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Welsh Government White Paper Number: WG19631

Towards the Sustainable Management of Wales' Natural Resources

Comments of the Cambrian Mountains Society

The Society welcomes this opportunity to comment on the White Paper, *Towards the Sustainable Management of Wales' Natural Resources*, which it sees as part of an important Welsh Government initiative to build a more resilient and sustainable future for Wales. The Cambrian Mountains Society seeks ways to positively engage with the Welsh Government as there are common concerns and, possibly, solutions that can be jointly supported. There are also matters on which the Society will disagree but it is hoped that, through discussion, satisfactory outcomes can be agreed.

The Society was established in 2005 and now has a membership of just under 400 representing people from all backgrounds but with a common interest in the future of the Cambrian Mountains. It aims to encourage cooperation across three different Unitary Authorities which happen between them to span what is in reality a single geographical entity. (Regional Landscape Character Map for Wales Area 21)

The objectives of the Society include promoting, for the benefit of local communities and the wider public, measures which will sustain or enhance the landscape, natural beauty, biodiversity, archaeology, scientific interest and cultural heritage of the Cambrian Mountains.

The economy of the Cambrian Mountains is heavily dependent on tourism, agriculture and forestry and is likely to remain so. All three sectors knit closely into the environment and it is in this context – the mutually supportive links between economy and environment – that we wish to comment on the White Paper. The thinking that lies behind our comments is outlined in our document *Cambrian Mountains – The Heart of Wales: Developing a Strategy for a Sustainable Future*

<http://www.cambrian-mountains.co.uk/documents/cambrian-mountains-sustainable-future.pdf>

In particular we want to see in the Cambrian Mountains a strategy that will protect and possibly enhance its outstanding landscape as well as offering a firmer foundation for the rural economy of the region. Through the provision of a range of ecosystem services the Society sees a future for the Cambrian Mountains that is not forever dependent on the goodwill of urban society to provide financial support.

Following from our previous comments to the Green Paper, *Sustaining a Living Wales*, we are still concerned that WG, in developing the ecosystems approach, has paid insufficient attention to the outstanding quality of large parts of the Welsh countryside. Neither has the Paper fully acknowledged the provision for quiet recreation and tranquillity that landscapes such as the Cambrian Mountains provide in plenty for both the people of Wales and its visitors.

On the following pages you will find our comments to a number of the questions raised in the Paper's response document. You will find after an initial comment to Chapter 1 (Introduction) we have only replied to questions which we regard as within our area of interest. We have, however, kept to your document's numbering system for ease of analysis.

Chapter 1 – Introduction

Comment: The Cambrian Mountains Society (CMS) acknowledges that a more integrated framework may be needed for the sustainable management of Wales' natural resources but it is worried that this force for change is driven more by short term expediency rather than in conserving the Nation's rich mix of terrestrial and marine ecosystems, land and seascapes. With this White Paper Welsh Government (WG) seems intent on dismantling the raft of successful environmental legislation which has evolved over the last century. Furthermore we do not consider that the post war Government in 1949 drew up the National Parks and Access to the Countryside Act in response to specific environmental problems but rather as a pledge to protect, the most outstanding landscapes of England and Wales. CMS is convinced that NPs and AONBs still have a vital role to play in conserving Wales' finest countryside. As such we ask that the forthcoming Environment Bill not only affirms WG's continuing support for existing Protected Landscapes but also includes provision for further designations of both AONBs and NPs. We, of course, will be continuing our campaign for the Cambrian Mountains to take up its rightful place in the Welsh family of 'Living Landscapes'.

The Society recognises that the ecosystem approach, which the White Paper is advocating, has merit and WG should pursue it further but not at the expense of other well regarded designations such as National Nature Reserves and Sites of Special Scientific Interest. Linked to this we would like to point out that when the Convention for Biological Diversity introduced the ecosystem approach its major objective was to halt losses in biodiversity and habitat. The 'bolt on' ecosystem services that the approach also puts forward were to be seen as bonuses rather than drivers. We also challenge WG's blanket use of the term 'natural resources'. Surely Natural Resources Wales, the body WG established partially to manage the new approach, should hold a duty of care for the natural wonders of Wales. Wonders such as; the scattered ageing birch trees of the Elenydd, essential niches of the rare Welsh Clearwing Moth, the temperate rainforests of the western seaboard, rich in bryophytes and lichens and the dark skies over Mynydd Mallaen lit only by the Milky Way. These, and countless others, should not be taken merely as resources but as gems of the Welsh landscape and its biodiversity.

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? No.

Comment: CMS is very worried that the White Paper exclusively puts forward catchment areas as a means of organising the management of natural resources. In our opinion a river basin does not always pull together either the overall shape of the landscape or its cultural ties. We refer WG to the excellent work of the former Countryside Council for Wales (CCW) in drawing up the 'Landscape Character Map for Wales' as part of its LANDMAP geographical information system. In CCW's preamble to the map they say that 'Wales divides into 48 regional scale landscape character areas. Each has a distinctive sense of place that enables us to recognise it as a single area'. In our opinion using these character areas, perhaps amalgamating some of the smaller ones for ease of administration, would be a more effective way of caring for and perhaps even sustainably using each area's natural capital. Referring to our previous response to the Green Paper, *Sustaining a Living Wales* can we point out that WG again seem to be paying little attention to the European Landscape Convention which the UK Government signed up to in 2006. This crucial piece of environmental legislation places a duty of care on each signatory for all its landscapes. As such any legislation that WG puts in place must hold to this binding piece of European legislation.

out here that all three of these groundbreaking schemes are happening in the 'Cambrians'. CMS is convinced that they and future ecosystem approach projects in these hills would benefit from working within a Protected Landscape as they seek backing for their work.

Question 13

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

Whilst not a management agreement, NRW should work as an accreditor and monitor of those taking part in the Glastir agro environment scheme. This should especially be the case as WG is shifting a greater fraction of CAP funding from the Pillar 1, Single Farm Payments, to the more conservation based work of Pillar 2.


Chapter 6 – Implementation

Question 41 (paraphrased)

Will the Environment Bill be reflective of Welsh Citizens' needs?

Comment: As well as questions on equality citizens may want to express their views on other issues raised in the White Paper. What mechanisms will WG put in place to meet this need for ongoing dialogue?

Yours,



Mrs. Ann West, Chairman The Cambrian Mountains Society.
The Vron, Cregrina, Powys, LD1 5SF.

8th January 2014.

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

Organisation

Address

E-mail address

Type

(please select one from the following)

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes No

Please provide comment:

We broadly agree with the content and general aims of Chapter 2, as well as agreeing with specific proposals within it. We agree with the proposed Area-Based Natural Resource Management Approach and the adoption of an ‘ecosystem approach’. We welcome the recognition that an area-based approach represents an opportunity to provide robust and reliable evidence. Indeed, we advocate the preparation and use of a robust and objectively-assessed evidence base to inform decision-making. Decision-making should be transparent, evidence-based, inclusive and undertaken in consultation with appropriate stakeholders.

We concur with paragraph 2.13 of the consultation document, which states that ‘*The Welsh Government considers that a definition of natural resources should be about that [sic] more than exploitation for economic gain.*’ It is noted that the definition of ‘natural resources’ in the glossary at Appendix 3 of the consultation document includes ‘minerals’ within the geologic and landscape category.

However, we have answered ‘No’ to Question 1 owing to the fact that we have concerns about some aspects of Chapter 2.

Paragraph 2.21 states that:

‘... feedback from the Sustaining a Living Wales consultation strongly supported the need for the policy and priorities for natural resources to be set out at the national level- owned, agreed and published by Welsh Ministers- and that it should have weight and authority in the consideration of other national plans and strategies.’

The above excerpt is noted. At present, national land-use planning policies for minerals are contained within *Minerals Planning Policy Wales* (MPPW) which, *inter alia*, sets out policy in relation to short and long term future use and the safeguarding of mineral deposits. MPPW is supported by a series of Minerals Technical Advice Notes (Wales) (MTANs), MTAN1 (Aggregates) and MTAN2 (Coal). However, it is not explicitly clear what implications the Environment Bill would have on minerals planning and the minerals industry.

Paragraph 2.98 states that:

‘There could potentially be secondary implications on resource requirements in relation to other public, private and third sector organisations participating in a more collaborative natural resource planning processes. However, early views from stakeholders suggest that the benefits of a more collaborative approach would merit the engagement and input up front, could potentially reduce challenge further down the line and could enable a consistency of approach across the wider public and private sector.’

We are concerned about the potential secondary implications on resource requirements in relation to the minerals industry/minerals operators. Whilst being supportive of more

collaborative natural resource planning processes, we are concerned that this could lead to unduly onerous burdens being placed on the minerals industry/minerals operators in addition to planning and regulatory controls. In light of the present uncertain economic climate, it is considered important that reassurances are given to industry that unreasonable burdens and expectations will not be imposed on them.

Paragraph 2.100 states that:

‘It is currently anticipated that, over the medium to long-term, the proposals will ultimately represent a cost saving for both Welsh Government and NRW and successful implementation could lead to long-term savings for wider public bodies.’

Medium to long-term cost savings for public bodies are to be welcomed, however, we seek reassurance that the proposals would not result in a significant increase in the cost burden to the private sector i.e. the minerals industry/minerals operators.

More generally, we consider that perhaps the biggest barrier to the delivery of the proposals in Chapter 2 will be ensuring that all stakeholders fully understand their role in the proposed framework. This will require a step-change in present and long-established modes of operating and collaboration towards a culture of greater transparency, information sharing and a fundamentally new way of working. Natural Resources Wales (NRW) will need to invest significantly in the provision of clear guidance and guidelines for stakeholders.

The proposals are ambitious and their success will ultimately be assessed against whether they are successfully implemented and delivered.

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:

We agree with the embedding of climate resilience and climate change into the proposed approach to integrated natural resource management, therefore we have answered 'Yes' to Question 3.

However, we are concerned that this proposal could disadvantage the minerals industry and operators via the introduction of potentially onerous and financially demanding requirements which could impact on the viability of operations.

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:

We have not answered this question.

Question 5

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

Yes

No

Please provide comment:

Yes. We acknowledge the example of area-based natural resource management in practice in Figure (v). However, as this consultation is at a strategic level, there is insufficient detail on the proposed area-based approach; exactly what it would entail; and how it would be implemented for us to fully support the proposed approach in response to this consultation.

Therefore, we broadly agree with the proposed approach but await further detail before fully supporting the proposed 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:

We have not answered this question.

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:

Yes. However, we are concerned about the potential for this requirement to result in an excessive amount of stakeholders, which would have the potential to make it difficult to arrive at a consensus/agree aims and objectives due to the potentially conflicting agendas of individual public bodies.

Therefore, we contend that the scope of co-operation/involvement of public bodies should be clearly defined. This would provide clarity in terms of the role of public bodies in the proposed approach and would assist them in maintaining focus within the defined scope of their involvement.

Question 8

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

Yes No

Please provide comment:

Yes, this appears to be a common sense approach.

Question 9

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

Yes, refer to the answers to questions 1-8 above.

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:

We have not answered this question.

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 have not answered this question.

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?

We have answered 'Yes' but haven't considered the follow-on question above.

Question 13

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

In the context of development, the extent of NRW's power to enter into management agreements should be reasonable and in proportion to the scale and nature of the proposed development.

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?

We note that in respect of General Binding Rules, paragraph 3.32 of the consultation document states:

'if there is broad agreement to explore this further, then the Welsh Government intend to consult more widely on both the scope of the powers that would establish General Binding Rules in Wales and the draft regulations themselves, in due course.'

We therefore reserve our position on this issue until such time as a wider consultation is commenced, should responses to this consultation indicate that there is broad agreement to explore this issue further.

Question 15

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

A

B

Please provide comment:

We support Option A above.

Question 16

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

We have not answered this question.

Question 17

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

We have not answered this question.

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?

We have not answered this question.

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?

We have not answered this question.

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:

Option C (Both).

Question 24

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

We have not answered this question.

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?

A lead-in time of 3 years from the present (January 2014) seems ambitious/overly optimistic given the nature of the changes proposed.

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)?

We have not answered this question.

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

We have not answered this question.

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)?

No.

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

We have not answered this question.

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?

We have not answered this question.

Question 34

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

No.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

We have not answered this question.

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

We have not answered this question.

Question 37

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

No.

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

We have not answered this question.

Question 40

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

No.

Implementation / Equalities

Question 41

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

We have not answered this question.

Question 42

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

No.

Towards the Sustainable Management of Wales' Natural Resources

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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Richard Gotheridge
Organisation	Arriva Trains Wales
Address	St Mary's House, Penarth Road, Cardiff
E-mail address	richard.gotheridge@arrivatw.co.uk

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 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:

Not all questions are answered – please review all questions for our response.

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:

Yes – this is the correct approach

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:

Yes – this is beneficial to business planning

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:

Yes, provided they are appropriately funded and resourced to deliver this in their programme of activities

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:

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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?

Yes

No

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

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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.

Cross-border issues need to be explicitly examined in all new policy and legislation proposals. Having different regulatory regimes can increase the burden on businesses operating in Wales and other UK countries.
Always be mindful of this...

Question 17

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

As answer above

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:

No – waste companies need to be targeted more specifically by this legislation, not all companies. Waste companies are best able to deal with waste.

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

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.

No – not all businesses can reasonably keep wastes separate at source. Some companies or operations should be excluded (i.e, collecting waste from public bins)

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.

Yes – As a train operating company we manage train stations across Wales and England and have bins available for the public to use (on trains and in stations). We cannot have bins for all the waste streams for the public to use, and cannot police what people put in our bins.

We can, and do, make recycling bins available for passengers, where we have space. These are currently single bins for co-mingled dry recyclable wastes. It would not be technically feasible to have more public bins.

This is also the case for other local authority and public realm bins. A general exemption for public-realm waste bins is required.

Our contracted waste company segregates the dry mixed recycling wastes at their specially designed facility. This is the most suitable way of managing this process.

Question 21

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

Yes

No

Yes – but this is likely to merely move the materials to Landfills in England at greater cost to Welsh-based waste facilities.

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

Yes

No

If yes, what are they?

No

Question 22

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

Yes

No

If no, what other approach could we adopt?

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Yes

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Please provide comment:

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

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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)?

The waste segregation at source proposal is likely to be unworkable for us. We would have to consider withdrawing our public-realm bins if enacted in its suggested form.

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?
- 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?

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?

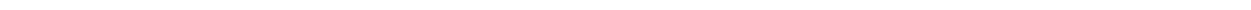
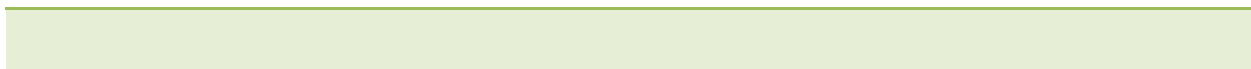
Implementation / Equalities

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?



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	James Wilson
Organisation	Deepdock Ltd
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E-mail address	mussels@deepdockltd.co.uk; jamesmussels@gmail.com

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: we have no comment on any question before those dealing with Shellfisheries management

Question 2

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

Yes

No

Please provide comment:

Question 3

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

Yes

No

Please provide comment:

Question 4

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

Yes

No

Please provide comment:

Question 5

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

Yes

No

Please provide comment:

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

Question 9

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

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

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

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.

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a) Households

b) Businesses and Public Sector

c) Both

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:

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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?

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Chapter 5 - Smarter Management

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 - 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?

Yes

No

Please provide comment

-for the reasons articulated below.

We are happy with the acknowledgment that the current production from Shellfishery orders is important from a strategic perspective for the Welsh Government and that managed shellfisheries are recognised as having positive impacts. (5.11). Whilst we clearly welcome the overarching objectives of the proposed amendments, to improve upon the delivery of new shellfishery orders in Wales, we have serious concerns about both the impact of the amendments as currently proposed and also of the justification provided for these amendments and the quality of interpretation of the value of the 1967 Act as it currently stands by WG officials.

To better elaborate on these concerns, we have found it necessary for our own clarity to review the consultation proposals on a paragraph by paragraph basis; so please accept our apologies for any administrative issues that this might cause

5.12 states that “..if we are to further develop sustainable fisheries in Wales, the legislation that governs the application process and on-going operation of Several and regulating orders needs to be amended.” But this statement is remains

essentially unqualified, the question as to why changes are needed remains unanswered. The single most productive fishery order in the UK operates in the Menai Strait, inside the boundaries of the Menai Strait and Conwy Bay Special Area of Conservation, without any apparent fundamental conflicts between the wording within 1967 Act and the requirements of environmental management. It is important to appreciate that neither England nor Scotland has sought to make similar amendments to their interpretation of the 1967 Act. Indeed Scotland had a very recent opportunity during the passage of the Aquaculture and Fisheries Act 2013 to introduce such similar amendments but chose not to do so. Given the size and importance of the fisheries and aquaculture sector to Scotland, the choice not to make such changes was surely not associated with any lack of ambition to ‘further develop sustainable fisheries.’ Thus Welsh government need to provide a fuller explanation

5.14 provides an illustration of our concerns and confusions.

The first bullet point discusses the ability to reference in any fishery or regulating order the management plan document. This document, the Management Plan, is already an integral part of the application process as it stands currently. In terms of providing some legal ‘force’ that might attach a degree of compulsion to applicants to refer to the management plan, section 2(1) of the 1967 Act provides that

2.— Effect of grant of right of several fishery.

(1) Where an order under section 1 of this Act confers a right of several fishery, then, subject to any restrictions and exceptions contained in the order...

This sections seems to allow the management plan document to be captured with the scope of what with the phrase ‘*..any restriction and exceptions contained within the order.*’ Given that secondary legislation, by definition, is subordinate to the primacy of the Act, one questions why an amendment to the Act is required to incorporate something which can already be required of by a grantee of an order. The argument that such a caveat would not enable the management plan to be amended to take account of any alterations to the environmental management status of the area without resorting to a whole-scale review of the fishery order is also confusing. For example why is it not possible for such a plan to state that management of the fishery must at all times take account of any changes to the environmental designation of the site? Additional to the specific example of a management plan, why can Welsh government not also further ensure that appropriate account was taken of environmental management requirements by inserting a section within an order that would require this – for example ‘the grantee of an order is obliged to comply with the requirements of any relevant statutory authority with regard to the management of the activity taking account of relevant conservation objectives’ or something a bit like that ?

The second bullet point suggests that the Welsh Ministers require additional powers to ensure compliance with the management plan document. However as S 2(1) make clear, this power already exists with the Minister. The Act provides that a Several (or regulating order (as per S 3 of the Act) right is conferred subject to *any restrictions and exceptions* thus if the Management plan is considered to fall within the remit of this phrase (which on account of prevailing and current

practice it appears to) then compliance with it is also an obligation for the grantee to comply with the requirements of S 2(1).

The third bullet point suggests that the Minister requires additional powers within the Act to undertake regular reviews of the Order and the Management practices document. However Section 5(2) of the 1967 Act states.,

(2) For the purpose of subsection (1) of this section, the appropriate Minister may from time to time, with respect to any such fishery, make such inquiries and examination by an inspector or otherwise, and require from the grantees such information, as that Minister thinks necessary or proper, and the grantees shall afford all facilities for such inquiries and examination, and give such information, accordingly

IN terms of providing an overarching ability to scrutinize that operation of the Fishery Order, this section would appear to provide sufficient legal purchase. Perhaps Welsh Government could provide examples of where this power has been deemed insufficient and the Minister, or his representatives, have been unable to undertake a review?

Thus on the point of the Minister having the ability to undertake regular reviews it appears that there already exist an established route. However in terms of the justification for such a review (of the order and of the management plan document) for the comfort of the grantees, there needs to be more clarity. Whilst on one side, it is understandable that the Minister would wish to ensure that both the Order and management plan remain 'fit for purpose', the impact of the uncertainty and instability that this might introduce to the grantees and operators of an order should be taken into account.

This is also very much the case in connection with the final bullet point in 5.14, with the suggestion that '*the Minister is provided with the ability to amend/determine the Order and Management practices document unilaterally and at short notice...*' **This is a point of absolute fundamental importance that needs to be understood by Welsh Government with absolute clarity.** Both Several and Regulating orders, as they currently exist within Wales, function successfully because they provide the operators or grantees with the security of a defined property right. This property right, a relatively rare phenomenon in the marine zone, gives those who undertake the defined activity within the boundaries of Orders the security to make investments in all aspects of production (land, labour, capital) and encourages both rational behaviour and the development of a long term view. The 1967 Act, and its precursor, the 1868 Fisheries Act, showed great foresight in recognizing the importance of providing grantees with this security, but also allowed for adaptation to be incorporated within the structure of the granted orders through the structure evident within the text of the Act as it currently stands. S 1(6) makes it clear that any order made under the Act can be varied by a subsequent order and the following sections describe how this might occur in the case of other justified 'developments'. It is not clear to us, at all, why this section of the Act is considered to be inadequate for the purposes described or indeed why the processes described under s1(6) are considered to be onerous by

Welsh Government. The significant aspects though of S 1 (6) and following sections is that they allow for alteration to be made to the order through the application of the appropriate due process. The amendments as proposed would extract this due process, and allow the Minister, as indicated, the *unilateral ability* to considerably change the Order. The consequence of this amendment is that the grantees of an order will be then provided with low or no confidence of security of tenure, as this can be taken away without the recourse to a transparent and fair process.

ave had all too recent experience of the implications of just such a situation, as we have no doubt had this ability been within the powers of the Minister in 2005, when a licence was controversially awarded under the Food and Environmental Act 1985 to the proposed Gallows Point Marina, (a decision that we took to judicial review, a review that had it not been discontinued (by Welsh Government) we expected with some confidence to win) then we would in all likelihood have been unable to defend our industry in the Menai Strait for the considerable impact of that development. We strongly suspect that this type of example would have been interpreted as being captured under the phrase described within the amendments of the Welsh Ministers 'environmental obligations'. This is of course just supposition but one which we have entirely valid grounds to hold.

Subsequent Amendments were made to the 1967 Act after the final resolution of court action in 2009 by the Marine and Coastal Access Act 2009 (which are seen in S 1) of 1967 Act) which describe the procedures to be undertaken to incorporate any spatially conflicting/impacting development within the boundaries of an existing Order but only after a due process has been observed.

IN summary we believe that the Welsh Minister already has considerable ability within the existing structure of the 1967 Act, which lies within S 1 (6-14), S 2(1) and S 5(2) to have oversight over the operation and functioning of any order granted.

The incorporation of the proposed amendments here will have a considerable and, one assumes unintended, adverse consequence on the development of further orders in side Wales as they will introduce an unacceptable degree of uncertainty into the probity of an Order thus undermining any confidence that operators might have to behave in the positive ways which the act currently encourages. For the Menai Strait, the inclusion of such amendments will ensure, absolutely, the end of the industry as it is seen.

European Marine Sites

5.16 The correct terminology for areas that must be subject to an Article 6(3) assessment is not '*sufficiently near*' but rather it is the much more discernible '*adjacent*'

5.17 It is not clear what level of dynamism in the environment is being discussed in this section and why this is considered to be one of the main areas of difficulty. It is of course the case that the natural environment may sometimes be dynamic, however this has always been so. The major changes evident in terms of how the Environment is perceived /viewed relate not to changes in the environment itself,

but rather refer to changes in the way that we manage that environment. This is not the same thing and it is not what this section is saying. As such we question the general assertion that is made that considerable flexibility is required to manage the orders effectively in light of environmental change. Welsh government need to evidence this assertion.

5.18 questions how Government can be satisfied that proposed developments are compliant with the objectives of the relevant European marine site requirements – this can be accomplished via the undertaking of either an article 6(2) or 6(3) assessment. Again we query the apparent carte blanche assertion of damaging environmental change being impacted by the Fishery order. Managed shellfish beds, and extensive aquaculture are universally recognized as being one of the most environmentally benign ways of producing animal based food. Whilst environments might be physically modified by, say, the development of a new mussel bed, this modification should not always be assumed to be adverse. It is just change. In the same way that a land based farmer will alter the environment of his operation, the same holds true at sea. The Menai Strait is surely to be seen as an example of where the requirements of environmental management are not in conflict with the existence of a fishery order on a long term basis.

Given the above we again question the conclusion established in 5.19 that amendments are required to the primary legislation to incorporate changes to the management plan document which are perceived to be necessary

5.20 It is difficult to concur, in any way, with the statement made about the extent of time required to amend or revoke an order is a negative aspect of the current reading of the legislation. We feel as though the emphasis of this section is placed on the possibility of there being some negative effect being established associated with the operation of an order – no matter that this (in our understanding) has not yet appeared manifest in any Welsh (or English or Scottish) Fishery order. We completely disagree with the assertion that, however, should a harm be established to an existing EMS that had not been assessed during a 6(2) or 6(3) process that any additional time burden established within the existing text of the Act would prevent WG for fulfilling its environmental obligations. As mentioned previously judicious use of the flexibility evident within the framework of the relevant text in S 2(1) would already provide the Minister with such ability – beyond that of course of the Grantee also undertaking responsible action – which Welsh Government appear in all senses to overlook. The flip side of this suggestion lies within the format of the response made above to the final bullet point in 5.14 – should there be a fast track, unilateral and politicized procedure that allows for a rapid amendment or revocation of a fishery order, this will have the effect of fundamentally undermining any confidence in security that any operator or subsidiary activity might have in the output of sustainable shellfish from a fishery order. It would mean the end of any substantive investment in land, labour or capital and would mean that the fundamental property right, which is the core requirement of any form of aquaculture, is built on nothing stable and as such any incentives to behave in a rational and long term way would be lost.

5.21 to make clear again, the Management plan document already exists and has

done for some time. Welsh Government and their current legal advisers are interpreting their obligations and restrictions in a particular way which runs contrary of many years of established practice.

5.23 This paragraph makes absolutely no sense at any level. Why, on the basis of 2(1) of the Act can the order not make any reference to the management plan? How is it that on one hand WG are saying that the flexibility to incorporate environmental requirements does not exist but yet on the other hand say that this does but introduces an additional layer of complexity (that, as an operator, long standing, we are not aware of in any practical sense). How do Welsh Government draw the conclusion that fishermen do not have the flexibility they require in order to operate the fishery effectively, when this occurs already in existing fishery orders, such as the Menai Strait and elsewhere. IN addition how is it that Welsh Ministers do not have the ability to require that the fishery is operated in a non damaging way – when again manifestly this is apparent within the existing text of the 1967 Act and also there have been (again to our knowledge) no incidences of examples of fishery orders that have been subject to a verified complaint that unacceptable damage has occurred. Fishery orders will absolutely modify, change and impact – this is not the same as damage, although this section makes the inference that perhaps the perception within Government is that damage and change are seen as two sides of the same coin. We require Welsh government to clearly elaborate on the meaning of this paragraph.

5.25 As we have made reference to before, we interpret the Act as already providing the necessary oversight referred to in this section through application of S 2 and S 5. Nevertheless, IN addition, FO that lie within the boundaries of EMS are impacted by the primacy and requirements of the Directives under which the sites are categorized. Thus any allegation of an alleged harm being effected on the conservation objectives of an EMS by a FO can be properly adjudged and assessed through application of the relevant environmental legislation. The comparison with farm sites and checks in one sense is illustrative as assessment of compliance with European designations is undertaken through the relevant designating legislation as opposed to one that establishes the farms property rights, as these amendments propose. The mention of comparison in terms of animal welfare is spurious and unjust on many levels.

5.26 It is unfortunately a telling indictment on the Welsh Government that some 4 and a bit years after the Marine and Coastal Access Act 2009 was placed on the Statute book, officials are still considering the extent of any new enforcement powers granted under MaCAA 2009. A relatively quick review of these new powers will establish that indeed powers were extended in a manner which, largely, makes much of the justification for this entire consultation exercise, unnecessary. What does that say about Welsh Government fisheries department and its legal advisors??

5.27 We are glad to see that there is some recognition that despite all the perceived failings of the current legislation that somehow in Wales, in the Menai Strait we have conspired to have the most productive Fishery order in the UK, which of

course sits within the boundaries of a European Marine Site. One would think that on the basis that we currently have this functional and valuable fishery order operating in harmony with environmental management needs that it would demonstrate that the current wording of the Act is sufficient. Alas that obvious conclusion has escaped Welsh Government officials. As mentioned previously, should the amendments proposed be taken forward in the Environment Bill, then Wales will not in the future have this successful, productive, highly researched and integrated asset in the future. This begs the question of how, in that case, Wales hopes to achieve its stated objectives for growth in the sector.

5.28 We emphasize that the problems apparent with the delivery of Fishery Orders in Wales, we believe, lies not with the primary legislation, but rather with a particular interpretation of the obligations by the Welsh Government (and their legal Advisors), be these associated with an interpretation of how associated S 80 (8) of the Government of Wales Act 2006 interacts with other legal requirements or perhaps even with the application of other legislation. Somewhat paradoxically to the situation that we experience here in connection with the 1967 Act, we strongly suspect that there will be many examples evident elsewhere of, for instance, permanent developments (a fishery order is of course nothing of the sort and research has established that environments can revert back to pre activity state in a short period) that have occurred within the boundaries of EMS (such as marinas) that cannot by definition meet the same criteria of flexibility to incorporate environmental change demanded for fishery orders by Welsh Government. Even so at the member state level, the UK is also obligated to comply with the demands of European legislation in the same way that S80 (8) demands of Wales. The culture of risk aversion within Welsh Government fisheries department, and their legal advisers, appears to mean that all possible avenues are explored to prevent and stifle development as opposed to assist and facilitate where appropriate. This is economically backward and socially defeating.

5.29 We have concerns that relate to the flexible interpretation of the period that orders may be granted for. As has been recognized earlier in the White paper, it takes time both to establish a functional shellfish farm and also to make necessary investments and to pay back any loan capital required. The 1967 Act (and its 1868 precursor) both stipulated extended maximum period that orders could be granted for (no longer than 60 years). ON the basis that the provision of the property right is extremely restricted to the particular named shellfish species, we question the need to foreshorten this period.

5.30 Welsh Government needs to fully elaborate on why it currently takes at least 16 months to progress through the application process for a new Fishery order outside of an EMS. It seems an incredible length of time to undertake and fulfill the requirements of a well established and grounded bit of primary legislation, particularly as much consultative work will have been undertaken with relevant land owners and conservation agencies pre formal application. We suspect, once again with some understanding of the process, that the lag in significant part is due to a bureaucracy which does not fully understand its subject area. We suggest that, whatever the outcome of this consultation exercise, that Welsh Government contract in some external experts to objectively analyze the source of this delay

and identify the relevant choke points. This review should then report back to the wider constituency on its outcomes. It is unsustainable and unacceptable.

5.31 The suggestions of minimum times are both curious and disturbing as they have no apparent value and provide no certainty or use to any developer. Other administrations, when making reference to similar time periods will refer to maximum times. The appearance of these times in this public consultation is further evidence of a serious detachment between Welsh Government Fishery Officials and their Legal Advisors and the needs of the public that they are supposed to serve. IN addition, this section provides further indications of an apparent contradiction in approach in terms of European obligations. DG Mare, with its Blue Growth agenda, have highlighted the potential for aquaculture growth within the European Union area. One of the main blockages that they have identified to this growth is in the licensing and consenting process and whilst they recognize the restrictions inherent within EMS as slowing this process down, DG Mare has the objective of encouraging MS to consent new sites outside of the boundaries of EMS (also non adjacent) to a small number of months. Given the time frames (minimum) proposed here, this message has clearly not permeated.

5.32 & 5.33 The system that exists currently is already functional and sufficient, but with a change of approach and culture within Welsh Government Fisheries Department. Much can be achieved without increasing any risks evident to the relevant Ministers or Welsh Government. These amendments are unnecessary and destructive and will not have positive outcome for increasing take up of Fishery Orders or increasing outputs from managed shellfisheries in Wales. They are both misplaced and represent the confirmation of a significant missed opportunity.

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 **X**

No

Please provide comment

I fail to understand, in these financially difficult times, why Welsh Government have not taken advantage of this opportunity to include indications of ways through the 1967 Act that some reasonable resource rental income for the provision of this limited property right might be extracted. It is quite simply beyond my understanding. Such ability to contribute to the public purse for use of a 'public' resource seems only right and proper.

IN addition given the demise of the Shellfish Waters Directive (SWD) at the end of 2013, It would have been a welcome addition to the consultation had there been amendments proposed similar to those within the Aquaculture and Fisheries (Scotland) Act 2013, where S54 replicates the requirements of the directive inside domestic legislation. IN Wales the repealing of the SWD has restricted protection for Shellfish waters, found encompassed within the Scope of, the Water Framework Directive, with wording which is both vague and limited. IN any event, the WFD also only has jurisdiction in Wales to an area within 1nautical mile of the Coastline, which in some circumstances might not be sufficient.

Question 37

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

Incorporation of the amendments as proposed through the Environment bill (act) to the 1967 Sea fisheries (shellfish) act will be the end of mussel mariculture in Wales as it is currently seen. The erosion of the property right and the undermining of the mechanisms already evident within its format to make any justified and appropriate necessary changes and alterations, will have a very direct and adverse impact and will destroy any confidence that a grantee might have to behave in a rational manner and make justifiable investments, i.e the fundamental benefits of having a fishery order. Given that only in Wales, of the 3 Governments that have the 1967 Act on the statute

book, are such destructive and fundamental changes to the Act being sought, this will invariably have the effect of displacing future investment into the mussel sector from Wales to England or more likely Scotland.

It is quite extraordinary that in Wales, where the UK has its exemplar example of a functional Fishery order in the Menai Strait, that Government is seeking to amend the legislation in a way that will *de facto* destroy this fishery and prevent any other similar activity of scale within the Welsh territory. Personally, it is most depressing when one considers that these amendments have been suggested by officials from the Welsh Governments Fisheries branch, a branch which we in the sector have engaged with more extensively and more positively over the last 3 years than at any time in recent memory. That is a whole lot of effort and time spent trying to develop beneficial mutual awareness. That, despite this engagement and dialogue, these incredibly ill thought and unnecessary amendments have been tabled. That sends out a very strong message to Industry, and a none too positive one at that.

We feel ultimately deflated and disenfranchised by these amendments and question any incentives that might exist in further engagement between (this part) Industry and Government. If the proposed amendments do anything successfully, it is this; they show in a crystal clear light that Government and its officials are not listening to industry, they show that Government is more highly motivated to find problems that prevent activity as opposed to any solutions to allow undertakings to occur, they show that Government and officials are appear unwilling to question internal risk adverse legal

advice (which at the end of the day is just someone's interpretation) and perhaps most damagingly for the reputation of Welsh Government officials, it shows just how far out of touch with the approaches of other administrations and of Brussels, the Welsh Government is.

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?

Adran Rheoleiddio / Regulatory Department
Gwasanaeth Amgylcheddol
Environmental Service
Rheolwr / Manager – Gareth Jones

Gofynnwch am/Ask for: **Bleddyn Jones**
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Tîm Deddf yr Amgylchedd
Yr Is-adran Polisi Adnoddau Naturiol a Newid
Hinsawdd,
Llywodraeth Cymru,
Parc Cathays
Caerdydd CF11 3NQ

Ionawr 13eg 2014

Annwyl Gyfaill,

Deddf yr Amgylchedd – Papur Gwyn

Diolch am y cyfle i wneud sylwadau ar y ddogfen uchod. Croesawir y ddogfen sy'n ceisio gwledigaeth i'r dyfodol ar gyfer amgylchedd Cymru. Mae sylwadau Uned AHNE Llŷn i'w gweld isod:

Sylwadau cyffredinol

Croesawir y bwriad o geisio creu dull mwy cyanaliadwy o fyw sy'n cydnabod y berthynas rhwng y gwahanol adnoddau naturiol a materion economaidd a chymunedol.

Mae pryder am yr hyn a nodir yn para 1.14, fod y fframwaith rheoliadol o ran AHNE wedi datblygu ar sail problemau amgylcheddol yn unig. Roedd rhesymau eraill – o ran hamdden a mynediad yn bwysig yn gymdeithasol ac yn berthnasol o ran yr economi hefyd.

Croesewir y cysylltiad rhwng y Deddfa Cynllunio, Cymunedau'r Dyfodol a'r Amgylchedd – fodd bynnag credir y dylai bod mwy o fanylion ynglŷn â sut bydd rhyngweithio rhwng y rhain er gwrieddu hyn.

Gwelir sylwadau ar rai materion ym mhenodau 2 a 3 isod:

Pennod 2 – Rheoli Adnoddau Naturiol

Cwestiwn 1

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

Cytunir gyda'r rhan fwyaf o'r cynigion yma. Byddai yn fanteisiol cael mwy o wybodaeth am berthynas cynlluniau rheoli'r AHNE a'r cynllun rheoli adnoddau naturiol.

Swyddfa'r Cyngor
Pwllheli
Gwynedd
LL53 5AA
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Environment Bill Team
Climate Change and Natural Resources Policy Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

13/01/2014

Dear Sir/Madam

The Welsh Language Commissioner's response to the Welsh Government's consultation on proposals for an Environment Bill, Towards the Sustainable Management of Wales' Natural Resources

The principal aim of the Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers.

Two principles underpin the Commissioner's work:

- In Wales, the Welsh language should be treated no less favourably than the English language;
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme; interference with the freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

Comisiynydd y Gymraeg
Siambrau'r Farchnad
5-7 Heol Eglwys Fair
Caerdydd CF10 1AT

Welsh Language Commissioner
Market Chambers
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0845 6033 221
post@comisiynyddygyymraeg.org
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

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Correspondence welcomed in Welsh and English



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

One of the Commissioner's strategic objectives is to influence the consideration given to the Welsh language in policy developments. Thus the Commissioner's principal role is to provide comments in accordance with this remit, acting as an independent advocate on behalf of Welsh speakers in Wales who might be affected by these proposed changes. This approach is employed to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of individual bodies' performance or the Government's performance in accordance with the provisions made in the Measure.

The Welsh Language Commissioner's comments and the possible issues which the Government could examine in developing an Environment Bill following this consultation may be summarised as follows:

General Comments

Paragraph 2.7 states that by establishing a clearer legal framework and a statutory basis in Wales for integrated natural resource management, the delivery of Welsh Government priorities will be better informed, more efficiently delivered and wider benefits achieved. It states that it will enable the Welsh Government, Natural Resources Wales (NRW) and other public bodies to consider the long-term economic, social and environmental impact of the decision and to seek to deliver in a more integrated way, with a common direction of travel.

Given the Welsh Government's specific responsibility for promoting the Welsh language, and the target noted in the Programme for Government to increase the percentage of speakers, it should ensure that consideration is given to the Welsh language when making decisions in all areas, including the environment. In considering the comments below, it must be remembered that strengthening the position of the Welsh language within the community is one of the six aims of the Government's Welsh Language Strategy.

In addition to the Welsh Government's current commitments, the Welsh Language Commissioner announced at the start of January 2014 that it is now time for the Welsh Government to develop a rigorously Welsh way of drafting laws and that the Welsh language must be a central consideration in all policy areas.

Referring to the Welsh language on the face of legislation would enable the Government to demonstrate that it has a unique way of legislating, in a way which meets the specific needs of this bilingual country and its citizens.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Specific Comments

NRM 1: Establishing a legal definition for the natural resources of Wales

The current definitions proposed for *integrated natural resource management* and *sustainable management* in figure (iii) are not clear in terms of the Welsh language.

The definitions are as follows:

"*Natural resources*, in relation to Wales, extends to the following matters relating to the *sustainable management* of natural resources:

- a) air, water and soil;
- b) geologic and landscapes;
- c) biomass and biological resources;
- d) ecosystems"

"*Integrated natural resource management* means a planning and priority setting process that coordinates the maintenance, enhancement and uses of natural resources so that the long term benefits are optimised for the people, environment and economy of Wales in the present and in the future."

"*Sustainable management* 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 will enable the people and communities of Wales to provide for their social, economic and environmental well-being, while maintaining the life-support systems of nature. In doing so, ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations".

Sustainable management of natural resources is the output of the process of integrated natural resource management. Collective actions refer to the identified actions of all public authorities and delivery bodies, not just NRW.

There is a clear link between the definition of *integrated natural resource management* and the Welsh language. The Welsh language will need to be considered when making decisions in order to ensure "...that the long term benefits are optimised for the people, environment and economy of Wales in the present and in the future". Maintaining and strengthening the position of the Welsh language in the community is essential for future generations and decisions should be made in light of this.

It is stated that *sustainable management* is the output of the process of *integrated natural resource management*. The welfare of the Welsh language and the factors referred to in the definition of *sustainable management*, namely: "...social, economic and environmental well-being..." are interdependent. It is not possible to have one without the other.

Further guidance is needed on the definition of *social well-being* in this context. If the Welsh language has not been included within the scope of *social well-being*, in order to ensure that it is central to all decisions, we request that the definition of *sustainable management* refers specifically to the Welsh language.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

The Welsh language is considered in the context of sustainable development in the field of planning. Planning Policy Wales requires the land use planning system to consider the interests and needs of the Welsh language with a view to contributing to its welfare. In addition, the new Technical Advice Note 20 requires planning authorities to assess any impact on the Welsh language as part of Sustainability Appraisals. It would therefore be appropriate for the Government to make the same connection when discussing the environment.

NRM 3 A requirement for NRW to develop and implement an area-based approach for the sustainable management of natural resources and to ensure evidence from this process feeds into appropriate delivery plans

The proposal to require NRW to develop and implement an area-based approach for the sustainable management of natural resources is a way of ensuring that there will be an appropriate focus on the Welsh language in its heartlands. Working with Local Service Boards will ensure representation from a number of organisations from different sectors, including Mentrau Iaith (Language Initiatives).

Whilst the Welsh language will, naturally, be considered in a number of areas as a result of work undertaken with Local Service Boards, there should be a commitment to consider it within any guidelines or policy documents that outline the approach in order to ensure that it is considered in a consistent fashion at national level.

As the Environment Bill will not stipulate the management process on an area basis, with the approach being based on the definitions in figure (iii), we reiterate our request above, namely that specific reference is made to the Welsh language in the definitions, or that a statement is included in the Bill stating that the welfare of the Welsh language should be considered.

NRM 4 A requirement for NRW to set out the priorities and opportunities for the management of natural resources on an area basis.

Reference is made here to a natural resources policy that will be issued every five years, and the need for a mechanism for NRW to review the work in each area every five years. The policy document should emphasise the importance of protecting the interests of the Welsh language at every stage of the decision-making process.

In terms of planning, Planning Policy Wales states that all local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric and, where this is the case, it is appropriate to consider that when formulating land use policies.

All local planning authorities are required to include a statement on the way in which they have considered the needs and interests of the Welsh language when preparing the scheme, and the ways in which any Welsh language policies interact with other policies under the scheme.



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

It would be appropriate to consider a similar commitment within the natural resources policy, and any document that will support the area-based management approach.

NRM 5 A requirement on other bodies and further directions on how natural resource management should be taken into account.

NRW will share the responsibility for the planning and management of natural resources with other bodies. A definition of the nature of the relationship between NRW and other bodies is essential in order to know whether or not these bodies will act in accordance with NRW's Welsh language scheme. If NRW led the work in all cases, then other bodies would have to comply with the commitments in the Welsh language scheme. Provision must also be made for situations whereby bodies who do not have a Welsh language scheme lead the work.

In such situations, NRW's current Welsh Language Scheme commits them to promote opportunities to use the Welsh language when working with communities, voluntary organizations and specific target groups (NRW Welsh language scheme, page 15). It also includes specific requirements to comply with their Welsh language scheme with regard to contract specifications and grant conditions. Any new provision in the Bill should support the body's current commitment.

Paragraph 2.84 states that an area-based management approach may help provide evidence to inform single integrated plans. What will be the link between area-based management and single integrated plans, and more widely, local development plans?

An initial equality impact assessment of the proposed legislation can be found in appendix 4. To what extent has its impact on the Welsh language been considered up to now, in accordance with section 4.1 of the Government's Welsh Language Scheme?

By the time the Environment Bill becomes law, local authorities will be subject to Welsh language standards. Specifically, policy-making standards will require them to consider the impact of policy decisions on the Welsh language. We ask that the Environment Bill supports the implementation of the Welsh language standards as well as the Welsh Government's Welsh Language Strategy and Programme for Government, by referring specifically to the Welsh language and establishing it as part of the sustainable management process.

We are eager to contribute to further discussions as work to prepare the Environment Bill progresses. Thank you for the opportunity to comment on this consultation.

Meri Huws
Welsh Language Commissioner

Cwestiwn 2

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

Cytuno – byddai yn fuddiol cynnwys y morlun yn rhan o adnoddau naturiol hefyd.

Cwestiwn 3

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

Cytuno

Cwestiwn 4

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

Cytuno

Cwestiwn 5

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

Cytuno

Cwestiwn 6

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

Cytuno.

Cwestiwn 7

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

Na. Dylai hyn ddigwydd trwy gydweithio a chdweithredu.

Cwestiwn 8

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

Cytuno.

Pennod 3 – Cyfoeth Naturiol Cymru

Cwestiwn 10

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

Mae amheuaeth am briodolrwydd y cynnig i alluogi Gweinidogion Cymru i addasu deddfwriaeth trwy is-ddeddfau. Ni chredir fod newid deddfwriaeth trwy is-ddeddfau yn arfer da a rhagwelir y gallai hyn greu problemau.

Cwestiwn 12

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

Mae'n debyg mai CNC yw'r corff mwyaf addas ar gyfer gweithredu'r cynllun yma ond rhagwelir trafferthion wrth geisio ei weithredu.

Cwestiwn 15

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

Pob hwyl,

Bleddyn Prys Jones
Swyddog AHNE LIŷn

I refer to the consultation on the White Paper in relation to the proposed Environment Bill.

HSE is aware that NRW are responding to the consultation process.

HSE does not have any comments of major concern in relation to the contents of the White Paper and does not intend to respond in full by completing the consultation White Paper pro forma.

The HSE and NRW form the Competent Authority under the Control of Major Accidents Hazards Regulations 1999 (COMAH). This is not a devolved matter but has an impact on the work of NRW.

HSE offers the following observations in relation to the contribution of NRW to its legislative obligations in relation to COMAH:

1. Adequate resources should be factored into the need for NRW to regulate COMAH sites and prevent and mitigate against COMAH Major Accidents to the environment.

I hope you find the above comments constructive.

Regards

Mike

Michael Thomas
HM Principal Inspector of Health and Safety
Cardiff
Tel no: 02920 263080
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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

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Type
*(please select one
from the
following)*

- | | |
|---|-------------------------------------|
| Businesses | <input type="checkbox"/> |
| Local Authorities/Community & Town Councils | <input checked="" 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:

PCC welcomes the proposals for natural resource management broadly, but has concerns regarding:

- Absence of any explicit reference to meeting the Wales, UK, EU and CBD Biodiversity 2020 targets;
- the in combination impact of proposals in this Bill and the Planning Bill;
- the need for NRW to set out in advance its arrangements for consultation , for both the National Policy and for area based plans as well as to report on the intended scope, scale and timing of community engagement
- the absence of proposals for SEA / HRA of the National Policy
- Community Engagement report, which should be required to identify changes proposed as a result of public consultation
- Reference is needed to Single Integrated Plans in figure v and table (ii)
- The absence of provision within the Bill to require a reciprocal duty of co-operation by NRW at area level in relation to the fundamental challenges of delivering
 - necessary growth (strategic / locally defined need for growth)
 - natural resource priorities whilst environment, social and economic aspects are progressed
- The adequacy of local representation in the membership of area based partnerships to enable local accountability;
- Resource and capacity issues at organisations that are all currently undergoing financial pressures.

Consultation on the Environment White Paper would have benefitted from being accompanied by a draft Bill, as is the case for the Planning White Paper to facilitate understanding of the changes proposed.

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:

PCC has concerns that changes could be made to the existing primary legislation where it goes against the purpose of integrated natural resources management, in particular in relation to how to deliver these changes to enable sustainable exploitation whilst seeking to ensure compliance with EU/UK conservation & biodiversity legislation.

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:

No additional 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:

The periodicity of 5 years for Review in line with proposals in the Future Generations Bill and also with Single Integrated Plan and National Park Management Plan needs also to translate across to Local Development Plans, currently 4 year Review, for consistency;

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:

PCC notes that there are a number of organisation in existence, such as local Biodiversity Partnerships, local environmental fora and the relevant authorities groups (Marine SACs), all of which are skilled and experienced in engaging community groups in management planning and engagement and with whom the NRW should be expected to work collaboratively, rather than to create new fora and new groupings for area based planning

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:

PCC has concerns that the scale of **proposed flexibility to rewrite parts of the Act**, using secondary legislation, **notwithstanding the limitations proposed to this flexibility**, could cause uncertainty.

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:

PCC has concerns that this is not proposed as a reciprocal relationship: the absence of what is essentially a 'duty to co-operate' requirement to be placed on NRW in terms of responding to LPA timetables for development plans and development management; (cf with para 2.6 which proposes enabling Welsh Ministers to issue direction on other bodies to co-operate and to jointly plan. Any such compulsion should be reciprocal to ensure timely input where required into decision making by other bodies and in order to achieve a balanced approach to collaboration. It may be that this reciprocation should better be addressed in other pieces of legislative reform and the consultation would be improved by greater clarity in 'read across' between white papers.

Question 8

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

Yes

No

Please provide comment:

Whilst NRW is the obvious lead reporting organisation to report at National level on natural resources, much of the information necessary to populate any reports must be provided by other bodies, as provided currently, for example through the Biodiversity action reporting (BARS) and it is recommended that this collaborative approach is continued. Given the continuing urgency for focus on efficiency savings PCC would recommend that NRW will need to distinguish essential reporting from that which is desirable.

Question 9

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

PCC has concerns over the anticipation that implications will be cost neutral, with potential for efficiency savings over time (para 2.95). Whilst this may be the case over time, it is important that the Regulatory Impact Assessment considers the potential need for frontloading and also explores across organisations who gains and who loses.

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:

It is important that such powers are mirrored in the Planning Bill to enable innovation by local planning authorities in decision making under Planning legislation

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?

Parallel measures for LPAs in the proposed new Planning Act(s).

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

PCC considers that NRW would be best placed as ‘knowledge providers’ and possibly also a role to upskill others, with other functions of Payments for Ecosystems Services (PES) perhaps better delivered by either an independent or an arms length operator, to secure separation between regulatory functions and ‘eco-banking’.

For developments requiring planning consent there is already provision for management of some components of ecosystems services through either Community Infrastructure Levy or via section 106 agreements and in such instances, whilst NRW input / guidance may be helpful, it should be directed through the LPA’s lead.

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?

As outlined in the paragraphs 3.17 -3.26, but noting that powers with other organisations, such as local planning authorities should not be duplicated.

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:

PCC supports b) the additional proposal to cover broader environmental legislation, subject to conditions as stated?

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.

-
- **2020 Biodiversity commitments at present within statutory legislation**
 - **Future of existing legislation and plans in relation to NERC Duty, LBAPS,**
 - **Influencing and integrating biodiversity commitments holistically**
 - **Make up of area based partnerships- local representation?**
 - **'Blue Growth' on marine "exploitation" - potential to compromise integrity of European Marine Sites**
-
-

Question 17

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

Potential resource and capacity issues at organisations that are all currently undergoing financial pressures.

Refer back to answer to Question 9 above

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:

Pembrokeshire County Council has concerns regarding the prescriptive nature of the proposals particularly in so far as how waste should be collected.

Why support upstream duties to segregate and separately collect? Current statutory recycling targets, biodegradable waste to landfill targets and landfill tax, plus the forthcoming MRF quality protocol are sufficient drivers without imposing landfill and EfW bans.

Recycling targets similar to those imposed on local authorities should be applied across the waste sector.

The proposals are confusing and the implications do not appear to have been thought through. With the requirement to collect separately and with landfill and EfW bans there is the risk of being unable to find a recycling or disposal route for some segregated materials.

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?

Pembrokeshire County Council considers a recycling target along with BMW diversion targets and landfill tax are adequate and that there is no need for there to be further prescription.

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.

The degree of segregation required to be undertaken by individuals and businesses should be at the discretion of the waste collector who will determine the best technically, environmentally, economically practicable option.

Not all householders or businesses have the space to separately store a range of materials for collection.

It is not always necessary to source segregate recyclables to attract the best rates in the market place. The quality requirements of the markets should be the driver for how much segregation of waste needs to take place.

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.

Some of our trade waste customers currently have difficulties storing three or four waste streams and it would be impossible to segregate further. There is not a particular type and size of business affected but rather the location of the premise and whether it has suitable internal and external storage space. New built premises can be designed with waste separation and storage in mind but this can not be said of other buildings.

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?

PCC does not believe the banning of materials from landfill or energy from waste facilities is workable. Waste collectors of residual waste will be unable to determine the contents of a black bag or a wheeled bin and on discharge at the disposal facility items that weren't evident at the point of collection may become evident. How many and/or what size of "banned" items would constitute an unacceptable level? We do not believe it is workable to inspect everything.

Bans would render local authorities at risk of sending recyclable materials to landfill or EfW disposal.

The cost of and ability to enforce bans would not be affordable or practicable.

A solution to ensuring the removal of banned items from disposal would be to pass all residual waste through a dirty MRF but this would be a costly exercise, the material would not count as recycled and may not be of a quality acceptable to the markets.

There is an issue with banning materials for which there may not be a recycling market, such as low grade plastics. How will such material streams be disposed of?

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?

Guidance will be required if bans are imposed but it will be necessary for acceptable levels to be determined by a quick visual inspection which will be difficult to achieve.

Waste collectors of residual waste will be unable to determine the contents of a black bag or a wheeled bin and on discharge at the disposal facility items that weren't evident at the point of collection may become evident. How many and/or what size of "banned" items would constitute an unacceptable level?

An alternative approach is to allocate a recycling target to all waste collectors/disposers. The recycling target would achieve the removal of recyclate from the residual waste stream enabling collectors/disposers to determine which materials to collect based on their waste stream and markets available. Monitoring and enforcement would be based on current practices. ie reporting into Wastedataflow with evidence of end destinations.

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:

Pembrokeshire County Council agrees that householders should use the food waste collection service. With regard to businesses and the public sector the proposed January 2017 date of effect is necessary, not only to allow for the premises to make the change but to ensure the available capacity of food waste treatment facilities.

We need clarification on "what is food". Food waste hauliers and AD processors would not be in a position to handle liquid foods such as milk, soup, gravy and the like.

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) We think it would be difficult, if not impossible, to enforce.

ii) We think it would be difficult, if not impossible, to enforce.

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)?

The quantity of food waste disposed of to sewer is an estimate and the quantity that will end up in local authority food waste collections is unknown. If significant, current contracts may not have the additional capacity required. There may be an impact on budgets with an increased tonnage to be processed.

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

If there is evidence that reusable plastic bags are being disposed of after a single usage then there may be a need to raise a charge to act as a deterrent.

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

The purpose of the charge is for environmental benefit so PCC considers that the proceeds should be towards an environmental good cause.

Question 31

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

PCC would like to think that these proposals would reduce the quantity of plastic waste in our waste stream.

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

PCC is broadly in agreement with these proposals, but has some concerns with potential of proposals for 'Blue Growth' / marine "exploitation" to compromise the integrity of European Marine Sites

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?
-

Welsh Government should listen to the voice of those operating in the marine environment regarding their capacity to absorb such front loaded costs.

Question 34

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

See answer to question 32 above.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Broadly in agreement, but note that the Relevant Authorities' Groups for Marine Special Areas of Conservation may be responding separately on this issue.

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 other than to note that the Relevant Authorities' Groups for Marine Special Areas of Conservation may be responding separately and may have more locationally specific comments on this issue.

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

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?

These proposals are not considered likely to impact on the actual management of flood risk by this authority.

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?

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 Michael Keleman

Organisation InSinkErator

Address 4700 21st Street
Racine, WI 53406

E-mail address Michael.eleman@emerson.com

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 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.

Smaller remote generators may be difficult to justify; economic costs may be high for the environmental benefits achieved. Larger generators will incur higher costs to comply, but may have the resources.

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?

It will be difficult to completely eliminate all contaminants.

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:

Food waste is a resource and can be converted to clean water, energy and nutrients at water resource recovery facilities (wastewater treatment plants). Banning the use of disposers eliminates one of the useful tools in a holistic approach to managing food waste and keeping organics out of landfills.

Question 24

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

Given other forms of food waste management are wrought with problems, i.e. vectors, odours, contamination, and participation rates, food waste disposers are another solution to promote diversion from landfills. Users should not be penalized for using these appliances.

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

Source segregation should not be required but instead be voluntary along with the allowance and use of all tools to divert organics from landfills.

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:

Food waste should not be banned from the sewer.

Question 28

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

See second attachment, letter from Michael Keleman, Manager of Environmental Engineering at InSinkErator.

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 Andrew Stumpf

Organisation Glandŵr Cymru - the Canal & River Trust in Wales

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E-mail address Andrew.stumpf@canalrivertrust.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:

There is little in the paper about the fundamental need to influence behaviours, hearts and minds i.e. the cultural change in the organisations in Wales, the public, business and the media, that lay behind this and other legislation. While this may also be picked up in the Future Generations and Planning Bills we would have expected to see more here. Community engagement, education, etc., will be hugely important in gaining acceptance and support for these approaches.

The opening chapter describes the links between this bill and the Future Generations and Planning Bills and says that the historic and natural environments are intertwined as are social justice, economic prosperity and the use of natural resources. In practice the social, natural and built heritage sectors tend to operate in their own silos (the consultation process attendees demonstrate this sectoral separation). Many of the issues and opportunities also cross local authority boundaries.

Partnerships across sectors should be encouraged to ensure coherence between those sectors and a holistic decision making approach. Glandŵr Cymru has a wealth of experience in brokering cross sectoral partnerships and could play a role in the City Regions in particular where the canals offer an opportunity for innovative use of waterway infrastructure and a means of demonstrating the links between natural eco system services, their social systems and the economy.

An area based approach independent of local authority boundaries may well overcome the latter point but the chapter does not describe how the necessary integration described in Chapter 1 will be achieved. Without knowledge of the structures to be included in the Future Generations Bill we cannot comment further.

However one small step would be to ensure that a common language is used across each of the pieces of legislation (the eco systems approach?) and that in taking its area based approach NRW is obliged to work with the heritage and planning bodies (and vice versa). There should be similar obligations to report on the state of the built and social environment (and the underpinning skills and knowledge to ensure their future integrity).

Simplification and streamlining of legislation is supported provided that the original intent either continues to be achievable or has been proven to be irrelevant.

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 definition is agreed provided eco systems are also taken to include the cultural services normally included in the definition i.e. the role people have played in the formation of the landscape, their use of the natural resources and their social needs.

We would prefer the duties of NRW to reflect the primary policy interests rather than the opposite (2.16).

The definition should also note the importance of the social and built heritage and the need for decisions and actions to take those elements into consideration. It should also ensure that the evidence, knowledge and skills to ensure sustainable management are always in place (2.51). The suggestion that opportunities are considered as well as constraints is strongly supported.

Land use planning and guidance should also take into consideration quality of life for those living in, for example, new housing estates. Liveability, facilities within walking / cycling distance and access to open space should all be key considerations to avoid the potential for the public sector to be burdened with future consequent costs. The example on the link shows where the natural environment (compensation) has been used to advantage to enhance people's lives:

http://www.bbc.co.uk/iplayer/episode/b00xnyn7/Open_Country_Portbury_Wharf/

A new approach combined with robust evidence gathering will set Wales apart as a place to live and do business. Over time it may also reduce the incidence of and social and economic costs arising from poor mental and physical health.

Question 3

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

Yes

No

Please provide comment:

Yes at every level. It makes no sense not to do so.

Equally other long term issues such as the growth in chronic diseases, which can be reduced through people's interaction with the natural environment and people's consequent resilience to stress, should feature strongly (2.51).

Future planning should build in the intended outcomes of current and future legislation particularly those intending generational change, for example the intended outcomes of the Active Travel Act should be reflected in future transport infrastructure planning.

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:

5 years seems a reasonable period both for setting and outcome measurement. It is long enough for impacts to be measured and short enough for changes to be made should the direction of travel demand it. Lead measures can be used to track the general direction of travel.

National outcomes should include social and economic outcomes and the built, social and cultural heritage with delivery shared jointly by bodies / Ministers where appropriate.

NRW should be encouraged to be innovative, to work with Welsh academic institutions and to seek to be “best in class” for those measures that define Wales’ approach. The co-operation between the academic, public and other sectors in these fields should create a distinctive Welsh lead at an international level.

The current focus on generational change is applauded but will need lead and lag measures to enable trends and progress to be measured and adjustments made. Measurement and reporting should be independent and outwith Government. However some pump priming may be required to set the frameworks and base lines (2.99) from which progress can be measured therefore we agree with the proposal in 3.46.

Assistance should be given where appropriate to NRW and other engaged bodies to access third party funding to undertake this work e.g. Research Council or EU funding.

Question 5

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

Yes

No

Please provide comment:

Yes provided the definition of the area for decision making purposes can be flexible enough to take into account social, economic, built and social heritage and other factors and not just habitats or water catchments. Ideally, while the decision has to be political, the advice upon which that decision is based should be independent of Government and based upon holistic consideration of the environment, economy and social equity.

NRW may well set out the key issues, challenges, risks and opportunities from a natural resources perspective but decisions will need to be taken considering economic, built heritage and social factors which are outwith NRW's purview.

2.43 says there will be no initial requirement for full coverage across Wales but we cannot see either why there should not be nor what happens to the parts of Wales not covered particularly as it also says the areas must work coherently across Wales.

We agree that there also needs to be consideration of the impact of national borders and co-operation with bodies in England to ensure a coherent consideration of the natural environment but also adequate consideration of economic and social factors as outlined in 2.89. The complexity of this should not be under estimated.

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:

It remains to be seen but it makes sense if layers of planning can be simplified and / or replaced in whole or in part by this approach.

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:

And vice versa and with each other including owners / operators of key infrastructure. As the chosen outcome is win – win – win the body holding the ring needs to have ownership across all three areas. This could be NRW but that ownership across all areas would have to be explicit and supported by experts in the other two areas.

The paper makes the point that taking environmental evidence into account does not always happen (2.80/2.81). That evidence is not always complete and there can often be pressure to make decisions in advance of the evidence (an example is the application of the precautionary principle). There needs to be a commitment to a) pool and make publicly accessible available evidence and evidence as it is gathered and b) not to be precipitate in setting limits or taking decisions if evidence is lacking and c) to commit to gather that evidence alone or in partnership where it is necessary to do so (2.83).

We would want both to use and contribute information.

The partnership working on the Wye & Usk catchment is an exemplar but it has been wholly funded by the participants.

Question 8

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

Yes

No

Please provide comment:

Its remit and the breadth of experience of its constituent parts well suits that role. Its experience in forestry in measuring social outcomes should also be part of that remit and it should draw upon international best practice to take a lead in this and other areas.

The role played by NRW with respect to those natural resources should be firmly based on evidence and developed in partnership with key stakeholders taking due account of desirable economic and social outcomes. This is particularly important in considering integrated water management. An exemplar is the current working group examining the Wye & Usk catchments with respect to social and economic needs and conservation outcomes in line with the Habitats Directive.

Question 9

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

We welcome the proposals as the nature of our work and the projects we lead means that we have to find win – win – win solutions balancing the needs of the built, natural and social heritage we care for while delivering economic benefits to riparian communities and taking into consideration the wide range of users of our assets (waterways, docks, harbours, a white water centre, museums and attractions).

Our track record of working in partnership and developing evidence of the role our assets play in delivering public policy put us in an enviable position to assist with delivery of the outcomes defined in this paper.

The direction is closely aligned with “*Beyond the Towpath*” launched by Glandŵr Cymru at the Senedd on 12th November.

The Welsh Government has already identified the potential of the canals within the Cardiff City Region and in North East Wales. We would welcome the opportunity to work with the Welsh Government and NRW on exemplar projects using our strategic partnership with Cardiff University to develop methodologies for establishing outcomes. Our experience in Scotland in particular has shown how canals (in that case Scheduled Ancient Monuments with unique habitats) can deliver economic and social benefits while enhancing their natural value.

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:

Given that this is in itself an innovative and novel approach the freedom for NRW to experiment (and fail?) is to be welcomed. If there aren't some failures then NRW aren't being innovative enough. However failure can be used to unfairly criticise organisations and individuals. We agree that both the successes and failures should be analysed openly and robustly (3.8) and further believe that together that experience should be used to create world class best practice. Strong political support will be needed if NRW's nerve isn't to be allowed to falter. Strong academic support will aid analysis and promulgation of outcomes.

Evidence of the roll out and outcomes of successful schemes, and the application of learning from those that were unsuccessful, would help gain acceptance of this new approach across Wales and further the development of an open "no blame" culture.

We would be happy to assist in or be part of case studies or new practices and have a strategic partnership with Cardiff University which may be of assistance.

UK and EU Research funding should be sought to assist and place this work in an international arena.

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?

The powers should be unconstrained within the limits of NRW’s remit and existing functions and not tied down to the areas described in the paper if new approaches are to be tested.

Internal controls can be applied where trials are novel and contentious (as some undoubtedly should be if NRW are to be innovative).

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?

PES can be used to value eco system services to create new models for decision making, taking into account non market benefits, as well as to create real markets. For example there will be real health savings in increased access to the countryside and / or open spaces but it is unlikely that charges can be or should levied on the users of those spaces (although it may be practicable to realign budgets to “invest” in these services). However payment to land managers for such services may be practicable to allow creation and / or maintenance of, say, urban open space or paths giving that access.

At this stage we are reluctant to comment further.

Question 13

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

We agree with the proposal outlined in 3.25 and would welcome discussions with NRW where there is mutual advantage.

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:

Provided there is consultation and the measures are approved by the National Assembly for Wales it makes sense for consolidation / changes to be made simply. Wales should also be free to take an independent line to the UK Government when it has the remit to do so.

If the “cannot be used to remove a protection” clause were to be removed from the Bill we would be concerned.

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?

We would welcome the opportunity to continue existing and enter new agreements with NRW to trial new approaches to eco system services as outlined above.

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:

Glandŵr Cymru already has targets to . . .

Water recycling – are these in line with our existing targets?
Practicable and supported?

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.

Yes?

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.

Although we support the proposals for increasing recycling, we do have concerns about what is achievable, for example:

- The increase in the amount of recycling needs to be linked to the available market for the use of the recycle; there is little point in increasing the amount of recycling if it has to be stockpiled until the market can accommodate the material. There is also a possibility that stockpiling will reduce the quality of the product to the extent that it becomes unsuitable for recycling and worthless.
- The regulatory system does not always offer the opportunity for recycled materials to be used in preference to virgin materials; changes are needed that will allow/encourage the use of recycled materials.

As a business that takes responsibility for waste generated by the public (in the same way that local authorities provide public litter bins), we foresee a difficulty in trying to meet the aspirations of separating all wastes at source. Where we do provide recycling facilities for use by our customers it can be extremely difficult to police these facilities to prevent misuse and

hence the contamination of the separate waste streams. On the basis of this, we would like to see this type of waste stream excluded from the requirement to be separated at source. We see less of a difficulty in the source separation of wastes that we produce ourselves.

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?

We support the principle of reducing the amount of certain materials being landfilled but the timing of the introduction of any bans need to carefully considered. Prior to any ban being implemented there need to be alternative solutions in place to deal with each of the wastes that are intended to be banned. As indicated in the consultation, the acceptable levels of contamination in residual waste are an important issue; any levels set should include some flexibility to take account of the variations encountered in the various waste streams. We do question whether there should be a total ban of recyclable or recoverable material from landfill; there are likely to be situations whereby the efforts of trying to divert wastes from landfill is more costly both financially and in terms of environmental impact

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?

No comment

Question 23

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

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) Businesses and Public

Please provide comment:

No comment

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

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

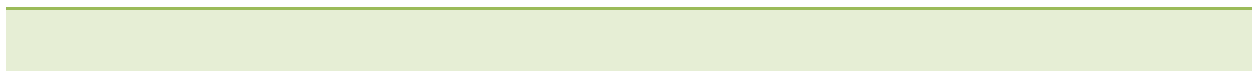
If 'Other' please propose an alternative regulatory body and state reasons:

No comment

Question 28

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

your organisation)?



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

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

We would, of course, welcome receipt of the sellers' proceeds

Question 31

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

Potential to receive the funds

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 comments on the following Marine sections

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

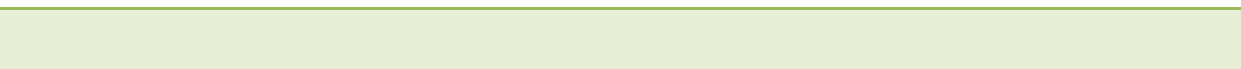
Question 41

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.

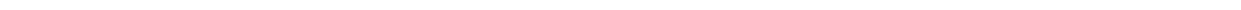
No comment

Question 42

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



See covering letter





UK ENVIRONMENTAL LAW ASSOCIATION – RESPONSE TO THE WELSH GOVERNMENT’S ENVIRONMENT BILL WHITE PAPER

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Type
(please select one from the following)

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Introduction

The UK Environmental Law Association aims to make the law work for a better environment and to improve understanding and awareness of environmental law. UKELA's members are involved in the practice, study or formulation of Environmental Law in the UK and the European Union. The organisation attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors.

UKELA prepares advice to UK Governments with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared by the Wales Working Party in consultation with the UKELA's Climate Change and Energy, Waste, Water, and Nature Conservation Working Parties.

Summary Overview

In line with UKELA's mission, the proposals to remove legislative complexity; simplify process and plans; and deliver a more joined up approach to natural resource management is welcomed. The Welsh Government should be commended for recognising that the current legislative framework for the environment is unwieldy; lacking in coherence; and sometimes unsuitable in terms of its ambitions to deliver longer term economic, social and environmental outcomes for Wales. However, UKELA is also concerned to ensure that any legislative proposals do not diminish environmental protection measures.

Throughout the paper there are references to the Future Generations Bill. It is evident that the two pieces of legislation are inextricably linked so it is difficult to consider and comment in depth on the proposals for the Environment Bill in isolation of those for the Future Generations Bill. UKELA considers it crucial that the two pieces of proposed primary legislation and the Planning Bill, relevant subordinate legislation (such as the NRW (Establishment) Order 2012) and guidance are drafted so as to ensure a coherent approach. This includes making use where relevant of shared concepts that are consistently defined and understood, but avoiding unnecessary or confusing duplication. It would be interesting to know how the notion of environmental limits will be reconciled with the objective of sustainable

development and how the inevitable conflicts will be resolved. These considerations are key to ensuring legislative coherence, and that the reforms work together effectively.

Examples of potential areas of legislative inconsistency, confusion or tension are noted throughout this response. For instance, the White Paper states that the Environment Bill is being used to ensure that NRW will be able to embed sustainable development in the delivery of its functions (para. 1.17), but sustainable development remains undefined in the proposed primary legislation and it is understood that there are no plans to define it in the Future Generations Bill. However, the NRW (Establishment) Order 2012 defines sustainability (para. 1.24). In particular, there is mention that in relation to a number of proposed Bills a range of principles are to be embodied such as: all decisions support the economy, communities and environment; the needs of future generations are considered; transparent processes are in place; communities are involved in decisions that affect them; processes are simplified; duplication is avoided; and delivery and its improvement are prioritised (para.1.27). It should be stressed that in addition, under the NRW (Functions) Order 2013, when developing proposals, Welsh Ministers are charged with ensuring that NRW's nature conservation duties are consistent with the objective of achieving sustainable development. In the interests of making robust legislation, UKELA believes that there should be the same legal definition of sustainable development in both the Environment and Future Generations Bills in order to enable consistent delivery and compliance. It is noted that there is no mention of how a test is to be applied to ensure that these duties and requirements are carried through in all relevant legislative areas.

It is apparent that living within ecological limits (i.e. sustainability) is central to this piece of legislation. NRW's approach to decision making will, therefore, be closely identified with the wider sustainable development duty under the Future Generations Bill. It will be necessary to embed the duties within institutional structures through sound and robust processes and, where necessary, the setting of meaningful indicators and targets.

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 – subject to consideration of comments below. No

Question 2

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

Yes No

Please provide comment:

In order to provide clarity and ensure robust legislation, UKELA is of the view that it is essential to include a definition of natural resources in the Bill along with those for integrated natural resource management and sustainable management. It is, therefore, pleasing to note this intention although it is not entirely clear whether an actual definition of natural resources is to be included in the Bill or whether there is to be a reliance on the rather weak English dictionary definition mentioned in paragraph 2.10. This does not adequately cover what is meant by eco-systems services. The definition of natural resources needs to be broad enough to encompass the living and non-living components of eco-systems in Wales, including species, habitats, landscapes and physical factors such as geology, air and water. It should explicitly cover terrestrial, freshwater and marine eco-systems. Reference also needs to be made to the historic and cultural influences on landscapes. Furthermore, it would be useful to include specific reference to both the ecosystem approach and ecosystem services in the definitions of integrated natural resource management and sustainable management. Despite the people of Wales being an important resource, they do not appear to be taken account of in defining natural resources.

The definition of sustainable management is closely related to that for sustainable development and this reinforces the need for its statutory definition in the Future Generations Bill. This should ensure integrated legislation as well as sound and consistent interpretation, and application of the law.

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 resilience and climate change mitigation are essential components of management of the natural environment. It is, therefore, important that they are embedded into integrated natural resource management at both national and local levels. However, the arrangements for measuring the impact of actions, in particular the how, whom and when need to be clear, as the potential impact of climate change on the environment of Wales could be significant and require the development of new mitigation methods.

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

On the whole an outcomes based approach is to be welcomed, but there needs to be further detail contained within the statute. In particular, it needs to be clear whether the achievement of outcomes is to be formally subject to a legal duty either in the Environment Bill or under the wider sustainable development duty in the Future Generations Bill. UKELA has concerns about the suggestion that Welsh Ministers will have the power to interpret definitions by guidance or orders (paragraph 2.20) as it derogates from greater scrutiny of policy decisions and may constitute an inappropriate manner of rule making.

The statements about how the Bill's provisions will enable positive planning by providing an integrated and consistent evidence-based, national framework which should help inform decisions to achieve sustainable economic development are welcomed together with the intention to use the evidence-based framework to inform the delivery of public services for the long term development of Wales and its people. However, it needs to be made clear how the natural resource outcomes will link to high-level outcomes under the Future Generations Bill.

Although, it makes sense to align the work on national outcomes and priority natural resource management with the timetable for the higher national outcomes under the Future Generations Bill, there appears to be some confusion over the separation and linkages of the provisions proposed for the Environment Bill and those for the Future Generations Bill. For example, it is stated that the Future Generations Bill will change the way public services prioritise activities and make their decisions, whilst the Environment Bill also has this aim in relation to the nation's natural resources. It is acknowledged that the Bills mutually support one another, but there could be potential for overlap. Furthermore, there needs to be clarity around how the Future Generations Bill's outcomes complement, rather than duplicate the setting of national and local outcomes for natural resource management under the Environment Bill.

There are some concerns over the proposal to set out actions required by statutory undertakers, as currently a number are to be exempt from the proposed sustainable development duty. It seems inconsistent to expect these companies to take actions to ensure that the management of Wales's natural resources supports national outcomes, whilst excluding them from the sustainable development duty within the

proposed Future Generations Bill.

Question 5

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

Yes **X, partly.**

No

Please provide comment:

There are concerns about the lack of detail on the linkages between a national and area-based approach, particularly as the delineation of the latter may well affect the former. Furthermore, there is potential for conflict because the National Plan is to be owned, agreed and published by Welsh Ministers, whereas responsibility for area based approaches falls to Natural Resources Wales. It is stated in the paper that NRW is already looking at ways to bring together its functions to enable integrated resource planning and consideration of operational delivery implications at various spatial areas (paragraph 2.30). This work is, therefore, taking place before the national plan is to be published in 2017-8 and implies that the area-based approach will be decided in isolation from the National Plan, which will be of greater strategic significance. In the view of UKELA, local area plans should be developed in the context of the National Plan and arrangements should be put in place for formal scrutiny of and reporting on the implications for local area approaches.

Although UKELA endorses the need for an area based approach in the context of a national policy/strategy, it stresses that defining the areas will need careful consideration. A number of aspects will need to be taken into account, such as the outcomes to be achieved; natural resource boundaries; current and possible future administrative boundaries; the proposed National Development Framework and

strategic development plans; the National Infrastructure Plan; existing environmentally designated areas; cross border issues; the marine environment; LDPs; the work of Local Service Boards and the current single integrated planning areas. The absence of reference to organisations below local authority level, such as community and town councils is of some concern. Furthermore, there is no reference to public communication and engagement on the area based approach. UKELA would appreciate information on how the public is to be involved in the process. The responsibilities of NRW in relation to the marine environment need to be clarified as currently Welsh Ministers are mainly responsible for planning and management of the marine environment.

There is a need to clarify the processes for developing and implementing an area based approach and to set out how the natural resources of areas not included in local area plans will be managed in order to help ensure that services are not impacted because of geographical limitations or boundary issues.

It is accepted that there is no necessity for the process for the area-based approach to be included in the primary legislation, provided the power for Welsh Ministers to give further direction in relation to the process, location and scope of the areas is in secondary legislation. UKELA is concerned that the latter does not appear to be proposed at present and about the lack of opportunity to review or call into question the methodologies and decisions of NRW.

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:

It is difficult to comment without further detail on the processes to be undertaken.

Question 7

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

Yes **X, partly**

No

Please provide comment:

Although there are analogies in civil emergencies and flood management legislation, it is considered unusual to introduce a statutory requirement demanding that public bodies (including statutory undertakers) cooperate, share information, jointly plan for and jointly report on the management of natural resources. UKELA is concerned about whether statutory undertakers will refuse to share information on the basis of commercial confidentiality or competition issues, and whether area-based plans will be effective in delivering more integrated resource management.

UKELA would like more detail on exactly how “other bodies” will be determined and the consequences of refusing to cooperate.

Question 8

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

Yes **X, subject to views below.**

No

Please provide comment:

UKELA is concerned about the capacity of Natural Resources Wales to report objectively on its own performance and those of others, particularly as this will need to be in line with the Future Generation Bill proposals, which at the moment do not include a definition of sustainable development. There appears to be no mention of the part to be played by the Auditor General Wales, who has a key role in monitoring the implementation of the sustainable development duty under the Future Generations Bill. UKELA is of the view that there is a need for a scrutiny process and formal responses to this from the Welsh Government and Natural Resources Wales. In the light of the AGW’s proposed responsibility to oversee public bodies’ implementation of sustainable development as a central organising principle, it may appear sensible to

require NRW to report to the AGW on their progress in relation to natural resource management as part of its commitment to sustainable development.

Question 9

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

In principle, UKELA supports the Welsh Government's aims of streamlining processes, reducing administrative burdens and bringing together disparate policies and processes.

In its nature, UKELA itself will not be affected by the proposals although its members may have to work within new structures and may have clients impacted by the changes. Such clients may be based outside Wales while engaged in projects or pursuing business opportunities in Wales. What is proposed would be new for the UK and much of Europe. This is not an objection to the proposals, but it does mean that such proposals should be well formulated in primary legislation so that the impact is readily apparent for those contemplating doing business 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 -partly, subject to comments in response to questions below. **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?

Without examples of where it would not be possible or difficult for NRW to adopt integrated resource management, it is not easy to comment on the need to introduce these experimental powers. It would be reassuring to know how the organisation will develop its capacity to take forward its experimental powers. In addition, any innovative approaches will need to be carefully monitored to assess their efficacy in achieving the Future Generations Bill's "high level 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 - subject to comments below. No

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

Whilst UKELA supports the proposal to increase the power of NRW to stimulate payment of ecosystems, there are no clear examples of how this would work in practice, in particular how duplication with other conservation management agreements will be avoided and especially where market instruments will be used. UKELA believes it would be helpful to know whether, and if so, the extent to which it is

envisaged that these payments will be private contractual arrangements or market instruments as part of the regulatory processes. If the former, then fewer powers would be required, though both approaches will have regulatory implications either by analogy to existing arrangements or in response to new property and transactional structures on which market based regimes depend. In the interests of achieving integrated legislation, it would also be useful to have information on how the proposal will tie in with conservation management agreements and other similar initiatives. It should be noted that in many contexts in which market instruments are in play, brokers and accreditors are separate from the regulatory agency and indeed the regulators oversee the work of the accreditors, who in turn police the brokers. Therefore the new powers depend on the organisational structures that are to be overseen by NRW, and until such structure is clear, it is difficult to be more specific.

In summary, the issue of new powers on top of those that already exist needs to be justified further. We note that a study on the subject has been commissioned, so would welcome an opportunity to comment further once this has been received.

Question 13

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

UKELA supports this proposal and has no further comments to offer in addition to those in the previous section. It considers the requirement to register obligations under an agreement a useful reform measure. However, it needs to be recognised that these agreements could be viewed as a burden and could potentially affect land and property values unless they are attractive, in which case they could possibly increase property values.

Question 14

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

The use of General Binding Rules (GBRs) arises in certain environmental contexts such as under Article 9(8) of the IPPC Directive. GBRs, in this context, provide for limit values or other conditions often applied within sectors to directly fix conditions or minimum standards within permits. While this suggests they will be mandatory, this is not always the case as some departure from conditions may be allowed. It is assumed that what is envisaged here will be directly binding rules. These can have advantages of regulatory transparency, administrative efficiency, and consistency/comparability within a sector. Whether or not efficiency and other advantages can be achieved depends on the size of the sector and the extent to which permit conditions can be applied in a standardised, rather than a bespoke, manner. This may vary from sector to sector. In Wales, it may be that the relatively small size of certain regulated sectors means that there are fewer gains from the use of GBRs and that any efficiency is off-set by the need to keep such rules constantly up to date.

The granting to Welsh Ministers of the enabling power to make General Binding Rules in relation to sustainable management of natural resources through secondary legislation appears to be a worthwhile proposal, subject to compliance with human rights legislation. However, the White Paper is not particularly specific on the composition of such rules. This requires careful handling to avoid claims of interference with property rights. Furthermore, the uncertainty about whether civil or criminal sanctions are to be imposed needs to be resolved in order to ensure that more efficient enforcement of environmental rules is likely to support the reduction of costs and help avoid court cases, legal challenges and judicial reviews.

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:

Whilst it may appear logical and sensible to enable Welsh Ministers to make specific changes to existing primary legislation in cases where the law contradicts the definition, purpose and objectives of integrated natural resource management, in the interests of sound constitutional law, UKELA has some concerns about secondary powers being used to amend primary legislation, unless the power is very carefully defined and restricted.

The case for the alternative proposal to combine the proposal to give Welsh Ministers the power to make amendments to NRW's functions with the proposal to allow Ministers to pre-consolidate primary legislation in relation to water and extend the scope for amending environmental legislation is not particularly clear, so it is difficult to form a view. Whilst consolidation of legislation is welcome, in cases of primary legislation UKELA is of the view that the mechanism for achieving consolidation should be through a new Act rather than delegation.

Although the Welsh Government has a long-term aspiration to consolidate legislation in relation to Wales, UKELA is disappointed that the opportunity has not been taken to do so in this instance. Whilst it is appreciated that a "tidying up" provision needs to be included in the Environment Bill, it would be good to have a time table for the consolidation exercise.

The requirements in relation to the making of orders are welcomed as they provide for wide consideration of any proposals for secondary 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.

The existing environmental legislation often applies in relation to England and Wales. For example in relation to the Flood and Water Management Act 2010, the management of water can have effects on both sides of the border. It is possible that flood works will need to be completed in Wales for the benefit of land in England (but not Wales) and vice versa.

The current legislation requires cooperation and consideration of national and local strategies and guidance in border areas. It is important that this cooperation is maintained.

This legislation has the opportunity for Wales to promote the primacy of environmental over socio and economic considerations wherever possible.

The issue is not simply one of conflict, but is a more complex question of how approaches from natural resource management will fit with other areas of environmental decision making; for example, how will this approach influence environmental impact assessment, especially where there may be arguments about the more appropriate choice of an alternative site. Will insights from natural resources management and, in particular, better understandings of ecosystem service values begin to influence environmental permitting decisions, perhaps through the application of General Binding Rules? If so, what consultative structures will be devised to ensure that this can happen? Considerable thought needs to be given to this if clear procedural rules are to be developed.

Question 17

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

Please refer to question 9 above.

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 proposal to give Welsh Ministers the power to extend the requirement for separate waste collection for materials not covered by existing legislation is supported. UKELA would welcome more information about how the duty in relation to commercial and industrial waste would be regulated by NRW.

The requirement in the EU Waste Framework Directive (2008/98/EC) is to set up separate collection for “**at least paper**, metal, plastic and glass” (UKELA emphasis) so it is clear that Member States have the power to go beyond this minimum requirement.

However, there is some concern about the failure to address resource efficiency in a holistic way in line with the waste hierarchy under the EU Revised Framework Directive. The consultation paper only refers to separated recycling collections, restrictions on energy from waste activities and landfill bans. These are the three

least preferred options in the Waste Hierarchy. In particular, the EU Waste Framework Directive's higher level options of waste prevention and preparing for reuse should be reflected in the proposals for the Bill.

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

Yes

No

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

The only comments UKELA has on this question are that if grass cuttings/weeds and plants are not covered by the category of "wood", perhaps they could be included, and textiles could also be considered as a separate waste stream.

.

Question 19

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

Yes *X* **subject to the comment below**

No

If no, please state why and an alternative.

The placing of a duty on waste producers to present recyclable waste separately is supported in the light of the evident economic and environmental benefits, but subject to the findings of the study into the cost implications for SMEs unless it is necessary to comply with the EU Waste Framework Directive.

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.

UKELA suggests that the Welsh Government considers an exemption from this requirement for small businesses operating from premises where there is insufficient space to store collection containers for all seven waste streams. Examples could include small retail outlets. To prevent abuse, UKELA suggests that the burden of proof be placed on the person claiming the exemption to prove that there is insufficient storage space at the premises.

Careful consideration needs to be given to the frequency of collection of different streams of waste to ensure that the requirement to separate the waste is practicable.

Question 21

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

Yes - generally, subject to the comment below.

No

Generally, UKELA welcomes consolidation measures, but in this case it is not evident to us why the power needs to be consolidated. There is a need to have some clarity

around what might constitute recyclable or recoverable materials, in particular what would be the status of the materials under consideration if they are processed into refuse derived fuel (RDF) at a mechanical and biological treatment (MBT) plant.

The banning of specified materials from energy from waste facilities appears to be acceptable, although there may be a requirement to revise permits that are currently in force at the time.

UKELA also suggests that the Welsh Government carries out an impact assessment (if it has not already done so) of the effect of the proposed bans on existing energy from waste facilities, particularly those procured under PPP/PFI arrangements. If such facilities were to cease operation as a result of the bans, there could be considerable costs to the public authorities that procured the facilities. The Welsh Government should also consider the possibility that materials that are banned from energy from waste facilities in Wales are simply transported to energy from waste facilities in England, where there are no such bans.

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

Yes

No

If yes, what are they?

Textiles are a possibility. They are recyclable and at present large quantities are sent to landfill unnecessarily.

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

UKELA supports the development of guidance for acceptable levels of contamination in residual waste, but believes that any such guidance must be legally binding, given that the potential consequence of breaching the levels of contamination set out in the guidance would be enforcement action. Operators therefore need to rely on compliance with such guidance as providing them with protection from enforcement action.

UKELA also assumes that NRW would use the Quality Protocols developed by the Environment Agency and WRAP to determine when wastes processed for use as fuel in combustion plants had achieved end-of-waste status.

It would be helpful to know whether there are any plans for NRW to formally adopt the Environment Agency/WRAP Quality Protocols generally.

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:

The case for prohibiting the disposal of food waste to sewer and to introduce an appropriate enforcement regime is supported. However, the types of business premises to be covered by the prohibition need to be made clear and there should be appropriate financial penalties possibly linked to the sewerage charging system.

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)* Given that sewerage undertakers are responsible for enforcing the trade effluent discharge consenting regime under the Water Industry Act 1991, UKELA suggests that they be responsible for enforcing the prohibition.

- ii)* Not applicable. UKELA does not support the prohibition being applied to households, as it would be difficult to enforce a domestic prohibition.

Question 25

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

Yes

No

UKELA does not have any comments on this aspect.

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

NRW is the waste regulation authority and therefore seems best placed to regulate the duty. UKELA suggests that it would not appropriate for local authorities, as waste collection authorities, to regulate the duty.

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:

Please see the response to Question 24.

Question 28

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

None, other than the comments above in response to questions 18 to 27.

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

It is understood that this is a controversial proposal despite the fact that it is an extension to existing powers in order to cater for emerging trends or unintended consequences. The justification for enabling Ministers to set a minimum charge for types of carrier bags other than the single use bags is well made and this will require an amendment to the Climate Change Act 2008. UKELA would support this provision, provided the circumstances under which it would be exercised are clear. UKELA is of the view that there is too little differentiation between the price of a single use carrier bag and bags for life, which has led to increased use and disposal of the latter causing problems for the environment and increased use of resources.

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 **generally.**

No

Please provide comment

Generally, UKELA would support sale proceeds going to environmental charities, but recognises the value of supporting local charities delivering wider social sustainability benefits.

Question 31

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

UKELA does not have any comment on this question.

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

This is in line with the current principles of the UK Government to aim for full cost recovery in a number of areas, so UKELA supports the proposal.

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?

Yes

No

Please provide comment

Yes. This is a sound proposal worthy of support.

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

UKELA supports this proposal to clarify and ensure enforcement of the law.

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

UKELA favours such a proposal, the aims of which are in line with its overall mission.

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.

Within these proposals there are potential Human Rights issues where existing rights will be affected by the legislation e.g. changes to incineration permits or shellfish orders.

Question 42

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

13th January 2014
Mark Williams
Head of Community & Leisure Services
01495 235070

williams@caerphilly.gov.uk

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

Dear Sirs,

**Consultation on Welsh Government’s Proposals for an Environment Bill
‘Towards the Sustainable Management of Wales ‘Natural Resources White
Paper**

I would like to thank the Welsh Government’s (WG) for the opportunity for Caerphilly County Borough Council to comment on the above White Paper consultation document.

Whilst a completed consultation White Paper Appendix 1 response form is attached for your consideration, I have also made the following general observation and comments which should be also considered as part of my submission to WG for consideration when drafting the bill to be laid before the Assembly.

I would therefore have to caveat any comments contained within this response and keep my options open to fully comment when sufficient information and further information is provided to stakeholders.

General Comments

The following general feedback points are of particular importance:

The Bill seems to be setup in order to establish how the NRW will operate in the future. However, it is not clarified within the bill as to how this specifically relates to local authorities’. The detail of this bill, and how it fits in with the Future Generations Bill and the Planning Reform Bill is what may be significant to local authorities. The relationship between these bills may have a much more significant impact upon local authorities and how they operate, compared to that of one bill in isolation. The Bill should clearly outline that it is providing a framework for the consideration of natural resources, although, this will still need to be balanced against social and economic considerations in order to ensure that sustainable development is achieved.

Section 1.32 outlines the role each individual Bill will take, The Environment Bill will set out a framework to prioritise natural resource opportunities and ensure we have the evidence to inform and underpin investment decisions and the right development

opportunities. What does this mean in practice? Does it mean that NRA will be afforded powers through this Bill to determine the location of wind farms, hydro schemes and linked to the available resources of the area. There are other considerations for such schemes not merely the location of the resource for example, landscape impact, traffic impact, noise, biodiversity to name a few. It is felt and well established that the Development Plan is the appropriate mechanism for such schemes to be identified and implemented.

The bill as a whole seems to out-strip some of the democratic systems in place and will make the NRW an incredibly formidable and powerful organisation. The bill should not allow the NRW to become formalistic and complex. It should allow and provide extra flexibility for local authorities to operate and not constrain them within their local territory.

This Bill aims to enable positive planning, including considering environmental issues, risks and constraints in the development of LDPs, as denoted in paragraph 1.31. However, LDPs are already subject to robust Strategic Environmental Assessments and Sustainability Appraisal processes to demonstrate how environmental issues, risks and constraints are considered in the development of LDPs alongside many other considerations to inform spatial allocations. Although, as elaborated upon in the same section the development of a consistent and integrated natural evidence base to inform decision making is to be welcomed.

Paragraph 2.53 states that in the past the environmental evidence base has not been brought together in a consistent way. In addition, consideration has only been given to potential impacts, rather than to the potential opportunities presented by the sustainable management of our natural resources to deliver national and local outcomes. The Environment Bill will therefore put in place a framework for a more consistent, proactive and prioritised natural resources evidence base, which is aligned to agreed national and local shared outcomes. This will be used to inform the full range of instances where evidence in relation to natural resources is required.

However, this may be the case at the national level but it is certainly not the case at the local level. The LDP clearly has regard for the potential opportunities presented by the sustainable management of our natural resources, for example:

- 1) The identification of SLAs and VILLs in terms of their intrinsic value and the opportunities these areas provide for recreation leisure and tourism and thus for economic development;
- 2) The protection of valued habitats and landscapes within development schemes in terms of the opportunities they afford to enhance the layout and design of schemes;
- 3) The inclusion of SDS within schemes in terms of protecting and enhancing the water environment;
- 4) The identification of areas suitable for renewable energy schemes.

The above points are core to a whole range of local authority and other services, especially within the Countryside and Landscape section. We now have systems that work, at least largely and within the context of where they sit, and may not need changing. The NRW is having to remodel and reorganise in order to address its own

deficiencies, despite how it outlines the benefits others and will be for our own good, and such adaptation is likely to come at a significant cost to the local authority. It really is too early to provide a meaningful response without knowing the detail. We must secure our roles rather than the NRW becoming the be all and end all.

The proposals in the White Paper in relation to “Waste” are unhelpful and should be dropped as the responsibilities of Local Authorities in relation to waste collection, treatment and disposal are covered by an already complicated legislative and policy regime.

Finally, the volume of new legislation with implications for Local Authorities is a major concern at a time of significant financial pressure and budget cuts combined with the threat of imminent reorganisation. These items alone will reduce the capacity of Local Government to deal with the required changes. In addition, the powers proposed in the White Paper which would enable Ministerial changes to primary legislation are very open-ended and could add to problems of capacity (or “overload”) in Local Government. In this regard, the powers should be clearly prescribed and subject to prior consultation.

Yours sincerely,

Mark Williams
Head of Community & Leisure Services

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 Mark S. Williams

Organisation **Caerphilly County Borough Council**

Address Pontllanfraith House, Blackwood, NP12 2YW

E-mail address willims@caerphilly.gov.uk

Type
*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

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:

In principle the overall package makes sense, however it is very light on detail, and as a result may be open to interpretation. The ecosystems approach is sound in theory, however it could result in practice with economic and social considerations outweighing environmental considerations, particularly at a local level, and in the current economic climate.

On the whole, the answer is yes. It provides the framework for a joined-up cohesive approach towards the sustainable management of natural resources in Wales. Natural resources do not obey any boundaries and therefore such an approach will contribute to their effective management.

There are a few misgivings or points that need to be clarified, particularly how the areas that will contribute to the area based approach will be defined, formed and controlled. It poses a rather difficult question as the areas are not defined and therefore it is incredibly difficult to provide a coherent answer regarding its effectiveness. Please refer to answer provided for question 5 for further clarification.

It feels as though river catchments are being touted as suitable areas for the area based approach to come into force as part of this bill.

There are also questions regarding the implementation of the ideas and principles outlined as part of this bill. How will funding be distributed and allocated and how are the priorities going to be set?

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:

If the overall approach is to be successful, it is vital that there are tight definitions of the key elements and how it should work in practice

The fact that natural resources have not been defined legally previously is somewhat worrying; this Environment Bill obviously looks to rectify the issue. The approach is worth noting, as it will lead to a legal definition of natural resources and natural resource management.

The common English language definition that refers to materials or substances that occur in nature that can be exploited for economic gain, does not cover the important elements of natural resources and their management, particularly with regard to the sustainability aims and objectives of the Welsh Government. It fails to consider the environmental, economic and social ramifications related to it.

The definition is something that most have based their ideas of natural resources and their management upon for some time, although looking at examples of definitions and their use in other countries such as Australia, New Zealand and Canada is commendable in principle from a process point of view. However, the context of the countries mentioned is quite different from that of Wales, particularly in terms of resources (financial and time). The definition, therefore, must be tailor made for Wales' circumstances and context, which it appears that has happened.

The terms defined in this Bill tie in nicely with ideas and the ethos of this authority and work around and towards concepts that we are quite comfortable with.

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:

Both need to be included, although mitigation is largely covered in the Climate Change Act 2008 and various national emissions target agreements. It is vital resilience is included in this Bill as the local environment plays a vital role in local resilience

The ethos behind this particular section of the Environment Bill is fully supported, although questions are raised regarding implement-ability.

Natural Resource management is key to achieving sustainable development as it can impact upon all levels from the local level, to the regional, to the national, to international and global scale. Embedding measures that contribute towards climate resilience and climate change mitigation within the management is imperative to the

success of the scheme.

Natural resource managers are best placed to influence and mitigate against climate change and implement any schemes that will improve Wales' resilience against it. However, it must be stressed that as a small nation, the changes that are put into place are not likely to have a significant impact. Although at the same time improving these elements could potentially lead to influencing other major nations to implement such schemes and initiatives.

The bill must continue to allow organisations such as local authorities to 'think globally and act locally' and afford flexibility for them to continue the good work that they are currently undertaking, without being overly restricted by NRW and WG.

This is an opportunity for us as a local authority and a nation to accommodate new biodiversity and enhance and protect elements of current biodiversity through the introduction of corridors that will enable biodiversity to migrate.

There are obvious cost implications with regard to the proposed and the new Environment Bill, but this bill must continue to be realistic and ensure that public expectation is grounded.

Question 4

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

Yes

No

Please provide comment:

The outcomes and priority actions should be realistic and not too constraining for organisations to continue some of the good work that they are currently carrying out. Obviously there is an emphasis on the environment but the social and economic implications of the proposed must be considered, as they are just as important.

Unfortunately biological cycles may be significantly longer than five years and therefore monitoring and updating every five years may be ineffective. However, the five year reporting schedule does provide a degree of continuity across the board.

The main question raised with regard to the five-year cycle regards the resources available (including financial and qualified and/or competent professionals), will the organisation be resourced adequately to achieve the targets and goals and establish the working practices that the Bill sets out.

A five-year cycle appears to be a beneficial approach towards natural resource management in Wales. It will allow for regular updates for those involved in its management and encourage flexible working and continual improvement and the

sharing of best practice, which in turn will allow those involved in the management of our natural resources to learn and improve their own individual management and techniques.

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

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:

Although it is difficult to comment definitively without knowing what size the “local areas” will be, I believe that the example given of “Cynon & Taff” is too small. Given the size of Wales I believe that it should be dealt with as one area rather than being split into small areas. Particularly if, as stated, there will be links to LSBs any additional areas would provide an additional layer of complication, duplication and confusion. Obviously there will be local delivery but this could be overseen on a Wales wide basis.

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

An area based approach appears to be the most effective approach to delivery, although a true reflective answer is difficult to provide as the definition of the boundaries that this new area based approach will work towards has not been established and is not provided.

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

There may be issues or conflicting ideas attempting to match up a number of organisations and bodies goals and agendas. How will the methods of working and matching bodies and organisations up to work together be established and will any organisation other than the NRW be taking a leading role within such discussions.

The area based approach must not restrict what our organisation is working towards at a local level, as the proposed approach may impact on our ability to drive forward and implement our own economic, environmental and social policies.

Question 6

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

Yes

No

Please provide comment:

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

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:

In principle yes, however there may be issues in practice.

Problems will begin to arise when bodies do not co-operate with other partners in this field, whether they are public or private sector bodies. However, it seems that the involvement of private sector bodies that are involved in the management of natural resources is important, as a number are highly involved in this sector and best placed to provide significant information and knowledge that will contribute to the effective and sustainable management of natural resources in Wales.

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

Alterations in this way may have significant ramifications as to how certain groups operate and are made up, as some may have to reform in order to fit into this model, which will more than likely be accompanied by its own set of issues.

Question 8

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

Yes

No

Please provide comment:

It will depend entirely upon how NRW delegate it out and take lead in the sector and a full reflective answer cannot be provided until further details regarding such an arrangement are made available.

However it must be stressed that it should not be too much of a top down, governmental approach. It needs to allow for both bottom up and top down. NRW should co-ordinate it not lead everything and dictate. It should report the facts and not the statistics and figures the Welsh Government ministers want it to report and, retain its independent integrity.

Question 9

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

It is too early to gauge, however, we are comfortable with the approach, provided it is a reasonable and balanced one.

As a local authority we are comfortable in how we work as an organisation and our connection and contact with people particularly in the way we collect and disseminate information and we feel strongly about retaining that ability and would not want this bill to detrimentally affect it.

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:

On the whole, Yes. However, as a new organisation the NRW must prove that they have established the most effective working practices internally before turning their attentions to the implementation of this Bill. It is therefore incredibly difficult for local authorities, such as this one to make a balanced judgement. Having established a large breadth of knowledge and understanding in the field local authorities will not want this bill to outstrip that, and be responsible to the NRW. The nature of the three bills working together may be of particular importance to local authorities, although as the Future Generations Bill is yet to be published and not due to be published until after the consultation period for this Bill has elapsed. The re organisation and re modelling of NRW, particularly through the introduction of this Bill is likely to force public bodies to adapt and change, which is likely to come at a significant cost. The NRW should not become an all-encompassing organisation and should concentrate on working with other organisations and bodies rather than dictating. Any changes to this Bill allowed by Welsh Ministers should allow for a consultation period with the relevant stakeholders in order to afford a degree of involvement and protection.

It outlines a package that will allow Natural Resources Wales to work in a more innovative way. However, this does suggest or imply that new and innovative ways will be trialled and only sets out the framework for such work. With organisations such as Natural Resources Wales and formerly the Environment Agency will there be the mentality that 'if it isn't broken don't fix it'? And will their employees continue to implement current measures, rather than introducing new and innovative methods of working.

It seems that the NRW are taking a step away from their primary role as enforcers of legislation, they should be looking to meet this in a more pro-active way.

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?

The legislative framework proposed by the Bill provides a safeguard by ensuring that any experimental schemes devised by Natural Resources Wales is ratified and approved by the Welsh Ministers. There are, however, some limitations with regard to this approach, as, firstly, the bureaucratic process is very time consuming. Welsh ministers are not trained specialists in the field and therefore may not fully understand or appreciate the full implications of the proposed scheme and their decision may be prejudiced by the information provided to them by officers.

The flexibility of the proposed is supported, although as previously stated the bureaucratic process may become too restrictive, therefore, internal policies and protocols should be established and implemented without the need of a Bill that provides similar safeguarding. Such a protocol could work upon an agreed cost/benefit analysis before it is rolled out on a regional or national scale.

There must be a review of the Bill enshrined within it, which needs to be specified with a full consultation process taking place of such a review. It should be presented before the Public Accounts Committee in order to achieve this.

As identified in section 3.9, EU legal requirements could potentially seen as a limiting factor in designing, trialling and implementing new schemes associated with natural resource management. Non-compliance with EU legislation will render any new or proposed scheme useless, as it will be un-implementable.

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, the NRW are one of a number of bodies, including local authorities, are best placed to act as facilitators, brokers and accreditors of PES, provided that it is carried out in an open and transparent way with a valid appeals process. Our natural resources are incredibly valuable although it is a difficult proposition to place a monetary value upon their importance. Is there any clear evidence to justify that the NRW require such additional powers?

There needs to be a range of organisations involved in such a system, depending on subject and topic area. NRW should not be allowed to 'cream off' the projects themselves, managing the fees and revenues themselves, and effectively leaving others to take all the risks and be overly constrained by the NRW. The Bill must ensure that priorities and projects are allowed to emerge from grass roots up,

although it is at the regional and large-scale type initiatives that the NRW will be the best-placed organisation to act.

NRW as an organisation are well placed within the sector to begin to establish a viable market for the benefits associated to and with our natural resources. As stated in the white paper services such as food and timber have clear financial values within the market place, whilst other important resources do not, which has consequently caused an imbalance in decision making with regard to natural resources.

PESs are an important method of placing a price upon goods and services under the natural resources heading. NRW deal directly with landowners and managers of natural resources within Wales and therefore should be able to implement an effective and valuable PES system that contributes to protecting and enhancing the benefits associated with certain natural resources. NRW must ensure that all key stakeholders in each scheme are consulted properly and work in partnership with them, rather than forcing schemes upon them and be found to be dictating. The Bill proposes additional powers to trial innovative schemes which will be beneficial for PES schemes, as it will allow for testing to take place before rolling it out nationally or regionally, depending on the priorities identified.

The system must not develop into a complex system and should not become too bureaucratic and consequently forcing schemes to grind to a halt. The system must be readily workable and schemes must be monitored in a realistic fashion with the funding passed on to the right target areas,

One of the main areas of concern is the distribution of funding and the targeting of certain areas for PES, as the South Wales Valleys is a particularly disadvantaged area and such PES funding or assistance should be equally applicable and distributed to all areas.

Question 13

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

It should be addressed on a site-by-site basis and determined on the individual merits attributed to each and every proposal and land.

It is noted that NRW are a large land owner/holder within Wales, owning approximately 8% of land. The resources and money should not be directed solely towards schemes and innovation on their land and should be distributed equally and fairly in an open and transparent manner. We are fully aware and recognise the importance of spending and improving public land and providing public benefits, which is well established and we continue to support.

Question 14

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

The enforcement of legislation should be dealt with effectively and efficiently. Polluters on the whole know exactly what they are doing and usually the reason that they do not obey the legislation is as a result of meeting such requirements will cost them financially. Bodies, organisations or individuals that work in such a way must be fined. If this requires the allocation of further resources it should be absorbed by the WG and NRW.

To clarify, the regulatory role is paramount, not the proactive role suggested within this Bill. The general binding rules suggest that the regulatory framework will become more streamlined and allow for action to be taken against polluters and those in breach of the legislation and/or the rules to be dealt with effectively and efficiently, such a stance is one that is supported.

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:

It provides a degree of flexibility that Option A does not provide. Such additional measures proposed under this section of the Bill will allow for Welsh Ministers to amend powers to the NRW with the continually changing environmental contexts. It seems that such powers are imperative for this Bill to be successful as priorities and targets will change regularly as a consequence of the area based approach.

However, any further changes or amendments to this Bill in due course must be fully justified and go through a consultation process to ensure that all relevant stakeholders are aware of the changes that are being proposed. Such processes attributed to Welsh Ministers for amending the Bill must be outlined prior to the adoption of the Bill.

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.

Conflicts or issues may occur/erupt between NRW and public sector bodies/organisations and it will extrapolate if NRW begins working outside its current remit through the introduction of new powers as part of the Environment Bill.

There may also be conflicts occurring as part of the legislation as we currently do not know the full detail of the legislation.

Once again the issue regarding the definition or allocation of areas as part of the area based approach may create tension between bodies/organisations and their negotiations and dealings with NRW and between themselves.

The Williams report is due to be released imminently and will outline whether or not Local Government Re-Organisation is recommended to take place and therefore any recommendations made by this report may lead to the development of conflict in the future with regard to this proposed Environment Bill.

Question 17

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

As previously stated, further information is required before a full answer can be provided. However, we look forward to working in a format with a renewed emphasis upon the environment, but the details regarding its implementation would be beneficial in this instance to provide a true reflective answer.

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:

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

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

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

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

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

Yes

No

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

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

The majority of collectors are already constrained by capacity on their vehicles and any additional pressure around the margins would result in significant additional collection costs.

It is also confusing as it suggests the obligation to sort should rest with the producer but then suggests a joint responsibility for ensuring compliant with the Waste to Energy/Disposal Facility and the person delivering.

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

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.

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

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.

There are many small businesses (particularly shops) where waste storage and containment is a big problem and consideration should therefore be given to a “de minimis” level below which a duty to segregate does not apply. For example:

Business with a turnover of under £1,000,000 or those who produce less than 1 tonne of waste per week.

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?

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

The Authority is reassured by the confirmation from Welsh Government that there would be no impact on Prosiect Gwyrdd. The agreed gate fee (and all other aspects of the contract) would remain unchanged.

Yes

No

If yes, what are they?

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

Question 22

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

Yes

No

If no, what other approach could we adopt?

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

Contracts have already been agreed and there was no mention of 'contamination limits' or the types of materials that should not be treated via Waste to Energy or landfilled so any additional cost will presumably pass to LA's. However, the Authority is reassured by the confirmation from Welsh Government that there will be no affect on Prosiect Gwyrdd in terms of gate fees or other aspects of the contract.

Question 23

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

Yes <input type="checkbox"/>	No
------------------------------	----

If yes, should this apply to:

<i>a)</i>	<i>Households</i>	<i>b) Businesses and Public</i>
<i>Sector</i>	<i>c) Both</i>	

Please provide comment:

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

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 <input type="checkbox"/>	No
------------------------------	----

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

Given the Authority's opposition to the proposals in Chapter 4, it would be inconsistent to comment on the issue of lead in times. It must also be remembered that Local Authorities already have a policy and legislative regime for waste management which takes them up to 2025.

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**

Does Local Government really need more regulation when we are public bodies trying to provide essential public services. Instead of wasting more money on regulation why not direct these resources to front line service provision.

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:
Building Control/Building Regulations.

Question 28

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

Local Authorities are struggling to provide front line services with recent budget cuts so it does not make sense to increase the burden on the public sector or any businesses that maybe struggling in the current economic climate.

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

While the Authority agrees with this proposal in principle, there is concern that additional regulations may constitute new burdens on local Government and it is therefore questionable whether these proposals are absolutely necessary at this time.

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

To local organisations including charities and sports clubs.

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

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?

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	David Jenkins
Organisation	Coed Cymru cyf
Address	The Old Sawmill Tregynon Powys SY16 3PL
E-mail address	davidj@coedcymru.org.uk
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 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"/>	

Question 1

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

Yes

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

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

Please provide comment:

While we wish to see Wales meet all its obligations and targets for limiting green house gases, we believe that the most urgent task is to increase the resilience of the urban and rural landscape to deal with extreme weather events. Land management and urban development in the past has left Wales and its people and industries very vulnerable to extreme weather events. Rapid run-off from improved pasture, conifer plantations and many urban sites is the main cause of flooding in Wales. (We do not have large floodplains which fill and discharge as they do in the lowlands of England). Predicting where and when problems will occur is near impossible. We believe the answer lies in increasing the porosity and diversity of all urban and rural areas. This will reduce the impact of severe storms and provide additional habitats and greater connectivity between habitats for species threatened by climate change and extreme weather events.

The studies at Pontbren have shown how trees can modify the structure of soil and increase its porosity. Strategic tree planting and the better management of existing woodlands can provide significant protection for homes, infrastructure and agricultural land. It is able to provide protection for sites where conventional flood defences would be unaffordable.

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:

There should be a long term strategy and a series of five year work plans. Neither will be effective without the other.

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:

Previous practice of using different boundaries and designations and changing them periodically has left a muddle. River catchments provide clear and unchanging boundaries and the watercourses are an important factor in aquatic and terrestrial connectivity.

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:

Question 7

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

Yes

Please provide comment:

The present arrangement is unsatisfactory as it leads to confusion, omission and duplication.

Question 8

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

Yes

Please provide comment:

There is no realistic alternative

Question 9

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

The Coed Cymru Partnership has championed the management of trees and woodlands to deliver ecosystems services since 1985. We have always worked to break down barriers between farming, forestry, nature conservation and the commercial use of the land and the raw materials it produces. We hope that the new approach outlined in the White Paper will enable us to deliver more and better outcomes in the future.

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

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?

The experimental powers which NRW has inherited from CCW are very important. (Pontbren and Ty Unnos are good examples). NRW should have the greatest freedom to exercise these powers. The NRW Board should be endowed with the authority and be held accountable for their use.

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

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

It will be necessary to align agricultural and forestry payments with PES, statutory duties and cross compliance. Present arrangements are not satisfactory.

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:

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.

Question 17

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



Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both**

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

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

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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?
- 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?

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)?

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Question 38

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

Yes

No

Please provide comment

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

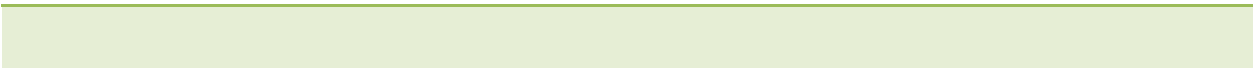
Do you have any comments on the impact of either of these proposals?



Implementation / Equalities

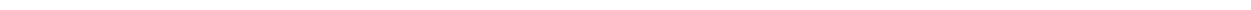
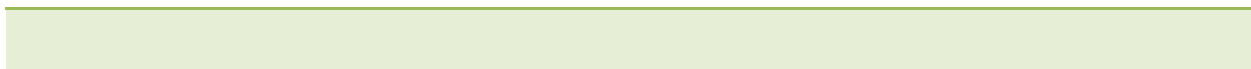
Question 41

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

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Environment Bill White Paper – Consultation Responses

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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.

23 October 2013 – 15 January 2014		
Name	Steve Brett	
Organisation	Food Waste Technologies	
Address	The Watch House, Bethersden Road, Shadoxhurst, Kent, Th26 1ND.	
E-mail address	steve@foodwastetechnologies.com	
Type <i>(please select one from the following)</i>	Businesses	<input checked="" type="checkbox"/> 3
	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)?

[A large, empty rectangular area with a light green background, intended for providing comments.]

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

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.

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 3

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 3

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

In our view, by separating out food waste greatly increases the economic and practical probability that any recyclable materials in the residual waste stream can be separated at a later stage.

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 3

No

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

Yes

No 3

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 3

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) Households

b) Businesses and Public Sector

c) Both

Please provide comment:

The principle should be to maximise the value captured from waste food and this should apply to all sectors. Capturing commercial, public sector and household food waste will increase the volume of waste available for anaerobic digestion and increase the financial viability of the sector as a whole.

In rural areas, it will be important to have anaerobic digestion plants nearby or a network of collection hubs to avoid unnecessary food waste miles. Indeed this initiative has the potential to stimulate the development of on farm anaerobic digestion plants which can significantly improve the financial viability of farms and rural SMEs.

The regulations should also prohibit the processing of food waste on site where more than minimal amounts of organic material are sent to drain. It is important that as much food waste as possible ends up at the anaerobic digestion plant to maximise energy production. There are technologies that are designed to “pre treat” food waste on site to reduce the volume of food waste to be processed. Unfortunately these approaches result in significant amounts of organic material (either soluble or fine particulates) ending up being disposed of to drain. This is especially damaging for eventual anaerobic digestion as these soluble fats and oils add considerable calorific value to the feedstock for the anaerobic digestion plants.

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) With businesses and public sector organisations, the constructs are readily available to enforce the prohibition. We would expect the early interactions with the enforcement agencies to be educational to ensure that the new regulations are readily understood. Once past this initial period, it will be relatively easy to detect organisations potentially breaking the regulations by examining the equipment on site. If the firm has a macerator or waste digestion plant in commission on site then it

can assumed that a company has been disposing of food waste to drain. The regulations should be drafted to put the onus on the company to prove compliance with the regulations in this case.

ii) It will be very difficult to proactively police the disposal of food waste to drains by individual households. Given the relatively small amount of food waste produced per household this unlikely to be an issue.

Where drains are consistently blocked by the disposal of foodwaste, it would be possible to detect the offending property by looking for the presence of food waste debris within the drainage network but this will be a labour intensive process.

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:

- 3 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)?

To enable the effective disposal of food waste will need a network of anaerobic digestion plants. Otherwise the “waste miles” involved will outweigh the energy production via anaerobic digestion. In parallel it will be important to support the development of new anaerobic development plants. These plants can provide valuable local economic activity, especially where the plants are on-farm.

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?
 - 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?

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?

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

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Type
*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

We agree with the principles and aims set out in the package of proposals and especially the aim of simplification of the various regulatory regimes. We also supported this approach in our response to “Sustaining a Living Wales” in 2012. Although we have an interest in all aspects of environmental management, we have a specific interest in marine management and there does seem to be some doubt in the paper about where the sector fits in. For example, para 2.40 sets out that the Bill will result in a process which will “provide clarity in relation to the priorities, objectives and collective actions required within a given area (including where relevant, the marine environment)”.

However, this probably reflects the fact that the marine environment already has a regime established by the UK Marine Policy Statement whose principles are enacted through the Marine and Coastal Access Act 2009 and through two major pieces of EU legislation, namely the Water Framework Directive and the Marine Strategy Framework Directive. The Act requires marine plans to be prepared and these will feed into and influence planning decisions. The Act also requires the designation of Marine Conservation Zones (MCZs). Although identification of MCZs in Wales is being reviewed at the moment, clearly this is a power available to NRW in pursuing its aims.

So we do not believe that the Bill will necessarily have a major influence on marine planning which has been extensively catered for elsewhere. Nevertheless, the marine environment should not be ignored or marginalised and there should be a clear objective to integrate marine planning with terrestrial planning. Ports need to invest in the right infrastructure and will engage with the terrestrial planning system for the relevant consents. Similarly, they need good transport network access to their ports and this will require an understanding on the part of terrestrial planners of port development; marine plans should play a part in this. We see the Bill and creation of the NRW as an opportunity for better integration, recognising the key contribution that ports make to the environment and the economy.

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

The definitions are consistent with the principles of the UK Marine Policy Statement and maintain the link between environmental improvement and the economy.

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

A number of ports in Wales already report under the Climate Change Act.

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 comments.

Question 5

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

Yes

No

It is not entirely clear what the area-based approach actually entails. Although there will no doubt be specific regimes for certain sites, we nevertheless have a strong interest in integration and seeing the wider picture. For example, a port development may have strong environmental benefits (for example, supporting offshore renewables) across Wales although the development itself may have implications for a specific site. We would hope that an area-based approach would still be capable of taking a holistic view.

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

It is not possible to comment at this stage on whether the policy will be successful, but it is right in principle.

Question 7

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

Yes

No

Bearing in mind our response to Q5 on the area-based approach, we take some encouragement from this section and the stronger emphasis on a national view, but we still see inconsistencies between, for example, the wider approach set out in para 2.52 and the area-based approach as described in 2.54.

Question 8

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

Yes

No

Please provide comment: No comments.

Question 9

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

None beyond the potential effect on ports as already set out.

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

We do not oppose the proposals, but we are concerned that the involvement of the NRW in commercial initiatives (“facilitating or brokering PES schemes” – para 3.12) could be a distraction from what we would regard as its main function, which is delivering an efficient and fit for purpose planning regime. We also question whether NRW, as a public body, would have the resources or expertise to involve itself in commercial schemes. We would therefore expect that this aspect of the NRW’s activities will be carefully monitored to assess the impact on other services.

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 comments.

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?

Please see answer to Q10; we are not convinced that they are the appropriate body.

Question 13

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

No comments.

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 comments.

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 comments.

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 comments.

Question 17

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

No comments.

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: No comments.

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 comments.

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.

No comments.

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.

No comments.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

No comments.

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?

No comments.

Question 23

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

Yes

No

If yes, should this apply to:

a)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment: No comments.

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 comments.

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?

No comments.

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 comments.

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 comments.

Question 28

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

No comments.

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 comments.

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 comments.

Question 31

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

No comments.

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: We can support full cost recovery for marine licensing but only on the basis that it comes with additional benefits, for example the efficiencies outlined in para 5.7. We appreciate that there will be more detailed consultation on marine licences and specifically dredging, but in advance of that, we believe that full cost recovery should also result in:-

- *No major overnight rises in licence fees.*
- *Regular reporting on length of time taken to process licences.*
- *Greater availability of longer term licences.*
- *Competitive tendering for testing and monitoring of samples.*
- *Fair transitional arrangements.*

A potential unintended consequence of changing to cost recovery rather than charging on the amount disposed of is that more complex applications will normally generate higher costs. Our experience in England is that such applications are often made by quite small operators who could have difficulty in meeting the costs; at the very least, they should be made aware at an early stage if the application is likely to be complex and what costs this might result in.

We would wish to build on the very good relationship we have with the Marine Consents Unit, now part of NRW, and achieve pragmatic solutions, recognising that ports can only survive if they can dredge and dispose of material in an efficient and cost effective way.

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?

We can support these changes on the basis that the criteria set out in the response to Q32 will apply.

Question 34

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

We have an example where applications could be made on behalf of quite small operators who could have difficulty in meeting the costs; at the very least, they should be made at an early stage if the application is likely to be complex.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment: No comments.

Question 36

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

Yes

No

Please provide comment: No comments.

Question 37

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

No comments.

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 comments.

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 comments.

Question 40

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

No comments.

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 comments.

Question 42

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

No comments.
