



Shellfish
Association of Great Britain

The Environment Bill Team
Climate Change and Natural Resource Policy Division
Welsh Government
Cathays Park
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6th January 2014

Dear Colleagues,

Environment Bill – White Paper

I am writing on behalf of the Shellfish Association of Great Britain (SAGB). We are the UK industry membership trade association based at Fishmongers' Hall, home of the Worshipful Company of Fishmongers; one of the 12 great livery companies of the City of London. We represent the shellfish industry in Britain which currently accounts for almost half of the value of landings of all fishery products in the UK.

I would like to begin our response with some general comments about the proposals contained in the white paper before moving on to comment more specifically on the section which relates to the shellfish sector.

General Comment

We appreciate the theme of sustainable economic growth which occurs throughout the document. This theme supports the European Union agenda for “blue growth” and the aims of the newly reformed Common Fisheries Policy to significantly increase aquaculture production, as well as the Welsh Government's

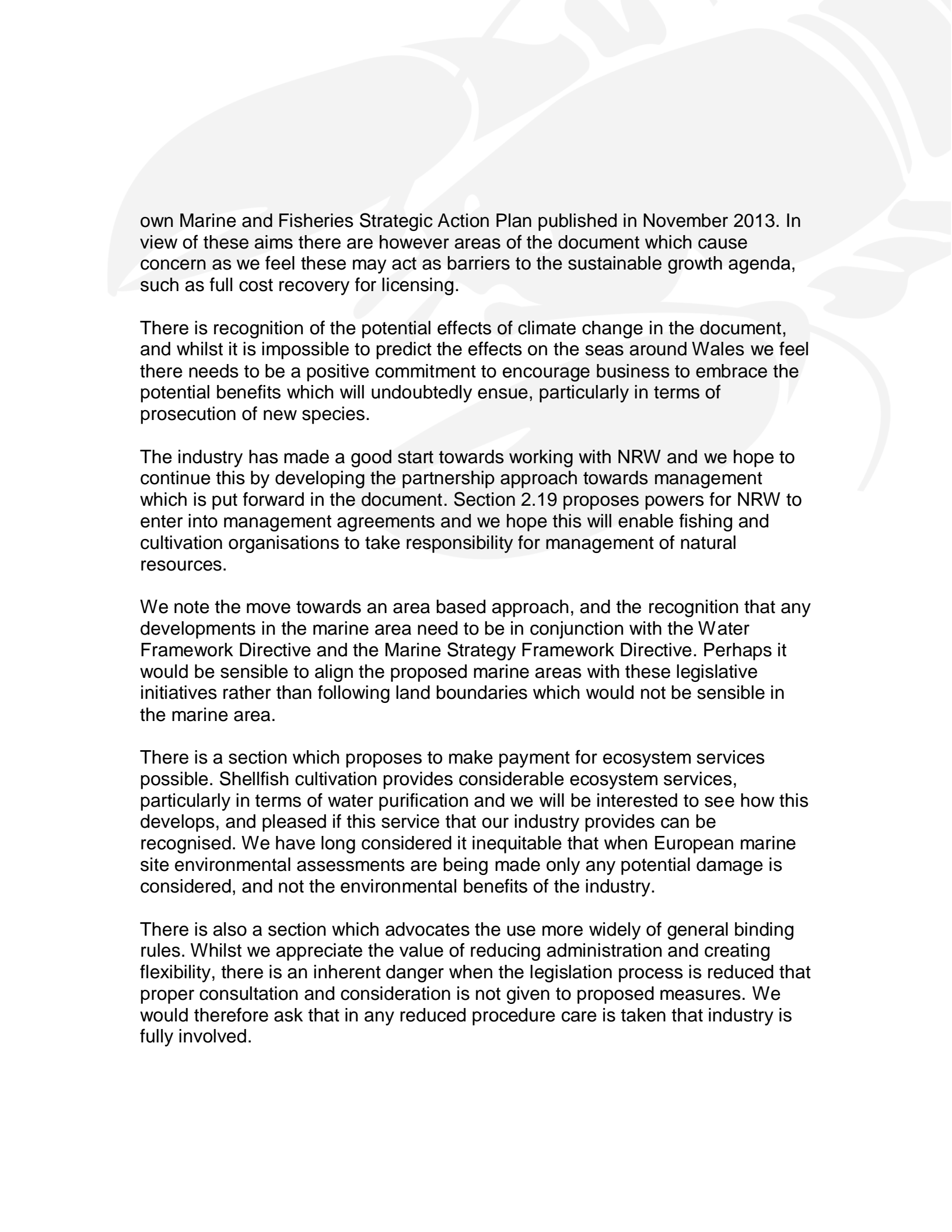
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own Marine and Fisheries Strategic Action Plan published in November 2013. In view of these aims there are however areas of the document which cause concern as we feel these may act as barriers to the sustainable growth agenda, such as full cost recovery for licensing.

There is recognition of the potential effects of climate change in the document, and whilst it is impossible to predict the effects on the seas around Wales we feel there needs to be a positive commitment to encourage business to embrace the potential benefits which will undoubtedly ensue, particularly in terms of prosecution of new species.

The industry has made a good start towards working with NRW and we hope to continue this by developing the partnership approach towards management which is put forward in the document. Section 2.19 proposes powers for NRW to enter into management agreements and we hope this will enable fishing and cultivation organisations to take responsibility for management of natural resources.

We note the move towards an area based approach, and the recognition that any developments in the marine area need to be in conjunction with the Water Framework Directive and the Marine Strategy Framework Directive. Perhaps it would be sensible to align the proposed marine areas with these legislative initiatives rather than following land boundaries which would not be sensible in the marine area.

There is a section which proposes to make payment for ecosystem services possible. Shellfish cultivation provides considerable ecosystem services, particularly in terms of water purification and we will be interested to see how this develops, and pleased if this service that our industry provides can be recognised. We have long considered it inequitable that when European marine site environmental assessments are being made only any potential damage is considered, and not the environmental benefits of the industry.

There is also a section which advocates the use more widely of general binding rules. Whilst we appreciate the value of reducing administration and creating flexibility, there is an inherent danger when the legislation process is reduced that proper consultation and consideration is not given to proposed measures. We would therefore ask that in any reduced procedure care is taken that industry is fully involved.

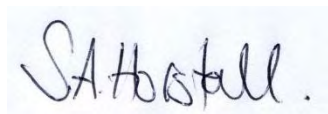
Specific Comments on the Shellfish Section

Section 5.15 points out that there are relatively few active Several and Regulating Orders, and that the full potential of shellfish cultivation is not being realised in Wales. We are delighted that this is recognised in line with European aims to expand the industry in the reformed Common Fisheries Policy.

The document details the intention of Welsh Government to make Several and Regulating Orders more flexible via the management plans and quicker to obtain. This is all very welcome as the industry has in the past struggled both to get orders in a timely fashion and have the necessary flexibility to operate a business efficiently. It is widely accepted at EU level that one of the major barriers to increased aquaculture production is the difficulty of obtaining licenses and the security of tenure for businesses to be able to invest. However, despite this recognition the document talks about having regular reviews to licenses and also about introducing powers to revoke them at short notice. The industry is very concerned about these proposals and questions whether, under these circumstances, any security of tenure will be provided at all. The result of which could lead to the opposite of the stated intention in that there would be a decrease in investment and a contraction of the industry as investment would be unlikely.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads "S. A. Horsfall." The signature is written in a cursive style and is placed on a light blue rectangular background.

S. A. Horsfall
Assistant Director

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper

Response to be submitted by 15 January 2014

Environment Bill White Paper

23 October 2013 – 15 January 2014

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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	Yes
	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 YES

Please provide comment:

Since 1994, Heritage Lottery Fund has invested over £59.6 million in the landscape, habitats and conservation of species in Wales. This is roughly 20% of the total HLF spend across the entire heritage sector in Wales. Other than agri-environment funding, HLF is therefore one of the largest investors in the natural heritage of Wales.

The recent launch of our strategic framework which runs from 2013 to 2018, together with our guidance on *Natural Heritage Good Practice*, has closely aligned us with many of the intentions set out within this draft Bill . HLF believes that reconnecting people, particularly children and under represented groups, to landscape and nature is absolutely fundamental to ensuring we hand on our natural heritage in good condition to future generations. We also believe that a step change is needed in the conservation of habitats and species if we are to halt biodiversity loss. We believe this means we need to not only ensure our investment helps designated sites achieve favourable condition but also that we need to consider the value and condition of all landscapes, whether rural or urban, designated or degraded.

A key interest for HLF is therefore to ensure that the emerging Wales Environment Bill helps to identify where and how new investment in the natural resources of Wales can achieve the maximum sustainable impact for natural heritage, people and the communities of Wales.

Question 2

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

Yes YES

Please provide comment:

Yes, it is essential that these terms are clearly defined. With that in mind, we do have concern that no reference is made to the cultural value of landscapes and the natural environment. Reference is made under the definition of sustainable management to providing for people’s “social, economic and environmental well-being” but we feel this currently excludes culture. The UK is a signatory to the European Landscape Convention (ELC) which amongst other things requires each party to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity.

Additionally the ELC requires that landscape is integrated into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Our natural heritage and landscapes are of immense value to people beyond providing free ecosystem services, recreational space and economic benefits. The very nature of the landscape, its geology, soils and vegetation have defined how people have used the landscape over the centuries for agriculture, industry and recreation, and that in turn defines the landscape we experience today. These benefits are more difficult to measure and quantify but are in our view equally important as environmental and economic values. It is the unique range of natural, built and cultural heritage that have built up over centuries that make places special and that ultimately need protecting just as much as the services that sustain human life. These features are also fundamental to the enjoyment and well being of the people and communities of Wales as well as the many millions of tourists attracted to the country by its unique heritage.

Question 3

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

Yes YES

Please provide comment:

Yes we agree. Heritage Lottery Fund has taken steps to embed climate change resilience and mitigation across the programmes that we fund. For example all applicants for capital funding projects are made aware of our Greener Projects guidance and we have introduced a carbon footprinting tool for use on larger construction-type capital projects. We have embedded climate change resilience and mitigation into our requirements for all projects, to increase the likelihood of achieving our core aim of making a lasting difference for heritage and people.

Achieving climate change resilience and mitigation is best dealt with through working at a large area scale although we do also recognise that some species may require very specific smaller scale interventions if they have very particular habitat needs. In general however HLF has seen a considerable shift in applications for natural heritage projects from small scale conservation of designated sites to larger scale projects. We have responded to this by developing our Landscape Partnerships programme which offers grants of up to £3 million for landscape conservation schemes that cover up to 200 square kilometres or more. These schemes, based on an ELC landscape character approach deliver outcomes for natural, built and cultural heritage as well as for local people and communities. Wales has to date benefited from nearly £7 million of investment through our Landscape Partnerships programme.

We are currently working with the RSPB on a UK-wide basis, to see how we might specifically embed a climate change assessment tool in to the development phase of our Landscape Partnerships programme to ensure that any new investment is climate change proofed as far as is possible. We believe that any significant investment in the natural resources of Wales should be tested to ensure maximum value is gained and that the investment is sustainable as our climate changes.

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 YES

Please provide comment:

Yes we agree that a five year approach seems appropriate. A key factor in this will be ensuring that accurate baselines are established quickly and that data is recorded and widely shared to ensure changes can be tracked. One issue identified in the recent State of Nature 2013 report is the critical role that volunteers and environmental charities play in surveying, monitoring and recording data about habitats and species. Ensuring that charities, local authorities and bodies like Natural Resources Wales have sufficient resources to accurately record data to monitor changes will be critical. A lack of people and volunteers with suitable skills in habitat and species identification and recording may be a factor that needs to be addressed. Investing in skills for biodiversity recording was a particular theme in a recent substantial investment programme called Skills for the Future run by HLF last year.

Accurate data is becoming increasingly important in our modern digital age. The collection and sharing of data is fundamental to continually appraising trends and shifts in the condition and abundance of habitats and species. The Environment Bill should consider the role and support for ‘citizen science’* as a way of gathering broader data and engaging new audiences. There should also be consideration of how data is managed, where it is held and how it can be made freely accessible to all. HLF funds many citizen science projects and our projects gather vast amounts of data. By encouraging our applicants to pass data to bodies such as the National Biodiversity Network or local record centres we try to ensure data is widely available. The Environment Bill, as part of its reporting mechanism, should set out how data could be better collected and managed, and where it could be best held to allow free public access and how Government could help support environmental charities, local authorities and other bodies to continue data gathering.

* Citizen science is a way of engaging the public in scientific research

Question 5

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

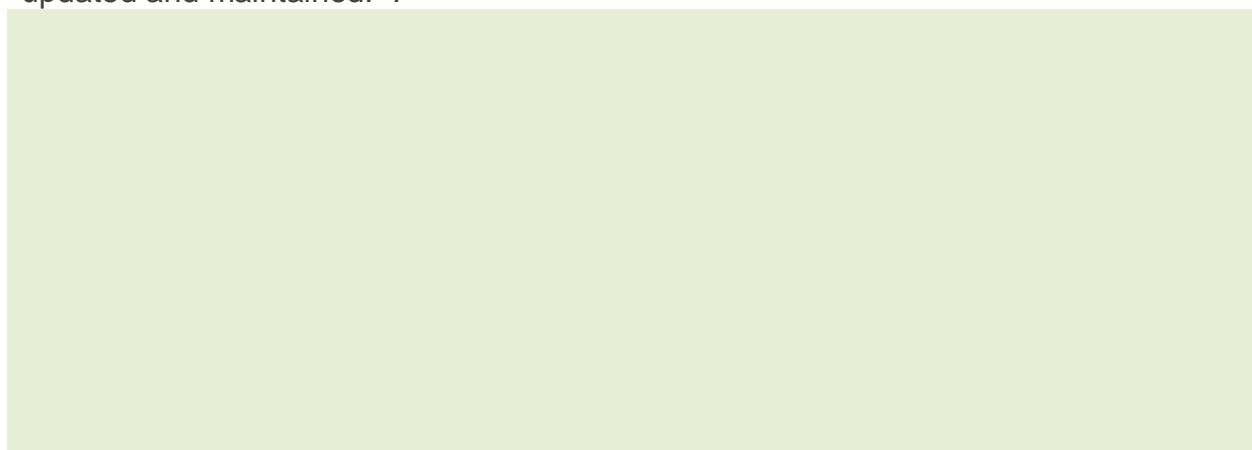
Yes YES

Please provide comment:

Since 2004 HLF has run the innovative Landscape Partnerships programme which is all about working at a significant spatial scale across administrative boundaries. The programme has enabled local authorities to combine resources and to work with statutory bodies as well as environmental charities and local communities. Working in partnership across wide geographic areas would seem essential to achieving key environmental outcomes. Landscape Partnerships across the UK have been highly influential in demonstrating how effective a unified and integrated approach to landscape management can be. We have developed and tested guidance for the preparation of Landscape Conservation Action Plans that we believe can help deliver successful integrated landscape management across large geographic areas that stretch beyond the life of HLF-supported Landscape Partnership scheme.

We therefore support a spatial approach to the holistic management of the environment but would like to see landscape character assessment feature as a key component of an area-based approach. We support the notion that areas should be defined by geographic features rather than administrative boundaries and this therefore acknowledges a landscape character approach. We would hope that an area-based approach would include an assessment of the landscape character of each area and provide an opportunity to record defining landscape, biodiversity, geodiversity and cultural attributes as well as economic activity and ecosystem services that give a landscape its individual identity and purpose.

We encourage applicants to our Landscape Partnership Scheme to use LANDMAP, the former CCW-led approach to landscape assessment in Wales. This GIS based resource is an extremely useful tool which helps us to assess and compare landscape characteristics, qualities and influences within a nationally consistent data set. It is not clear whether LANDMAP remains a priority for NRW or how it will be reviewed, updated and maintained. .



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 PARTIAL AGREEMENT

Please provide comment:

To ensure a more integrated approach in the future it would seem essential that the wide variety of existing plans and management strategies for the natural environment of Wales are streamlined and ultimately replaced with a simplified area-based approach. In funding potential projects, which are invariably always based in particular geographic areas, it would help HLF immensely to see an overall strategy for an area rather than to expect applicants to draw together a vast array of separate plans and strategies to demonstrate how their project fits the wider context. The newly published Historic Character Area profiles produced by Natural England are a good example of where single documents have been successfully used to draw together a whole host of strategies and assessments to give a clear strategy for landscape management. These could provide a useful model. HLF was involved in their development and they have helped applicants access funding through our Landscape Partnerships programme. (Note also comments in Q5 on the usefulness of LANDMAP).

Question 7

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

Yes YES

Please provide comment:

HLF fully endorses this approach as it is something we have championed through our Landscape Partnerships programme. Working in partnership is fundamental to delivering many of the outcomes set out in the draft Bill.

Our only reservation is that although sharing information is highly beneficial, some information could have commercial value and some environmental charities see such data as a potential way of earning income to cover the costs of collecting the data in the first place. If the duty only applies to public bodies then we do not perceive this to be an issue.

Question 8

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

Yes YES

Please provide comment:

Yes we agree although it will be important that reporting is open to public scrutiny.

Question 9

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

HLF's key objective is to ensure that our future investment in natural, built and cultural heritage is well targeted to make the greatest difference for heritage, people and communities. It is therefore essential that we and other grant funders have a clear picture of the sector priorities for investment in the mid to long-term, enabling us (HLF) to ensure we make sound investments in projects that will be sustainable. Our projects tend to be site specific so having clear area-based strategies and objectives would help us prioritise applications for funding in the future. HLF is currently seeing a huge surge in demand for our funding but has also said in our new strategic framework that we "aim to encourage more fundable projects in those areas that have attracted less funding in the past, most notably the natural heritage sector". If an area-based approach helps to create more defined and impactful investment opportunities then that is something we would be pleased to support.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

No comment

Question 11

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

Current austerity measures and funding cutbacks have meant that many bodies have had to make severe efficiency savings or retrench back to only delivering statutory obligations which tend to be around flood prevention, pest and disease control, licensing and the management of designated sites. However it is clear that as funding reduces, new innovative ways of managing habitats and landscapes and generating much needed income for maintenance and enhancement of habitats and landscapes will be needed. Innovation is therefore key to achieving the outcomes set out in the draft Bill.

HLF supports the need to provide sufficient powers to enable NRW to trial new ideas and agrees that NRW should be required to “consult relevant parties on the design of the scheme”. However we suggest that the term “relevant parties” needs clarification and suggest this term should include environmental charities or local stakeholders as well as statutory bodies and that any consultation should clearly set out the potential impacts of a proposed scheme so that consultees are fully aware of the relevance and

significance of the consultation.

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 YES

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

PES has significant potential to help fund vital habitat conservation work and this is probably best understood at present in the uplands of Wales. HLF is already supporting a number of schemes across the UK that are employing an ecosystems approach and some projects are looking to develop markets for PES schemes. This is a complex area of work and it is still in an early stage of development requiring significant upfront resources to be invested before real financial impacts are seen. An organisation of NRW resources and scale would therefore seem the obvious choice to act as a facilitator and broker. As knowledge and markets emerge however it may be that provision is required to provide an opportunity to re-evaluate NRW's role in future years.

Question 13

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

HLF agrees that new powers outlined in the Bill would offer benefits in securing more robust management agreements. Ensuring that management agreements can be registered via the Local Land Charges Act would make sure that benefits accrued are not lost due to changes in land ownership and could also reduce potential administration costs of renegotiating new agreements.

Question 14

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

No comment.

Question 15

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

conditions as stated?

A

B

Please provide comment:

The proposal to enable Welsh Ministers to amend primary legislation using secondary legislation concerns us greatly, particularly when there is at the current time such limited detail on the circumstances in which this would be applied. If used, this power would reduce Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and management in Wales.

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?

HLF supports the objective to create opportunities and facilitate innovation. PES and proposals such as biodiversity offsetting may well create valuable new sources of funding to allow continued investment in creating better, bigger, more connected and new habitats for nature. Whilst HLF is keen to encourage and fund innovation, we have a high demand for our funding and need to balance the continued investment in tried and tested initiatives with the risks associated with innovation. In relation to PES and biodiversity offsetting it is our view that considerable upfront investment delivered and led by a body such as NRW is essential to exploring the full potential and testing these new ideas.

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

No comment

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

Yes

No

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

No comment

Question 19

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

Yes

No

If no, please state why and an alternative.

No comment

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 comment

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

No comment

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) Households

b) Businesses and Public Sector

c) Both

Please provide comment:

No comment

Question 24

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

No comment

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)?

No comment

Carrier Bags

Question 29

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

Yes

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?

No

Please provide comment

It is well acknowledged that carrier bags are a considerable source of littering and pollution particularly to marine species. It therefore seems fair that proceeds gained through their sale go in some considerable way to redress their environmental harm, particularly when other sources of funding such as Landfill Tax Credit Schemes are reducing. However, we recognise that net proceeds from the sale of carrier bags are a good potential source of partnership funding to any of our applicants.

Question 31

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

As stated above HLF is concerned that reductions in landfill tax credit funding could impact on the ability of environmental charities to deliver quality nature conservation projects because they are unable to raise the required funding to match a lottery grant. The proceeds raised through carrier bag sales could sensibly be used to offset the likely decline in landfill tax credit schemes.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

No comment

Question 33

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

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

No comment

Question 34

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

No comment

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment

Question 39

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

Yes

No

Please provide comment

No comment

Question 40

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

No comment

Implementation / Equalities

Question 41

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

No comment

Question 42

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

No comment



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14 January 2014

FPCNP Consultation Response to Environment Bill

1. The Friends of the Pembrokeshire Coast National Park [FPCNP] is an independent voluntary charity committed to help protect, conserve and enhance the Pembrokeshire Coast National Park for all to enjoy. We welcome the opportunity to comment on the Environment Bill White paper.
2. As implied by its name FPCNP's interest lies in the long term future of the Pembrokeshire Coast National Park – one of three national parks designated in Wales for their outstanding natural beauty and the opportunities they offer for the enjoyment of their special qualities by the public and one of eight protected landscapes [National Parks and AONBs] in Wales, which together cover 25 % of Wales' land area. Furthermore these protected landscapes are places where natural and cultural resources come together and are recognised as being of considerable importance for the economy of Wales – The Pembrokeshire Coast National Park alone generates £68 million annually and supports 4600 jobs.
3. As members of The Campaign for National Parks Cymru [CNPC] we have contributed to the preparation of its detailed response to the consultation. In writing separately not only do we wish to endorse the contents of CNPC's response but also wish to emphasise a number of points:
 - a) It is not immediately obvious that the provisions of the Bill will embrace land and sea. We understand from the various consultation events that this is the intention; however, we consider that it should be made abundantly clear that it does.
 - b) We broadly support the introduction of the process of natural resource planning and welcome, in particular, the recognition of landscape in the definition of 'natural resources'. We would suggest that seascapes are included in that definition, otherwise half of Wales would be left out. In this context we commend the role that landscape can play in providing a framework for natural resource planning at the area level.
 - c) We would hope that the particular importance of Wales' protected landscapes [National Parks and Areas of Outstanding Natural Beauty] in delivering a wide range of ecosystem services derived from their

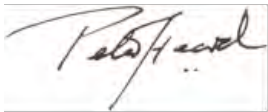
special qualities as well as more general services are fully recognised in the national resource plan and the area plans.

d) In introducing natural resource planning we would also commend the role that National Park and AONB management plans [suitably expanded] could play in securing an integrated approach, building on the work that has been undertaken over many years rather than starting afresh.

e) It will be crucial to give the natural resource planning process the appropriate status if it is to provide the framework for the planning processes proposed in the Planning Bill and to ensure that public bodies have more than just a duty to have regard to the resource plans, they should be required to not only participate in their preparation but also to play their part in their implementation.

f) The link with the Future Generations Bill is not entirely clear. The definition of sustainable development currently used by the Welsh Government embraces the concept of living within environmental limits. It is not clear whether the natural resources which are the subject of the Environment Bill are one and the same. It would be logical if they were, but it needs to be made clear.

4. We hope that these comments are of help in the development of the proposals for inclusion of the Bill. We would be happy to expand on them further



Peter Heard
Chairman

*Alliance of Welsh
National Park Societies*

*Cynghrair Cymdeithasau
Parciau Cenedlaethol Cymru*



The Environment Bill Team
Climate Change and Natural Resource Policy Division
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14 January 2014

AWNPS Response to consultation on the Environment Bill

1. The Alliance of Welsh National Park Societies has been formed by Park Societies in each of the three parks – Brecon Beacons Society / Cymdeithas Parcau Bannau Brycheiniog, the Friends of the Pembrokeshire Coast National Park / Ffrindiau Parc Cenedlaethol Sir Benfro and the Snowdonia Society / Cymdeithas Eryri. They have a combined membership of nearly 3000 drawn from local residents and visitors, who share a common love of these special places and are concerned that the National Parks of Wales should be looked after in the future at least as well as they have in the past.

2. The Alliance welcomes the opportunity to comment on the Environment Bill. It has contributed to the preparation of the Campaign for National Parks Cymru's (CNPC) response and wishes to fully endorse the contents of this response.

Peter Heard
Chairman
AWNPS.

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 Rachael O'Shaughnessy (on behalf of)

Organisation Torfaen County Borough Council

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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

Please provide comment:

Yes. Taking a whole system approach to the management of natural resources which allows their wider value to be considered when making decisions relating to them is important. This will help enable sustainable development opportunities to be realised at a local level and also help determine when natural resources need to be protected.

It is however very important that the theme of an holistic approach to the management of natural resources is carried forward to all other legislative changes proposed by Welsh Government. This will support the distinctive policy ambitions of Wales in relation to Sustainable Development and promote approaches that consider the longer term.

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:

Yes. It's important a definition is proposed to help reduce ambiguity and misunderstanding.

However, a definition of natural resources that encompasses a breadth of resource features is recommended. The definition should also include the underpinning role that biodiversity has in providing the other services that natural resources provide.

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:

Absolutely, natural resources and how they are managed have a fundamental role to play in providing adaptive responses both at a local and regional level. The services that they provide are also important to mitigate climate change.

Any recommendations for an Environment Bill that neglect the issue of future proofing are fundamentally unsustainable. Nonetheless the matter of climate change is a cross-cutting theme that must be embedded on all other legislative changes.

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:

This seems a sensible approach to link to the 5-year cycle of outcome setting proposed in the Future Generations Bill. However its will also be important to develop an adaptive management approach that has feedback mechanisms built in.

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, a catchment area ecosystems based approach is required to ensure all local influences on the condition and sustainable management of nature resources are fully accounted for. It also makes sense to follow the same spatial boundaries as the former Environment Agency Water Catchment Plans and Water Framework Directive obligations.

However, it is important that the area based approaches spatially ‘join up’ – an approach that covers the whole of Wales is needed if national sustainable development priorities are to be set and opportunities realised (section 2.43).

Green Infrastructure Plans are required to deliver integrated natural resource management actions at a local level. Without these being in place it is likely to be difficult to deliver long term sustainable improvements.

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:

Absolutely, an area-based sustainable management approach without the participation of key public bodies and stakeholders will only serve to hamper the successful delivery of the Bill. It's important that all public bodies understand their role in ensuring the natural environment protected, enhanced and managed sustainably.

Not all public sector organisations will be able to provide the same level of engagement – Local Authorities are most likely to have ecological expertise. Having local knowledge will be important to build a realistic picture of natural resource provision. A partnership approach will also be of benefit for establishing local priorities & opportunities in relation to sustainable development.

Question 8

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

Yes

No

Please provide comment:

Yes. It makes sense that a body with an integrated all Wales environmental remit steers the delivery of bill.

Question 9

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

It's crucial that during challenging economic times that all public bodies retain sufficient environmental/sustainable development expertise to contribute positively to this new framework. Without this resource public bodies may be restricted in their ability to fully commit. It would be useful if those requirements could be set out so that they could be considered by organisations when decisions are being made regarding budget.

This will be a new way of working, with a focus on collaboration and participation and that there will likely be skill capacity issues and potentially resource implications for all the organisations involved. However the potential sustainable development benefits that this new approach offers at a local level also need to be factored in.

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?

It is important when trialling new approaches that existing environmental obligations are respected. EU legal requirements are mentioned in the White Paper as an example of the need to ensure compliance but national obligations such as SSSI's etc. are omitted. Assurances are required that in seeking new powers those existing natural obligations are not devalued. Nonetheless additional powers that introduce flexibility in addressing the complexities of resource management in new ways are generally welcomed.

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 strong opinion as to whether NRW is the appropriate body to administer this scheme but new powers are likely to be required to encapsulate PES. Moving forward to a natural capital approach that quantifies in financial terms the costs of ecosystem services is required if environmental considerations are to be properly valued. Further comment on merits PES can only be offered once the WG study as mentioned in para 3.18 has been completed. The principles of conservation off setting (trading) should be considered as part of PES.

Question 13

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

The proposal to give NRW a new power to enter into management agreements as outlined in 3.25 is supported. Without this new power the delivery of innovative approaches (NRM7) may be restricted.

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?

More information is required before any informed comment can be offered. Whilst any additional measure to promote the responsible use and protection of natural resources is welcome its important current primary legislation remains the backbone of environmental protection.

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:

NRW's functions do not cover the complete suite of ecosystem services. We therefore suggest that any amended Welsh Minister powers are expanded to cover broader environmental legislation. But any changes must be fully consulted on.

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 new approach to natural resource management must be firmly embedded in the forthcoming Planning Bill and taken forward through rural development and agricultural policy.

Question 17

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

business or organisation?

At a local level the involvement of Local Service Board is considered beneficial. Changes to ensure NRW is involved in the work of LSBs should help encourage a greater understanding of the value of ecosystem services.

To deliver the new approach, capacity will need to be built across the public bodies (LSBs). If the area based approach gets it right then it will have an important role to play in helping public sector organisations to meet the requirements of the Future Generations Bill – enabling sustainable development to be delivered at a local level.

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:

We agree with the principle of combining the 5 measures together.

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 agree with the suggested material streams to sort out separately collected Commercial Waste.

For Household Waste we believe it would be difficult to collect wood as part of a Local Authority kerbside recycling collection scheme. The existing service has been designed to separately collect food, glass, cans, plastic, paper, cardboard, cartons, textiles, garden waste and residual waste. If wood is to be included in Energy from Waste and Landfill bans we would expect householders to either bring wood waste to a Local Authority Household Waste Recycling Centre or contact the Local Authority to pay for a bulky collection.

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.

We agree with the proposed approach for businesses.

We believe that there is a need to consider making it statutory for the separation of waste by the householder. Without this requirement in place the proposals within this section of the consultation poses significant risks and potential costs to Local Authorities. We currently have a statutory requirement to collect residual waste from households. Despite offering a wide range of recycling services, many residents still do not wish to take part and recycle their waste. Local Authorities will still be required to collect this unsorted waste from the household but due to the proposed bans may not be able to send the waste to Energy from Waste or Landfill for treatment/disposal.

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.

Currently not aware of any type of business that would not be able to keep the 7 waste streams separate. However, we agree that further research is required to understand the cost for segregating waste materials for SME's.

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?

However as noted in Question 19 we believe that the duty for segregating waste should also be extended to householders.

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 is essential to have guidance in place to identify what levels of contamination is deemed acceptable for treatment/disposal.

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:

Both

Please provide comment:

Both, promoting a consistent single message approach will help avoid any confusion.

We support the prohibition on the disposal of food waste to sewer and agree with the perceived benefits that could be achieved if such a measure were introduced (as listed in para. 4.31, pg.57) We believe the prohibition should apply to both households and businesses in order to achieve a consistent message. Domestic premises are often overlooked when it comes to environmental controls and so a universally enforced prohibition would serve to acknowledge the not insignificant contribution from domestic premises. The prohibition would also curtail the increasing popularity in food waste macerators for the domestic market.

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 believe that water companies are best placed to enforce the prohibition in all sectors given their expertise and knowledge of sewer infrastructure. Enforcement by water companies would also complement existing statutory powers under the Water Industry Act 1991 and their on-going work combatting FOG's (fats, oils and grease) entering the sewer.

With regard to food businesses, their waste disposal can be controlled under food safety legislation by Local Authority Environmental Health Officers as part of a risk based inspection regime. Where blockages occur at food premises arising from food waste, then there is merit in both the water companies and local authorities having an enforcement role. For example, Environmental Health Officers will want to check the food waste disposal arrangements at those businesses that have been the subject of enforcement action by water companies. Liaison between both organisations would be crucial in this scenario.

This will be difficult to enforce at a household level. Guidance to the household could be issued. Awareness raising about the issue would certainly reduce the problem.

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

This proposal seems sensible.

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 proposals should encourage Commercial Waste to be recycled in a similar way to Household Waste in Wales. This additional recycling will help to move waste up the waste hierarchy. Whilst in itself it may not directly reduce the amount of waste generated, as is the experience with Household Waste, as the various waste streams become more 'visible' to the producer (due to separation) more questions are asked regarding the quantity and materials being thrown away. No longer out of sight out of mind.

However, as highlighted in Question 19 we believe that the duty to segregate waste should also be extended to householders. Whilst the majority of residents now regularly recycle those who do not would introduce a significant amount of recyclable waste into the residual waste stream. With the proposed EFW/landfill bans this would pose problems to a Local Authority to dispose of the residual waste. The worst case scenario is that there could be a need for all residual waste having to be treated through a dirty MRF prior to it being able to meet acceptance criteria for EFW/landfill. This would significantly increase costs to Local Authorities for handling their residual waste.

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

The waste service has already experienced issues whereby householders are using bags for life to contain their rubbish for disposal and recycling. Householders state that the bags are stronger than single use bags and as the cost for both are similar they prefer to use the stronger bags.

An example of an unintended consequence of the single use carrier bag charge has been to reduce the efficiency of the Council's recycling collection services. Whilst we do not encourage the use of bags at all, many residents place their recycling inside tied up bags for life. Whilst we have always had this problem with single use carrier bags, the thicker bags for life are much more difficult and take longer to open. There needs to be a big enough

differential in price between a bag for life and a single use carrier bag so that a bag for life is not simply used as a ‘better’ single use carrier bag.

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

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?

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.

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

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Environment Bill White Paper		
23 October 2013 – 15 January 2014		
Name	Clive Faulkner, Secretary	
Organisation	NATUR	
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E-mail address	mo@natur.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 checked="" type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

General comments:

Section 1.3.4 “It is intended that consideration of the historic environment is fully embedded into the proposed definition of natural resources, as set out in chapter 2 (see NRM1). In this definition, “landscapes” is the term used to describe many of the physical features of the natural environment, which includes the cultural and historic influences that have shaped the use and management of natural resources. Including landscapes in the definition will ensure that cultural heritage, sense of place and natural beauty shaped by man-made influences must be considered as part of an integrated approach to natural resource management. “

If this is the case CADW should be separate from NRW. WE also believe that a responsibility for biodiversity must be included in the Heritage bill.

We are very concerned that the white paper refers to a number of terms and definitions which are overlapping and likely to cause confusion amongst the public and public servants. “Landscape” is clearly included within “ecosystem services” in the Glossary. 2.33 states “integrated natural resource management... will be organised around ecosystem services and their benefits” Hence one can deduce that “landscape” is clearly a “natural resource” .

The only reference to designated terrestrial sites (SSSI), which have delivered so much for Wales in terms of biodiversity, landscape and access as well as many other “ecosystem services” is in 1.14 “ nature conservation legislation was developed to protect specific nature sites and species” This statement alone leads one to assume the authors do not understand

the significance of the designated site network and the fact that SSSI legislation underpins the Habitats Directive.

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:

No. The proposals start from the assumption that all existing environmental legislation is “narrow and reactive”, while in contrast the Town and Country Planning system (“the established planning system, which has served us well since 1947s”) apparently is “all about identifying opportunities to shape the future direction of development to support society’s needs”. But this ignores the fact that T&CP works through the very negative mechanism of development control, and existing environmental legislation has produced positive plans such as SMPs, RBMPs, SMSs, N2K plans FDPs etc. The analysis of the issues to be overcome is therefore flawed and fails to give sufficient credit to the achievements of the past, fails to recognise the objectives of existing legislation and fails to clarify exactly what problems it seeks to overcome. It also ignores the fact that T&CP was not able to/cannot conserve biodiversity/nature as it does not cover a wide range of operations which can damage the environment, hence the Wildlife and Countryside Act 1981 was brought in, with subsequent amendments, allowing the designation of SSSI and the conservation of areas of countryside.

It ignores the fact that some planning decisions are made in the interests of local individuals and short term economics ignoring environmental advice and policy resulting for example in housing and services within flood risk areas.

There is much use of terms such as “integrated, holistic, joined-up, proactive, to describe the new approach and terms such as narrow, reactive, in isolation from economic and social policy, to describe existing legislation. But one might equally ask where we would be now without that legislation?

Statements such as “In order to deliver a strong economy for Wales, we must enhance the natural resources on which our economy relies” leave us bemused as to exactly what the writer has in mind.

This is not to say that a more integrated approach to environmental management is not required, just that the evidence base is not clear and the lack of recognition of the value of existing achievements does not bode well for the intent of this legislation.

S1.24 The definition of “Environment” is confused: it defined environment as including organisms and ecosystems. But ecosystems are defined (see CBD) as *a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit*; i.e. as organisms and their environment. So the definition is; environment is

organisms and organisms (*sic*) and their environment! It would perhaps be better to define the Environment as the sum of living and non-living / biological and physical elements and processes of the Welsh land and sea, (which may be organised and considered in ecosystems)

S1.26 “narrow, reactive legislative framework is a value judgement which is not reflected in fact. For instance SSSI notification is not reactive; it pre-empts problems by notifying decision makers of the value of an environmental resource before decisions are taken. Equally, in ensuring representation and protection of the full range of biotic and abiotic features of a region, it can hardly be described as narrow.

S1.27 Collaboration to achieve ends is not a new policy. Partnership working has been common practice for many years, e.g. Coed Cymru, Wetlands for Wales programme etc.

There need to be explicit statements at the start of the document that define the scope of the environment addressed in the proposed Bill. As well as rectifying the inadequate inclusion of nature / biodiversity, it should also make clear that the scope includes land, sea, fresh water and air rather than adding (usually in parentheses) “including marine” at intervals throughout the document, so that it is crystal clear to both the public and government what is included from the start.

Subsection “The Marine environment” (paras 2.59 – 63) contains nothing new. Whilst the important high level GES goals in the Marine Strategy Framework Directive (para 2.63) are inescapable they are nevertheless at risk from inadequate member state definition of the GES descriptors.

Question 2

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

Yes

No **X**

Please provide comment:

“Natural resources” is not a helpful term on which to focus the whole of this legislation as its common definition is unhelpful.

As stated in the White Paper:

“A common English language definition of natural resources is “materials or substances occurring in nature which can be exploited for economic gain”.

There is a danger that this definition will become the definition which would be used for legal purposes. The Environment bill must contain a clear and unequivocal definition of ‘natural

resources’

The specific definition of natural resources given in the White Paper is illogical and likely to lead to legal misinterpretation.

Section 2.13 states *“Natural resources include, for example, the ecosystems, geodiversity, biodiversity and biological processes that support all other life on earth and the non-monetised benefits that society gets from them. “*

But the proposed definition of Natural Resources (fig iii) does not do this:

“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; and*
- d) ecosystems”*

It starts with a circular definition; Natural resources ... extends to the managementof natural resources! What follows is a list, not a definition which enables new instances or matters to be identified as being natural resources. It also requires further definition of what (apparently) WG means by landscape, geologic (*sic*) and ecosystems. And if “natural resources” extends to matters relating to sustainable development of natural resources (a circular argument) it therefore does not cover those matters concerning the unsustainable management of natural resources (which presumably now refers to the OED definition?)

The integrated policy is then contradicted by the statement: Section 2.33 ” ...it is expected that the coordination of resource use will be organised around ecosystem services and their benefits.

Surely this is what happens now – hence we have a forestry agency for timber and agriculture for food and water agency for water. Coordination should happen at ecosystems process level, in order to optimize the services that these processes deliver.

We are concerned that a focus on short term economics, and local consultation, without objective and holistic analysis of the environmental evidence base, will result in ‘business as usual ‘; that is continued degradation of our ecosystems/environment.

It is surprising and worrying that there is no mention in the White Paper of our continuing failure to meet our Biodiversity Targets, and no mention of how processes and mechanisms may change for the better to improve the current state of our environment.

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 **Partly**

No

Please provide comment:

This section should start with climate change reduction, before resilience and mitigation are considered. Wales should play its role in reducing its climate impact as well as addressing the climate changes that are unavoidable.

2.34 “As well as considering those natural resources listed in the definition, the area-based approach will need to give specific consideration to how the management of natural resources can help address and mitigate for the impacts of climate change”.

Is this referring to some other “natural resources” not listed in the definition? This statement is nonsensical. Nevertheless, that is not to decry the need to consider how NR management can address climate change.

It would be helpful to quantify/qualify how mechanisms such as T&CP will be used to tackle climate change reduction.

There should be mention of the need to strengthen the designated sites network by making the habitats they conserve bigger, better and more connected, to prepare for climate change. There is mention of building the resilience of the environment but no explanation of how that will be achieved.

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 opinion

Question 5

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

Yes

No

Please provide comment:

No – WG has not provided a definition of ‘Area’. If NRW was able to demonstrate that they understood all the issues relating to an area approach our answer would probably be yes. Different issues, different problems, will have their own spatial dimensions and it is extremely unlikely that all will be contained within the same boundary.

This is the Achilles heel of the entire paper. There is no definition of an area. At the two major meeting organised by WG to introduce the white paper the presenters were asked for a definition. They failed on both occasions to provide an useful definition. It was clear to the audiences at these events, and to readers of the white paper that concept of ‘area’ has not been given sufficient attention.

At an earlier stage, in previous WG consultations, there was an implication that these areas might somehow have some relationship with natural areas or ecosystems. In this white paper there is no suggestion that ecosystems or natural areas have any currency. WG has been consistent in its reference to CBD, ‘The Convention on Biological Diversity’, and we must assume that if there is any intention to take account of the ecosystem approach that the CBD definition of an ecosystem might have some relevance. However, the CBD definition, by their own admission, is simply a convenient way in which people define an area of land.

There is a strong implication in the paper that environmental management of all kinds will be area based, however in reality the selection of area is most likely, perhaps for good reasons, to follow political or historical boundaries. Most environmental issues can be spatially defined but it is extremely unlikely that these will ever coincide with the contrived boundaries which are currently being identified by NRW. There is no provision for the overlapping functions of ecosystems across these area boundaries – particularly important in the marine environment. How will this be reconciled if neighbouring areas propose conflicting policies?

Area –based plans are in essence, spatial plans; i.e. they are geographically based. Such a spatial approach to planning is essential if they are to be rooted in geographical reality. The weakness of the previous spatial plan process should be analysed before embarking on this new venture. Otherwise, an expensive planning bureaucracy may be created to no benefit.

Note danger of a spatial plan which is not location specific (the existing spatial plan in many instances) and the spatial elements of Glastir, (layers) which e.g. require red squirrels on Holyhead Mountain. i.e. spatial scales will vary between different elements,

We think the area should be the whole of Wales in terms of policies applicable across the whole country to provide a consistent approach. Specific areas should then have specific policies only as needed otherwise there is a danger the whole process will become expensive and unworkable.

Consider, for example, an obvious consequence of climate change, sea levels will probably increase. This will inevitably lead to flooding and coastal erosion. From a national perspective it would be possible to develop a strategy which recognises that some form of managed retreat will be essential in some areas. In short if we try to save everything and consequently dilute our resources, there is potential for failure everywhere. However, is there a single community, business or householder in Wales who will readily accept that the protection of their property is not of the highest of all priorities? Perspective is such an important factor, it

will distort our priorities in respect of most environment issues.

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:

Re powers for Welsh ministers to amend current legislation:

Section 2.76 states *“It is envisaged that there would be constraints to these powers, which would only be used if it could be clearly demonstrated that the main purpose and functions of those plans, strategies and duties could be delivered through the area-based approach and it was conducive to delivering a clearer legal framework.”*

This is different to the earlier proposals; that legislative amendments should be made to facilitate Natural Resource Management. There may be conflicts, for example, bat legislation, SSSI selection, where primary legislation gives primacy to a particular resource over and above the “optimisation” principle of WG NRM.

Thus, clarification is required on whether the function of this power is to promote the purpose of the primary legislation or to facilitate NRM. Given the difficulties in transposition of EU directives (e.g. Habitats Directive) into UK law, there is significant risk in further transposition of UK law into Wales which may affect EU obligations.

We fear this is just about doing away with protected area planning and replacing it with some unproven and far weaker constraints on development.

Question 7

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

Yes

No

Please provide comment:

The need is self evident.

Question 8

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

Yes **X**

No

Please provide comment:

Question 9

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

The planning process is very unlikely to be cost-neutral, particularly in the short term. This is a new process and will require new resources. Participatory approaches in particular are labour intensive and time consuming, notwithstanding that they may avoid delay and costs at a later stage. This process must be adequately resourced.

How will conflicts be resolved and how will the process be monitored to check it is objective and evidence based? How will we learn from past mistakes?

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 **X**

No

Please provide comment:

This is not new. Schemes such as Heritage Coast Management, Tir Cymen have proved successful in the past and led to better practice more generally.

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?

This is another scheme with absolutely no detail. Who will decide what we want where, what it's worth etc. Just another tier of confusion. So little thought has gone into this it's almost valueless. It will raise all sorts of expectations that WG cannot deliver or afford. We assumed that the idea was to make things simpler and less bureaucratic – this will do the opposite.

Question 13

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

Note: powers under S15 C'side Act 1968 or S16 NPAC Act 1949 enable NRW to tailor schemes specifically for special areas and show their value where Agri-environment schemes fail.

Unfortunately this is such a broad question that it impossible to answer – it's reflective of a total lack of understanding of the issues involved in management agreements. What of the decades of experience that many ex CCW staff possess, have they been consulted?

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?

EPS licenses? E.g. rules for small bat roosts, dealing with single animals or habitat banking (GCN?) The current perverse incentives to hide bats and GCN from regulation needs to be addressed by making rules which are reasonable and efficient (in time) and give greater clarity to owner/occupier obligations.

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 **X**

Please provide comment:

The proposal assumes that Natural Resource Management will always arrive at an amicable optimal solution. But history shows that this is not always the case and conflicts of primary legislation may continue to exist. Pembroke Power Station remains a real issue.

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.

Impossible to answer- appears unlikely.

Legislation is an expression of societal choice as it is passed by democratically elected bodies to fulfil a societal need.

A key problem is that legislation is often not enforced e.g. the legislation requiring Public Rights of Way to be kept open and usable. Access is an ecosystem service/natural resource which requires PRow to be usable.

Question 17

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

No comment

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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.

No comment

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 comment

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

No comment

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.	a)	Households	b)
Businesses and Public Sector			c) Both

Please provide comment:

No comment

Question 24

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

i)

no comment

ii)

Question 25

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

Yes

No

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

No comment

Question 26

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

Yes

No

No comment

Question 27

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

NRW

<input type="checkbox"/> Local Authorities	
<input type="checkbox"/> Sewerage undertaker or	
<input type="checkbox"/> 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)?

No comment

Carrier Bags

Question 29

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

Yes

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)?

No comment

Chapter 5 - Smarter Management

Marine Licensing Management

Two of the four proposals detailed in this chapter relate to marine issues, though both are minor, almost trivial, in the context of the pressures on the marine environment and the improved management that is required to reduce those pressures.

Question 32

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

Yes **Partly**

No

Please provide comment

Subject to the specific inclusion of provision for:

- a statutory duty on NRW to implement the respective measures for which it may levy fees;
- Statutory duties and powers to impose enforceable licence conditions linked to monitoring to enable management, cessation or reversal of licensed activities causing damage or degradation or that prove to be unsustainable. This provision is an essential prerequisite to delivering the goal outlined in para 5.8. *and subject to the derogation (and thus the waiving of fees) for bona fide research, survey and particularly monitoring*

Many applications for marine licensing are of a relatively trivial scale – for instance student research projects involving the placement of experimental equipment or the minor use of common chemicals. The appropriateness of marine licensing mechanisms in such circumstances is already questionable and can be a significant hindrance to marine research and teaching in Wales. Any charging structure should be designed to avoid discouraging minor *bona fide* beneficial operations. Consideration should be given to the setting of minimum thresholds both for licensing itself and to charging.

Question 33

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

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

Please see question 32.

Question 34

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

As noted above, the bureaucracy and time delay associate with marine licensing is inappropriate to some very minor operations, notably involving *bona fide* research or teaching operations. Charges on top of that delay would further discourage marine science and education. Consideration should be given to define thresholds of significance for licenses and for any charges to ensure that insignificant (by reason of scale or repetition) operations are not unnecessarily and unreasonably penalised.

Shellfisheries Management

Question 35

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

Yes **Partly** No

Please provide comment

This section takes ten pages to make one minor, though very poorly spelled out, proposal. Our understanding is that, in summary, the management plans described in paras 5.20 et seq have little or no statutory basis and are unenforceable, and the proposal is to amend this situation so that they become statutory and enforceable. On this basis we endorse the proposal (Q 35) but make the following comments.

Specifically, we endorse the provisions listed in para 5.14 subject to them being statutory requirements rather than simply discretionary powers.

Para 5.11 is misleading on two **grounds**:

Managed shellfisheries should certainly be more environmentally benign than unmanaged shellfisheries, but the implication that a shellfishery, as distinct from unfished shellfish populations, is environmentally advantageous is disingenuous.

Introduced diseases, pests and INNS would be the result of the fishery (or other anthropogenic) activity and would not, therefore, be an environmental issue in the absence of a fishery.

Text box: Figure (vii) Benefits of Shellfisheries management. The “benefits” of the example as described are intended to be exclusively socio-economic; any potential future environmental benefit would either be an uncertain possibility or a possible future opportunity. The robust management of exploitation of any introduced population would be essential to generate any environmental benefit

Para 5.12 is misleading. Whilst ROs might enable ecosystem regulation to an extent, their purpose is to regulate fishing effort of one or more individual target species.

Para 5.24 contains a factual error: approx 30% of Wales territorial sea has been designated as EMS, not 70%; approx 70% of coastline length is within EMS.

Para 5.27 is extremely misleading: by far the greatest shellfishery values are not associated with Several and Regulating Order fisheries but with “wild” scallop and Nephrops fisheries; the cited figure not relevant to Wales but the whole UK (in May 2012 the WG stats unit stated that “approximate GVA for fishing in Wales in 2008 was £13m and £11m in 2009” – NB – this is all fishing, not just shellfisheries)

Paras 5.26 and 5.28 appear to be inconsistent with each other.

Para 5.29 the last sentence is either badly written or unacceptable: we presume the purpose is not, as stated “to protect environmental impacts”.

Q.36 Provision should be made for Several and Regulating Orders to be introduced for nature / environmental conservation as a primary purpose in addition to their function as a measure to further the sustainability of fisheries.

We would like to remind you that the current situation is that a very small number of people are making very large sums of money from shell fishing in Wales, with much of the processing and sales actually taking place outside of Wales. WG should act to ensure that this takes place locally in Wales, so maximising benefits to Wales and to local people. More needs to be done to tackle the criminal elements associated with the shell fishing industry in Wales.

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

No comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment

Question 39

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

Yes

X

No

Please provide comment

In particular; the Minister should consider whether the current separation of land drainage consent functions between NRW (on main rivers) and Local Authorities (on ordinary watercourses) is efficient and appropriate, given the need to take a holistic, integrated and ecosystem approach to such matters.

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.

Question 42

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

It is very difficult to understand how 'natural resource planning will result in a better and more resilient environment without detail of the mechanisms, how priorities will be set and how conflicts will be resolved.

We advise that existing biodiversity targets are used as performance indicators of any new approach and that a record is kept of biodiversity gain/loss and reasons for that change.

From: The National Surface Water Management
and SuDS Working Group

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

13 January 2013

To whom it may concern,

The National Surface Water Management and SuDS Group was originally established as the SuDS Working Party for Wales in response to the need for policy and legislation to be implemented in Wales that would ensure the use of sustainable drainage to mitigate the risks posed by climate change to our communities and infrastructure. We are a multi-organisation group supporting the implementation of solutions to tackle surface water issues in Wales and encourage collaborative working. We also share best practice and emerging information with our members and beyond. More information on the SuDS technique and the group can be found on our website at <http://www.sudswales.com/>

Our members include practitioners with a wide variety of experience and skills representing Natural Resources Wales, Dŵr Cymru Welsh Water, Consumer Council for Water, CIWEM, the Welsh Local Government Association, the Home Builders Federation and the Welsh Government. Our objectives include:

- Providing a hub of expertise in the field of surface water management;
- Encouraging collaborative working and identifying where benefits can be maximised;
- Ensuring that environmental protection and eco-systems services are at the heart of delivery;
- Supporting Lead Local Flood Authorities in the implementation of SuDS policy and the development of Local Flood Risk Management Plans;
- Providing advice and signposting stakeholders to support the development of the relevant skills and expertise to manage surface water and construct SuDS;
- Providing advice and expertise to the Welsh Government to support the development of emerging policy;
- Developing a resource base for stakeholders and the public to inform them of best practice in relation to managing surface water and the use of SuDS;
- Encouraging the reuse of water where possible; and
- Promoting a better understanding of SuDS and Water Sensitive Urban Design, including the social, economic and environmental benefits that can be derived.

Our response to this consultation includes our views on how we believe surface water management and SuDS can support the sustainable management of Wales' natural resources and make us more resilient and able to adapt to our changing climate, as well as wider Welsh Government policy. We have also identified where we believe that more work needs to be undertaken by the Welsh Government to deliver the full potential from this approach.

NRM1: Establishing a legal definition for natural resource management in Wales

We welcome the introduction of a legal definition of natural resource management for Wales. The inter-relationship between land, air, water and society as a whole is integral to the SuDS methodology. A great deal of work is currently being undertaken by a number of organisations including CIRIA and Dŵr Cymru Welsh Water to assess and where possible value the non-tangible benefits provided by SuDS. These include benefits to ecosystems, geodiversity, biodiversity and biological processes, as well as societal benefits such as improvements to health, reduction in antisocial behaviour and economic benefits. The Greener Grangetown project to be undertaken by a partnership between Cardiff City Council, Dŵr Cymru Welsh Water and NRW will include a comprehensive benefits assessment and monetisation exercise.

The proposed definitions in Figure iii support the methodology of SuDS and other surface water management techniques and we would support natural resources, integrated natural resource management and sustainable management being defined in this way.

NRM2: National policy and priorities in relation to the natural resources of Wales

We believe that this proposal provide the Government with the opportunity to identity SuDS and surface water management as a priority policy for ensuring the effective management of natural resources in Wales. This will set the agenda to ensure that developers and planners give appropriate consideration to SuDS opportunities at new developments and that surface water management is integrated into any regeneration or public realm schemes. The use of SuDS and surface water management should be included in any State of Natural Resources reporting due to the wide range of benefits that can be realised. We believe that this proposal could also be used to set targets and deadlines to ensure the uptake of SuDS instead of more traditional solutions. By introducing targets at a Government level there is an incentive for delivering SuDS solutions that goes further than a policy statement.

NRM3: 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

We believe that this proposal will provide Government with an opportunity to require NRW to consider the use of SuDS and surface water management as part of an area based approach. This will ensure that adequate consideration is given to the techniques as part of the successful delivery of natural resource management. This area based approach can also be linked to the work undertaken by Lead Local Flood Authorities in preparing Flood Risk Management Plans. For too long in Wales we have applied an "end of pipe" solution to solving many of our problems. This approach inevitably deals with the consequence

and not the cause – and so, with a changing climate we cannot tackle the issue by sticking with this approach. SuDS applied as an area based approach will break this cycle and enable the root cause of many flooding issues to be solved at source.

NRM4: A requirement for NRW to set out the priorities and opportunities for the management of natural resources on an area basis

By integrating water and land management at an appropriate area based spatial scale, SuDS should be seen as an integral part of ensuring an innovative approach to realise opportunities and deliver maximum socio-economic and environmental benefits.

As this proposal seeks to introduce a new statutory planning process, it would be essential to ensure that any new plans do not duplicate the content of other statutory plans due to the resource required to prepare them. There are a wide variety of existing statutory plans that relate to aspects of natural resource management, as evidenced by Table ii in the white paper consultation document. Each plan relates to a different spatial scale and is prepared for a different planning cycle. It will be imperative to ensure that any new natural resource plans are able to complement the current planning environment and will not increase burden on any party. However, if implemented correctly, NRW could feed into the planning process by clarifying expectations for the use of SuDS and other surface water management techniques to mitigate a range of issues and maximise benefits to our environment and society.

NRM5: A requirement on other bodies and further directions on how natural resource management should be taken into account

This proposal could be used to ensure that there is clarity for all parties on their responsibilities in relation to the use of SuDS and surface water management techniques. Collective actions could be assigned to the relevant parties to ensure the long term management and maintenance of SuDS and ensure that responsibilities are defined from the outset of developing SuDS and surface water management schemes in both new and retrofit situations.

NRM6: A mechanism for reporting on progress towards achieving the national outcomes and priorities for natural resources

This proposal could be used to report progress on the number of SuDS schemes delivered in comparison with the total number of drainage schemes across Wales. This could go on to report on the contribution of SuDS schemes towards the achievement of national outcomes and priorities for natural resources. This could be linked into the existing National Strategy for Flood and Coastal Erosion Risk Management, the preparation of Flood Risk Management Plans, Section 18 reporting by NRW to Welsh Ministers and the forthcoming Water Strategy for Wales.

NRM7: Powers to enable NRW to trial innovative approaches to integrated natural resource management, to achieve the sustainable management of natural resources

We welcome this proposal and believe that it is critical to allow further trials to be undertaken using different approaches. The current legislative framework does not allow for this to happen. By giving NRW the power to trial innovative approaches we will be taking a step towards becoming flexible enough to encourage adaptation. However, to work effectively, this flexibility would need to be reflected by the way the water industry in Wales is regulated.

This power would need to be complemented with both public and private funding and incentives for private and third sector involvement. This would ensure that any trials or pilots are adequately resourced, both in terms of finance and expertise, to ensure that concepts are properly tested.

This power would allow an innovative and intuitive approach to be applied to the promotion, development and utilisation of SuDS techniques in Wales and support us in our development as a centre of excellence for SuDS and surface water management. By becoming more flexible and allowing for innovation we can look at different ways to ensure compliance with both domestic and European legislation.

NRM8: Furthering the role of NRW to stimulate the use of market mechanisms to pay for ecosystems services

The use of SuDS and surface water management techniques can support the delivery of a wide range of ecosystems services. As referenced in our response to NRM1, there is a great deal of work underway to value and where possible to monetise these benefits.

A key element of the delivery of SuDS and surface water management schemes is working in partnership. There are a number of examples of where this has worked successfully across Wales to date and there are further projects planned to maximise both funding opportunities and benefits.

NRM9: New powers for NRW to enter into management agreements with land owners and businesses for the sustainable management of natural resources

Evidence to date has shown that agreements with private management companies to take on the responsibility for the ownership and maintenance of SuDS has not always been appropriate. There are examples of these companies liquidating, resulting in unmaintained orphan assets. Any management agreements must be robust enough to ensure that there is a contingency should the agreement not be met for any reason.

NRM10: Exploring new powers for the implementation of General Binding Rules

We support the use of GBRs where they can deliver results in relation to reducing surface water entering the public sewer system and rivers, streams and lakes in a manner that reduces red tape. We suggest that GBRs could be used to ensure that developers calculate and have regard to the greenfield run-off, biodiversity and water quality standards prior to development and ensure no adverse impacts

as a result of the development. These calculations of how a site would be expected to perform in its natural state should be set as limits which should not be exceeded and therefore the site should not deteriorate. When using GBRs it is imperative to ensure that there is an appropriate sanction where it is found that they are not being adhered to. GBRs are used effectively in relation to SuDS by the Scottish Environmental Protection Agency to ensure that water quality standards are maintained and pollution incidents are reduced using a risk based approach to regulation. More information on SEPA's approach can be found at this link

http://www.sepa.org.uk/water/water_regulation/regimes/pollution_control/suds.aspx. However, we would like to highlight the importance of ensuring that any GBRs developed as a result of the Environment (Wales) Bill take into account the needs of our unique environment and economy in Wales.

NRM11: Powers to clarify the alignment of NRW's duties and other primary legislation with the new high level purpose

We do not have any specific views on this specific proposal, but have offered further comments below on a range of related subjects, and grouped them into a series of headings for ease of reference.

Schedule 3 of the Flood and Water Management Act 2010

When commenced, Schedule 3 of the Flood and Water Management Act 2010 will introduce a requirement for all new developments to utilise Sustainable Drainage Systems (SuDS) to manage surface water runoff from the development. We urge the Welsh Government to consult on and enact this legislation as a priority matter. Without this key piece of legislation in place, local authorities, developers and sewerage undertakers are left in a state of limbo as to the ownership and maintenance of these structures and there is no statutory footing to support the protection of our communities and our environment.

When further developing and implementing this change it is imperative that consultation and interaction takes place with all key parties, including; Natural Resources Wales, developers, the sewerage undertakers, the Consumer Council for Water and local authorities. These organisations have the knowledge and expertise to inform Welsh Government throughout the process and ensure that its implementation is successful. This new legislative requirement must complement existing policy relating to drainage, including the recently implemented Welsh Ministers' Standards, to ensure a cohesive approach that will protect and enhance our environment, our infrastructure and our communities.

The opportunity should also be taken to ensure that lessons are learnt from the events that have occurred in the interim period since the Flood and Water Management Act gaining Royal Assent in 2010. In this time Wales has suffered from a number of significant flooding events, all private sewers have transferred to the ownership of the sewerage undertaker, Lead Local Flood Authorities are have prepared their first Local Flood Risk Management Strategies and new adoption arrangements and build standards have been introduced for all new gravity foul sewers connecting to the public network. A unique opportunity would be missed if we did not learn from these lessons and from the work that has been undertaken over the last two years by Defra with input from Wales.

Climate Change mitigation and legislative compliance

In the consultation document you refer to the benefits that can be delivered by SuDS in relation to minimising the effects of climate change. We welcome this acknowledgement, and wish to expand further on the wider benefits that SuDS can deliver other than mitigating the effects of climate change.

The Water Framework Directive is the most substantial piece of legislation the European Commission has produced to support the management and protection of our natural resources. By utilising SuDS and other surface water management techniques we can support compliance with the Water Framework Directive. We can do this by improving the quality of our waters by reducing spills from combined sewer overflows and by improving the ecological health of our waters by improving quality, reintroducing flows of surface water and the use of areas such as wetlands.

We see SuDS and other surface water management techniques, both in the urban and rural context, as a key driver to support Wales in achieving its Water Framework Directive Targets. These improvements can be directly linked to our valuable bathing beaches and shellfish waters, and ecological condition of our rivers and lakes, and support the economy of Wales.

Additional benefits

The use of SuDS in new development also increases the amenity and aesthetic value of the area and can be used as a selling point to buyers. The current lack of clarity and statutory direction about who should adopt and maintain SuDS has stifled the ability to use these interventions in some developments and has meant that developers have defaulted to the use of more traditional concrete methods. The use of SuDS is beneficial to both developer and purchaser and we expect the situation to be clarified with the introduction of Schedule 3.

SuDS have an important role in flood protection for residential areas. The Pitt Review of 2007 recommended that the automatic right to connect surface water drainage of new developments to the sewerage system should be removed in order to mitigate flood risk and to encourage the greater consideration of the use of SuDS. By integrating SuDS into new developments, residents can be protected from the risk of flooding both at the development site and downstream.

We have learnt from examples overseas in Malmo and Portland about the opportunities that can be created by the use of SuDS and other surface water management features. They can be key to the greening of our towns and cities and deliver consequential benefits such as improved air quality, reductions in the urban “heat island” effect by increasing the provision of shaded areas as well as proven health benefits. Dŵr Cymru Welsh Water is currently delivering a programme of work in the Llanelli and Gowerton areas where SuDS solutions are being retrofitted to manage an issue of compliance with the Urban Waste Water Treatment Directive. Additional benefits are being delivered by the use of SuDS, such as additional green space, improved air quality, flood risk mitigation and habitat creation.

The benefits from SuDS aren't solely derived in when they are included in new developments, but can also provide wide benefits when retrofitted. By retrofitting SuDS into existing urban areas in Wales habitats can be created, and eco-connectivity between existing blue and green corridors enhanced. They are also a key tool to support communities to adapt climate change and provide protection against extreme weather events. The use of SuDS can also stimulate the sustainable economic regeneration of an area by making it a more attractive place to live and increasing access to green space (an indicator on the Welsh Index of Multiple Deprivation).

Gaps in legislation

The current legislative framework is piecemeal and disjointed and does not allow for the effective use of SuDS, particularly in retrofit situations. In order to work in the highway, sewerage undertakers and developers must pay the highways authority large sums of money to enter into agreements under the Highways Act, and the Town and Country Planning Act does not allow for developers to construct SuDS schemes outside of the area of the proposed development site, or indeed to pay a sewerage undertaker to do the work on their behalf to allow development. We understand that at present sewerage is not within the legislative competence of the Welsh Ministers and therefore it is not possible for primary legislation to be taken forward at this time. However, should Welsh Ministers have powers for sewerage conferred following the second stage of recommendations from the Commission for Devolution in Wales in the spring, we would urge the Welsh Government to commit to bringing forward legislation to facilitate the retrofit of sustainable drainage solutions in the next Assembly.

We would like to see future policy and legislation support the retrofit of SuDS into existing areas in Wales as part of the Welsh Government's long term approach. By taking this approach, surface water management, SuDS and the associated increase in green space can support a range of departmental priorities for the Welsh Government, including natural resource management, tackling poverty and creating vibrant and viable spaces for people to live.

Yours sincerely,

The National Surface Water Management and SuDS Working Group

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 Louise Austin
Organisation Dyfed Archaeological Trust
Address Shire Hall, Carmarthen Street, Llandeilo, Carmarthenshire SA19 6AF
E-mail address l.austin@dyfedarchaeology.org.uk

Type
(please select one from the following)

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

I am responding on behalf of the Dyfed Archaeological Trust (DAT), a non-profit making educational charity and a private limited company. The Trust was established in 1975 as part of network of four independent archaeological organisations covering the whole of Wales. The object for which the Trust is established (in its *Memorandum and Articles of Association*) is to advance the education of the public in archaeology. The Trust’s mission statement is: to improve the understanding, protection and promotion of the historic environment and maintain a strong regional commitment to southwest Wales. DAT is responsible for the management of the Regional Historic Environment Record and provides information and advice regarding the 95% of the archaeological heritage that is not designated. Partially grant aided by Cadw, RCAHMW and the Local Planning Authorities, historic environment services are provided to Local Authorities, other government and non-government bodies, utility companies, developers, farmers and other land managers, researchers and the general public. In particular historic environment information and management advice is provided to a range of countryside management organisations and bodies regarding the integrated management of Wales’ environment.

General Comments

While it is positive to see that the document makes reference to the Welsh Government’s Historic Environment Strategy for Wales and the “intertwined” historic

and natural environment, it still remains unclear what the document means when it refers to landscape.

A definition of landscape as “physical features of the natural environment”(1.34) is problematic. Landscapes are not necessarily site or feature specific they are the combination of a variety of different aspects of the environment across potentially large areas. Landscape understanding and management is not just about defined individual physical features, it is about the broader relationships between human-made and natural aspects of the environment.

The European Landscape Convention definition is:-

“Landscape” means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors

Although the consultation document recognises the current development of the Heritage Bill by Welsh Government it does not, for example, acknowledge how the Environment and Heritage Bills could mutually support each other regarding the designation and management of registered historic landscapes and world heritage sites.

This document needs to acknowledge and address the relationship between areas it is proposed will be used for an “Area-based natural resource management approach” and currently defined historic landscape areas, whether designated or not.

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:

A definition is required for landscapes which reflect their integration of natural and historic components.

The definition of Ecosystems needs to recognise the historic environment as part of the non-living environment of which ecosystems are made.

The definition of Ecosystem services needs to recognise the historic environment as both a supporting service and a cultural service.

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:

It is important that area based approaches seek to recognise and use currently defined historic landscape areas to draw boundaries between management areas, to help ensure that management priorities for these landscapes are properly recognised and integrated.

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:

In relation to historic landscapes Cadw and NRW should continue to be jointly responsible to ensure an integrated approach to management.

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)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Please provide comment

Question 36

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

Yes

No

Please provide comment

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?

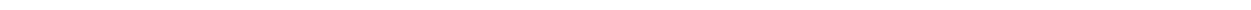
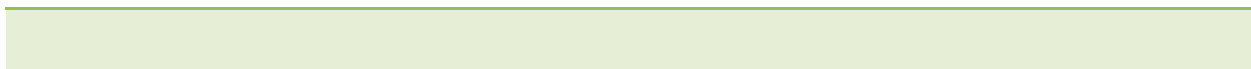
Implementation / Equalities

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?





Cymdeithas y Cyfreithwyr
The Law Society

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

January 2014



The Law Society is the representative body of over 166,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society's Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

Introductory comments

The Welsh Government's commitment to sustainable commitment is to be commended. We support the provision of a statutory framework for the sustainable management of natural resources. However, we would wish to make preliminary comments on the approach being adopted.

The White Paper is a consultation on policy. The legal implications will only become apparent when policy is translated into legislative provisions. As lawyers our essential priority is legal certainty. Defining similar terms in slightly different ways in several statutes is anathema as it only causes uncertainty. Unless there are substantial policy reasons, stick to existing definitions. At all costs avoid the need for explanatory guidance to be issued.

We are concerned by the number of proposals for the Environment Bill to provide Ministers with the power to amend primary legislation. While we accept that on a number of issues final policy decisions have yet to be reached and it may not therefore be possible to include provisions in the Bill, that is unfortunate as it will mean that the final legislative framework in relation to a particular issue will not initially be complete.

There is the more fundamental objection to the Government assuming legislative powers – Henry VIII clauses. The White Paper qualifies the proposed powers by emphasising that there will be full consultations before any statutory amendments are introduced. In reality consultation upon and scrutiny of secondary legislation is never as effective as is the case for primary legislation. We strongly recommend that wheresoever possible the Government arrives at early conclusions on policy issues enabling appropriate provisions to be included in the Bill and obviating the need for the exercise of Ministerial powers to amend legislation subsequently.

Although no specific question is asked on Introductory Chapter 1 we draw attention to a number of principles stated in this Chapter. These need to be adhered to when detailed regulation and guidance is issued or where primary legislation is amended by Ministers.

The three bullet points in paragraph 1.35 state - " The Environment Bill will focus on establishing a more effective and integrated approach to natural resource management and through this help to bring about significant improvements to our natural environment" (Bullet Point 1). "The Environment Bill establishes the legislative framework to enable sustainable growth supporting businesses and our economy by introducing an integrated approach to natural resource management and a number of amendments to streamline existing regulatory regimes. This will lead to simplified processes and benefits to businesses and to increased effectiveness and potential resource efficiency savings for NWR." (Bullet Point 2).

"The Environment Bill will establish a modern legislative framework to enhance wellbeing and support for local communities..." (Bullet Point 3).

We trust that this balanced approach of protecting and improving natural resources, supporting growth in business and protecting and benefiting local communities is to be supported and adhered to in any subsequent secondary legislation or changes to primary legislation.

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 a high-level national Natural Resources Policy, implemented through an area-based approach to natural resource management and reports on the state of natural resources should provide a sound framework for the sustainable management of natural resources in Wales.

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

The Environment Bill will be the first attempt to provide legal definitions of these terms in the UK. The proposed definitions in the consultation appear to be workable. We welcome their consistency with the Natural Resources Body for Wales (Establishment) Order 2012 and the proposed Future Generations Bill. The definition of Ecosystem Approach s set out in the Glossary also has much to commend it.

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?

We reserve judgment on this proposal in the absence of detail as to how this would be achieved in legislative terms.

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 in the Future Generations Bill?

It would be sensible to align the timeframe for policy planning for national natural resource management with the five year cycle for national outcome setting under the Future Generations Bill.

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

We support the proposal for an area based approach to the sustainable management of natural resources. Natural resources do not conform to administrative boundaries. It should also enable engagement with the relevant public bodies and stakeholders. Whilst supporting the area-based approach, that approach must ensure that it integrates with and is complementary to the planning system. The planning system is well used to

balancing the need to protect natural resources with development pressure. Any natural resource management must be complementary with the planning system to ensure a consistent to the taking of decisions. This is recognised in paragraph 2.52 and is particularly important in the light of the proposed Planning (Wales) Bill.

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?

Almost by definition natural resource management is long term. However, there needs to be flexibility to take account of outcomes and the needs of the community. Area based policies should provide that degree of flexibility.

Question 7 Do you agree with placing a requirement on other public bodies to cooperate in the area-based approach?

It would be sensible for the Environment Bill to include a requirement for public bodies to cooperate in area based natural resource management and where necessary to undertake joint planning.

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

We agree that Natural Resources Wales would be the most appropriate body to gather evidence and to report progress on the national natural resources policy.

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

We have no particular 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?

We agree in principle with the Welsh Government's objective of providing Natural Resources Wales with a new statutory framework to facilitate its adoption of new approaches to natural resource management.

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 agree with the proposed approach that Natural Resources Wales should be required to consult with the parties to be affected by any new scheme and to obtain the approval of Welsh Ministers to the terms of the scheme. Consultation should not be confined to bodies such as local authorities but include professional bodies such as the RTPI, RICS and the Law Society who can offer a broader and detached professional view of new proposals. Post implementation Natural Resources Wales should report on the effectiveness of the scheme and whether the scheme could be applicable elsewhere in Wales.

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

An essential feature of Ecosystem Services Schemes is the conjunction of a number of parties interested in designing and delivering a Scheme – the landowner, the customers and the agents delivering the services to the customer. This is an approach to the ordinary market economy. Natural Resources Wales can facilitate and foster Schemes by providing advice and information but it is unlikely to be able itself to bring the parties to the table to agree a Scheme. It would not be appropriate to provide Natural Resources Wales with new powers to require parties to participate in an Ecosystems Services Scheme. The initiative must spring from the interested parties themselves. In fact paragraph 3.14 would seem to accept that Natural Resources Wales should only have a support role on these schemes.

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

It would be desirable for Natural Resources Wales to have clearer powers to enter into management agreements with landowners or businesses relating to the sustainable management of natural resources. Any agreement should be registered as a local land charge and should bind the successors in title to the land.

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 agree that there is scope for broadening the use of General Binding Rules to provide a form of regulatory control over the management of natural resources which is less formal than a statutory licence or consent. They should provide a lighter touch more flexible means of regulation. We would prefer provisions for General Binding Rules to be included in the Environment Bill rather than providing Ministers with powers to make secondary legislation in the future. This would provide businesses with more certainty.

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?

Whether limited to the functions of Natural Resources Wales or including environmental legislation generally, we have reservations over the granting of powers to Welsh Ministers to amend primary legislation however qualified by a requirement to justify and consult on any draft Order. It would be preferable for these matters to be resolved in the Environment Act. Any use of the amendment powers should have regard to the principles in Introductory Chapter 1.

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.

It will be necessary to ensure conformity of any new provisions in or subsequent to the Environment Bill with EU legislation.

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

We have no particular comments.

Chapter 4: Resource Efficiency ***Regulation of Waste Segregation and Collection***

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

We agree the proposed approach of combining five measures to improve waste segregation and collection – extending requirements in respect of separate collection; placing a duty on all waste producers other than householders to separate their waste; banning recyclable materials from energy from waste facilities; banning recyclable materials from landfill; and prohibiting the disposal of food waste to sewers. We have no suggestions for extending the materials covered by the proposals over and above the proposal to add card, wood and food wastes to the existing list requiring separate collection of paper, glass, metal and plastic.

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

We have no particular comments. Enforcement by Natural Resources Wales will be difficult.

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. If yes, please identify them and explain why.

We have no particular comments.

Question 21 Do you agree with the materials that we propose to ban from landfill or energy from waste facilities? Are there any other materials which should be banned from landfill or energy from waste facilities? If yes, what are they, and why?

Yes the seven items are those for which separate collection already applies or is proposed.

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? If no, what other approach could we adopt?

Guidance would undoubtedly be helpful for the operators of energy from waste facilities and landfill sites on the degree of contamination to the recyclable materials which would allow them nonetheless to be burnt or landfilled.

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

The prohibition on the disposal of food waste to sewer cannot apply to households. It would be impossible to enforce. It should be applied to businesses and the public sector.

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

Early, successful and well publicised prosecutions are likely to be the most efficient means of influencing businesses. At the outset the new prohibition will need to be widely publicised. Separate notification of businesses may be necessary.

Other measures will be needed to persuade householders not to dispose food waste to sewer – publicity and effective collection of separated food waste by local councils. Many new properties are built with waste disposal systems installed. Designers and builders should be dissuaded for continuing to install that equipment.

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

January 2017 seems reasonable for the legislation to be made and to allow publicity for the new requirements.

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.

Natural Resources Wales would appear to be the most appropriate body to undertake the policing of the segregation of waste. It is a national body and it already has responsibility for waste management licences.

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

All of these agencies will need to be involved in policing the prohibition on disposal of food waste by businesses to the public sewer. There will need to be a lead prosecuting authority and National Resources Wales would appear best suited to assume that function.

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

We have no particular 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?

We agree that it would be sensible for Ministers to be able to set minimum charges for other types of carrier bags equivalent to the powers they already have in respect of single use carrier bags.

Question 30 Do you agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may, by regulations, require retailers to pass on their net proceeds to any good causes?

Setting aside concerns about creating new Ministerial powers to make Regulations amending primary legislation, we agree that the powers under the Climate Change Act should be extended so that retailers can be required to apply the net proceeds of the charge to any type of good cause.

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

We have no particular comments.

Chapter 5: Smarter Management *Marine Licensing Management*

Question 32 Do you agree with the proposals in relation to Marine Licensing?

We agree with the proposals to provide greater flexibility to Natural Resources Wales in charging fees for marine licences to allow where possible full cost recovery

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:

i. pre-application costs?

ii. variation costs?

iii. costs of transferring of licences?

iv. covering regulatory costs, via subsistence charges?

While agreeing with the principle of costs recovery, care will be needed in setting fee charges to avoid subverting the objectives of improving employment opportunities and the marine environment. Charges for pre application consultation with regulators are now well established but care needs to be taken on the level of fees set so as not to inhibit necessary consultation with Natural Resources Wales. Once a licence has been granted, charges for variations or transfers should be minimal reflecting the lesser administrative cost.

We question the justification for the introduction of subsistence charges which would enable Natural Resources Wales to recover costs from marine licence holders for environmental monitoring. Monitoring is a fundamental role of a regulator, and it is not reasonable to impose the cost of that monitoring on the holders of marine licences.

Question 34 Do you have any comments relating to the impact of the proposals (for example, impacts on your organisation)?

We have no particular comments.

Shellfisheries Management

Question 35 Do you agree with the proposal in relation to Shellfishery Orders? Please provide comments

We agree that it would be sensible to update the Sea Fisheries (Shellfish) Act 1967 to enable management plans to be agreed with applicants for Several and Regulating Orders; and to enable Welsh Ministers to review and agree the revision of those plans, to require compliance with those plans, and if necessary to unilaterally amend an Order to avert damage to European Marine Sites.

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)?

We have no particular comments.

Question 37 Do you have any comments on the impact of this proposal (for example, impacts on your business)?

We have no particular comments.

Land Drainage/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)?

We agree with the proposal to clarify Ministers powers under the Land Drainage Act in relation to right of entry to land to monitor compliance with an Order issued by an Agricultural Land Tribunal requiring a landowner to undertake works to prevent excess water draining from their land.

Question 39 Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?

While we agree in principle that Welsh Ministers should have similar powers to the Secretary of State in relation to the amendment of Water Acts, we are uneasy that the power would be exercised by Order. Amending primary legislation by Order inevitably entails less closer scrutiny. Any consolidation of the Water Acts should be by means of primary legislation.

Question 40 Do you have any comments on the impact of either of these proposals?

We have no particular comments.

Chapter 6: Implementation

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

The goal of improved and integrated management of natural resources in Wales will place significant and new duties on Natural Resources Wales. That body has been in existence for less than a year and the process of integrating its three predecessors may not yet be complete. This will be both a challenge and an opportunity for Natural Resources Wales. Success will depend on the political commitment of Welsh Ministers and the resources necessary to undertake new responsibilities effectively.



Keep Wales Tidy's response to:

White Paper. Towards the Sustainable Management of Wales' Natural Resources. Consultation on Proposals for an Environment Bill.

Keep Wales Tidy (KWT) is an independent National Voluntary Organisation with Charitable Status. We are one of Wales' largest and most effective environmental charities, covering the whole country and influencing a wide range of organisations and communities. **Our approach leads to sustainable change:** influencing behaviour and enabling individuals, groups and schools to take their own actions. **Our focus is on people** and their connections with the environment. **We deal with far more than litter:** our work encompasses biodiversity, access and recreation, health improvement, food growing, beach awards, Eco Schools, Young Reporter for the Environment and so forth. **Our work is underpinned by research and policy work** including; Local Environmental Quality Surveys and developing advice for Government and other stakeholders.

Keep Wales Tidy welcomes the opportunity to comment on the White Paper. We have contributed to Wales Environment Link's (WEL) response, but have set out below more detailed thoughts on the questions in Chapter 4, which we feel cover the issues most appropriate to our organisation's specific area of work and expertise on Local Environmental Quality issues.

Comments / responses to questions in Chapter 4 of White Paper

RE2: Separation of waste by the waste producer

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

Question 19 Do you agree that the level of segregation asked of individuals/businesses is acceptable? 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? If yes, please identify them and explain why.

It is difficult for Keep Wales Tidy (KWT) to provide a full response to these questions as we are not one of the organisations primarily responsible for waste collection or recycling. We would, however, like the following to be considered in the context of these questions.

In the White Paper it is suggested that "In terms of practical impact, businesses generally will not be required to do much more than what many businesses are already doing in separating their wastes for collection."

Although KWT supports the reuse and recycling of resources, we also understand that the existing requirements are already creating problems with regard to the issues listed below. We suggest that these will need to be considered in the Act or actions taken as a consequence of the Act being implemented.

- Storage – The current requirements for storage provision for waste /recycling in some existing premises are insufficient, and when planning permission or Change of Use is granted for new business, the area required does not meet the need for all the storage necessary for the different types of recycling. This can lead to “waste /resources” spilling out from these areas to become litter or fly-tipping, or it being presented wrongly for collection. We have practical experience of these difficulties and issues relating to charities and small businesses being located in shared premises in a built up area with limited storage.

Therefore action needs to be taken to address the problem with existing premises and when permission is granted for new businesses. One possibility may be more central areas where businesses can share facilities for recycling. There may also be a need for more education of businesses about the reasons for recycling and about ways to reduce waste. We note that reducing waste isn't mentioned in the same context as re-use and recycling in the White Paper, and would suggest that reduction should be considered.

- Collection Difficulties - In the past we have received requests for advice from small Bed and Breakfasts in more remote rural areas, who wish to be allowed to add the recycling from the business to their domestic collection, because the scale of materials produced is small. There can also be practical difficulties / financial issues for Local Authorities/ other collectors to run separate collection services for these businesses. Keep Wales Tidy (KWT) are also not aware of the size of hospitality business considered by WRAP, in their study, to know if this issue was also raised with them with regard to costs. There is potential to test alternatives, once the Bill has been agreed, via “Green Key” an International Tourism Accreditation Programme, which Keep Wales Tidy is piloting, in Pembrokeshire, during 2014. Once the pilot has been completed this Programme may be expanded to cover other areas of Wales.
- Fly-tipping – Although issues around this are being addressed by the Waste and Fly-tipping strategies, some fly-tipping is a result of businesses not complying with current waste disposal regulations / requirements, and extra requirements with regard to recycling are possibly only going to add to this problem. If solutions are going to work for these small businesses they need to be inexpensive and easy to use. For example, we are aware of Companies that will pay small builders for their construction waste, which they then recycle; perhaps similar schemes could be promoted for other materials.

RE3: Energy from waste bans for key materials

Question 21 Do you agree with the materials that we propose to ban from landfill or energy from waste facilities? Are there any other materials which should be banned from landfill or energy from waste facilities? If yes, what are they, and why?

Yes, KWT would agree with the materials that are proposed to be banned from landfill or energy from waste facilities. We would, however, like to know: have any alternative options been considered for contaminated paper and card and treated wood, which under the current proposal could still be burnt? In addition, should green waste also be banned as it can be composted?

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? If no, what other approach could we adopt?

KWT does not have technical knowledge to answer this question.

RE5: Disposal of waste food to sewer

Question 25 Do you agree that there should be a prohibition on the disposal of food waste to sewer? If yes, should this apply to: i) households, ii) businesses and public sector or iii) both?

KWT also agree with the prohibition of food waste to sewers, for the reasons given in the White Paper, and that ideally it should apply to both businesses and householders. We would also be interested in the awareness campaigns to other producers, such as householders, which will not be part of the Bill. As these would provide the opportunity to remind householders of other items and products that damage sewers and our water courses, and could be linked to work being undertaken with regard to the proposed Water Strategy, or other area based work with communities, as included in the White Paper.

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

The enforcement of the legislation will be difficult, as with many aspects of this type of legislation. For businesses - spot checks by Local Authority Environmental Health Officers may be a possibility when visiting premises for other reasons. For households it will be more difficult and the reliance on the education awareness-raising will be greater, although there could be some monitoring of whether food waste is put out for collection.

Indeed, legislation can never be the only solution. From our experience with legislation in the LEQ field it needs to be supported by actions to enable behavioural change. Further, we would suggest information provision alone will not make a sufficient change, without the support of well thought-out behavioural change initiatives. This will require resources, which are outside scope of the Bill, but should be considered in conjunction with its development.

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

KWT does not have technical knowledge to answer this question.

Regulatory Body

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.

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

Although NRW is the right body to enforce some of the changes / requirements outlined in the White Paper, we would suggest that some support will be required from local authorities and the Third Sector.

For example, with regard to scale of issues, local authorities may be better able to undertake it as part of their existing work, and there will need to be a Memo of Understanding as there was for Fly-tipping between the Environment Agency and Local Authorities. Education Campaigns can also often be more successfully delivered by the Third Sector through their work on the ground with communities of place and interest.

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

No comment.

RE6: 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?

KWT agrees with the proposal, for the reasons given in the White Paper, about the increased use and disposal of e.g. "bags for life" and the detrimental effect that these can have on the environment.

However, we recognise the aims of the levy will have failed if the charge and distribution of funding goes on forever, as the key aim is change behaviour - reduce waste and litter and the negative environmental impacts.

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?

KWT would suggest that the net proceeds from the levy should be passed onto environmental organisations for the reasons given in our original case for the levy. For example, we would suggest that the funding needs to go to projects which deal with the issues created by single use bags, but in a way which benefits everyone.

Environmental Charities such as Keep Wales Tidy have experience and expertise in delivering small grants and funding, as well as working with community groups. The Third Sector can therefore make

direct links between the levy and the environmental benefit, as well as providing education and changing behaviour.

Indeed our community projects enable people (often be in some of the most disadvantaged communities in Wales) to:

- take part in physical activity and promoting well-being
- create environments which are better for mental health and can help avoid feelings of isolation
- encourage inter-generational activities.

This type of work also has links with creating safe environment, new habitats and adapting to climate change issues. (Please see examples listed below.)

Although “ Social and Health ” orientated charities may benefit individuals families in Wales, it is more difficult to make the link with the need to change behaviour and the environmental effects of the single use bag, which is the reason the levy was introduced. Indeed this becomes even more remote if the money goes to fund projects in rest of the UK or in other countries.

Monitoring the scheme should also be easier and cost less if there are a limited number of destinations for the money.

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

Below are some examples of how KWT currently uses the SUCB money we receive. These projects would not necessarily be possible if the funding was allowed to go to any good cause.

The money raised by SUCB levy and given to KWT is generally used to support and enable us to undertake extra community initiatives using our Community Officers, which involve litter, fly tipping clearance work and creating new green spaces.

Below are some examples of a projects with John Lewis, that resulted specifically from the SUCB.

Partners from John Lewis undertook the following projects:

- Landscaping and constructing a low wall, which was built from builder’s rubble and removing a large amount of Himalayan balsam, which threatened the biodiversity of the local environment.
- Clearing the woods behind Llanedeyrn Playcentre of fly-tipping and litter. The group collected a staggering 52 bags of rubbish, and 1.5 tonnes of other materials.

Both events with John Lewis Cardiff support local projects which aim to change behaviour, attitudes and responsibilities.

Going forward, we will be using SUCB money towards this year’s ‘Wild Weekend’ which will take place from 7-9th March.

Other Comments

Keep Wales Tidy -

Supports:

- The Welsh Government's aim through the Environment Bill to enable NRW to deliver against its long-term goals of social, economic and environmental well-being.
- The recognition of the integral relationship between the Environment Bill and other proposed legislation, in particular the Future Generations Bill, and the importance placed on our Natural Resources.

Agrees that an area based approach would be useful, but those implementing it need to ensure that lessons are learnt from the work undertaken on the Spatial Plan.

Tuag at Reolaeth Gynaliadwy o Adnoddau Naturiol Cymru

Papur Gwyn Bil yr Amgylchedd – Ymatebion i'r Ymgynghoriad

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

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

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

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

Dylech gyflwyno eich sylwadau erbyn 15 Ionawr 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Diogelu Data

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

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

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



Papur Gwyn Bil yr Amgylchedd

23 Hydref 2013 – 15 Ionawr 2014

Enw	Iwan Evans Parc Cenedlaethol Eryri	
Sefydliad		
Cyfeiriad	Pencadlys, Penrhyndeudraeth, Gwynedd. LL48 6LF	
Cyfeiriad e-bost	Iwan.evans@eryri-npa.gov.uk	
Math <i>(dewiswch un o'r canlynol)</i>	Busnesau	<input type="checkbox"/>
	Awdurdodau Lleol/Cynghorau Tref a Chymuned	<input checked="" type="checkbox"/>
	Asiantaeth y Llywodraeth / Sector Cyhoeddus Arall	<input type="checkbox"/>
	Cyrff a Chymdeithasau Proffesiynol	<input type="checkbox"/>
	Trydydd sector (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, cwmnïau cydweithredol, mentrau, crefyddol, sefydliadau dielw)	<input type="checkbox"/>
	Cyrff academiaidd	<input type="checkbox"/>
	Aelodau'r cyhoedd	<input type="checkbox"/>
	Arall (grwpiau eraill nad ydynt wedi'u rhestru uchod)	<input type="checkbox"/>

Pennod 2 – Rheoli Adnoddau Naturiol

Cwestiwn 1

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

Ydw-√

Nac ydw

Rhowch eich sylwadau:

Mae angen gwell cyfeiriad ar reolaeth adnoddau naturiol a ffocws mwy pendant yn y tymor hir ar sut i warchod a gwella adnoddau naturiol Cymru. Mae hwn yn ymgais i wneud hyn ond mi fydd gweithredu y cynhigion yn effeithiol yn dyngedfennol er mwyn sicrhau llwyddiant a chynnydd.

Cwestiwn 2

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

Ydw √

Nac ydw

Rhowch eich sylwadau:

Mae'n bwysig bod y diffiniadau yn cael eu defnyddio yn y ffordd gywir a'u bod yn golygu rhywbeth mewn agweddau polisi cyffelyb. Hefyd rydym yn croesawu'r elfen o brisio'r amgylchedd a thrwy hyn adnabod ei wir werth i'r economi. Gall hyn fod o fudd i sicrhau gwell penderfyniadau cynaliadwy yn y tymor hir.

Dylid hefyd ystyried gwerthoedd "llonyddwch" a distawrwydd fel rhan o'r diffiniad oherwydd maent yn elfennau pwysig sy'n deillio o'r dirwedd ac ymyrraeth dy ynddo.

Cwestiwn 3

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Mae angen gwarchod beth sydd gennym yn awr megis mawn diroedd gwlyb a sylweddoli beth fydd y gost ecolegol/hinsoddol os nad ydym yn gwneud hyn. Mae'r Parciau Cenedlaethol yn bwysig i sicrhau gweithrediad ar lefel lleol ac felly mae'n bwysig sicrhau prosiectau llai i gyfrannu at unrhyw dargedau cenedlaethol mwy mewn lleihau carbon a gwarchod a gwella bioamrywiaeth.

Cwestiwn 4

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Dim gwir farn bendant yma - mi fydd yn bwysig monitro'r sefyllfa a sicrhau bod allbynnau yn cael ei recordio yn gywir ac yn dryloyw a bod dim or ddibyniaeth ar gyrraedd targedau amherthnasol..

Cwestiwn 5

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Ydym cyn belled a bod hyn yn Cael ei integreiddio yn effeithiol gyda partneriaeth eraill a bod rhwyddineb gan CNC i ddewis ardaloedd a pynciau. Ni ddylid er enghraifft ddyblygu beth sydd mewn Cynllun Rheolaeth Parciau Cenedlaethol ond fe all Cynllun Ardal pennu blaenoriaethau a dylanwadu ar gynlluniau eraill. Mi fydd yr elfen "lleol" yn bwysig a chydgyssylltiad gyda cynlluniau strategol eraill megis Cynlluniau Datblygu Lleol.

Nid yw'n hollol glir beth fydd rôl Gweinidogion ond ni ddylai ystyriaethau gwleidyddol tymor byr amharu ar egwyddorion cynaliadwy tymor hir - rhaid ystyried yr amgylchedd cyn gwleidyddiaeth a rhoi digon o sylw i'r farn leol a chymunedau sy'n rheoli ac yn ymwneud a thiroedd a bioamrywiaeth.

Cwestiwn 6

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Ar hyn o bryd mae'n anodd dweud gan fod y manylder gweithredol ddim yn ei le. Mi fydd yn bwysig gweithio mewn partneriaeth gynhwysol i sicrhau llwyddiant gan ystyried deddfwriaeth gyfredol megis Deddf Amgylchedd 1995 a'r pwrpasau statudol sy'n deillio ohono.

Cwestiwn 7

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Mae gweithio mewn partneriaeth, osgoi dyblygu gwaith a pholisïau yn bwysig er mwyn sicrhau integreiddio, cysondeb a deallusrwydd gan gyrff eraill. Gall hyn fod yn dasg anodd lle mae gwaith amgylcheddol yn ymylol i gorff cyhoeddus neu ddim yn ymweld yn bwysig. Hwyrach dylid mabwysiadau Cynlluniau Ardal drwy bartneriaeth leol yn hytrach na thrwy sêl bendith gweinidog?

Cwestiwn 8

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Ydym ond trwy weithio yn agos gyda Pharciau Cenedlaethol a gwerthfawrogi a chymryd i ystyriaeth barn cymunedau lleol?

Cwestiwn 9

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

Fel y dywedwyd eisoes 'rydym yn gefnogol o gael gwell trefn ar reoli adnoddau naturiol. Nid yw'n glir beth fydd yr oblygiadau ar yr Awdurdod ac yn hyn o beth mi fuasai'r ymgynghoriad wedi medru esbonio cyfraniad y Parciau Cenedlaethol i'r gyfundrefn newydd mewn llawer mwy o fanylder fel bod posib ateb y cwestiwn yn llawn. Ychydig iawn o gyfeiriadau sydd i'r Parciau Cenedlaethol drwy'r holl ddogfen.

Serch hyn edrychwn ymlaen at gydweithio mewn partneriaeth yn y dyfodol er mwyn gwireddu prif egwyddorion y Papur Gwyn.

Pennod 3 – Cyfoeth Naturiol Cymru – cyfleoedd newydd i gyflenwi

Cwestiwn 10

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

Ydw

Nac ydw

Rhowch eich sylwadau:

Cwestiwn 11

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

Gall hyn gael ei effeithio gan anghysondeb mewn gweithredu polisiau cyhoeddus ar draws Cymru. Serch hyn cefnogwn yr angen i edrych ar ddulliau arloesol ac i ddysgu o ymarferion da mewn gwledydd eraill. Ni ddylai blaenoriaethau tymor byr economaidd orosi blaenoriaethu amgylcheddol tymor hir a all ddod yn y pendraw a mwy o les economaidd a llai o wariant cyhoeddus (mae datblygu ar orlifdiroedd yn enghraifft dda o hyn)

Cwestiwn 12

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

Ydw

Nac ydw

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

I wneud y cwbl o bosib mi fydd ormod o wrthdaro yn enwedig gan fod y CNC yn awr yn gorff mwy a chymhleth lle mae'r siawns o wrthdaro llawer uwch.

Cwestiwn 13

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

Mae angen cael yr hawl yma a hefyd mae hawl gan y Parciau Cenedlaethol i lunio cytundebau - enghraifft arall o gydweithio posib yn y dyfodol.

Cwestiwn 14

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

Mae posib gosod safonau sylfaenol ar gyfer amddiffyn yr amgylchedd mewn gwahanol feysydd megis amaethyddiaeth ac fe all tirfeddianwyr anelu i geisio cyrraedd y safonau yma heb fonitro parhaus ac ymyrraeth ddiangen.

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?

A

B

Rhowch eich sylwadau:

Dylai unrhyw newid mewn deddfwriaeth gael scrwtini ac ymgynghoriad priodol ac eang cyn gwneud unrhyw newid.

Cwestiwn 16

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



Cwestiwn 17

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



Pennod 4 – Defnyddio Adnoddau'n Effeithlon

Gwahanu a Chasglu Gwastraff

Cwestiwn 18

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

Ydw

Nac ydw

Rhowch eich sylwadau:

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

Oes

Nac oes

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

Cwestiwn 19

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

Ydy

Nac ydy

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

Cwestiwn 20

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

Oes

Nac oes

Os oes, nodwch hwy ac esboniwch pam.

Cwestiwn 21

Ydych chi'n cytuno â'r deunyddiau rydym yn cynnig eu gwahardd o safleoedd tirlenwi neu ynni o gyfleusterau gwastraff?

Ydw

Nac ydw

A oes yna unrhyw ddeunyddiau eraill y dylid eu gwahardd o safleoedd tirlenwi neu ynni o gyfleusterau gwastraff?

Oes

Nac oes

Os oes, beth yw'r rhain?

Cwestiwn 22

Ydych chi'n cytuno bod datblygu canllaw ar lefelau derbynol o halogiad mewn gwastraff gweddilliol ar gyfer safleoedd tirlenwi/gweithredwyr llosgyddion a'r rheoleiddiwr yn ddull ymarferol?

Ydy

Nac ydy

Os nac ydy, pa ddull arall y gallwn ei fabwysiadu?

Cwestiwn 23

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

Ydw

Nac ydw

Os ydw, a ddylai hyn fod yn berthnasol i:

a)
cyhoeddus

Cartrefi
c) Y ddau

b) Busnesau a'r sector

Rhowch eich sylwadau:

Cwestiwn 24

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

i)

ii)

Cwestiwn 25

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

Ydy

Nac ydy

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

Cwestiwn 26

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

Ydw

Nac ydw

Cwestiwn 27

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

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

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

Cwestiwn 28

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

Bagiau Siopa Untro

Cwestiwn 29

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

Ydw

Nac ydw

Rhowch eich sylwadau

Cwestiwn 30

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

Ydw

Nac ydw

Rhowch eich sylwadau

Cwestiwn 31

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

Cwestiwn 34

A oes gennych unrhyw sylwadau ar effaith y cynigion?

Rheoli Pysgodfeydd Cregyn

Cwestiwn 35

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

Ydw

Nac ydw

Rhowch eich sylwadau

Cwestiwn 36

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

Oes

Nac oes

Rhowch eich sylwadau

Cwestiwn 37

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

Rheoli Draenio Tir / Rheoli Llifogydd a Dŵr

Cwestiwn 38

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

Ydw

Nac ydw

Rhowch eich sylwadau

Cwestiwn 39

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

Ydw

Nac ydw

Rhowch eich sylwadau

Cwestiwn 40

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

Gweithredu / Cydraddoldeb

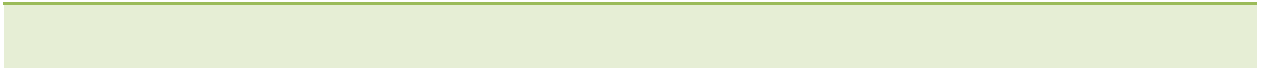
Cwestiwn 41

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

Cwestiwn 42

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

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



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

7th January 2014

Dear Sirs,

Environment Bill White Paper.


Thank you for inviting us to respond to this consultation. The Glamorgan-Gwent Archaeological Trust is one of four Welsh Archaeological Trusts working closely with other national, regional and local bodies, to help protect, record and interpret all aspects of the historic environment, and make the results available to the public. Our object is to advance the education of the public in archaeology and our primary focus is within South Wales.

We maintain the regional Historic Environment Record, and are retained by Unitary Authorities and other organizations to provide strategic advice, and also case management support where development proposals, agri-environmental, forestry and woodland schemes impact on the historic environment. We also carry out a wide variety of archaeological projects for public and private sector bodies, including environmental impact assessment, field survey, excavation and heritage interpretation.

We are responding by letter rather than on the form provided, since we do not have a view on any of the questions about specific impacts of the proposed legislation: our response can be classed as falling under Question 42 'Other comments or useful information'.

We are delighted to see in the 'Legislative and policy context' of the introduction that Section 1.34 recognises the fact that the natural and historic environments are inextricably intertwined, and that consideration of the historic environment will be fully embedded into the proposed definition of natural resources for the purposes of the Environment Bill. However, we are surprised that the proposed Heritage Bill has not been flagged up, alongside the Future Generations Bill and the Planning Bill. This gives the unfortunate impression that the historic environment has been included as an add-on to this section, rather than forming an integral part of the thinking behind it.

We feel that it would be useful to stress that historic environment requirements need to be considered from the outset of any proposal: historic environment organisations need to be included, for example, among the stakeholder groups consulted on the management of natural resources on an area basis (NRM4, paragraph 2.42, bullet point 2). This is



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because we have in the past found that proposals for action in the environment that have been driven largely by ecological factors have only started to consider the historic environment at a secondary stage. This is liable to lead to conflict of interests, which could be avoided where the historic environment is factored in from the start (paragraph 2.98).

We trust that the eventual draft of the Bill will take these matters into account.

Yours sincerely,



Dr E M Evans
Heritage and Outreach Manager

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	Roisin Willmott, RTPI Cymru Director	
Organisation	RTPI Cymru	
Address	RTPI Cymru PO Box 2465 Cardiff / Caerdydd CF23 0DS	
E-mail address	roisin.willmott@rtpi.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 checked="" type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

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:

RTPI Cymru considers that natural resource legislation in Wales is in considerable need of a cohesive strategy, to help manage resource management in a sensible and cohesive manner. Therefore the content of the chapter, in particular the level of importance attached to strategic level thinking and the framework of proposals NRM1-NRM6, are viewed very positively and strongly welcomed by RTPI Cymru.

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:

It is strongly supported that a legal definition will be applied to Natural Resources, Integrated Natural Resource Management and Sustainable Management. The competing demands upon such resources can often lead to complicated, drawn out and sometimes inconsistent land use planning decisions – decisions which often have far reaching implications. In this case, a legal definition of natural resources and resource management will certainly lead to more consistent and fairer development planning decisions.

These fundamental principles on managing our natural resources will provide a firm foundation for the preparation of Wales' statutory land use development plans, from the national level National Development Framework (referred to in the draft Planning

(Wales) Bill) and down to statutory development plans (Local Development Plans(LDPs)). Integration between these land use plans and the concept of natural resources set out in Chapter 2 is very important. The context for arriving at this definition also appears to be sensible, which recognises the economic exploitation of resources but sets this firmly within a context of the ecosystems approach. This is also strongly supported by RTPI Cymru.

More specifically, we consider the definition provided in Figure 3 is a useful starting point, however we note there is no reference to the importance of “local communities” in achieving natural resource management. RTPI Cymru consider effective management of natural resources must begin at the local level, and for this reason it is suggested that under “Integrated natural resource management” the wording should read “...long term benefits for local communities...within Wales” rather than just for the “people of Wales”. We suggest this issue could be linked to the Area Based approach introduced in the White Paper.

Also, notably under Table (i) ‘Indicative Timing of the Natural Resources Policy’, whilst it is understood why Local Service Boards, given their strategic overarching role are referred to with regard to needs assessments on identifying natural resource management opportunities, it is suggested that engagement with Local Planning Authorities, rather than the Local Service Boards could yield better results? It is not considered that environmental issues or natural resource management is at the heart of the work that Local Service Boards undertake. However, *every* decision taken by Local Planning Authorities should have sustainability and the environment at its core – this is particularly the case with the preparation of statutory development plans (LDPs), where the competing demands on natural resources is the primary issue.

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:

Again, RTPI Cymru strongly supports the notion that climate resilience and climate change should be fully integrated into natural resource management. Again we would highlight the recognition of town and country planning policies that can play an important role in contributing to such objectives – be it through the management of peat land, the implementation of sustainable drainage systems and of particular relevance, green infrastructure. Again this demonstrates the importance of linking these objectives to the statutory development plans. Also, we would welcome a stronger emphasis and cross referencing to adaptation to climate change and flood risk management within the paper’s section on integrated water management (p29), which currently (as per the catchment approach generally) has a strong focus on

applying the ecosystems services approach to water quality and not quantity.

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 welcomed and supported by RTPI Cymru, we consider the proposals to be in line with the priorities of the Programme for Government very sensible, and such alignment could be considered long overdue. However, as referenced in comments above, Local Planning Authorities will be key partners in and should be fully integrated into this process. To make this explicit, we suggest that Local Planning Authorities should be fully integrated into this process. We also note that monitoring is key in underlining the importance.

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:

An 'Area Based' approach will allow different geographic areas and communities to develop their own priorities and objectives, and fundamentally that is an effective means for strategic themes to be transposed to the local level. The process set out in paragraph 2.42 is also supported, although we consider recognition should be given that each "Area" will already have a statutory development plan (LDP) and due consideration should be given to integration with this. Many LDPs will set the blueprint for future development for Local Authorities and National Park Authorities, therefore great consideration should be given to the development of any Area policies which may conflict with these statutory plans.

However, although we note the areas will need to work coherently across Wales to deliver the priorities set out in the national natural resources policy, we are concerned that there will be no initial requirement for full coverage across Wales. Thus, there is no explanation for this approach, no indication within the paper as to the initial extent of the coverage and also the state of play for those areas left outside of the new approach. This requires clarification and justification. The definition of Natural Resources provided confirms that this covers elements that are relevant to the whole of the geographical area of Wales and therefore it does not seem logical for the proposed area based approach to natural resource management not to require total coverage as mentioned in paragraph 2.43. Surely all resources need to be taken into account via the area based management approach if one of the main thrusts of the document noted in the summary at the start of Chapter 2 is to be achieved, name, "*to integrate natural resource management in a way which helps to optimise social, economic and environmental benefits now and in the future.*"

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:

In this respect, RTPI Cymru does not agree that the approach is flexible enough. We feel the approach should be much more prescriptive on who is consulted in paragraph 2.46. It is not clear what is meant by ‘other parties’. As with many of the points made above, the role of the Local Planning Authorities would appear to have a key role in contributing to this 5 year review and again as mentioned above, would probably be a more effective body to respond to these issues than Local Service Boards. It is therefore suggested that specific reference should be made to Local Planning Authorities as a consultee as part of the 5 year review process.

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, RTPI Cymru agrees this requirement is very important. As per comments on Q6 above, specific reference should be made to Local Planning Authorities in this process.

Question 8

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

Yes

No

Please provide comment:

We consider this proposal to be largely sensible. However, emphasis should also be placed in any reporting activity on collaboration with Local Authorities. As can be seen through several of the responses provided above, RTPI Cymru has concerns that the process is not sufficiently integrated into the statutory land use planning process. We strongly consider Local Planning Authorities and in particular the statutory development plans (LDPs) that are produced should be placed at the heart of these changes. This is, in fact, finally recognised in paragraphs 2.49-2.58 of the document, however at this point it feels to a certain extent as an ‘add on’. We feel land-use planning should be more strongly integrated through the entire paper.

Question 9

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

In theory these proposals should have a positive effect on land use planning and should lead to more consistent, timely and fairer decision making. We also strongly support the shift in emphasis to the potential opportunities presented by the sustainable management of our natural resources to deliver national and local outcomes, rather than impacts – in what could be seen to be our ‘constraints’ led sector. However, this will only work if the ‘integration’ referred to in many of the comments above really does take place. If the work of the NRW in implementing the Act is not fully integrated with land use planning, we are concerned it could well have the opposite effect than that intended, which could lead to conflict and delay in determining new development proposals.

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 agree in principle, however with the proviso and concerns that large organisations, such as NRW, may not always provide the best environment to develop innovation and implement new methods of working. We suggest there is further emphasis on working with other partners to deliver objectives, rather than the current sole focus on new ways of working within NRW.

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 welcome the proposals to trial new innovative approaches, rather than be restricted by the need for further evidence that these approaches ‘work’. We would be concerned that, as is often the case with ‘pilots’, that every effort is made to translate successful ‘innovations’ into mainstream practice.

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 agree NRW would appear to be the logical organisation for PES schemes as the facilitator or accreditor. However less so, due to NRW’s regulatory status, as the ‘broker’. The latter role has been successfully played across the border in England by Wildlife Trusts and we suggest this is considered also in Wales.

Question 13

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

No specific comment to make.

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 specific comment to make.

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 specific comment to make.

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 specific comment to make.

Question 17

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

The only comment RTPI Cymru would wish to make on this issue, is that PES schemes could in theory have far reaching implications on future land use in rural areas. Therefore this once again highlights the importance of close integration with land use planning guidance, local planning authorities and Local Development Plans.

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:

Qs 18-38 No specific comments to make.

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:

- | | |
|--|--|
| <input type="checkbox"/> NRW | |
| <input type="checkbox"/> Local Authorities | |
-

- Sewerage undertaker or
- Other

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

- pre-application costs?
 - variation costs?
-

- costs of transferring of licenses?
- 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

RTPI Cymru agrees with this proposal in principle as it refers to the Land Drainage Act, although we consider that this would also need to be clarified/referred to in an update to the Flood and Water Management Act 2010. We would also pass comment that this section seems somewhat out of place with the ethos of the White Paper, whereby Land Drainage and “the offending excess water flow” on land is in an earlier part of the document seen as a positive ecosystem service for flood risk management. We would like to see the emphasis on ecosystem services expanded upon in this section, as noted previously this received scant coverage within the ‘integrated water management section’

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

This proposed simplification is welcomed, however we consider both environmental assessments and legal advice will still need to be sought and as with the comment above, we question the lack of detail regarding how these proposed changes will benefit the more sustainable use of Wales' resources as applied to flood risk management.

Question 40

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

At a legislative level, we would stress that the impact of the proposals require thorough cross referencing, to ensure no unintended gaps arise. In the ethos of the White Paper, we consider the present section on flood risk management to be a lost opportunity for considering new proposals both on the detail of a more innovative, sustainable, ecosystems approach to flood risk management (only very lightly hinted at to date through the paper) together with further proposals (beyond management agreements) to facilitate the implementation of these approaches. We would welcome further detail on the priorities and opportunities of natural resources on an area basis in an urban context, as well as rural.

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.

RTPI Cymru notes that the White Paper makes very little reference to local communities, Welsh language or cultural issues. These are important considerations in any environmental legislative context in Wales and it is considered that greater consideration should be given to the interplay between them and the environment within which they exist. It is assumed the link here would be through Local Service Board and Local Development Plans – if so, we consider it would be useful if reference to this was made more explicit.

Question 42

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

From the foreword to the White Paper and throughout the document, it is stated many times that the proposals have been designed to deliver a ‘more joined-up’ approach to natural resource management. An overarching theme to our response is the lack of integration with land use planning – which RTPI Cymru would have expected to play a central role in the delivery of many of the objectives of the White Paper (particularly in the proposals set out in Chapter 2). Local Service Boards are consistently referenced in the paper, but not Local Planning Authorities. Whilst we understand that in trying to simplify and integrate systems, the Local Service Boards represent the logical forum to enable local implementation, we are concerned regarding the high level and strategic nature of Local Service Boards, and possibly lacking a strong environmental context. In contrast, Local Planning Authorities and Local Development Plans in particular epitomise the main issues we face in the sustainable management of our natural resources.

Overall, we found the Paper varied from being rather woolly to highly specific, with content required in between these two extremes to provide more flesh on the bones to allow constructive or useful comment to be made. We are concerned how robust the whole process of natural resource management will be and therefore the benefits it will actually deliver in terms of providing a framework for and helping to inform other plan processes such as the Local Development Plans. As per the section on ‘Resource Efficiency’ and Waste, we would very much welcome further detail on other possible area based/ecosystem approaches to other key issues such as flood risk management. We consider these to be missed opportunities at present within the paper.

14 January 2014

CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL Towards the Sustainable Management of Wales' Natural Resources

Response by RWE Npower plc on behalf of RWE Group companies operating in Wales

The various RWE Group companies operating in Wales (hereinafter "RWE") welcome the introduction of a more integrated approach to environmental management, in which environmental impacts are considered in their socio-economic context. Actions to improve the environment need not and should not hamper sustainable economic growth. We do not consider it is coincidental that the improvements in environmental quality over the last 20 years occurred during a period of sustained economic growth and growth in prosperity. The issue is therefore how to react to and address the overarching challenges identified in a way that does not hamper a recovery of sustainable economic growth.

RWE welcomes the general thrust of the proposals but has concerns about how they might be implemented and operate in detail. We believe that much closer co-ordination and integration with the land use planning system is required than is proposed on the face of this White Paper, in order for the proposed natural resource management system to deliver the desired outcomes. The proposals in the White Paper are to a very large extent "enabling" proposals and their value is very much dependent on the details of how they are implemented as many of the proposed duties and responsibilities are necessarily general in nature.

Unlike the concurrent consultation on the Planning (Wales) Bill, no draft Bill has been issued for consultation. We would ask that when the legislative proposals in this White Paper are taken forward by the Welsh Government, there should be an opportunity for stakeholders to comment on the draft Bill itself before it is introduced to the National Assembly. This applies also to any related secondary legislation.

In this response we use the term "*local natural resources management plan*" to refer to the combination of outputs from the area-based approach specified in the 4th and subsequent bullet points in paragraph 2.42 of the White Paper.

Chapter 2: Natural Resource Management

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

This White Paper provides a high level framework for future policy and legislative developments to protect the natural environment in Wales. However, more information on the overarching policy goals and the proposed measures for implementation of new initiatives, including government funding, is required to enable a detailed response. As policy is developed, we urge that the key challenges addressed by the White Paper should be prioritised such that activity is focused on those sectors responsible for the greatest impact on ecosystem services (e.g. controls on housing development, agriculture, fisheries and transport policy), rather than those over whom the greatest control can be exerted directly by Government agencies (e.g. the industrial sectors subject to control under the environmental permitting regime).

To ensure that any new initiatives are as effective as possible in sustaining essential natural resources generally, as well as delivering national biodiversity targets, we agree that a national strategic framework is necessary to provide guidance on priorities and ensure consistency with infrastructure planning, the land-use planning system and water policy. Such a framework would ensure consistent decision-making across the country and would, therefore, ensure a “level playing-field” for commercial and industrial development.

We support the general principle of integrated natural resources management but believe that if it is to work effectively it needs to be more closely co-ordinated with the land use planning system in particular, than appears to be proposed. It is essential that the two regimes “march in step” and especially that the area-based natural resources management planning process led by Natural Resources Wales (NRW) is synchronised with the local development planning cycle.

We believe that some additional legal provisions are required to ensure that the land use planning and natural resources management processes work satisfactorily together. These would for the most part probably be more appropriately included in the forthcoming Planning (Wales) Bill and we have indicated below where we believe this is the case. We will also include reference to these matters in our response to the current consultation on the proposed changes to the land use planning system in Wales and the draft Planning (Wales) Bill.

We support the concept of a national natural resources policy for Wales. We agree that this policy should be “owned”, issued and revised by the Welsh Government itself rather than by NRW. This policy should cover matters such as wind farms and peat which have been the subject of policies issued by the former Countryside Council for Wales (CCW) in the past. It is essential that the content of the national natural resources policy is consistent with *Planning Policy Wales* and the proposed *National Development Framework*, and *vice versa*.

We have been concerned at the way in which policies affecting outside bodies including business and industry have in the past been drafted by CCW and applied, often without any external consultation. Going forward, all NRW policies which affect external parties either directly (e.g. through the environmental permitting regime) or indirectly (e.g. through NRW responses to planning applications as a statutory consultee) should be subject to consultation with parties likely to be affected and the public. The more significant NRW policies in this respect should be subject to Welsh ministerial approval.

It is important that competition issues should be resolved and that, both within Wales and across the UK as a whole, assessment and compensation/mitigation measures should be achieved in a proportionate and cost-effective manner across all relevant sectors. Risk assessment methodologies appear to vary between sectors, and in the past some sectors, such as the power sector, appear to have borne a disproportionate burden in terms of environmental data collection and assessment costs.

While we recognise that there are specific legal requirements in relation to Special Areas of Conservation, Special Protection Areas and European Protected Species, on our recent experience it is difficult to avoid the conclusion that disproportionate effort is devoted to the assessment of the effects on these sites and species and their subsequent protection, at the expense of the rest of the natural environment. The new arrangements should seek to redress this current imbalance and the integrated approach offers the opportunity to do so.

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

In order to ensure clarity and consistency, we agree with the proposals to establish legal definitions for natural resource management. However, it would be useful if the relationship between “integrated natural resource management” and the “ecosystem approach” was explained more fully.

We agree that the sustainable management of natural resources should consider the structure and function of ecosystems, rather than just their individual components, although there is still a great deal which is not understood with regard to ecosystem function and the provision of ecosystem services. It will not be possible (at least in the short term) to base regulatory and/or business decision-making solely on the quantification and valuation of ecosystem service impacts according to the framework promoted in the UK National Ecosystem Assessment (NEA). A level of pragmatism will, therefore, be needed for the ecosystem approach to be workable in practice.

A pragmatic and proportionate approach needs to be taken to the assessment of the impacts of all types of developments and interventions affecting the natural environment. The promoters and (where applicable) the operators of major infrastructure and energy developments should not be expected to fund research, data collection and monitoring to a disproportionate extent in support of an ecosystem approach, beyond the reasonable needs of the projects concerned.

The definitions proposed at Figure (iii) in the White Paper could potentially exclude proper consideration of cross-border effects (whether positive or negative) from the operation of Welsh integrated natural resource management and sustainable management policies. It is important that any cross-border effects are taken into account in both policy-making and decisions on individual projects. This is especially relevant to the water environment, given that a substantial proportion of Wales is drained by the Severn, the Dee and their tributaries, which run through England and can have major impacts on communities, assets and essential infrastructure there, particularly in the event of flooding. As the proposed legislation by definition extends only to Wales, it is neither necessary nor desirable to include express provision on the face of the definitions limiting the scope of what is to be taken into account in integrated natural resource management, the ecosystem approach and sustainable management to matters within Wales only.

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?

It is absolutely fundamental to the success of integrated natural resource management that provision for climate change resilience and mitigation is an integral part of that management process. But it is important that climate change mitigation measures are applied generally and not on a local basis. The impacts of climate change and the benefits of mitigation measures are global and therefore there is no sense in setting limits on emissions or targets for emission mitigation measures (such as renewable energy generation) on a local basis. In particular, local quotas and targets for carbon emission reduction must be avoided. Local area targets for renewable energy generation are also liable to have undesirable consequences, as

such targets may be viewed as maxima by local politicians, especially in relation to onshore wind power.

Climate change resilience also includes providing for increases in the number and severity of extreme weather events, most particularly - in the Welsh context – flooding. The measures required to mitigate the impact of extreme weather events are necessarily location-specific. This is an example of where consistency between natural resources management and land use planning is critical.

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

There are different reviews of policies, plans and existing consents (notably environmental permits) at national (Welsh) and local levels which have a bearing on natural resources management, which are not synchronised with one another and which can result in mutually conflicting policies and plans being in force concurrently. We have a concern that the five year cycle proposed for the setting of national outcomes and priority actions and the linked process of preparation and review of local natural resources management plans by NRW could add to this problem.

Many of the natural resource management outcomes will necessarily only be attainable over the long term and by the consistent application of appropriate policy measures at all levels of resource management and development decision taking. A general consistency of approach is essential over a much longer period than the interval between Assembly elections or the proposed five yearly cycle in the Future Generations Bill. Consistency over time is also essential to give business confidence in future environmental policy and associated regulatory requirements to facilitate investment, including investment which helps to reach the national natural resource management outcomes themselves.

On the other hand national policy implementation, including outcomes and priority actions, does need to be reviewed to make sure outcomes are being delivered as intended and to identify unintended side effects, and amended as necessary. A five-yearly review cycle is probably appropriate provided that:

- (a) There is sufficient political consensus around natural resources policy to avoid disruptive reversals (as opposed to adjustments) of policy arising from changes of government following Assembly elections; and
- (b) NRW has effective discretion on when to introduce consequential changes to its area-based approach to implement revised priority actions and seek to achieve revised national outcomes in any particular area, to suit local circumstances. In particular, the development and review of local natural resources management plans should be timed to fit in with planning authorities' reviews of Local Development Plans.

Realistically it will not be possible to synchronise all these review processes so that they interface optimally with one another and minimise uncertainty for business. We believe that the interface between the integrated natural resources management process and the land use planning system is one of, if not the most important of the relevant interfaces, and the co-ordination between them should be given the highest priority. At a Wales-wide level the setting of national outcomes and priority actions needs to be co-ordinated both with the periodic review of *Planning Policy Wales* (to

ensure consistency) and with the preparation and periodic review of the proposed *National Development Framework*.

Similarly at local level the development and review of the proposed NRW area-based approach and local natural resources management plans needs to be synchronised and integrated with the preparation and review of Local Development Plans by local planning authorities.

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

We agree that an integrated approach to local natural resource management, with all relevant stakeholders actively involved in local policy development and increased public availability of environmental data, would facilitate more efficient and consistent environmental assessments and decision-making. Over-arching issues should be addressed at a national policy level and, where there are land use planning implications at national level, in the proposed *National Development Framework*. These policies should be implemented but not revisited through the local natural resources management planning process. Integrated local resource management planning should be used as part of the land-use planning system. The local area-based approach should support the achievement of national policy objectives in the local context: it must not frustrate their achievement at local level. The proposals in Local Development Plans should be consistent with the area-based approach to natural resource management for the area concerned. Individual planning applications should be determined within the context of natural resource management planning as well as national planning policy and Local Development Plans.

To this end it is important that Welsh national natural resources policy has similar statutory standing to *Planning Policy Wales* in the land use planning system. Local natural resources management plans should have substantial weight in decisions on planning applications, but in case of conflict with a current Local Development Plan (which should not normally arise once the proposed arrangements have settled down, except where plans are out of date) the latter should prevail. Statutory provision to these effects would probably most appropriately be made in the Planning (Wales) Bill. In the longer term the relevant parts of a local natural resources management plan should in practice be embedded in Local Development Plans.

It is critical that the way in which integrated natural resource management fits into the determination of planning applications, especially for (Welsh) Developments of National Significance and Major Developments, and the environmental permitting process is set out clearly from the start of the respective processes, together with any interactions with the Habitats and Wild Birds Directives, and with any other relevant regulations dealing with protected areas/species and prescribed ecology-related objectives. This applies equally to projects in Wales subject to the (UK) development consent regime for Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008. Further consideration needs to be given to how the proposed Welsh natural resource management regime will interface with the consent regime for NSIPs in so far as the latter is applicable in Wales, especially to avoid conflict between relevant National Policy Statements and (Welsh) national outcomes and priority actions.

Note: In our view the future situation where the 2008 Act regime will apply to a few types of major project in Wales (principally energy projects) while other major and infrastructure developments (including some potentially directly associated with

NSIPs) will be subject to a similar but separate regime under the Planning (Wales) Bill proposals, will not be satisfactory without additional co-ordination measures. We will comment on this aspect, and include some suggestions to mitigate the problems we anticipate, in our response to the current consultation on the Planning (Wales) Bill.

Integrated natural resource management should result in fewer surprises for the developers of major infrastructure and energy projects, especially when combined with the “front-loading” proposals included in the draft Planning (Wales) Bill. Uncertainties arising from enhanced input from local stakeholders at a late stage in the process should be avoided if possible.

Local natural resource management plans should integrate with, rather than add to, existing local management plans, and should reflect national resource management priorities to ensure a consistent approach to decision-making across Wales and so provide clarity for investors.

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, subject to the points made in preceding answers.

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

We agree that there should be a requirement on all relevant public bodies to co-operate in the area-based approach at the appropriate times, to participate in planning of local natural resource management and to share environmental data. For the new approach to be successful, clear and well-developed guidance for assessment and decision-making should be agreed by all relevant regulatory and advisory bodies, and these bodies should have the appropriate expertise and resources for implementation of the agreed methodology. It is essential that relevant public bodies are sufficiently resourced to engage constructively in the natural resource management planning process in a timely manner, and that the agreed methodology itself is not so cumbersome or resource-intensive as to impede the delivery of national policy objectives.

However, it is equally important to the success of integrated natural resources management at the local level that NRW participates constructively in the operation of other consent regimes, including the development planning and development management parts of the land use planning system and the Planning Act 2008 regime for NSIPs in so far as applicable in Wales. NRW's inputs need to be timely, complete and consistent as between the different functions and constituents of NRW. The performance of NRW's predecessors in responding to local planning authorities' consultations has sometimes been poor and there should be mandatory targets for NRW's performance as a statutory consultee, with special remedial measures applied to any organisational units within NRW which persistently fail to deliver the required level of service.

Note: Also the requirements for statutory assessments for major projects (whether NSIPs, (Welsh) Developments of National Significance or Major Developments for the purposes of land use planning) which link with the proposed wider natural resources management planning regime, should be discussed with developers at an early stage via a planned consultative process, which ensures and facilitates active

participation by all relevant stakeholders. This could be most appropriately addressed as part of the Planning (Wales) Bill proposals.

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

The assessment of progress on delivery of the national outcomes and implementation of priority actions is an essential part of the overall natural resources management process. It is appropriate for NRW to co-ordinate natural resources data collection and reporting as it will already be in possession of much of the information as a result of its wider activities, whether gathered by itself, local authorities or applicants/holders of various consents and permits. However, local planning authorities have an important role in data collection, as do other public authorities, wildlife trusts and other voluntary sector bodies and community groups. While public authorities will be under a duty to co-operate, it is important that the voluntary and community sectors are encouraged to participate actively in the natural resources data collection and reporting process. NRW should liaise with these bodies to take advantage of the available data.

The developers of projects subject to environmental impact assessment and operators of installations subject to environmental permitting are increasingly required to undertake environmental surveys, monitoring and reporting as part of EIA and the environmental permit application process, and as a condition of their permits. The results of this work are by definition in the public domain. Monitoring data in support of environmental permits are by definition available to NRW and are available to the public, although not always conveniently, through public registers. These data are an important input to the natural resources management planning process.

The natural resources reporting arrangements should include changes which are proven or suspected to be effects of climate change, and adaptations to climate change.

Part of NRW's reporting role should be to facilitate the wider public availability of data on natural resources in Wales. The economic value of this data base is considerable, it should be treated as a public asset and made freely available to all who have a legitimate use for it, with a minimum of formalities.

We are concerned to ensure that project developers and installation operators should not be required to undertake environmental surveys and monitoring activities as part of wider natural resources data collection, beyond those reasonably required for the purposes of their consent or permit applications and the monitoring of the impacts of their operations. In our experience CCW required further information which was apparently to meet shortfalls in their data rather than because it was necessary for the assessment or subsequent monitoring of the effects of the projects concerned.

The flow of environmental data between business and NRW should in principle be a two-way process to a much greater extent than is often the case at present. This would be to the benefit of business, NRW, local and other authorities and the public.

NRW must be adequately resourced to perform its natural resource data management and reporting role in a timely manner. Data management, monitoring and reporting should be focused on the delivery and implementation of policy objectives, as opposed to research projects.

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

We foresee significant management time and effort being required to feed in to the area-based natural resources management planning process in those areas in which RWE Group companies have major operational electricity generating installations, whether thermal, wind or hydro. However, we believe there are substantial potential benefits to our operations and future development from the proposed approach as long as the process focuses on the provision and maintenance of ecosystem services in a broad sense, maintaining a balance between nature conservation and other natural resource management objectives, including economic development and the well-being of local communities.

Chapter 3: Natural Resources Wales – New opportunities to deliver

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

Yes, subject to the answers to Questions 11 to 15 below.

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 scope of experimental schemes must be very clearly defined, both geographically and otherwise.

We support the principle of experimental schemes having to be approved by the Welsh Ministers before they are implemented.

Any “Regulations” governing an experiment, corresponding to any statutory instrument which would be required to give legal effect to the scheme if it were being implemented permanently, should also be subject to the consultation on the design of the experimental scheme and the approval of the Welsh Ministers before the experiment is started.

The scope for innovative approaches and experimental schemes for natural resources management to be led by NRW itself, possibly with private and /or voluntary sector involvement, should not be overlooked, especially where such schemes are linked to NRW’s role as a land manager as successor to the Forestry Commission in Wales. This may include renewable energy developments delivering environmental gains.

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

We agree that whilst NRW should be responsible for developing and designing any new schemes for the development of markets for ecosystem services, NRW should be required to consult with relevant parties (including industry) on the design of the schemes. We would support voluntary trials in pilot areas to determine the feasibility of applying market instruments such as payments for ecosystem services (PES) and biodiversity offsetting in Wales, and would welcome stakeholder consultation on the future development, if any, of this approach.

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

The essence of a management agreement is agreement between the public body (in this case NRW) and the landowner or business and accordingly the power should not be capable of being used compulsorily. For example, a management agreement should not be a mandatory prerequisite for the continuation of an existing licence or permit on review of the latter. A management agreement should not be used to regulate a matter linked to a planning permission, environmental permit, water abstraction licence, etc., which is capable of being the subject of a condition of that consent, and should not duplicate such conditions.

Subject to the avoidance of duplication and double jeopardy, the power should in principle extend to any matters related to the discharge of any of NRW's functions, provided that the matters relate to the management of land or man-made features (whether existing or proposed) on land, and that those matters relate to the land itself rather than being personal to the particular landowner or business which would be party to the agreement.

While part of the objective of this proposal is to "lock in" specific management practices for the future, the continued existence of obsolete management agreements has the potential to inhibit otherwise desirable development of land or changes in land management practices in the longer term. All management agreements should include provision for amendment by mutual agreement (at the instance of either party) after an initial period of (say) 5 years if circumstances so require, or termination of the agreement if it is rendered irrelevant or obsolete by changes in local circumstances.

The powers should be sufficiently flexible to allow management agreements to be drawn up so as to apply for a fixed time period, until an identified anticipated event occurs, or indefinitely.

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?

General Binding Rules should be seen as serving a similar function in relation to environmental protection legislation to the function of permitted development rights in the land use planning system, allowing activities with limited potential for harm to proceed without the need for a specific consent or permit, while imposing general conditions on the activities concerned.

We believe that the scope for the establishment of General Binding Rules on matters relevant to the RWE Group's electricity generating operations is likely to be limited. Subject areas where we do believe General Binding Rules could be appropriate relate primarily to short term activities such as building and engineering construction works, demolition of buildings and structures, earthmoving and the transport of dry bulk materials generally.

General Binding Rules could usefully be developed to cover matters such as:

- (1) Control of suspended solids in surface water runoff from construction sites;
- (2) Prevention of drag-out of mud from works sites on to the public highway;

- (3) Prevention of dust nuisance from construction works and the transport of dry bulk materials; and
- (4) Noise control on construction sites.

In the case of noise control in particular, existing British Standards may provide a suitable starting point for the development of general binding rules.

The development of general binding rules on these matters should avoid the necessity for local authorities to impose conditions on planning permissions to address some of the above matters on a case by case basis. It would be necessary to ensure that the need to avoid duplicating any General Binding Rules in the conditions of planning permissions or in Section 106 (Town and Country Planning Act 1990) agreements was reflected in *Planning Policy Wales* and/or relevant TANs.

In respect of matters which are covered by general binding rules, it should be made a defence against legal action for nuisance (statutory or otherwise) and (where relevant) against prosecution for water pollution offences to prove that the relevant general binding rules were complied with.

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?

We support the initial proposal to limit the Welsh Ministers' proposed power to amend existing primary legislation by order to NRW's functions.

Regarding environmental legislation generally, we believe it is undesirable for piecemeal changes to be made, applicable only in Wales, to legislation which currently applies in England and Wales. In the longer term a better and clearer approach would be to enact consolidating environmental legislation applicable to Wales only and provide for existing relevant Acts and associated statutory instruments extending also to England and other parts of the UK to cease to have effect in Wales.

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 believe that the absolute nature of the specific legal requirements in relation to Special Areas of Conservation, Special Protection Areas and European Protected Species results in disproportionate attention being given to the protection of these features, often to the detriment of other local natural resources given the manpower and budgetary constraints on NRW and the other agencies involved.

There is potential for conflict with Local Development Plans if (possibly for political reasons) LDP policies and their application through development control do not support the objectives on integrated natural resource management.

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

Please see answer to question 9 above.

Chapter 4: Resource Efficiency

Questions 18-31. No comment.

Chapter 5: Smarter Management

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

In principle yes, because as users of the marine licensing system we recognise that if NRW cannot recover the costs it incurs in operating the marine licensing system, its capacity to process applications will be severely resource-constrained, leading to delays, uncertainty and consequential costs for applicants.

A balance needs to be struck between precision of cost recovery and the further cost incurred by all relevant parties including licensees and applicants in administering fee payments. This is primarily a matter for the proposed Regulations, but we would suggest that there should be a fixed scale of fees for minor licence variations, extensions of validity of licences where works are delayed, and transfer of licences.

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:

i. pre-application costs?

RWE support the idea of charging for pre-application costs as we do see it as a way of ensuring there are enough human resources within NRW to engage with developers when they are trying to plan their projects. This should enable developers to agree approaches with NRW in advance of submitting applications for consent. In order for an efficient process to operate we would prefer to agree fees in advance for the required deliverables a developer needs, for example engagement on a particular issue and arriving at an agreed approach to the matter (while respecting that agreement between a developer and NRW may not be possible on all matters pre-application). We would also like to ensure that advice given and matters agreed with NRW at this stage are not subsequently changed once an application is made. In other words by charging fees at this stage industry would expect NRW to apply enough resource to the matter to come up with its final opinion on the issue subject to any further data requirements. It will also enable agreement with NRW to be reached at an earlier stage in the process by ensuring there are resources to engage with the developer when the developer needs them.

In summary this could perhaps be most succinctly articulated in expressing the need for a commitment to timely, proportionate, evidence and risk based approach to advice that incurs fees, in a stated level of service policy.

ii. variation costs?

Where there is a necessary cost some way of recovering it should be available to NRW but are concerned that this should be kept straightforward for both parties to a marine licence to administer. Fee administration costs should not end up being of the same order as the fees themselves. On a project like the construction of Gwynt y Môr we are adding or removing vessels on an almost weekly basis, if we were charged each time a modification was made the administration costs for both parties would be excessively and unnecessarily high.

We would suggest that for licences for major marine works taking place over a period of the order of a year or more (the exact parameters would need to be consulted on and agreed in due course) the best approach would be for the licensee to pay NRW an annual fee based on a standard scale for the type of works, covering NRW's costs related to monitoring and supervision as well as any licence variations.

For charging purposes variations involving extensions of the validity of the licence to carry out works should then have the effect of extending the period for which the annual fee is payable

For smaller scale and shorter duration activities where there is less potential for variations and no significant monitoring requirements then fixed fees on a "per occasion" basis would be more appropriate.

iii. costs of transferring of licences?

Where there is a necessary cost some way of recovering it should be available to NRW. As transfers should not be a frequent occurrence, a fixed fee should be payable on a "per occasion" basis for licence transfers.

iv. covering regulatory costs, via subsistence charges?

Where there is a necessary cost some way of recovering it should be available to NRW. As a general rule, subsistence charges should apply to the period for which a licensed activity is being actively carried out, if (but only if) there is a significant regulatory /monitoring requirement under the terms of the licence

Where monitoring and associated regulation are needed during the execution of engineering works, dredging, spoil disposal at sea, etc. over a substantial period then NRW should be able to recover its costs arising from this through the annual fee suggested under (ii) above. This could also cover short term post-works monitoring.

The presence of a structure in the sea authorised by a marine licence or a consent/licence under previous legislation should not of itself attract any subsistence charge.

Monitoring should be proportionate to the risks involved. Unnecessary and excessive monitoring either by NRW or required to be undertaken by the Licensee should be avoided. Where activities have been carried out in the past without the need for additional monitoring the introduction of monitoring (and associated charges) needs to be properly justified. The recent creation of NRW is not in itself a justification for introducing monitoring or charges. When monitoring costs are coming out of someone else's budget there is a real risk that monitoring demands may become excessive and the Welsh Government needs to ensure that this does not happen..

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

For information we would like to point out that we found recent proposals from the Marine Management Organisation for levying similar charges particularly unsuitable.

A system which requires labour intensive logging of hours by NRW to a particular party, raising invoices for potentially small sums and for companies to pay these small invoices would not be well received. We prefer the approach of an annual fee for licences while the licensed activities are actually taking place, as it is both predictable and much simpler to administer than the alternatives.

Questions 35-37 (Shellfisheries management). No comment.

Questions 38-40 (Land drainage, flood and water management). No comment.

Chapter 6: Implementation

Questions 41 & 42. No comment.

NBKR
14/01/2014

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)

The Powys Environmental Partnership (PEP) comprises of representatives from those organisations with an interest in protecting and enhancing the environment of Powys. It reports to the Local Service Board (LSB) and contributes to the wider review of progress against the objectives of the One Powys Plan.

PEP champions the synergies which arise when the value of the environment is considered in the context of wider benefits to the people and economy of Powys, playing its part to deliver the integrated action expected as part of the LSB approach.

It controls a small budget provided by NRW which it uses to commission collaborative environmental projects. It shares good practice and promotes joint action amongst the group members on wider environmental activities.

The Purpose of PEP is to provide a voice for environmental interests across Powys from public, private and third sector organisations.

To seek the protection and improvement of the natural and man-made environments in all the actions of the individuals, organisations and communities of Powys and beyond.

Powys Environmental Partnership will bring organisations together to work in partnership to protect and improve the Powys environment. It will support the implementation and further development of the Powys Community Strategy, Local Action Plans and other key policies and plans which have a direct or indirect impact on local communities and environment.

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:

But with reservations over the area based approach – see below

Question 2

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

Yes

No

Please provide comment:

There need to be significant links with Single Integrated Plans

The partnership questioned whether we are collecting the right evidence to support the environmental objectives? There is a need for new types of evidence which evidences what is important rather than what has traditionally been collected.

The partnership raised concerns around the resourcing of the area based approach and supporting the Joint Needs Assessments (including the collection and collation of evidence), the Local Service Boards and the Single Integrated Plans.

Question 3

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

Yes

No

Please provide comment:

Climate Change action needs to be embedded into the proposed legislation.

There was some confusion about whether resilience meant adaptation?

The partnership felt there was little detail or commitment to Climate Change adaptation, or resilience.

Legislation already exists which could be used to ensure Climate Change adaptation/resilience is undertaken by public bodies.

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 partnership felt that the suggested report should feed into that proposed in the Future Generations Bill – one cohesive report rather than several.

It also felt that it would be sensible for all other regulatory frameworks to have the same cycle i.e. 5 years, so that actions, priorities and resources can be aligned.

There needs to be better integration between the natural resource management outcomes and priorities and the development of local Single Integrated Plans.

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:

While the partnership felt that an area based approach could be a mechanism for ensuring quality natural resource management they did have some concerns:

What would an area be? How and by whom would they defined?

There were concerns about issues around overlaps, resources and priorities. If there were to be several area plans, using different geographical boundaries, which would take priority and who would decide that? The partnership felt that making sure that existing good practice and partnerships are included in the defining of areas was vital to their success.

The issue of conflicts with other systems and regulations was raised: ie Glas Tir and flood management.

The partnership queried [how will area plans take into account long-term outcomes/priorities such as those in the LDP](#).

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:

This would depend on how the plan/partnership is defined. If the system is too rigid then it will be difficult to modify if they need to be replaced.

Question 7

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

Yes

No

Please provide comment:

The partnership felt that making sure partners see the benefits of being involved will ensure engagement and co-operation was better than requiring them to be involved.

This could be facilitated by ensuring co-operation on the development of the plans rather than on the delivery of plans developed centrally by others.

It will also depend on the requirements of the Future Generations Bill for Local Service Boards to consider sustainable development. The consideration of environmental aspects of community wellbeing would be enhanced if NRW were to be statutory members of LSBs as proposed in the Future Generations Bill.

Question 8

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

Yes

No

Please provide comment:

The partnership felt that this seemed the most sensible suggestion as NRW was set up for this purpose.

Question 9

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

Environment Partnerships, where they exist would be a useful catalyst for these outcomes in a local area.

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:

Powys Environmental Partnership thinks that the experimental power will support innovation and local solutions.

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 partnership did not feel that they had the knowledge or expertise to answer this.

Question 12

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

Yes

No

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

There needs to be some way of ensuring that any PES schemes are proximate to the issues and support Wales in supporting itself and being resilient. The area based system could ensure that this will be the case – local issues, local solutions.

Question 13

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

There needs to be flexibility in local schemes within local areas to address particular issues that contribute to the local area plan.

The issue of long term sustainable resources was raised in relation to existing schemes and programmes. The partnership felt it was import to ensure that any management agreements are properly resourced in the long term so that funding is still available after the agreement is entered into.

There also needs to be an appeals procedure.

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?

Less regulation and more flexibility, provided it does not negatively impact on Bill's stated aim of the sustainable management of natural resources, is always welcomed.

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.

EU legislation

Environmental Permitting Regulations

Opportunities offered by the Planning Bill to support natural resource management.

Land Drainage Act may have conflicts within it around restrictions/removal of water courses. If the scope of impacts is set too narrowly then impacts may not be picked up.

Question 17

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

Environmental partnerships are a vehicle for delivering environment elements of SIPs and co-ordinating environmental outcomes.

The Bill may impact of the criteria used for the PEP Small Grants Scheme, which supports community groups to deliver environmental projects that contribute to the environmental goals in single integrated plan.

Local Biodiversity Action Plans are area based plans that aim to deliver and support sustainable use of natural resources at the local level. Biodiversity underpins all ecosystem services, i.e. the natural resources encompassed by this Bill. There should be close alignment between LBAPs, Single Integrated Plans and Natural Resource Area Management Plans.

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:

General principle is sound; however there are specific logistical issues for Powys.

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?

There are logistical issues around the collection of wood, or further separate waste streams, in Powys.

Perhaps there should be a lower limit for collection to allow for small businesses with small amounts of recyclables.

It was suggested that there could be different regimes for different sectors – for example construction and retail.

There need to be appropriate mechanisms to allow for processing.

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.

Perhaps there should be a lower limit for collection to allow for small businesses with small amounts of recyclables.

It was suggested that there could be different regimes for different sectors – for example construction and retail.

There need to be appropriate mechanisms to allow for processing.

Question 20

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

Yes

No

If yes, please identify them and explain why.

The partnership felt that business size is more of an issue than type.

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?

There needs to be the appropriate infrastructure in order to deal with the waste.

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 needed for levels of acceptable contamination

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:

This is an issue for the water and house building industries.

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) Not sure how enforcement will take place. Pricing frameworks may help but ultimately the business size, cost, willingness and a range of other factors will influence this.

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

This should be dealt with on a scale basis. Similar to the approach used for fly tipping, i.e. small-scale dealt with by local authority, large-scale by NRW.

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:

All of the above – see previous response.

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

The Partnership made no comment on 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

The Partnership made no comment on this question

Question 31

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

The Partnership made no 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

NA as Powys has little shoreline

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

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?

The Water Industrial Act 1991 appears to have been omitted from the list of Acts in paragraph 5.24 omission of the

Aligning existing cycles with those in the Bill would help to streamline delivery and priorities.

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?

Powys Environmental Partnership feels that aligning the Bill with existing statutory systems will help to alleviate bureaucracy and duplication and ensure that outcomes have a better chance of success.

Innovation will be critical to reducing impacts on businesses and organisations

Local Biodiversity Action Plan Partnerships could have a key role to play in developing and delivering Natural Resource Area Management Plans

There is a need to collecting the right evidence to contribute to SIPs.

Without adequate resources being available it is unlikely that the aims of the Bill will be achieved
