type
(please select one from the following)

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

No

Please provide comment:

With reservations

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 X

No

Please provide comment:

- PARA 2.19—AREA BASED APPROACH OF CONCERN. ARE CATCHMENTS APPROPRIATE FOR FORESTRY.. HOW WILL AREAS OF MULTI CATCHMENTS Eg The Valleys, and those shared with England BE TREATED? Ex FC REDUCED THEIR AREAS TO AN EFFECTIVE MINIMUM.

NRW SEEKS TO INCREASE THESE VIA CATCHMENTS. MORE OFFICES== MORE STAFF== FAILED BUDGETS.

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:

Climate Change actions must be appropriate and practical. Eg If new tree planting via Glastir is reduced to a proliferation of species planted for no other reason than hedging bets, we will end up with uneconomic scrublands.

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:

Suggest NRW puts itself under more pressure to achieve a speedier timetable. The thought that we must wait till 17/18 for NRW to BEGIN to implement, does not bode well for the vigour needed for this process.

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:

2.42. You will find a weariness for constant consultation , and therefore a reduction in the efficacy of the process. Was the natural infrastructure in such a bad way pre NRW?

2.49/. What is a land based planning system.?

The majority of land in Wales is owned by individuals. You are seeking to dictate the way they own,/manage their assets. Recent attempts to widen CROW illustrate this attitude.

2.57 The bulk of the land in question is owned by individuals who rely on orgs such as CONFOR/NFU/CLA/FUW to offer professional advice and guidance.

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:

Why would we want to anticipate SIGNIFICANT changes? Armageddon?

Light touch here and there, please.

Necessary change clearly demonstrated should succeed.

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:

I would hope that particularly CCs acknowledge any moderate need to change, though they may find the catchment concept hard to deal with given their own boundary limitations. As will the NRW still having 2/3 orgs to deal with at the same level in some catchments.

Question 8

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

Yes x

No

The scene is now set for NRW to maintain the lead role—for better for worse.

Question 9

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

- For years we have lived with the legislative process, noting that as each new Government comes to power the bureaucracy rises and efficiency in delivery falls. Consultation blooms and fewer trees are planted. We see this Bill as accelerating this process.
 - We are suffering long term delays with the meaningful delivery of Glastir, this Bill seems a repeat of that process. We cannot get on with our business with any certainty on outcomes.
 - The impression given is that the land that the Government seeks to legislate over is just one big catchment, and no one in particular owns it.
 - Woodlands are notable as absent throughout. See table (ii) P 31/32. of the 18 outlined only one is for forestry. Though this in itself illustrates the simplicity of our minimal legislative requirements to thrive as an Industry.
 - Para 100. If cost implications are good or bad from NRW, the WG picks up the result. We have yet to see simplification. The statement “ultimately represent a cost saving” must be of grave concern to any Minister.
-

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:

The thought that change is always good needs to be examined closely!

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?

Questions;

Has it been done before.? Trial evidence.

Is this skill available anywhere else in the UK?

Should Wales do this alone?

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

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

But only because the other possible bodies no longer exist!!

We would welcome any progress to PES, but only if it avoids the extensive time lines being put about. Woodlands have been providing free ES forever.

NRW must look closely at their existing skills, and use those and not rely on power.

Question 13

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

We welcome any sensible fact based proposals that pay their way.
This question has a compulsory feel to it. SSSis fine, but that is the limit.

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?

It is easier to get PP for a new building than a new forest, at least in time taken terms.. We sit with regulation at every turn. Enough.
We regulate ourselves through UKWAS .
Why has the UK Foresstry Act lagged behind in its transfer of powers to Wales? A serious limitation to NRW's powers.

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:

I support (a), until we see whether NRW is capable of competently extending its remit.

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 recent paper on acidification in the uplands and proposals for charges for tests and treatment set alarm bells ringing. Such charges on forestry following the unintended consequences of acid rain fall out on legitimate crops would be unacceptable.

Question 17

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

The work load imposed by the advent of NRW and the subsequent proposed legislation, is onerous, especially for those trying to earn a living from the land. For those with businesses to run it just has not been possible to cover all topics.

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

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)?

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

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?
-

Question 34

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

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

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

Yes

No

Please provide comment

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?

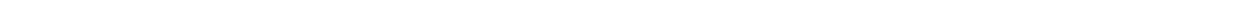
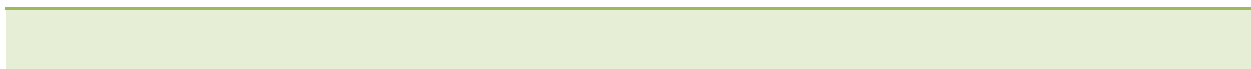
Implementation / Equalities

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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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name Richard Squires

Organisation

Address Caer berllan
Eglwys fach
Machynlleth
Powys
SY20 8TA

E-mail address caerberllan@talktalk.net

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

Question 1

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

Yes

No X

Please provide comment:

No because I think your proposals should be focussed on the environment/ecosystems and not on the continued exploitation of natural resources.

I am concerned that there does not appear to be a commitment or understanding of the role of SSSI not least the fact that this legislation underpins SACs and SPAs.

I find it worrying that there is mention of a review of environmental legislation without presenting any evidence as to why this may be needed at this time.

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 X

Please provide comment:

I suggest you draft a series of policies which are Wales-wide (rather than based on smaller areas) for the holistic and integrated management of ecosystems.

In that way you may for example advise on best practise regarding the urban environment; including green spaces close to communities, management of flooding by providing flood storage ponds and marshes and not building in the wrong places.

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:

There should be reference also to Wales' carbon targets and reducing emissions.

A key adaptation to climate change is managing our natural and built environment by making habitats (such as those protected by SSSI and environmental legislation) bigger, better and more connected.

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:

Probably any 'new' plans/policies will need to fit existing cycles of reporting.

Question 5

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

Yes

No X

Please provide comment:

I think it would be better to have WG ecosystem policies which LAs /NRW may turn into area and sectoral plans, such as forestry, as needed. An area based approach at the start will be very costly and is likely to result in inconsistencies across Wales.

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 x

Please provide comment:

Probably not as existing legislation needs to be enforced and cannot easily be replaced

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:

Not for reasons given above, LAs and others need to have local flexibility.

Question 8

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

Yes

No

Please provide comment:

Better the responsibility is with WG

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

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No

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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.

Need to ensure no conflict with SSSI and N2K site/species management

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

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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?

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No

If no, please state why and an alternative.

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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?

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No

If yes, should this apply to:

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b) Businesses and Public Sector

c) Both

Please provide comment:

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i)

ii)

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Carrier Bags

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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

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?

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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

Question 33

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Yes

No

Please provide comment

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

Yes

No

Please provide comment

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.

I am concerned about the process WG will use to analyse the comments received on the Environment Bill and how those responses will be presented. To be reflective of Welsh Citizens the comments should be analysed objectively and weighted according to the size of organisations and weighted as to whether they are key stakeholders with knowledge and evidence to back up their comments.

Question 42

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

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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Environment Bill White Paper		
23 October 2013 – 15 January 2014		
Name	Dr M. Wood	
Organisation	GeoMon Geopark	
Address	college, Llansadwrn, Menai Bridge, LL59 5SN	
E-mail address	college@btinternet.com	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community yesgroups, volunteers, self yeshelp groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Professional scientists and teachers working voluntarily for the community

3rd sector

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? not entirely

Yes

No **no**

Please provide comment:

It fails to consider geodiversity that underpins all the other disciplines and therefore is an incomplete package.

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 **yes**

No

Please provide comment:

all the disciplines should be integrated otherwise they can fail. Water management has to consider the geological and geomorphological as they are basic to knowledge of the future problems that can occur. Geologists can predict and advise on flood prevention before areas are built upon for instance.

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 **yes**

No

Please provide comment:

However, it must be remembered that nature will always win out in the end. Use your Earth Scientists at the initial stages of planning before trouble occurs e.g. flood plains and erosion and effect of waves on beach deposits are grist to the mill for trained geoscientists. In the long run we cannot alter nature and its behaviour but we can manage it. Mans effect on the climate is present but it is hardly noticeable against what nature can do. We have to plan for the natural hazards and be prepared to do what can be achieved not doing 'patch up repairs that will never work long term.

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 **no**

Please provide comment:

We are already in trouble with the climate and weather so need emergency plans- 5 years will be too late.

Question 5

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

Yes **yes**

No

Please provide comment:

however, have you got the right people in place in every area to tackle the delivery.

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 **No**

Please provide comment:

It does not appear to be a balanced outlook . you need all disciplines working together.

Question 7

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

Yes

No **No**

Please provide comment:

Other bodies have not the expertise or experience and are more concerned with their own problems. Each to his own. If you do not have the expertise then get it and work with the right people.

Question 8

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

Yes **maybe**

No

Please provide comment:

If they get their act together though from the outside the organisation looks very disparate. It is impossible to join 3 different organisations together. They are not doing the same thing and their experts are therefore unused in many instances. It will always be that one of the three will be dominant and not able to carry out the work that is essential in the other two organisations. Currently to outsiders it looks disastrous and with an unhappy workforce.

Question 9

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

I do not think we get the service that we had when the organisations were separate.

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 **no**

Please provide comment:

It all sounds very woolly and general

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?

This is not what the 3 previous work forces were doing- how can they expect to do this- it would take years or need to employ new staff with this expertise. i feel you should be concentrating on the practical issues or it will just be a talking shop.

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 **no**

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

nt currently- as it takes time for new organisations to get their acts together.

Question 13

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

Limited and answerable to another over arching body i.e. WAG

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 idea as I am not in the organisation

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:

Miners are agother kettle of fish and until you can get the present workforce working like clockwork together and being considerate of the other disciplines leave well alone. Once NRW is well established and and working like an oiled wheel- then is the time to work with the miners.

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.

Cannot answer without knowing how your organisation works.

Question 17

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

I hope that we can foster a relationship together in the same manner that we had with CCW. Our goals are the same as NRW and the same ethos as the Welsh Assembly goals. We could have a strong relationship built up in the that would be advantageous to both of us.

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 **Some**

No

Please provide comment:

disagree with RE6 as the money should go to the reason we are charging for bags in the first place. Also it is all regulations after regulations in this questionnaire. Most things work better by good practice and friendly means rather than annoying regulations. Society now feels like 'Big brother is always watching you'.

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

Yes **yes**

No

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

used cooking oil.

Question 19

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

Yes **Just about**

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 **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 **yes**

No

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

Yes **Food** No

If yes, what are they?

food

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 **no**, do not know

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 **yes**

No

If yes, should this apply to:

a)
Sector

Households
c) Both yes

b) Businesses and Public

Please provide comment:

the place will be seriously rat infested

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

ii)no

Question 25

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

Yes **yes**

No

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

But not convinced of your proposals and need for registration

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**

County Councils are closer to the public and should fulfil this role

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: The County Council

- | | |
|---|--|
| <ul style="list-style-type: none"><input type="checkbox"/> NRW
<input type="checkbox"/> Local Authorities yes
<input type="checkbox"/> Sewerage undertaker or
<input type="checkbox"/> 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)?

Do not feel this will be needed in our 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 **no**

Please provide comment

It is ridiculous to add more legislation- we are now well trained with the plastic and all other bags.

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 **Yes**

No

Please provide comment

Question 31

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

NO

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes **yes**

No

Please provide 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? Yes
- costs of transferring of licenses? Yes
- covering regulatory costs, via NO subsistence changes?

NO

Question 34

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

People are struggling to survive as it is without adding a financial burden.

Shellfisheries Management

Question 35

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

Yes **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 **no**

Please provide comment

Question 37

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

none

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 **yes**

No

Please provide comment

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

do not know

Question 40

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

no unless otherwise stated

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?

no

I have read your consultation document with great interest and would comment as follows

In respect of chapter 2

I agree with questions one two eight however in respect to question 9 I feel that the wording of the chapter in places is not easy to understand for people who do not have a background in the subject. It will be seen as central control and before cross border agreements are entered into education and explanations are needed

In respect of chapter 3

The same COMMENT AS IN CHAPTER 2

In respect of chapter 4 and the rest of the document I am in broad agreement

Please accept my thanks for all the good work

G.N. Brookes

Towards the Sustainable Management of Wales Natural Resources – Consultation on proposals for an Environment Bill

The response from Rhondda Cynon Taf County Borough Council

We have provided some general comments on the proposals as well as answering the specific consultation questions. We feel that there are other issues that need to be raised that do not necessarily come out in our responses to the questions.

We are particularly concerned about moves that require local authorities to adopt a kerbside sort system for the recovery of recyclables. We have trialled a variety of kerbside collection systems and cannot support a system involving sorting at the kerbside. Whilst we accept that others have found it to be their system of choice, we are adamant that it does not work for us and will continue to argue against its universal implementation.

We are also concerned that if we are forced to adopt a collection system that is not our preferred option, we will still be held responsible if we fail to meet the recycling targets. We would suggest that this is not a reasonable outcome. We recognise that there are pressures from Europe but we believe that recent events allow us to continue to operate the collection service that we already use successfully.

General Comments

RE1 Separate collection

We have advocated co-mingled or twin stream collection systems because we unsuccessfully trialled source-segregated (sorting at the kerbside) systems before selecting our current co-mingled system. It should be noted that we are now collecting huge tonnages of recyclable materials at the kerbside. In

2013/14 we expect to collect some 30,000 tonnes and to achieve the 70% recycling target we expect to collect close to 45,000 tonnes by 2024/25. The scale of this operation has to be considered when selecting a suitable collection system. We are now being expected to collect more and more materials to achieve the increasing recycling targets. Indeed Eunomia (in the Future Directions reports), suggests that local authorities will need to collect 34 different materials to achieve the 70% recycling target. Most dedicated collection vehicles operating a kerbside sorting system have scope for 6 or 7 collection chambers. Stillage-type vehicles can probably collect additional material types but their overall capacity is more limited. We also have health and safety concerns with the use of this type of vehicle.

We experienced the usual issues with sorting at the kerbside...

- backlogs of traffic in narrow valley streets
- the collection container limiting the amount of recycling that could be put out
- collection boxes being stolen
- collection boxes blown down the street
- collection boxes blowing across roads and into cars

However, we felt that the operational issues were ultimately the limiting factors if we were to collect the number of material types at the quantities required...

- multi compartment vehicles have a limited number of chambers and a limited capacity per chamber
- multi compartment vehicles use a top loading mechanism that restricts its use in areas with overhead cables
- stillage type vehicles have limited pay loads.
- multi compartment vehicles and stillage type vehicles can only be loaded from one side so have to travel up and down each street in order to collect recyclables.
- filling of one chamber effectively means that the vehicle is full and has to return to the discharge point.

- collection vehicles are inflexible when required to cope with periods of high output, such as Christmas, when the weekly tonnage of recycling doubles.
- materials, such as polystyrene or plastic bottles, take up large space but with little weight.

Plastic is a specific issue as recycling operatives would be unable to quickly identify different types of plastic and, therefore, would collect mixed plastics that would require further separation at a sorting facility.

If we are required to collect more materials for recycling and these have to be sorted at the kerbside we are unsure how this can be achieved without significantly increasing our collection fleet, collection crews and, therefore, our collection costs.

We found that a large refuse-type vehicle, with compaction set to zero, still held 4 tonnes of recyclables. The dedicated 6 chamber collection vehicles held only 1 tonne when collecting recyclables that included significant quantities of plastic bottles and metal cans.

In situations where unexpected tonnages of recyclable materials are put out for co-mingled collection, we are able to use a variety of non-specialised vehicles to get this material off the street. Depending on the urgency of the situation we have, in the past, used caged tippers, flatbeds and even small vans to get recyclables to the sorting facility. In the trial areas using the dedicated kerbside sorting vehicles, we could not use non-dedicated vehicles as this material was not intended for a Materials Sorting Facility. We were also unable to hire in more vehicles in these short-term situations, they were simply not available. Therefore, the collection crews worked on (into the late evening on overtime) until they processed this material at the kerbside.

We note that all the reports detailing the advantages of kerbside sort against co-mingled collections have been prepared for the Welsh Government by Eunomia. There are other reports in the public domain that would challenge the Eunomia findings or the basis used to achieve those findings. We also feel that the Eunomia reports can be used selectively to support kerbside sorting systems but if the reports are read in their entirety they provide a far more balanced assessment.

It is our contention that there is a place for both kerbside sorting and co-mingled collections and that 'one size' does not fit all. We believe that perceived issues with quality are best handled by the reprocessors. They will only accept material of a suitable quality and this places an onus on MRF operators and kerbside sort exponents alike to ensure that the materials they supply are fit for purpose. The measures to be introduced that require MRFs to sample and test their inputs and outputs seem unfair as there is no proposal to similarly test the products from kerbside sort processes.

We regularly tender the supply of recyclable materials from our MRF and have had no shortage of bidders for this material, nor do we have an issue with rejected loads. We already conduct our own quality control measures and they seem perfectly adequate.

It is a fact that there is a percentage of material from a co-mingled system that cannot be recycled. This may be due to residents putting out non-recyclable materials or materials that are contaminated (generally with foodstuff) or materials that are too small to recover. In our facility, this material is not recovered but neither is it landfilled as we send it to an energy from waste facility. In our experience, there was also an element of contamination and rejected material in the kerbside sort process for the very same reasons discussed above. In this case, the contamination still has to be dealt with, by separating it and returning it to the householder, but is not recorded so is less visible.

The one thing we are attempting to do to improve the situation is to convince residents to separate paper from the mixed containers. Mixed containers (glass bottles and jars, steel and aluminium cans, plastic pots and bottles etc.) are easily separated if they are not swamped by large quantities of paper. If bags of separated paper can be removed at the front end of a MRF the remaining operation is relatively simple and can be increasingly mechanised.

RE2 Separation of waste by the waste producer

The issue that we have, with the requirement for producers to separate materials for recycling, is the lack of markets for certain materials. This is particularly true of wood. Virgin wood (i.e. wood free from glue, paint, varnish or other coatings) can be recycled into man made boards (such as MDF or chipboard) or chipped into a decorative mulch, weed suppressant or for use as animal bedding. Man made boards (MDF, chipboard, plastic veneered wood used in kitchen units) cannot be used for any of these functions. Small amounts are invariably fed into the board manufacturing industry but only as an allowable level of contamination. Virgin wood makes up only a fraction of the wood we collect. Not only is wood difficult to recycle but there is also a significant cost (currently more than £60 a tonne) associated with wood recycling. The non-recyclable wood is sent to an energy from waste facility.

Eunomia (in the Future Directions reports) suggests that local authorities will need to capture and recycle 90.8% of the wood it collects and 89.3% of the furniture in order to meet the 70% recycling target. As virgin wood only accounts for some 10% of the total wood we collect it is difficult to see how we can achieve these recycling levels.

We also wonder why householders, who provide the largest proportion of municipal waste, are specifically exempt from a requirement to separate their waste. If, as suggested, it makes commercial sense for businesses to separate their waste and thereby reduce their collection and disposals costs then that should be the message. Householders on the other hand would have no incentive to separate their waste (or recycle at all) so should they not be the ones who are required to do so?

We also notice that Natural Resources Wales will police this requirement and several other requirements in this consultation paper at a time when resources and budgets are under severe pressure.

RE3 Energy from waste bans for key materials

We are currently embarking on a procurement process to identify a solution that will treat residual waste collected by RCT and Merthyr Tydfil. This procurement process and subsequent treatment contract will be heavily supported by the Welsh Government. The whole basis of the procurement is that we will recycle 70% of our waste with the remaining 30% sent to a treatment facility. We would suggest that any treatment solution that will satisfy both Council and WG requirements will involve an element of energy from waste.

If the proposal to ban 'key materials' from EfW is enforced we are concerned that this will impact on the quantity of material we can send to a treatment facility. This will impact on the tonnage we can commit and, therefore, the gate fee we can negotiate.

We have several questions to ask regarding this proposal...

- Will there be a limit on acceptable quantities of recyclables in residual waste?
- How will the quantity of recyclables be measured/estimated?
- Who will decide if a load contains too high a proportion of recyclables?
- Who will decide if the recyclable material could have been economically recovered or is only fit for treatment?
- If there is disagreement on levels of recyclables how will this be arbitrated?
- Will loads have to be sorted by hand and the fractions weighed to determine the relative proportions?
- Who will pay for arbitration or any other mechanism designed to establish the level of 'contamination'?
- If a load is rejected where can it be disposed of if it is also banned from landfill?
- What will happen to recyclables that are accidentally contaminated and unfit for recycling, can they be treated/landfilled?

- Will there be special dispensation for the treatment or disposal of material that is burnt in accidents or arson attacks?

We can think of many situations where a load of residual waste may contain a high level of recyclable material. Although in a number of cases it would not be practical or viable to recover this material. Damaged material, contaminated material or material of a small particle size would be obvious examples. The attempted recovery of key materials that are mixed with other residual waste would not fit well with the principle of quality recycling. A blanket ban on key materials would not be reasonable in these cases.

A particular case in point is food waste. We currently recover less than half of the food waste that is estimated to be present in our municipal waste stream despite our comprehensive and well-received educational campaigns. This consultation is not advocating a requirement on householders to separate their recyclable material (including food waste). Food waste once mixed with residual waste is unsuitable for recycling and cannot be used to produce an acceptable compost. A significant amount of it is small in nature rendering it difficult to recover. Our only option (if landfill is no longer available) is to treat it, using some form of process that will undoubtedly involve an element of EfW.

We believe that we will achieve the 70% recycling target but that it will be challenging. We are committed to finding a treatment solution for the remaining 30% and are aware that other authorities/hubs have already signed contracts for the treatment (via EfW) of their 30% residual waste. If recyclables are banned from EfW plants we see this as an additional recycling burden and a step too far.

RE4 Landfill bans for key materials

We can understand the rationale for banning recyclable materials from landfill provided that any unrecoverable recyclable material can be sent to a treatment facility. We are, however, concerned that a ban on both options will leave no solution for the treatment/disposal of this unrecoverable material.

RE5 Disposal of food waste to sewer

We have no strong feelings on this requirement although we believe that many of our schools, in particular those with food-preparation facilities, have installed maceration devices as a disposal method for food waste.

We do wonder, though, how this would be policed especially as this consultation suggests that significant numbers of macerators have been purchased by residents.

We would question whether any modelling has been done on the cost of policing this requirement as this cost will offset any predicted financial benefits. We would also question whether any of the predicted financial benefits will be redirected to local authorities to offset the additional costs of collecting and treating the additional food waste entering the household waste recycling system.

RE6 Charges for carrier bags

We can see the rationale for pricing carrier bags but if there is a concern that residents still view them a cheap disposable item we see two options. They can either be priced so high that no-one will buy them or they can be banned all together. We feel that the downside of this policy is that bag manufacturers may lose a large proportion of their business and that pricing mechanisms to deter high usage always discriminate against the less affluent members of society.

RE7 Proceeds to good causes rather than environmental causes

We would propose an alternative course of action as this requirement is aimed at reducing waste and increasing recycling. We would suggest that any funds raised should be used to support local authority recycling services. Local authorities are at the forefront of recycling but budgets are under considerable pressure. Our suggestion would allow businesses to contribute to local recycling initiatives with a large and identifiable impact.

Response to individual consultation questions

18 We think the 5 different measure (RE1 to RE5) raise different issues and therefore it is difficult to see the rationale of combining them. We would agree with some but not with others and, therefore, feel that they should be treated as individual topics that could be introduced or rejected rather than introduce them or reject them as an amalgamation. We are not in favour of requirements to sort and separate any materials at the kerbside (see response to RE1). Whilst WG appointed evidence suggests that kerbside sorting is more cost effective, produces quality recycling and a reasonable yield of materials this is not our experience. We believe that to introduce a safe kerbside sorting system to the whole of RCT would require double the vehicles and crews that we currently employ on our co-mingled system. We have not had quality issues with our MRF products and we have experienced far higher yields from comingled collections in previous large-scale trials when compared to kerbside sort.

We would be concerned with the number of materials it is feasible to collect on one kerbside sorting vehicle. We believe that 6 or 7 is the maximum to achieve any sort of capacity. More materials will require a second vehicle to operate in each street or the first vehicle to call twice. We are also concerned that there are limited markets for some materials, such as wood (see response to RE2) even though this is a 'key material' and there is a perception that it can all be recycled. Other materials such as plastic would always be collected mixed and require further sorting at a dedicated facility.

We also believe that the tonnage of material required to be collected to achieve the 70% recycling target is considerable and does not lend itself to collection on vehicles with such low payloads. Using dedicated kerbside sorting vehicles we rarely achieved more than 1 tonne of material on a vehicle.

19. Residents provide the largest proportion of municipal waste collected by councils yet there is no proposal to require them to separate their waste (see response to RE2). We again feel that separation leads to collection issues due to the number of materials to be collected and the increasing tonnages of these materials.

20. Our issue here is that whilst businesses may have yards in which to store materials, items such as paper and cardboard need to be kept dry. Local authorities tend to collect trade waste in large wheeled bins (up to 1100 litres capacity). The level of segregation suggested would require a serious upgrade in the number of containers supplied to businesses. This investment would be required at a time of serious cut backs in council budgets.

21. We would not disagree with the banning of materials from landfill as our plans to procure a residual waste solution will render landfill virtually obsolete.

We fail to understand the rationale for banning material from EfW facilities as there will always be some recyclable material in residual waste (see response to RE3). Also we believe that there will always be situations where recyclable material has been contaminated or otherwise spoiled. If it cannot be sent to an EfW facility and there is no backup of landfill there will be no avenue to dispose of this material. If the intention is to avoid readily recoverable material (that can be counted against recycling targets) from being burnt then the proposal needs to be much clearer. However, there have been situations where material has been separated for recycling but there is no market for it. There need to be contingency proposals to allow such material into EfW facilities.

22. Our issue with this is that it is very difficult to visually inspect a load of waste and estimate the quantity of recyclable material in that load. Invariably, contracts contain arbitrary levels of allowable contamination such as no more than 5% by weight. If a load contains significant amounts of recyclable

material it is difficult to contend that it is within tolerance. However, we do not believe that it is possible to visually inspect a normal load and determine its recyclable content if this is close to the 5% mark. We are then concerned with the twin issues of what happens if there is a dispute over the level of recyclable material in a load and who pays for any arbitration or separate sorting of the load to determine its compliance or failure (see response to RE3). A final concern on this point is that if we take a load to an EfW facility and it is rejected because it contains too high a level of recyclable material where can it be disposed of if the landfill option is also closed off? We have also discussed, in the response to RE3, the issue of the recycling material becoming contaminated by the residual waste and rendering it unfit for recovery.

23. We have no strong views on this proposal although we would wonder how NRW would identify householder with macerators and prevent them from using them.

24. See response to 23 above.

25. As we do not agree with most of the proposals our comments on lead times would be irrelevant.

26. All public sector bodies are experiencing severe cut backs and budget pressures. It is difficult to see how NRW could take on significantly more work at this time.

27. See response to 26 above.

28. If these proposals are implemented, tonnages of recyclables will be expected to increase as they could not be landfilled or incinerated. This will mean that councils will be expected to collect and find markets for even more material than required by the 70% statutory target. This will clearly put pressure on already critical budgets. We also believe that a reversion to

kerbside sorting activity will require serious investment in vehicles and staff. We already have vehicles that are used to deliver comingled collection services but these would no longer be suitable although they would still have to be paid for.

29. We don't have strong views on this proposal although we feel that the impact from carrier bags is quite small when compared to other materials in the waste stream.

30. We feel that any charges made on carrier bags could be used to boost local authority recycling initiatives. This would assist recycling budgets and allow retailers to claim some credit for supporting local schemes.

31. We believe that any additional funding for council recycling schemes would be most welcome.

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

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

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)?

The construction and built environment sector is one of the Welsh Government's nine key economic sectors with a total annual value of £3.0bn contributing 10% of GDP. It plays a large part in meeting the Welsh Government's policies for economic development, community regeneration, skills and sustainable development.

The built environment - infrastructure, houses, hospitals, schools, offices and workplaces - accounts for some 70% of manufactured wealth. It is therefore a major influence on the economic, social and environmental sustainability of Wales.

Approximately 40% of the total construction sector output is funded directly or indirectly by the Welsh Government. This investment must give the best value for money and make the maximum contribution to delivering the commitment to Sustainable Development.

Constructing Excellence in Wales (CEW) is grant aided by the Welsh Government to promote best practice in the construction and built environment sector in Wales. CEW's vision is for a better built environment in Wales achieved through best practice and sustainable construction. By promoting best practice and communicating its benefits CEW will continue to help the construction and built environment sectors to fully contribute to a sustainable Wales. CEW has been operating for ten years in which time the industry in Wales has improved its performance and its ability to deliver better quality and value for money. CEW engages with clients and commissioning organisations in private and public sectors, professional and industry institutions, local authorities, sharing knowledge and best practice throughout Wales.

Taking account of the matters set out above, the proposals for an Environment Bill are welcomed by the sector particularly with regard to:

- improving the quality and opportunities for all who live and work in Wales;
- better management and use of our natural resources by enabling a joined up approach;
- the delivery of integrated resource management in Wales;
- the impacts of climate change are likely to continue to increase;
- the importance of a collaborative approach to public service delivery.

The built environment sector - through a Task Force currently being convened by Constructing Excellence in Wales (CEW) - welcomes the opportunity to work collaboratively with the Welsh Government team responsible for developing the Environment Bill.

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:

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

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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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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:

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

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If no, what other approach could we adopt?

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If yes, should this apply to:

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

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

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

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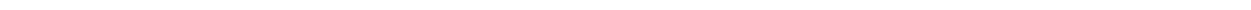
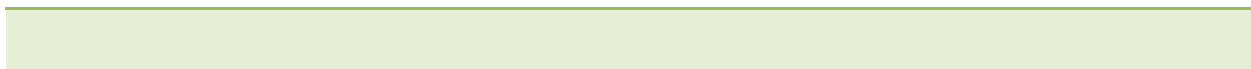
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Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?



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

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

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Please provide comment

Question 39

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

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Please provide comment

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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?

Our response to Question 9 emphasises our view that the proposed Environment Bill will have significant implications for the construction sector. The opportunity for this vital sector to work closely with Welsh Government in the development of the Bill, sharing expertise, experience and knowledge, will go some way towards ensuring the success of the Bill when enacted.

Here in Wales, we have world class expertise in design, architecture and engineering and many organisations based in Wales are leading the way in sustainable construction solutions. The potential for further growth in this vitally important industry in Wales - as a result of this and other Bills - is not to be underestimated. By working closely together on the further development of this Bill, we will ensure positive outcomes for the industry with, an industry fully prepared for what is to come.

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

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 Steve Lucas

Organisation Bat Conservation Trust

Address Environment Centre
Pier Street
Swansea
SA1 1RY

E-mail address slucas@bats.org.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

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:

The management of our natural resources must sit within the parameters of the Convention of Biological Diversity and the subsequent decisions taken by the agreements made at the various subsequent Conference of Parties.

BCT agrees that there is a necessity to make the CBD relevant to society but it is disappointing to see the components of the Convention being distorted to the extent that biodiversity is only there as a resource and not for its intrinsic value. Ecosystems should be managed for their intrinsic values and for the tangible or intangible benefits for humans, in a fair and equitable way.

The ecosystem approach should seek the appropriate balance between, and integration of, conservation and use of biological diversity. The inclusion of societal choice is an important element to this end.

WG should be reminded that the ecosystem approach, as described and agreed by signatories to the Convention of Biological Diversity, is there to serve the ecosystem and not simply to serve society.

The emphasis of this is therefore to serve the environment for the purpose of the environment and not solely for economic and social benefits.

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:

BCT broadly welcomes this approach but there are aspects that need further consideration.

We would wish to remind Welsh Government that the ecosystem approach, as described and agreed by signatories to the Convention of Biological Diversity, is *one based on scientific methodologies focused on biological organisation encompassing structure, process, function and interactions among organisms and their environment recognising that humans are an integral component of many ecosystems*. The emphasis of this is therefore to serve the environment for the purpose of the environment and not solely for economic and social benefits as intimated in para 2.12 BCT would therefore agree with para 2.13 as this is in keeping with the definitions and statement contained with the CBD and subsequent decisions by Conference of Parties.

The ecosystem approach is a strategy for the integrated management of land, water and living

resources that promotes conservation and sustainable use in an equitable way. The application of the ecosystem approach will help to reach a balance of the three objectives of the Convention: conservation; sustainable use; and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. Management of living components needs to be considered alongside economic and social considerations at the ecosystem level of organisation, and it must be integrated and work within the natural limits and utilize the natural functioning of ecosystems. The ecosystem approach does not preclude other management and conservation approaches, such as biosphere reserves, protected areas, and single-species conservation programmes, as well as other approaches carried out under existing national policy and legislative frameworks, but could, and arguably should, integrate all these approaches and other methodologies to deal with complex situations.

Figure III Definitions – we have two concerns relating to the use of (c) biomass and biological resources, and (d) ecosystems. Firstly, incorporating the words ‘biomass’ and ‘resources’ is placing biodiversity as a resource rather than for its own sake (the CBD recognises the intrinsic value of biodiversity); and secondly, both (c) and (d) are essentially elements of the same component - biodiversity. BCT would suggest that it would be better to reflect the description in para 1.24 (2)(b) – environment, biodiversity or living organisms. Furthermore, the definitions should be defined so that there is integration and support with the Future Generations Bill – as yet the FGB has yet to be published.

Integrated Natural Resource Management (INRM) – we would refer you to our observation above that the Ecosystem Approach, which adopts INRM, is about management of the environment for the sake of all the components (including humans) of the environment and it is not just about need of humans and society.

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:

This approach is to be very much welcomed but this is only one aspect that needs to be tackled in relation to the on-going and continued loss of biodiversity.

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:

BCT considers that it would be sensible to integrate biodiversity outcomes on a similar cycle however the ecosystem approach not only requires an adaptive management to deal with the complex and dynamic nature of ecosystems sometimes in the absence of complete knowledge or understanding of their functioning. Furthermore, ecosystem processes are often non-linear, and the outcome of such processes often shows time-lags. This may make it difficult or unworkable for such short time spans. Much will depend on the monitoring approaches and the selection of suitable indicators.

We note that Table (i) provides indicative timing for the implementation of a natural resources policy. BCT would remind Welsh Government that there is already an agreed target to halt the loss of biodiversity by 2020 and we must therefore question whether this proposed timetable is likely to achieve that target.

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:

BCT considers that for some aspects of biodiversity, it is essential that an area-based approach is adopted however, this must not preclude other management and conservation approaches, such as protected areas/sites, and single-species conservation programmes which sit outside an area-based approach. We draw your attention to the comments made in relation to Question 2 notably:

This should not preclude other management and conservation approaches, such as biosphere reserves, protected areas, and single-species conservation programmes, as well as other approaches carried out under existing national policy and legislative frameworks, but could, and arguably should, integrate all these approaches and other methodologies to deal with complex situations

We note that the intention is for NRW to set out priorities and opportunities (NRM4) but with the written agreement from Ministers as to which areas the process will be applied and the timetable. Without further understanding and information about the area-based approach,

BCT remains concerned that the proposal for Ministerial sign off could potentially undermine the stated independence of NRW.

We are not clear as to how these areas will be chosen and how partners will become involved in this process. It will be vital to include all relevant partners providing societal choice and buy-in. We must also question as to what will happen in areas that are not included for delivery – how these are treated and managed and what happens where there is disagreement on area selection.

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:

Whilst the proposals do provide for flexibility, BCT are concerned that to give Ministerial powers as set out in para 2.75. Any changes should only be put in place following the full legal democratic process – see response to question 15 below.

Again the focus for an area-based approach may not always be the right approach and we will need a variety of tools to deal with the complexity of issues.

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:

BCT considers that all public bodies should co-operate to help deliver sustainability and Para 2.78 states that

That means the collective actions (including non-action) required for managing the maintenance, enhancement and use of natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic and environmental well-being in Wales.

Again this appears to undermine the concept that the ecosystem approach is a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way and to serve the environment for the purpose of the environment and not solely for economic and social benefits.

Question 8

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

Yes

No

Please provide comment:

NRW should be best placed to report on the sustainable management and conservation of natural resources

Question 9

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

1. BCT welcomes the direction for bringing public bodies and NRW together in a more coherent manner. Whilst we can see clear advantages for Welsh Ministers to give direction on these other bodies to co-operate on the management of natural resources, we are concerned that the Environment Bill is suggesting the only way forward is for Ministerial direction and to avoid having a specific duty 'to have regard for' para 2.87. This suggests that the existing legislation is perhaps an inconvenience and the normal approach to legislative changes can be circumvented by Ministerial direction. Whilst the wording 'to have regard for' is open to interpretation by those to whom it is applicable to, maintaining a specific duty to 'have regard for' provides a mechanism for appropriate external challenge. BCT believes that a statutory duty should still be required and that Ministerial direction could re-enforce that duty. BCT believes this would be a retrograde step and we could not support the proposed approach.
 2. BCT remains concerned that the new approach to natural resource management and its focus on the ecosystem approach could potentially undermine future funding arrangements between the NRW and its partnership bodies especially where partner bodies do not necessarily adopt a practical area-based approach to their work.
-

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:

BCT does not understand the reason why these proposals need to be placed into legislation and why these could not be tested outside the legislative framework. Para 3.4 already indicates that NRW has experimental powers which could be used to better effect. However, BCT would agree that any design proposal must be fully consulted on and Ministerial approval be obtained.

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?

There is insufficient information presented to allow us to make an informed decision as to how PES might work in practice. BCT would welcome the opportunity to look at this in detail when further information is available. If NRW were to act in this capacity, they NRW will also need to be subject to independent audit as to how the process was working.

Figure (vi) says:

Ecosystem services are the services provided by the natural environment that benefit people. These include: natural resources for basic survival, such as clean air and water; natural processes, such as climate regulation and crop pollination; raw materials for industry and agriculture; contribution to good physical and mental health, for example, through access to green spaces, and social, cultural and educational benefits from our interaction with nature.

As previously mentioned, Ecosystem services as defined by the CBD, are not principally or wholly about services for people. The CBD is quite clear that ecosystem services are about the services that are provided to all organisms including humans for the benefit of the ecosystem. BCT agrees that it is vital to demonstrate links between ecosystems and how those might benefit society however it is not appropriate to distort ecosystem services only in terms of societal well being.

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

BCT's view is that management agreements should ideally be voluntary however there may be occasions when it may be necessary to impose a management agreement when all other options have been exhausted, and it is necessary in the imperative and over-riding environmental interest.

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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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?

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Please provide comment:

This question does not invite comment on whether there should be Ministerial powers but rather as to where such powers should be directed. Firstly, we would point out that these proposals may go against the Constitutional and Legislative Affairs Committee report Recommendations 2, 3 and 4 published in 2011.

In principle, BCT acknowledges that consolidating the existing legislation into a single Bill will be an expensive and protracted exercise. It would seem reasonable to provide Ministerial powers to allow such changes to be made but only where this consolidates legislation and it does not change or alter in any way, by way of weakening or removing existing protection mechanism including species and site protection, the existing primary legislation. However, where a change in primary legislation might be considered then any such change must go through the normal affirmative legislative process associated with primary legislation. Such major provisions should be achieved by primary not subordinate legislation which should only be used to implement the finer detail of such policies.

However, paras. 3.34, and 3.35 and 3.37 does not explain why existing legislation is contrary to the objectives of integrated resource management, it only says that it could be. We also note that para 3.50 states ‘It is not currently known when and how Welsh Ministers might use the enabling powers set out in NRM11.’

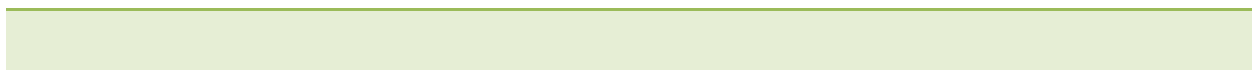
We therefore do not consider this proposal acceptable and it should not be pursued.

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- pre-application costs?
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 - covering regulatory costs, via subsistence changes?
-

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

No comments to make

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comments to make

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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)?

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No comments to make

Question 42

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

No comments to make

Antoinette Sandbach AM

*Assembly Member for North Wales
Shadow Minister for Rural Affairs*

The Environment Bill Team
Climate Change and Natural Resource Policy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
NaturalResourceManagement@wales.gsi.gov.uk

9th January 2014

Dear Sir / Madam,

RE: Environment Bill White Paper

I am grateful for the opportunity to respond to this White Paper, as I believe the services our environment provides are paramount, and ensuring the correct balance between making use of these resources and preserving them is key to a successful sustainable economy. With this in mind, I would like to raise a number of concerns I have with regards to the White Paper, based on the management approach, definitions used, and legislative powers proposed.

Use of the Ecosystem Approach

The 'Ecosystem Approach' is a method of integrated management; studying and considering the environment as an entirety, as opposed to issuing management strategies for the component parts of a system. Whilst this approach has been implied in the White Paper, the use of it has not been implicitly stated. In his speech to the conference, the First Minister gave assurance that the Ecosystem Approach would underpin the approach of the White Paper, and yet it is not mentioned.

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Whilst Antoinette Sandbach AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see it, if this is needed to help and advise you. The AM may pass on all or some of this information if this is necessary to help with your case. Antoinette Sandbach AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Antoinette Sandbach AM

Assembly Member for North Wales

Shadow Minister for Rural Affairs

Furthermore, section 2.18 of the Environment Bill White Paper gives term definitions, and includes 'ecosystem' within the 'resources' definition. However, the ecosystem exists at all scales, encompassing all living things and the intrinsic links between them. It therefore offers the 'resources' definition little clarity. Using it within the definition is also not enough to warrant claiming this indicates an ecosystem approach; the ecosystem approach is a complex matter. Furthermore, whilst management plans are proposed to be delivered on an 'area' basis, the White Paper does not set out in detail how the area management plans will deliver the Ecosystems Approach. Nor do they define what geographical sizes the areas will be. Natural Resources Wales (NRW) have given indications it could be based on river catchments, but this is not stated within the White Paper.

In order to comply with the First Minister's assurances that the ecosystem Approach would underpin that of the White Paper, the manner in which this is to be addressed needs to be clearly stated and explained. I fear that simply saying it has an 'Ecosystem Approach' could be seen as anecdotal for the area-based management, and may lead to it being improperly implemented, decreasing the benefits the Environment Bill aims to offer.

Extension of NRW Powers

Currently, NRW's experimental powers are limited to aspects relating to facilitating enjoyment of the countryside, or enhancing its beauty and amenities. The proposals outlined aim to give experimental powers to develop pilot projects to test new approaches to natural resource management (NRM 7), and yet do not seem to outline any safeguards on these powers, as long as they relate to the function of NRW, and a consultation is held. The form of this consultation and how it should be taken into account are not specified – will it come before Assembly instead of through the Ministers as an affirmative procedure? There is also no detail supplied on the brokering schemes or any limits to the power.

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In addition to the lack of safeguards, there also appears to be little justification of the need additional experimental powers. NRW is already responsible for the management of huge amounts of Welsh land, which is surely more than adequate for the experimentation referred to. For NRM7 to be considered, justification must be given to explain why this extra encompassing power is required, and additional detail would also be very welcome. For example, despite stating within NRM7 that NRW will be required to report fully on outcomes and conclusions following implementation of experimental schemes, no timeframe is indicated for this. If a number of experimental schemes are running or coming to a close at any one time, will the reporting of some take priority over others, or will an accumulating backlog of schemes to be reported on build up? Timeframes must be given to ensure the required reporting is carried out.

Similarly to NRM7, NRM 8, which calls for a potential power to stimulate the use of mechanisms for the payment of ecosystem service, also has no stated safeguards or limitations. Justification for this proposed power is unclear, especially given the suggestion that the new experimental powers noted above could be used to further opportunities for a 'Payments for Ecosystem Services' (PES) scheme. It is identified that the Welsh Government has commissioned a study to consider opportunities for PES in Wales. I strongly feel assurances are required that this study will be completed prior to the Draft Bill, in order for the findings to influence the Bill and inform proper scrutiny.

Given the lack of justification described, a review of NRW's use of their current legal functions is required. It could appear at present that NRW are seeking an ability to gain more powers as and when they desire. Whilst Dr Roberts stated during evidence in the Environment and Sustainability Committee meeting of December 12th 2013 that he does not think NRW have any current functions which are unused or deficient, the actual evidence for this has not been presented, or carried out. Many powers were carried over automatically from the demise of the Countryside Council for Wales, and it is therefore

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entirely possible that some powers have gone overlooked. As such, an accurate decision on whether additional powers are necessary and within NRW's ability cannot be made without a review into existing powers. This is especially true given the cuts of £8million already being received by NRW - will there be a commitment to ensure NRW receive additional resources in order to fulfil these new proposed functions? Similarly, I strongly recommend a review be undertaken in the experience from Countryside Council for Wales in using the powers they held. Specifically, I believe a review is required into the experience of the complex situation that arose around the management and scheme put into place on Llanllechid Common, in which one section of the community were pitched against the other. This situation was worthy of legal action, and important lessons must be learnt regarding the powers used there before additional powers are granted.

'Blank Cheque' provisions

NRM 11, which proposes a power to Ministers to amend by orders NRW's duties and other primary legislation, via secondary legislation, has been described as 'blank cheque' provisions and 'Henry VIII powers'. At present, the review of current legislation has not been completed, and it therefore remains unknown how many orders they are proposing to put forward, but NRM11 has been written very broadly to allow for almost unlimited changes. Furthermore, this is to be done through secondary legislation, which cannot be amended; it is either voted through or voted down, which has significant limitations. If many elements or orders are therefore incorporated into one piece of secondary legislation, it will be difficult to get this legislation to be voted through, unless it is done so with various elements which would benefit from amendments. Alternatively, elements may be put through as a high number of separate orders, which will be resource heavy, impose time costs, and result in increased confusion. A limit to the extent and type of orders should therefore be introduced, following the completion on the review of current legislation.

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As we continue to look through NRM 11, I am increasingly sceptical. 3.42 proposes that Minister's would also have the powers to amend any Water Acts in order to consolidate them, with the only real safeguards that it does not remove protection, and if it relates to a matter in Schedule 7 of the Government of Wales Act 2006. 3.44 then offers an additional proposal to extend the scope to amend any environmental legislation, with no apparent safeguards other than those set out in 3.42, of avoiding the removal of protection, and the change must be proportionate to advantage.

I believe the Environment Bill is in danger of offering too many powers with too few limitations, and going beyond the intended use of subordinate legislation. The Constitutional Committee of the Assembly stated in 2011 that subordinate legislation should only be used to implement the finer details of policies, and the 'amendment' proposals of NRM11 appear to go beyond this. I urge you to produce a Draft Bill which clearly indicates the intentions of NRM11, and provides greater detail and safeguards as to how and when these additional powers may be used, including when they relate to EU legislation, and how amendments will function under this superseding power.

Lack of clarity regarding the management plans

The management plans have a focus on area-based management and approaches, but within this the White Paper does not refer to how damaged systems may be restored, or how wider-scope issues such as ecological footprints or climate change will be addressed. Wales is the only country in the UK that has no legislation aimed towards greenhouse gas targets, and this is demonstrative of the lack of focus placed on wide-scale environmental issues. I urge you to consider the inclusion of Governmental and public sector environmental targets.

It has also not been explained within the White Paper how the area-based management plans will link to the Planning Bill. Natural Resources Wales gave evidence that the Planning Bill will inform the Environment Bill proposals regarding policy and area-based approach. Evidence was also given in the Environment and Sustainability

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Committee meeting of December 12th 2013, that there has been call for the Planning Bill to contain more reference of the Environment Bill, and therefore this should be reflected equally within the Environment Bill. As such, within the Environment Bill, I would expect to see details of the provisions for a National Development Framework or strategic development plans, in order to lay out how the requirements of each Bill are to be accounted for in action under the other. This should include, for example:

- How the two Bills will feed into one another
- Which plan will have superiority, when there is both a Local Development Plan and an Area Management Plan in place
- How the relationships will work between the Area Management Plans of NRW, National Park Management Plans, Local Service Boards, and Third and Private Sectors
- Given that they are intended to further inform the objectives of each other, what action will be taken where the Bill requirements contradict, differ or cross over with one another.

With regards to the review of Area Management Plans, whilst it has been made clear that this is to be conducted every five years, it has not been explained how reviews will be timed around one another. Assuming Area Management Plans will not all begin simultaneously, there is a danger that this could lead to a state of perpetual review. Furthermore, the review reports will also need to be timed so that they come out before those of the Future Generations Bill. It was pointed out within the Committee meeting by the Environmental NGO's that Future Generations Commissioners would need to have sight of the report on progress and reviewing of the area management plans, to be able to report on progress towards sustainable development. As the Environment Bill White Paper currently stands, there is no alignment of the timetables for reporting on the different Bill's, and this will hinder the Future Generation Commissioner's ability to accurately assess progress. In order to avoid decreasing the effectiveness of both Bill's in question, I strongly suggest the timetabling for review is given consideration, and a framework outlined to ensure all Area

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Management Plans are reported on in good time to be considered by the Future Generations Commissioner.

Lack of clarity regarding the function of NRM5

NRM 5 refers to the requirement on other bodies on how natural resources management should be taken into account, but 2.87 refers to the avoidance of a specific “have regard to” duty, by placing a specific requirement on them instead, where it outlines importance of working together. However, Welsh Ministers would still have to power to issue direction on bodies to cooperate, share information, jointly plan and jointly report. Therefore, NRM5 sets it out as a requirement to work together, and for organisations to assist NRW, and as such how does this avoid a specific “regard to” duty? Further clarification is required as to how the ‘requirement’ will function, the powers this ‘requirement’ has, and the duty involved.

The use of the term “well-being”

I raise this as a more technical issue than some of those outlined above, and note the concern raised regarding the use of the term “well-bring” by environment bodies within the evidence given to the Environment and Sustainability Committee on December 12th 2013. ‘Well-being’ is used on page 18 of the Environment Bill White Paper within the definition of ‘sustainable management’. The issue is caused due to the term ‘well-being’ not currently being defined in any existing UK law and it therefore offers no further technical clarity to another definition. This issue also arose in the Future Generations Bill, and the replacement of ‘well-being’ with the term ‘need’ is recommended.

There appears to be a recurring issue regarding definitions in current bills. An overarching board exists, reviewing the consistency between the Future Generations Bill, Planning Bill and Environment Bill. Despite this, none of the representatives of the environment groups have been invited to talk to the board or look at definitions, and although they sit on the reference groups of each Bill, concerns exist regarding the way in which these Bills are fitting together.

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No mention of the 'Biodiversity Strategy'

Following the State of Nature report, Alun Davies AM spoke in his oral statement on June 4th 2013 of his commitment to the development of a biodiversity strategy for Wales. Given the intended ecosystem based approach of the Environment Bill, and the focus on how we manage and regulate the Environment, surely here would be a good and useful place to build the foundations of the implementation of a Biodiversity Strategy. Alternatively it would seem to be the Minister's intention to address this in a separate Bill, but I would urge against this far more costly approach in terms of time and resources, when considering the overlap of the topics.

Conclusion

I am supportive of the Environment Bill as a tool for ensuring a more unified and clear system for managing our natural resources in a sustainable manner, but believe that as it stands, much reconsideration is needed. This is particularly the case with regards to the newly proposed powers to both Natural Resources Wales and the Welsh Ministers, which are currently too free of safeguards or limitations, and lack proper review or evidence-based need to justify the power extension. There are further technical points regarding definitions, timeframes and intentions which need clarification to allow proper scrutiny of the Bill at the next stage.

Yours sincerely

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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

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 Alastair Kerr

Organisation Wood Panel Industries Federation

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Grantham
Lincolnshire
NG31 7EU

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Type
(please select one from the following)

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

The Wood Panel Industries Federation (WPIF)

The Wood Panel Industries Federation (WPIF) represents all UK manufacturers of wood based panels. The sector has an annual turnover of over £650m and directly employs 2400 people. Taking account of related businesses upstream and downstream, there are 8,700 FTE jobs, the majority of which are in rural areas, dependent upon the wood panel industry.

In North Wales, Kronospan operates a wood panel plant in Chirk. Kronospan is one of the Top 10 manufacturing companies in Wales, employing over 600 people, mainly from the rural population (over 90% of who live within 10 miles of the site). In the last 5 years, this site has seen investment of £30m. The wood panel industry works hard to ensure it runs in an environmentally friendly and sustainable manner and therefore sees the benefits to the proposed approach to the sustainable management of Wales' natural resources outlined in the White Paper.

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:

Please see answer to Question 2, below.

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:

The WPIF welcomes the Welsh Government’s approach to the sustainable management of natural resources and the incorporation of sustainability into natural resource management. It is hoped that this will result in a more streamlined, efficient, integrated approach to the environment, which is a positive step.

Issues related to forestry are of great interest to the wood panel industry, and are linked to other issues concerning water, soil, plant health etc. The forestry sector is vital to the Welsh economy providing crucial jobs in rural areas where employment opportunities are less readily available. 15% of Wales’ total land area is covered by woodland. This makes it an attractive location for investment from local and international companies that rely on good access to sustainably managed woodland to run their businesses. The forest supply chain is vast, spanning from growers right through to furniture retailers. Thousands of jobs rely on the maintenance of a sustainable wood supply and increased woodland provision will allow for further investment and job creation in the sector.

Better regulatory processes, clearer information and consistent decision-making frameworks will be beneficial to the industry and will provide confidence when making future investments. However, there are some areas, particularly in relation to forestry, that should be considered in order to ensure the most benefit, not only to the wood panel industry, but also to the forestry sector and the Welsh economy and the natural environment as a whole. It is important that these changes are properly thought through and that this does not lead to an over-simplification of regulatory and management systems which may result in less consideration being given to forestry interests, and in particular the commercial benefits of forestry, than is currently the case.

Increased commercial coniferous woodland creation should therefore be included in the main success criteria for natural resource management. The level of creation required for success should be determined by the Welsh Government after consultation with the forestry sector and proper incentives should be provided to ensure targets are achieved. Increasing the amount of productive woodland in Wales is important for forest industries, as well as for climate regulation and carbon storage, environmental, landscape and public benefits. Current efforts at woodland creation under Glastir have not shown success and it is important that any natural resource management approach works to address this.

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:

Please see answer to Question 2, above.

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:

No 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:

No 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:

No 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:

No comment.

Question 8

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

Yes

No

Please provide comment:

No comment.

Question 9

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

The wood panel industry is a firm proponent of the importance of wood as a valuable carbon store and the benefits its use can have in terms of reducing greenhouse gas emissions. Timber is a critical natural resource for Wales. Programmes should include a strong focus on expanding woodland creation and increasing the sustainable, productive management of Wales' forests. This will not only enhance the Welsh landscape but will also serve to benefit the commercial timber sector in Wales.

It is also important to emphasise that the best use of timber is in making wood products. Processing wood locks carbon into wood products and stores it for the useable life of the wood which can be recycled and reused numerous times. This allows for the maximisation of the carbon storage properties of the wood. The wood panel industry is a vital contributor to this (and the resulting environmental benefits) in terms of reducing greenhouse gas emissions. As a result of the high financial and carbon emission costs associated with transporting wood, our industry only sources locally available wood. As such it is essential that in order to maintain the industry's valuable contribution to Wales' climate change targets that there is a focus on developing sustainable woodland in Wales.

Effective and widespread stakeholder engagement will be an essential tool in making the new approach successful. All of the proposals are reliant on good communication with stakeholders and it is crucial that all interest groups, including from the business sector, are heard during the development and implementation of the new approach. This will ensure that not only will the Welsh Government have access to quality expertise from within industry, but that stakeholders will be given the time to adapt to any changes and have the opportunity to raise any concerns before new developments are fully implemented.

The forestry industry in particular is already undergoing a period of uncertainty as a result of threats to wood supplies across the UK. It is important that the new approach in Wales works to mitigate some of the impact of this on the sector by engaging with stakeholders and making companies like Kronospan feel confident in continuing to invest in the Welsh economy.

Continued investment from sectors like the wood panel industry is crucial to the Welsh economy in terms of growth and job creation. This is a vast industry with large investment prospects, at least £150 million is required for investment in a new wood panel processing line, and as such the Welsh Government should be working to ensure that the industry feels confident in investing in Wales

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:

No 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?

No comment.

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.

Question 13

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

No comment.

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.

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.

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.

Question 17

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

No comment.

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 WPIF supports the Welsh Government’s aspiration of creating a zero waste society and this is demonstrated by Kronospan’s actions in North Wales. Kronospan is the largest wood recycler in Wales and actively works to ensure that the best possible use is made of wood by processing it into products. This maximises wood’s carbon sequestration properties and gives the wood a much longer useable lifespan than if it was immediately burned for energy generation. The company has invested in waste reduction for many years and is therefore supportive of the Welsh Government’s efforts to make such action a standard feature of industrial operations across Wales. Kronospan has also supported the Welsh Government’s work within the wider waste prevention agenda.

Although the WPIF supports waste reduction efforts, the industry has some concerns about the impact of any waste reduction targets on companies like Kronospan. For companies that have already invested significantly in waste reduction any targets could prove to be unfairly challenging. Such investment means that waste levels are already very low and to be expected to continue to improve this by a specified amount every year would place an unnecessary burden and financial pressure on companies that have already put significant resources into waste reduction and continue to do so. It is essential that the introduction of any such targets would not see Kronospan and other companies that have invested in waste reduction being penalised for the early introduction of action in this area.

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

The WPIF does agree that the level of segregation asked is acceptable. The Welsh Government should consider wood a priority material for recycling and it is important that there is an effective means to collect wood waste and transport it to recyclers like Kronospan.

However, it is also important that the focus on making products recyclable does not damage the wood panel industry's ability to ensure its products function as intended. For example, in some panel types the use of binders is essential. Although this can make recycling more difficult the products the panels are used to make will last for a number of years and can then either be reused, recycled or burned for energy generation once no further use can be made of them. This is still in keeping with the Waste Hierarchy and is certainly a much more efficient use of the wood than burning it immediately for energy generation or sending it to landfill.

Overall the wood panel industry is very supportive of the Welsh Government's work and wider efforts to reduce waste. The industry itself works to reduce waste and ensures that its manufacturing processes make use of recycled wood. However, much remains to be determined in terms of planning a system to deal with waste wood (and other materials) and the implementation of infrastructure to carry this out. It is important that due attention is given to recycling and reusing wood waste without placing unfair expectations or regulations on an industry which has already invested heavily in waste reduction. Similarly it is also essential that the Welsh Government continues to look at ways to support the recycling of wood by ensuring that wood is not burned for energy generation before the end of its useable life.

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.

It is essential, particularly in the construction sector, that the requirement on small businesses to sort and dispose of wood does not become so burdensome that it disincentives the use of wood in future projects. Wood is an extremely environmentally sustainable construction material (as recognised by the Committee on Climate Change). If those in the construction sector were put off using wood as a result of overly complex rules around wood waste disposal, the environmental benefits of this policy would be lost, as wood would be replaced by much more energy intensive building materials.

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?

The WPIF is pleased that the Welsh Government is planning on banning wood waste from landfill and energy from waste facilities, and believes that it should do more to encourage the recycling and reuse of wood waste as opposed to sending it to landfill or burning it for energy generation before the end of its usable life. The WPIF is a strong supporter of the Waste Hierarchy and believes that this must be a key focus of the Welsh Government's waste reduction strategy. It is also positive that the Welsh Government is considering banning untreated wood from being burned in energy from waste facilities as part of the proposals outlined in the Environment Bill white paper.

This wood can be used by wood processors like Kronospan and it is therefore consistent with the Waste Hierarchy to maximise this use of the wood before it is used for energy generation. However, unless action is taken in other related policy areas these efforts will be undermined. For example, the subsidies provided by the UK Government for large-scale biomass energy generation are incentivising the purchase of domestic wood to burn for electricity generation. The wood types burned include virgin wood, small roundwood and sawmill products such as sawdust and post-consumer/post-industrial waste wood. These are all wood types that are utilised by wood processors for products which can be reused and recycled numerous times before they reach the end of their usable life. Unfortunately these subsidies provide energy generators with a very significant market advantage in purchasing this wood. They also damage efforts to encourage wood recycling and reuse by acting as a disincentive for segregation and sorting. Recovery of waste for energy should only occur when all other options have been exhausted, yet this is undermined by the use of wood types with other existing uses for energy generation.

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?

The WPIF is broadly in favour of the development of guidance on acceptable levels of contamination in residual waste for landfill or burning for electricity generation. There should be a distinction between contaminated and uncontaminated wood. WPIF notes that there has been a movement towards an increase in using waste wood, and that some of this has been driven by renewables policy. However, recycling rates need to be protected from a growing move towards incineration of recovered uncontaminated wood.

It is essential that only that waste wood which could not have been reused or recycled should be incinerated. Energy plants will naturally gravitate towards the cheapest and easiest material to use – namely, uncontaminated wood – unless specific measures are put in place to focus incentives (and restrictions) around contaminated wood

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:

No 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) No comment.

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?

No comment.

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.

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:

No comment.

Question 28

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

WPIF believes the Welsh Government should provide greater clarity on its definition of ‘waste wood’, and must ensure that it does not class sawmill co-products as ‘waste wood’. These process residues are ‘by-products’ as described in DEFRA’s ‘Guidance on the legal definition of waste and its applications’ (August 2012)¹. The definition states “*it is recognised that there are circumstances where a genuine use may be found for a residue. In such circumstances the substance may not be regarded as waste but instead may be regarded as a by-product which the undertaking intends to exploit or market.*” Sawmill by-products are not waste, but a useable by-product for the industry.

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

No comment.

¹ Available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69590/pb13813-waste-legal-def-guide.pdf

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.

Question 31

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

No comment.

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

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.

Question 34

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

No comment.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No 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

No comment.

Question 37

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

No comment.

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

No comment.

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.

Question 40

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

No comment.

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?

No comment.

From: Fothergill <minafon.fothergill@gmail.com>
Sent: 10 January 2014 16:22
To: Natural Resource Management
Subject: Environment Bill - White Paper Consultation

I am responding on behalf of our local flood group (Talybont Flood Group)

Much of what the white states is very laudable. However, our experience is that you need to sort out the tortuous nature of responsibility for water courses within Wales.

At the moment responsibility is split between NRW (Main Rivers) and local Councils (Minor waterways). Sometimes (as in our case) sections of the same river have different responsible authorities.

This works against any co-ordinated approach.

No matter what structures are put in place you must ensure that sensible dialogue between organisations takes place – either that or put all water courses under a single authority to gain a more co-ordinated approach.

Yours

Mick Fothergill

From: Geoffrey Brookes <geoffrey@gnbrookes.plus.com>
Sent: 13 January 2014 10:27
To: Natural Resource Management
Subject: towards the sustainable management of wales natural resources

I have read your consultation document with great interest and would comment as follows

In respect of chapter 2

I agree with questions one two eight however in respect to question 9 I feel that the wording of the chapter in places is not easy to understand for people who do not have a background in the subject. it will be seen as central control and before cross border agreements are entered into education and explanations are needed

In respect of chapter 3

The same COMMENT AS IN CHAPTER 2

In respect of chapter 4 and the rest of the document I am in broad agreement

Please accept my thanks for all the good work

g.n brookes