

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.

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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	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input checked="" 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:

I agree. Natural resource management is necessary for the sustainable future of Wales and these proposals cover the important factors for its implication.

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:

By using the definition that aligns with ecosystem services the non-economic values of natural resources are not overlooked. I particularly agree with the definition of integrated natural resource management as it is evident that in order to have an effective environment in the future partnerships are fundamental to ensure all aspects of natural resources are addressed.

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:

The effects of climate change are felt at both the local and national level therefore, resilience and mitigation should be embedded at all levels. Although the national policy will filter down to the local, each individual area may need to respond differently to the challenges produced by climate change as a result of the country's diverse landscape, habitats and communities.

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:

It is difficult to implement changes on a shorted timescale but the five-year cycle allows significant actions to be taken.

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:

By defining the approach to localised areas the delivery will suit the individual areas providing a more effective approach. Previously, with the broad brush approaches some areas were not suitable and therefore experienced difficulties rather than thriving.

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:

I agree, however, I feel that it is robust for this present time and that no element would benefit from being changed in the near future unless a significant event occurs.

Question 7

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

Yes **X**

No

Please provide comment:

In my experience some public bodies have taken note of the approach but then proceeded to carry on with their current approach. In order for area-based approaches to be most effective, the majority of stakeholders, if not all, need to collaborate and cooperate in order to reach the common objective. Currently, many organisations are not keen to share information which makes this process difficult, therefore, by adding this requirement it will facilitate a much streamlined, joined-up approach.

Question 8

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

Yes **X**

No

Please provide comment:

I feel that with the knowledge that they currently hold, the localised nature of the organisation and their relationships to the public, public bodies and other organisations, they are best placed to be the lead reporting authority.

Question 9

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

I feel that these proposals will have a great impact on the future for a sustainable Wales. It will help to develop the environment constructively and will provide a guide to the best practice. Additionally, it will mean that the best outcome for the environment is thought of at the beginning of a project and not as an afterthought.

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:

Although with all new ways of working some may not be successful or accepted but in my opinion change needs to occur in order for innovation to take place which is essential to the continuing development of both NRW and Wales.

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?

I feel that by ensuring visibility and requiring formal approval by the Welsh Ministers, it will generally prevent any outrageous approaches that may cause outrage from the public. However, there is the risk that beneficial innovative ideas may get thrown out.

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?

Facilitators, brokers and accreditors are needed in order to produce fair deals that are consistent throughout the country, which I feel NRW are suitably placed to act as. At this present time I do not feel that there is a need for additional powers to further opportunities for PES but in the future as it becomes more widespread, more conflicts may arise resulting in the need for some additional powers.

Question 13

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

I feel that the powers outlined in 3.25 to facilitate long term agreements are valuable to PES. For example, if ecosystems are instated for a purpose e.g. flood mitigation it is imperative that agreements still stand even if the land changes ownership in order to sustain the resilience and prevent future issues.

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?

These proposals will have a significant impact on my work and research which focusses on the integration of natural approaches to flood risk management with traditional hard engineering approaches. These proposals will change the process to implement projects as funding could be generated as the flood mitigation of natural approaches being classed as an ecosystem service.

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:

Q 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)
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

Any changes in relation to standardising policy and simplifying procedures are a benefit to the legislation. It will help to accelerate any actions and will make the policy clearer to the public. Therefore, to enable Welsh Ministers to amend acts more easily will assist in engaging the public and update the Water Acts to be more relevant to today's issues.

Question 40

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

My opinion on the impact of the changes to the Flood and Water Management are covered above in Q39.

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 specific comments to make.

Question 42

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

Overall, I feel that these proposals will benefit the future sustainability of the country. However, some sections are more concise and required more discussion and input than others. The nature of my position and my work/research means that most of this White Paper is relevant to my future processes. I feel that it is definitely a step in the right direction, however, with the general theme of joined-up processes, I feel that Section 4 should be considered in relation to Ecosystem Services. Both Land Drainage and Flood and Water Management contribute to ecosystem services, therefore, should be integrated with this policy too.

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

January 2014

The Crown Estate Response

Summary:

- The Crown Estate welcomes the publication of this Welsh Government White Paper *Towards the Sustainable Management of Wales' Natural Resources* and the ability to respond to the proposals set out for consultation;
- We welcome the approach taken in proposing to consider natural resources in a sustainable and integrated way and agree that Natural Resources Wales should be enabled to undertake their functions in line with these key principles;
- Chapter 1 sets out the clear desire to develop a robust and consistent evidence base to enable key natural resource opportunities and constraints to aid investment and planning decisions – The Crown Estate manages an extensive amount of natural resources offshore as well as onshore in Wales and would welcome the opportunity to contribute information to aid both the terrestrial and marine planning decisions;
- Reference to the marine environment is made within the White Paper and we agree that improved understanding and integration of natural resources across land and sea would be beneficial for all. In addition, we believe this should be a useful tool for the Welsh Government to apply to the development of their marine plans, although timings may need further consideration;
- Chapter 2 sets out the development of a national “Natural Resources Policy” setting out the high-level direction of travel for all natural resources related policy in Wales; we welcome this and would like to better understand how this policy will relate to both the Marine Policy Statement and National Policy Statements applicable across the UK.

Introduction:

The Crown Estate welcomes the opportunity to provide a response to this consultation on the proposals for an Environment Bill in Wales. The statements contained in this response are in the context of The Crown Estate's interests and ownership; our Welsh portfolio is diverse including substantial areas of common land, agricultural holdings and a range of minerals interests.

The Crown Estate is an active asset management business, overseeing a UK-wide portfolio of prime urban, rural, coastal and offshore property. Across Wales, we are also responsible for around 65 per cent of the foreshore which includes the management and, in certain cases, the development of, ports, harbours, marinas and moorings as well as supporting community initiatives, encouraging good environmental practice and promoting

long term sustainable management of our coastal marine assets. Furthermore, we are responsible for almost the entire seabed out to the 12 nautical mile territorial limit and have specific rights on the UK continental shelf.

Amongst other marine activities, we play a key role in enabling developers to realise the potential of renewable energy (offshore wind, wave and tidal) as well as carbon dioxide and natural gas storage. Our response focuses on the questions relating to our role and responsibilities with respect to the proposals set out in the White Paper.

We have addressed the questions in turn below:

Specific questions

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?

- We welcome the proposal to ensure sustainable development is embedded in all of Natural Resources Wales' functions and for Natural Resources Wales to be a key delivery body for the Welsh Government;
- We believe the approach to developing an integrated statutory framework for natural resource management is pragmatic and we welcome any steps taken to provide a more streamlined and resource efficient regime for managing natural resources.
- Reference to the marine environment is made within the White Paper and we agree that improved understanding and integration of natural resources across land and sea would be beneficial for all. We also believe this should be a useful tool for the Welsh Government to apply to the development of their marine plans;
 - Paragraph 2.62 references the Welsh Government ambition that marine plans are sought to be produced by 2015. The White Paper does not set out any detail on the timeframe for implementation of the area based approach to resource management, although we anticipate this would be a staged approach. Therefore we seek further clarity on how it will be achievable to “embed any marine action for natural resources with the Marine Planning process” or whether it is anticipated that marine actions will be embedded following the first iteration of marine plan development?
- Chapter 2 sets out the development of a national “Natural Resources Policy” setting out the high-level direction of travel for all natural resources related policy in Wales (measures, targets and priorities); we welcome this and would like to better understand how this policy will relate to both the Marine Policy Statement and National Policy Statements applicable across the UK. In addition;
 - We would emphasise the need to clearly and consistently consider natural resources through both terrestrial and marine planning systems; for example, reference should be made to alternatives either offshore or onshore in both types of plan in order to ensure the most sustainable and efficient sourcing.

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

- Figure iii defines natural resources in part a as “air, water and soil”; whilst the second part highlights “geologic” resources, it would be clearer if the reference to soil were changed to sediment/ minerals to more accurately reflect the range of natural resources to be considered as part of the proposal. In addition; you may wish to further consider “air” and “water” as this is adequate for quality of air and water but when considering either as a resource for energy, they could be utilised as wind, tides or waves.
- Again, in order to provide greater clarity, we would suggest that Figure iii also references the fact that the natural resources in consideration (their integrated management and sustainable use) are those that are available on land in Wales but also in the marine environment.
- As already referenced as a benefit in the White Paper, any changes to this definition should also be reflected in other emerging legislation, such as the Future Generations Bill and Planning Reform Bill.

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, in order to ensure sustainable resource management for the long term, consideration of changes to the natural state (and how we may adapt to them) should be an embedded part of the proposed approach.
- Considering climate resilience and mitigation to climate change will enable optimum planned use of resources both in terms of sourcing of the natural resources but also the use of them in terms of the longevity and efficiency. For example, a strategic coastal management scheme, in consideration of adaptation to climate change, will ensure not only appropriate sourcing of minerals and effective flood risk management, but also the use of existing natural resources with the generation of multiple benefits for the ecosystem as a whole.

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?

- Whilst we support a five year review period in order to reflect the setting of national outcomes and the priorities of the Programme for Government; we would wish to see some degree of flexibility to enable consideration of any emerging priorities for natural resources in shorter time frames.

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

- We certainly support strategic consideration of natural resources and enabling NRW to do so through integrating its functions and including relevant stakeholders at appropriate times.

- We appreciate the reference made in Paragraph 2.31 to developing and implementing an area based approach to sustainably manage natural resources “including those in the marine environment” in order to plan and set priorities to coordinate resource usage. However, we do acknowledge that defining “areas” will be difficult as many spatially defined planning processes are already undertaken (such as river basin management plans).
 - As stated in the White Paper, consideration will need to be given not only to all terrestrial and emerging marine plans but also existing decision making bodies, resource users, managers and stakeholders. Our concern would be that there is duplication in effort from a newly created area-based management group (or plan) with other existing or emerging plans – we would wish to see actions integrated in existing plans where possible.
 - It may be most appropriate to undertake a broad review the existing resource management plans and identify where there are synergies or existing appropriate groups that could consider resource management strategically in any one spatially defined area.
 - We would imagine NRW to play a leading role in coordinating any area-based approach/plans for managing resources to ensure consistency and equity across Wales and would expect to see policy developed providing further detail on the area-based approach once the Environment Bill had received Assent.
- We support the reference in Paragraph 2.34 that any approach will “give specific consideration to how the management of natural resources can help address and mitigate for the impacts of climate change”.

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, the legislation proposed is multi-faceted and therefore as long as policy following this is consistent and flexible then plans should be adaptable. As per our previous comments, it is important to ensure a monitoring/review process is embedded as either part of this proposed legislation or subsequent policy (including the area-based plans) that follows to ensure methods are current and effective in ensuring sustainable resource management.

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

- Yes, in order to achieve strategic sustainable management of resources, all public bodies, in the context of their responsibilities, will need to consider any resource plans developed.

Question 8: Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?

- As previously highlighted we would wish to be involved at the earliest opportunity in the development of the area based approach in order to determine the role we would have. As set out in the introduction, The Crown Estate manages a diverse portfolio of assets, including an extensive amount of natural resource (predominantly in the form of sediment/land) and therefore, in locations in which this responsibility applies, we would wish to work closely with NRW.

Chapter 5: Smarter Management

Shellfisheries Management

Question 35: Do you agree with the proposal in relation to Shellfishery Orders?

- On the whole we anticipate that the proposed measures will assist the management and administration of shellfisheries subject to Several/Regulating Orders. Ownership and accountability are key features of any management strategy, and improving the means by which these can be applied to Fishery Orders has the potential in our view to improve both the sustainability and continued economic viability.

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 would wish to see a requirement placed on the grantees of any Several or Regulating Order to undertake an annual review and associated report on the proposed management practices document (in addition to that proposed for Welsh Ministers). This should ensure practices remain appropriate to both the economic and environmental sustainability aims of the fishery over time and in relation to whatever socio-economic, regulatory and/or environmental changes prevail. It should also allow managed accommodation of requirements in regard to such matters that should lessen the need for any unilateral intervention on the part of Welsh Ministers.

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

- Any measure that speeds up the application and determination process will assist in the wider management of various marine business sectors. Similarly additional clarity on practices to be employed that emerge from a management practices document should enable better insight into opportunities for improved co-existence with adjacent marine interests

Conclusion:

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and be very pleased to discuss these matters with you further. We are ready to engage in further discussions on these and other points relevant to our role or which our

expertise may be brought to bear. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

Contact:

David Tudor, Senior Marine Policy & Planning Manager

Tel: 020 7851 5050

Email: david.tudor@thecrownestate.co.uk

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Amy Green/Sarah Slater	
Organisation	<p>North East Wales Biodiversity Network</p> <p>The North East Wales Biodiversity Network was formed in October 2009 and renamed in 2010. It brought together partnerships that had existed in the Counties of Conwy, Denbighshire, Flintshire and Wrexham. The broad aim of the network is to conserve, protect and enhance biodiversity for current and future generations. Coordination and collaboration are seen as being important to the partnership alongside other objectives that include raising awareness and the promotion of biodiversity and identifying local priorities to deliver LBAP targets.</p>	
Address	C/o Flintshire County Council, County Hall, Mold, Flintshire, CH7 6NF	
E-mail address	Amy.e.green@flintshire.gov.uk/Sarah.slater@flintshire.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input checked="" type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

We agree in principle with the overall use of integrated resource management using an ecosystems approach, however we feel that the whole document is greatly lacking in detail which makes it difficult to answer the consultation questions precisely. The processes and how they relate to wider policy is key to the success of the approach.

We have listed a number of key concerns and points where clarification is required below.

- **It is unclear how 'areas' will be defined; A clearer explanation of the approach is needed.**
- **There is a lack of clarity regarding the setting of priorities, accountability and resourcing the processes.**
- **It is not clear how this approach will relate to other legislation and frameworks E.g. The Wales Spatial Plan and local development plans. Although we welcome an area based approach it is imperative that the planning bill is consistent with this approach. Although the Future generations' bill discusses an area approach there is very little reference to the ecosystem approach itself. The Environment, Planning and Future Generations Bills must be mutually supportive.**
- **Similarly there needs to be conformity across different WG departments, for example Agriculture.**
- **We would like clarification how the socio-economic and environmental needs will be balanced and prioritised ensuring that environmental needs are not an afterthought. We have concerns that the pressures of socio-economic could result in the environment losing out.**
- **There is a need to ensure that less tangible services such as the intrinsic,**

aesthetical, historical, spiritual, recreational and cultural aspects of our environment are not ignored or viewed as low priority since it is harder to put a monetary value on them.

- **We have concerns regarding habitats/species omitted from the mapped areas.**
- **We would like reassurance that NRW will be an independent body**
- **It is important that NRW continue to use existing tools, there is no mention of our protected site network or biodiversity and water framework directive targets.**
- **We are concerned that there is no explicit reference in the document to meeting the EU and CBD Biodiversity 2020 targets. Surely this is something we have signed up to as a nation and need to be ensuring we at least try to achieve. Perhaps it is felt that this is implicit in the bill but we do not consider this enough.**
- **It is important that local biodiversity groups are involved in progressing the new approach, they contain a vast amount of expertise and local knowledge. Like its component organisations NRW needs to have continued involvement in these groups.**

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 is a need to ensure consistency in approach and terminology across all documents where this terminology is used.**
- **The definition of sustainable development across bills must be consistent and the conservation of biodiversity must not be considered secondary to socio-economic elements.**

Question 3

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

Yes

No

Please provide comment:

- **Yes but there is little evidence as to how this is to be achieved**
 - **Habitat connectivity and ecosystem services would benefit from a regional or landscape scale approach. Local biodiversity action would also benefit from a spatial plan which could direct conservation objectives for the wider environment in a similar vein to the existing process for SSSIs. This approach could support and target landscape scale projects and help create a wider landscape that is more robust to climate change.**
 - **We would welcome the opportunity to create local wildlife networks which would enhance national connectivity to ensure that the environment in Wales has the ability to adapt 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

No

Please provide comment:

- **There is a need to look at the whole governance structure from WG to LAs – policy integration needs to be both horizontal (across policies and programmes) and vertical (between levels of government. This is especially important if all the varied aspects of ecosystem services are to be considered and reported on E.g Biodiversity, businesses, recreation, and health.**
 - **The appropriate timescale for reporting will depend largely on what you are reporting on, a 5 year cycle or less may be appropriate for specific habitat/species or site reports but a long term vision is required for example when considering environmental adaptation to climate change.**
-

- **The outcomes and actions cycles for natural resource management should also be consistent with other policies and monitoring requirements For example special site monitoring.**
 - **It would be helpful if funding reflected these cycles as oppose to short term often annual grants which are not always most beneficial for conservation work.**
-

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:

In principle, however it is dependent on area definitions and how they relate to other plans. It is still unclear exactly who will be responsible for delivery of the plans and how the delivery be funded.

- **The need for a strategic approach to planning for the natural environment has already been recognised, for example, in the Lawton Report (Making Space for Nature: A review of England's Wildlife Sites and Ecological Network p.83) which amongst other things stressed the need for a more landscape scale approach to the conservation of the natural environment – 'more, bigger, better joined'. Core areas, which might be designated sites, would be essential for providing biological connectivity across our landscape, and this would be their primary function within an ecosystems approach, even if they were able to deliver other benefits while performing this essential function.**
 - **It must be clear how the natural resource areas relate to national development frameworks, strategic development plans and local plans.**
 - **A natural resource area approach must relate to the Marine spatial and consider how these assets are represented spatially. Ecosystems can be very broad, whilst action often has to be addressed at a much smaller scale – at the habitat or even species level. It is necessary to be clear which scale is appropriate for which issue. We must avoid working at scales too large to be useful. There is also a danger that effective conservation work on a smaller, more focused scale may not be considered or undertaken due to wider ecosystem targets.**
 - **Developing an area plan involving all aspects including health, education and**
-

housing may be overly ambitious. What is needed are successful pilot projects that demonstrate, in a Welsh context, what an ecosystems approach is, and what it means, and how it differs from what has gone before and what can be achieved. This is particularly important as there are few examples of an ecosystem approach delivering in the long term.

- It may be best to start the new area based approach and develop skills and expertise regarding ecosystem services in areas where that approach is most likely to be successful, i.e. in our less developed and more natural areas (uplands, open unenclosed land, our more remote river valleys, and forest) before using it as an approach in areas where it is likely to be less successful (due to conflicting aspirations regarding land use).
 - There is concern at the lack of evidence to date which connects a rich biodiversity, to a high level of ecosystem service provision and the risk this may pose to habitats and species which provide no obvious or less quantifiable services.
 - There is also an opportunity for information sharing particularly mapped data, without having to build costs into a project. Local Record Centres provide a valuable service but its widespread use may be restricted by the costs to gain data.
 - Parts of North East Wales are primarily rural and used for agriculture. There is the need to strengthen the influence on the management of this land and farming systems to recognise the ecosystem approach. Currently there are concerns with the ability of Glastir to accomplish this but it would be advantageous to find ways for a greater “buy –in”. this also highlights the importance for cross departmental working in WG and NRW to ensure effective links between agriculture and the environment.
 - We would reiterate that we have concerns regarding land outside of the mapped areas, we would not want a situation where it became impossible to fund conservation work in these areas for example.
-

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 is unclear as the detail of the approach is yet to be defined.

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:

- **Co-operation already happens but is resource and capacity dependant. For example a key role of the planning system (as expressed under the Town & Country Planning Acts) is to ensure that society’s land requirements are met in ways that do not impose unnecessary constraints on development whilst ensuring that appropriate measures are taken to protect and enhance the natural environment.**
 - **Land use planning should be used more holistically linking with connectivity. Currently local authority’s land use plans are narrow primarily focusing on development. Spatial plans could be used to look at new and more innovative approaches to ensure ecosystems and or ecosystem service providers are conserved in the right areas and to prevent piecemeal mitigation we would reference the EC recommendations regarding conservations plans, Plans need to integrate all forms of biodiversity action within a single overarching framework.**
 - **We would emphasise that a “have regard to” duty would not be strong enough, as the current biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006 has demonstrated. New responsibilities and requirements for public bodies will have resource and capacity implications at a time where financial efficiencies are a priority.**
-

Question 8

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

Yes

No

Please provide comment:

Further detail is required to answer this question fully but provided an independent position can be maintained from WG, NRW are best placed to report on natural resource management in Wales.

Question 9

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

- **North East Wales Bionet relies on a partnership approach between local authorities, conservation organisations, experts, volunteers and charities to deliver biodiversity benefits locally.**
 - **Due to the vague nature of the document it is difficult to determine likely impacts on us as a group however it is likely that the bill will have resource implications for many of these organisations. The Local Biodiversity Action Plan has struggled due to the lack of statute and financial backing. If the Environment Bill ecosystem and natural resource management process is well-financed and has statutory backing, then it is hoped that all key stakeholders will become involved. We would suggest the existing Local Biodiversity Action Partnerships could be used as a focal point locally with NRW leading at a regional and national level.**
 - **As mentioned above local resource management planning should make use of mechanisms that are already in place such as the protected sites network and Local Biodiversity Partnerships.**
 - **The area based approach should be accessible to all, possibly through local record centres and the NBN and among other aspects should be informed by the new spatial biodiversity action reporting system, priority mapping and favourable conservation status modelling.**
 - **Habitat connectivity and ecosystem services would benefit from a regional or landscape scale approach. Local biodiversity action would also benefit from a spatial plan which could direct conservation objectives for the wider environment in a similar vein to the existing process for SSSIs. This approach could support and target landscape scale projects and help create a wider landscape that is more robust to climate change.**
 - **NRW will need to have the capacity and resources across Wales to maintain support for local groups and organisations.**
-

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 broadly support the new approach outlined in chapter 3 however the details and effects of the proposals are still unclear.
 - NRW must prove that they have established the most effective working practices internally maintaining existing responsibility for European sites and species and CBD targets
 - We would welcome improvements to the system/processes which could be used to achieve enhanced benefits for the environment but we do not under any circumstances want our existing legislation/policy weakened. Emphasis must be on improved long term benefits for the environment. At present uncertainty for decision makers, regulators, land managers, developers and the general public is fuelled by inconsistency and lack of enforcement and by lack of implementation of Best Environmental Practice. Good examples that show successful action on the ground benefiting people and the environment are essential in communicating this approach to others and demonstrating benefits eg NE Wales Heather and Hillforts project. In this vein we feel that although we support simultaneous applications for different consents in principle further discussions are needed to ensure targets are still able to be met from all sides.
 - The existing hierarchy of Protected Sites Designation works well due to the set processes and readily available Conservation Objectives for European designated sites (CCW website), and are a key delivery mechanism for maintaining our natural heritage. Greater problems and uncertainties tend to arise for non designated sites and species. There is a need to ensure that all key habitats (and species) have suitable protection whether this is through Wildlife Site designation or other means, such as the National Resource Management Plan through A Living Wales. One suggestion is to upgrade the NERC duty from "have regard to" to "further" or to achieve and maintain favourable conservation status.
 - There needs to be strict safeguards in place with regard to PES projects and furthering the role of NRW to stimulate the market, so that the limitations to a tradable asset are recognised. There will be natural resources or environmental assets that are displaceable and those that are sacrosanct for example ancient native woodland or limestone pavement.
-

-
- **There is concern relating to the concept of Ecosystem services which results in biodiversity becoming a tradable asset when the habitat or species is not necessarily replaceable, and that biodiversity which does not provide an obvious ecosystem service may be undervalued or forgotten. Although it is a positive way for businesses and landowners to appreciate the value of the environment there is a risk that they will end up getting paid for things which they should already be doing and appropriate management may not continue unless payments are received. We also feel that there is an issue of long term sustainability and take-up of these schemes.**
 - **Regarding the general binding rules, we feel that it would be very positive if there was a reduction in bureaucracy but appropriate fines should be in place and caution should be taken to ensure the importance of the requirements of these rules are not diluted.**
-

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 would be very concerned if existing legislation could be weakened in anyway. There is a need for careful scrutiny and consultation regarding the use of powers.**
 - **Nature conservation legislation needs to remain intact in the development of this approach and the inherent risk with assigning monetary values to the natural environment needs to be recognised.**
 - **There needs to be strict safeguards in place with regard to PES projects and furthering the role of NRW to stimulate the market, so that the limitations to a tradable asset are recognised. There will be natural resources or environmental assets that are displaceable and those that are sacrosanct for example ancient native woodland or limestone pavement.**
 - **It is imperative that the intrinsic value of biodiversity is considered and conserved.**
 - **We would have concerns if changes in legislation placed additional duties on organisations within our biodiversity network without allocation of additional resources.**
-

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?

- **Yes, NRW are probably the most practical body to act as facilitator but to avoid conflicts of interest with their other purposes there would need to be a number of other organisations involved.**
- **There is a need for strict safeguards with regard to PES projects and furthering the role of NRW to stimulate the market, so that the limitations to a tradable asset are recognised. There will be natural resources or environmental assets that are displaceable and those that are sacrosanct for example ancient native woodland or limestone pavement.**

Question 13

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

- **NRW should have the flexibility to enter an agreement that meets their core purpose and addressed on a site by site basis.**

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 detail is required before we can 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:

More detail is required before we can answer this question fully.

- **From the information provided we would support B but this must be subject to conditions, NRW should have a wider better co-ordinated role for example; River SACs are examples of designated sites that could be managed more effectively by means of adopting an ecosystems approach, and involving all landowners. At present only the water course is designated and there is no control over the management of the adjacent land, which is often used intensively for agriculture. Agricultural run-off, both organic and inorganic fertilisers, as well as sediment run-off where maize is cultivated, are some of the issues affecting river SACs and their features. While there has been some recent consideration of riparian buffer zones and the use of fertilizers, to date there has been little anyone can do to prevent run off from the adjacent land reaching the rivers. Voluntary schemes have operated, such as Tir Gofal, but this is optional, and Rivers Trust have carried out practical conservation projects aimed at improving water quality where landowners are willing to participate, but it would seem that much of the land adjacent to these EU designated sites is not managed with the features of the SAC in mind. Perhaps some of the SAC rivers would provide a useful pilot project for investigating the delivery of an ecosystems approach.**
- **An ecosystems approach relies on all landowners working towards shared goals. While some important habitats and species are protected by designations, and legislation, others exist on farms where, through Cross Compliance and other regulations, there are checks that go some way to conserving these areas and the species they support. However there are areas of non designated non agricultural land where there are very few controls over land use and where activities such as extensive scrub clearance, often associated with a desire to obtain planning permission can be extremely damaging, but impossible to regulate. In considering the future of designations and regulations we must firstly decide what we want to protect, regardless of where it occurs and then how to achieve that goal.**

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.

- Existing processes can be cumbersome in relation to multiple consents with separate regimes. In particular EPS licences, environmental permits, marine consents also drainage consents and waste licences.
 - A real improvement would be to bring consenting timetables in line with the relevant planning consent/committee timetables for the planning applications in question. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly.
 - There is a need to be clear about the policy framework in which the new approach to natural resource management in Wales is to be placed. Policies are in danger of becoming more fragmented with a plethora of planning documents and measures. In many ways, the policy framework provided by the marine legislation (The Marine and Coastal Access Act 2009) provides some guidance, especially in the role assigned to Marine Spatial Plans in providing a more holistic approach to the management of the marine environment. Wales has a Spatial Plan, which has a statutory basis under the Planning & Compulsory Purchase Act 2004. Moreover, there is a requirement for Local Development Plans (LDPs), prepared by local authorities, to have regard to the Wales Spatial Plan
 - There is a need for structured and adequately resourced enforcement of legislation – NRW as an organisation will need to consider how to prioritise regulation and enforcement versus the encouragement of appropriate ecosystem management.
-

Question 17

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

- **Potential positive effect of the incentivised management agreements and potential income through PES**
- **If feasible under the habitat regulations a real improvement would be to bring consenting timetables in line with the relevant planning consent/committee timetables for the planning applications in question. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly.**
- **Need to ensure Local Authority has the strength to provide the link between the strategic and local, and accessing communities through the varied work sectors covered.**
- **To ensure reduced impact on the organisation the importance of local offices and officers with local knowledge as well as a straight forward application process for funding/grant aid cannot be emphasised enough.**
- **Similarly to promote Wales' natural resources, the local biodiversity network can build on existing successes engaging with the public. For example LBAP/LGAP education and awareness work, forest schools, CCW outdoor classroom and walking for health are all excellent initiatives that have been successful at engaging people with their environment. A spatial plan could add to this by putting local sites into context, enabling local residents to see their importance at a landscape or wider scale.**

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

Is this level of detail appropriate for this high level Bill?

Question 30

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

Yes No

Please provide comment

No, fees levied should be ring fenced for environmental conservation in Wales.

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)?

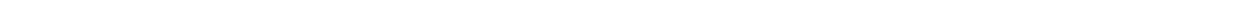
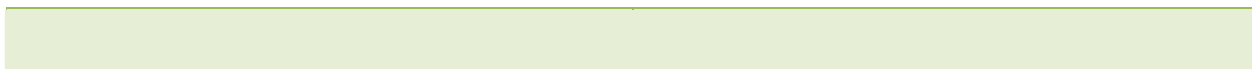
Yes

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?

Due to the lack of detail contained within this white paper we would welcome the provision of a draft bill

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

We welcome the recognition and support of the importance of non-monetised benefits and the attempt at a holistic approach to natural resource management.

However, while ecosystems are seen very much as part of the management of natural resources in the White Paper we feel the existing drivers for conservation in Wales are not dealt with adequately, particularly Biodiversity Action Planning and the Environment Strategy for Wales. The executive summary of the responses to the Green Paper Sustaining a Living Wales demonstrate a strong opinion that ecosystems should not be looked at as simply resources. While the approach to increase the importance of ‘natural resources’ was welcomed it came with a warning that we must not put economic value above everything else. The executive summary of the green paper responses stated “Many respondents urged the Welsh Government to continue to position the halting and reversing of the loss of biodiversity as a priority at the centre of future proposals for reforming the way we use and manage Wales’ natural resources”.

Question 2

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

Yes

No

Please provide comment:

The commitment to define statutory terms is welcomed and the breadth of subject areas appears comprehensive. However the requirement for conservation and enhancement are not adequately covered and there are several contradictory terms as discussed below.

Also, all three definitions weigh heavily on use of resources. This must be placed in context with conservation/management of biodiversity and ecosystems for their own sake not just when there is an economic value.

Natural Resources:

- The terms ‘sustainable management’ and ‘resources’ could imply this defines natural resources that are there to be exploited and omits any implication of use as a definition of elements to be conserved
-

-
- Within the definition it again reads as resources to be exploited – “biomass and biological resources” surely this should be biodiversity?
 - There is no definition of landscapes
 - The definition in Figure (iii) is different to that in the Glossary in that section a) in the glossary lists “water resources” while Fig (iii) simply states “water. Does it only cover water intrinsically or resources, in which case “water resources” needs defining
 - The explanation for section (c) for biomass talks about material derived from living organisms – again this implies a useable resource not a conservation tool. It also states “recently living organisms”, does this cover all dead matter up to the point it becomes a geological feature? Or very recent such as felled timber? Where does peat fit into this?
 - If “ecosystems” can act as a “catch all” definition why not just use this and add “and their component parts”?

Sustainable Management of Natural Resources:

- Again the definition in Fig (iii) differs from the glossary. Particularly in the inclusion/omission of “(including non-action)”. This is an important part of the definition as it allows natural processes to be retained and protected without interference.
- Has no commitment to manage resources for their intrinsic value

Integrated Natural Resource Management

- Again there are discrepancies between the two definitions, “taking into account all ecosystem services” is only in the glossary definition.
- The definition means the same thing as the definition of Ecosystem Approach from the CBD. Why have a separate term for the same thing?

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:

Functioning ecosystems are essential for climate change resilience.

The commitment to “management of peat land for carbon sequestration” is very welcomed and demonstrates integrated thinking and use of up to date information. However, this must be integrated into other areas such as renewable energy, particularly wind farms, as their creation often damages substantial areas of peat. It is essential that such development demonstrates a positive offsetting of carbon emissions when taking into account the emissions created by the infrastructure for the turbines themselves.

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:

A short term review structure of 5 years is welcomed provided there is freedom to amend systems quickly following the review dependent on the findings. It must also be remembered that ecosystems work on a wide variety of timeframes and knee-jerk reactions must be avoided if a positive outcome cannot be demonstrated within that time, dependent on the ecosystem type.

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:

The recognition that ecosystems span man-made borders is welcomed.

The commitment for NRW to have a key role in Local Service Boards is welcomed.

The paper does not provide enough information to assess the suitability for an area based approach.

- The paper does not adequately explain the difference between area based and current structure to enable judgement on potential benefits of the area based approach.
 - The only example given is a river catchment – more examples of different types of ‘areas’ is needed
 - How large/small will the areas be?
 - How many areas?
 - Are these akin to the Nature Improvement Areas in England?
 - Will there be separate funding?
 - Will this be in addition to current area based organisations/projects?
-

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:

While placing a requirement on other public bodies to co-operate will strengthen the commitment to the area based approach there is insufficient information in the consultation document to say if this would be too onerous. For example, some public bodies may cover several areas and have to commit to all of them, while others may cover none. How do these plans fit in with existing policies/projects? The effect of co-operation on these bodies is not sufficiently addressed in the document.

The funding of different aspects of the approach e.g. waste, conservation, is not properly addressed and may be difficult where different strategies are being pursued by organisations in the same area.

Question 8

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

Yes

No

Please provide comment:

It would be in keeping with merging the 3 bodies together as they will have be biggest resources, including expertise, to take the lead. They are also likely to be structured relative to the area based approach if that approach is to succeed.

However, there is a great deal of expertise held within local authorities and this is not easily separated out from other duties, also the benefits of this expertise is often specific to a local area.

The management of natural resources has a profound effect on local communities and if it is to be managed by NRW then there should be sufficient governance in place to ensure accountability and consultation at the local level.

Question 9

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

The proposals could be argued to put ecosystems in an economic context. While this is welcomed it must be in line with conservation priorities and accept intrinsic value. The document does not put forward any suggested conservation priorities which will severely diminish the work already done over many years to protect and enhance Wales' natural resource. The impact of this could be diminished resources for conservation work with those resources going towards economic based projects; this could have a devastating effect on biodiversity in Wales as a functioning ecosystem is not necessarily a diverse one.

The commitment to the area-based approach does not have enough information to assess the potential impact on the authority.

With reference to conservation, If it is carried out in addition to current work such as the Biodiversity Action Plans then it may stretch resources too far.

While an integrated approach to waste management across current boundaries has the potential to bring efficiencies it should be recognised that existing practice may not be transferable across those boundaries. Waste plant requires investment and the returns on investment are likely to have included commitments for many years.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

The word 'experimental' is important here. The powers should be aimed at providing innovative solutions to recognised problems and where the outcomes are measured relative to the scale of the issue. A successful experiment on the small scale does not always scale up well.

Questions on PES are premature.

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?

Full consultation to ensure the foundation or scope of the experiment or integrated approach is wide enough to properly consider all the issues at the outset.

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 question is premature and can only be considered in light of the study commissioned by WG into opportunities for PES in Wales (3.17)

Question 13

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

The use of management agreements has the potential to effectively manage far greater areas using existing resources such as landowners. However, this should not be seen as a means of funding business at the expense of ecosystems and should first and foremost look to conserving/enhancing biodiversity/ecosystems and how any resource based agreements must have that as their main priority.

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?

A note of caution against general binding rules is that they will only have a limited application. By its nature, IPPC applies to complex activities

There is a concern that extending General Binding Rules will weaken the consent system as 'common good practice' is difficult to regulate.

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:

Without further information on the Acts that will fall within the scope of these proposals (3.45) it is impossible to gauge the potential effects of such proposals. Limiting the proposals to NRW's functions will go some way to ensuring that conservation is not under prioritised.

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.

Resource management implies that there is something to be gained from managing an area in a particular way. This may conflict with existing legislation which encourages conservation. An ecosystem may function while being biologically poor.

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:

In principle it is possible to agree to the package proposed and its combination. However further and specific clarification on various aspects will be required in order to develop the outcome of this consultation process.

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.

Whilst the reasons and need for segregation are accepted and to a large extent already in place in NPTCBC, the inclusion of wood is not considered appropriate.

The quality of wood varies significantly and this affects its market value, hence the fact that wood is often better suited to recovery rather than recycling.

If wood waste was collected separately, it would undoubtedly be a highly varied and therefore contaminated waste stream that would potentially require secondary sorting making it uneconomical. Therefore the collection of wood need only occur at household waste and recycling centres where some control over its acceptance is already carried out.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Businesses situated on the high street typically in terraces will have difficulty accommodating numerous containers for separated recyclable waste. These businesses are relatively small and constitute the majority of businesses in pedestrianised town centres. This will be detrimental to emergency access and general public circulation.

Question 21

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

Yes No

Only where a recyclable material becomes unrecyclable due to its low quality due to contamination would this waste would only be fit for landfill or EfW.

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?

Residual waste by virtue of its nature will be a contaminated waste therefore guidance on acceptable levels will be essential.

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:

As food waste arises in both private and public sectors ideally all arisings should be treated through the best environmental option Eg AD/IVC and exclude disposal to the sewer system. However the control of food waste entering the sewer system from businesses as outlined in the white paper will be less onerous to regulate.

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)) Duty of care process specific to the disposal of food waste.

ii) NA

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)?

N/A

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 existing concept seems particularly laudable and simple so is supported by the public. An attempt by Westminster Government to introduce a scheme that is potentially more complicated is not being well received.

The existing scheme is accepted by the public on the understanding that the scheme is working throughout and that charities rather than shopkeepers are benefitting. The evidence for this is not compelling and the existing system needs to be seen to be working before additional complications are added.

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 regulation of the net proceeds is welcomed yet those regulations should be seen to work. The reduction in the use of carrier bags was seen as a response to the need to reduce waste and damage to the environment and this is seen as a success story

However, the past failure of WG to encourage/enforce the proceeds to go to environmental causes should not be used to justify a change. Environmental causes have considerable difficulty in gaining financial assistance particularly over the types of charities named, while the potential benefits of a healthy environment on the lives of people these charges are devoted to, while being proved and documented, has not been fully explained by WG. The

original intention was to benefit environmental projects and this should be reinstated and adequately enforced. Failure to identify environmental charities should not be used as an excuse to withhold monies from them. Others though could benefit if the scheme was operated properly. Increased monies would be forthcoming so distribution could be wider than to environmental charities without them losing out. Perhaps a rule such as ‘a minimum of 80% of income generated should go to environmental charities’.

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

5.20 attempts to justify the use of management plans by indicating that damaging work could be undertaken and the time taken for an amendment or revocation of a Several or Regulating Order may exacerbate the damage. However, Marine SACs are statutory designations so it is unclear why the statutory powers cannot be used to prevent the damage.

While an acknowledgement of the dynamic nature of shell fisheries is welcomed, any “Management Plan” outlining practices that may damage Marine SACs and, therefore, how that damage will be avoided will need to be a legally binding document and any changes to the practice in a particular shell fishery, although covered by the management plan, will still need to be regulated on a case by case basis. New knowledge of the potential damaging effects of shell fisheries on Marine SACs will also need to be addressed as it arises.

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?

Amending section 29 of the land drainage act so that a WG agent does not only have the authority to enter the named land under section 28, to carry out the work, but to have a right of access to investigate the possible undertaken work, will only have a positive impact on the regulation of the order.

Amending section 47 of the Flood and Water Management Act so that the Welsh Minister has the same authority as the Secretary of State I don't think will necessary have any effects on us a LLFA, especially as the Welsh Ministers do not currently know how they will use this power.

Items 5.34 - 5.36 with regard to ALT (Land Tribunal) is a step in the right direction. Our perception is that this will reduce impasse and long drawn out rigmaroles in land drainage disputes. It may be a mechanism whereby local authorities may be relieved of such burdens.

Any obligations to provide information to the NRW simply mirrors our powers under the flood water management Act in obtaining info from other bodies.

The Land drainage section - Any increase in owners of entry for inspections and recovery of costs can only be viewed as positive.

Flood and Water management Act - Any actions to eliminate differences, simplify procedures again is positive.

Marine Licensing - May result in an increase for ourselves in any coastal

protection work, but principles where organisations recover all costs should be supported. Sets a precedent whereby there is a case for local authorities to recover costs in association with other applications (watercourse consents etc.)

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?

The focus on resources should include a strong commitment to conservation. This is not particularly evident in the white paper and surprising given the responses to the green paper.

We therefore express our concern that resources, policy and even legislation could move away from biodiversity conservation to 'use of natural resources' or ecosystem services, with potential negative consequences for species or habitats that are difficult to value.

The white paper inadequately explains the relationship to other planning processes
And does not explain the relationship to other conservation processes such as
Biodiversity Action Plans.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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Please submit your comments by 15 January 2014.

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

No specific 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:

No specific comment

Question 3

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

Yes

No

Please provide comment:

The wide reference and undertaking that NRW will bring together, consult with, and engage stakeholders to develop and deliver the requirements and environmental benefits of the new bill (in the expectation that those stakeholders will specifically include relevant bodies such as ourselves, and not solely public bodies) is particularly noted and welcomed.

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:

An effective form of ongoing assessment and rolling reporting of metrics and progress during each five-year cycle will be important, in our view, to reflect trajectory and ensure that there isn't a wait of 5 years before adjustments are made or future actions taken.

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:

The overall drive of the draft bill in this context, towards shared and integrated plans which are not isolated spatially and are widely contextualised to include environmental/social/economic etc perspectives, is well constructed.

However, it will be important to ensure this is flexible and does not result in delivery overly tied to the spatial configuration of, for example, local authority areas or river catchments as its driving area-based paradigm.

Question 6

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

Yes

No

Please provide comment:

We welcome the careful balance that seems to have successfully been struck in these proposals between legislating to meet statutory responsibilities and high-level purpose, and incorporating sufficient flexibility and responsiveness to allow for potential future change.

Question 7

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

Yes

No

Please provide comment:

No specific comment

Question 8

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

Yes

No

Please provide comment:

No specific comment

Question 9

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

We are keen to ensure that organisations such as ourselves and other third sector environmental bodies – not just ‘public bodies’ are sufficiently regarded as stakeholders and are meaningfully included therefore in consultation.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

The National Botanic Garden of Wales welcomes the many well-framed proposals in chapter 3, including those aimed at longer-term, more consistent approaches for future safeguarding of the environment, and the broadening of general binding rules that reduce bureaucracy, are more effective to implement, and achieve better environmental protection.

Question 11

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

No specific comment

Question 12

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

Yes

No

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

We have insufficient knowledge of existing powers to be able to give useful further comment .

Question 13

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

We consider those proposed – as in 3.26 and under the proposed NRM10 (3.27-3.32) as entirely appropriate.

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

Question 15

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

A

B ✓

Please provide comment:

We believe that additional, broader flexibilities proposed are appropriate in order to respond to elements of the future environmental challenges we all face (such as climate change) aspects of which are entirely unknown, and therefore responses to which must be framed to provide sufficient scope for action.

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.

Question 17

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

We believe that any PES scheme proposals could have significant impact on our organisation both directly and indirectly, and consider we could assist in communicating such matter to the general public and to farmers/growers. We also and particularly fully recognise and appreciate ourselves from a wide range of perspectives (as landowner/manager, an environmental charity, a biodiversity 'expert' organisation called on by public and growers to advise, and as a commercial land-based business) the complexities that will be involved in determining an effective PES and implementing this. Sufficient resource and embedded expertise will need to be provided to NRW if it (or any other organisation) are to be able to implement such a scheme effectively.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes ✓

No

Please provide comment:

The National Botanic Garden of Wales both supports and welcomes the broad package of waste segregation and collection measures proposed.

A key role and contribution from organisations such as the National Botanic Garden of Wales is in relation to education and engagement in ways that influence public attitudes and behaviour changes so enabling and encouraging understanding in relation to waste and environmental resource efficiencies.

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 did not seem to be mention of oils and fats, or of recycle furniture and equipment for which there would appear to be better scope for businesses and households to perform.

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.

Those operating from physically-smaller facilities or with limited accessibility will need to be better supported, encouraged, and enabled through effective collection regimes and/or accessible hub facilities. Storage and transport of waste will remain a significant challenge for many smaller businesses operating from tight-sites in particular.

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:

Only by seeking to apply prohibitions in both household and business/public sector spheres will there be wide public understanding, culture and behaviour change, as well as recognition of the importance of the environmental importance and impact of resource efficiency measures. Without this such matters are potentially seen as ‘business or someone else’s problems’ rather than matters to which everyone needs to contribute.

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) Potential for developing a ‘self-policing’ approach – a cultural attitude that has now been generally effectively developed in relation to Health and Safety matters. This will require education, leadership, requirement for self-declaration etc and perhaps some initial incentivising, with such measures backed up by enforcement actions on a spot-check/sampling and where necessary fixed-fines or prosecution basis.

ii) Public engagement campaigning, education, media communication. Enforcement will be difficult unless there is scope for development of some innovative technical [drain contents] monitoring systems!

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

No further 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:

We wonder whether there may be scope for a 'self-declaration statement' duty on businesses/organisations (rather like the requirement on organisations to make a Health and Safety Statement). This to be underpinned by Local Authority spot-checking, providing evidence-based monitoring for report to NRW and to support enforcement if required. The national culture in relation to Health and Safety does now seem to be largely effective on a 'self-policing' basis and it seems that resource matters may be able to draw from that paradigm.

Question 28

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

The role and importance of organisations such as the National Botanic Garden of Wales as contributors to enabling public understanding and behaviour change should not be underestimated. This is most readily achieved through wide-ranging public consciousness interventions and vehicles, including those already widely used by the Garden, such as our year-round events, our wide public engagement strategies, our education work, our project work, and our diverse use of all the arts to convey environmental attitudes and prompt positive public actions and perceptions. Charities are widely evidenced as 'trusted' by the public to give balanced and effective messaging, and therefore are known to be effective in conveying policy agendas.

Continued recognition by NRW of these direct and indirect contributions made by the Garden would be welcome. This can be achieved very effectively through the forms of strategic partnership project funding by NRW to the Garden, an example of which is currently held.

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

Given the effectiveness of the single use carrier bag charging, and the case/comments presented, it seems entirely proportional that the proposals seek to extend these potential powers as proposed.

Question 30

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

Yes

No

Please provide comment

We consider there is specific benefit in linking the net proceeds specifically with environmental impact and benefits. To allow the net proceeds to be routed to any good cause in our view significantly dilutes this messaging, and fails to recognise that as an Environment bill its outcomes focus should be geared to ensuring ***environmental*** outcomes and benefits.

Question 31

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

No specific further comments

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

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?

Question 34

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

No comment

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

No comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes ✓

No

Please provide comment

As owner/manager of a significant land holding of some 564 acres of catchment basin, these appear to us relevant and important to afforce WG/NRW powers to take and ensure effective action to protect the environment in circumstances where this is needed and currently not available.

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

These appear to us as land owners be entirely common sense proposals with potentially beneficial and improved environmental impacts.

Question 40

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

These appear to us as land owners be entirely common sense proposals with potentially beneficial and improved environmental impacts.

Implementation / Equalities

Question 41

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

No comment

Question 42

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

The National Botanic Garden of Wales welcomes the Environment Bill proposals and the careful and proportional measures being taken by the Welsh Government in this bill to recognise that the importance and wide-ranging values of the environment extend beyond simply those of biodiversity and landscape, and that they are in fact critical and core to the economic, societal, and future-generation well-being – and indeed survival of everyone.

Towards the Sustainable Management of Wales' Natural Resources

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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	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	X <input type="checkbox"/>

Preface.

WSAP members have had extensive e mail discussion of the White Paper and the following is a compilation of views expressed. Several members attended the seminars organised by WG in December and all members have seen the transcript of the NAW Environment and Sustainability Committee meeting held on Thursday, 12 December 2013.

Although WSAP is primarily concerned with trees and woodlands, members' expertise spans many other areas which will be affected by the Bill and this fact is reflected in the breadth of our responses.

We preface our answers to your questions with the following general statement.

We welcome the broad aims of the Bill.

However we wish to make the following general observations:

1. The White Paper seems really about providing a legal framework in which NRW can work in the future. How many of the aspirations will be delivered

depends on subsequent interpretations, e.g. in the Future Generations Bill and the context in which it will operate. Delivery of policies and plans needs the following:

- a robust legal framework,
- resources for delivery,
- skills, commitment from staff
- support of third parties (e.g. landowners, businesses, general public)

2. When asked about the need to rationalise existing legislation, Dr Emyr Roberts told the Environment and Sustainability Committee that "we need to look at ..plans.. and either decide they are subsidiary or that they can be incorporated into the natural resource management plans or be delivered in a different way". It seems that NRW hasn't yet assessed how it will deliver these plans or whether it has the powers or resources to deliver them. Without this assessment, it seems difficult to draw up the legal framework they might need. Any such framework prepared now would need to be very flexible and allow WG to do whatever it feels necessary whenever it has decided what it wants to do!
3. NRW has also acknowledged that it alone cannot be relied on to deliver the new outcomes. Unless society and the/public are included in the process, it is likely to fail. In para 2.3 of the White Paper, it states that it is intended to introduce a clear requirement on NRW to facilitate an area-based approach to priority and action setting and that it will need to bring together "the science, the participation and input from the relevant interests and interdependencies.... upon which existing management function are delivered". We note that NRW is embarking on "phase 2" of its catchment management programme, so too, will it need to incorporate and build on other existing plans and strategies (e.g. Woodlands for Wales). The third party support referred to above is partly dependent on existing stakeholders, and those of us who have invested a lot of time in advising WG and NRW's predecessors, being included in the process of revising and building on existing plans and commitments. We support item NMR5 (requirements on other bodies) as this is the key to gaining support and success. The paper refers to the importance of a "natural resources policy" which will spell out what is to be delivered, when and how. It is vital therefore that best use is made of existing successful partnerships and fora as well as current strategies in developing this new, overarching policy.
4. Reorganising structures alone does not guarantee future success. Clearly, the gap between where we are now and where we want to be must be bridged. We suggest that this needs the cooperation of all interested parties, not least to ensure they all "stay on board" and do not feel that goals recede into the distant future and become meaningless. We cannot judge whether the proposed legislation will actually allow us to achieve these goals but the legislators should be in no doubt what we want to see delivered.
5. From a forestry perspective we wish to reiterate the important and diverse roles that trees and woodlands can fulfil, where appropriately located, designed and managed, in meeting the aspirations of both this White Paper and NRW. We also draw attention to the fact that the WG woodland strategy

***Woodlands for Wales* was drawn up in line with the Wales Environment Strategy 2006-2026. This WES is not mentioned in this White Paper which leads us to wonder whether the WES will be superseded by something else which might in turn put *Woodlands for Wales* in jeopardy.**

- 6. We also note that in the transcript of the Environment and Sustainability Committee no mention was made of the relevance of trees, woodlands, forests and timber products to the aims of the Bill. We believe trees, woodlands and timber should be a leading component of the Bill.**

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 In broad terms but with many reservations expressed in the answers below **No**

Whilst there is much to commend in this paper (for example on marine, habitats and bird directives) we are uneasy about the central prominence given to the provision of "ecosystem services" as a unifying policy imperative. The great merit of this concept was that it gave administrators and land managers the tangible rationale for conservation that they previously lacked - the central idea being that value can be attributed to all species because they can be regarded as contributing to the stability of ecosystems important to man.

Unfortunately there is a logical corollary to this. Is support then withdrawn from species not manifestly making this contribution? What value would be attributed to a species, if it were judged to fall outside this "manifestly useful" category? In practice, as we all know, species featured in Biodiversity Action Plans are selected on the basis of their rarity and the threats facing them (usually the result of disruptive human activities) and not on the basis of their presumed contribution to ecosystem services. Indeed it will take a very long time for us to understand what these contributions might be in particular cases or even if there are any! Some environmental economists have characterised these as "quasi-option values", but not much progress has been made in assigning them a value. Furthermore, species may also be considered to have intrinsic worth, quite independently of any contribution they might or might not make to human interests. This complementary approach, which is essentially an ethical, non-anthropocentric one, was first officially broached at the Rio Earth Summit of 1992 and is clearly spelled out in IUCN's Guide to the Convention on Biodiversity published in 1994. This does leave a dilemma, in how such values can be included, but the dilemma is not resolved by ignoring them.

This strand of thinking is at the moment noticeably absent from the White Paper and WSAP feel that this situation should be remedied.

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 **again in broad terms**

No

Please provide comment:

Fig (iii) Definitions are acceptable.

With reference to para 2.20. The proposed ministerial powers “to give guidance, by order, to the interpretations” could lead to undesirable political interference to an arms-length government body.

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 **But with important caveats listed below**

No

Please provide comment:

There is a danger that this becomes the overriding consideration to the neglect of other significant matters e.g. acidification. This must be avoided. Climate change drivers might be used as a reason for turning forests into windfarms rather than diversifying woodlands or promoting the use of local timber

We need to remember that the predictions relating to climate change are subject to greater uncertainty at local levels which will be the main focus of these plans

Several members have stressed the following attributes of Wales’s upland conifer forests in relation to climate change. First there is no benefit in making these plantations “climate resilient” by destroying their productive capacity with a wide range of alternative but unsuitable, unproductive and un-marketable species. Second, these forests are the backbone of our sustainable wood processing industry with all the associated employment and carbon benefits. They must not be sacrificed on the altar of climate resilience. Third, alternatives to Sitka spruce have been sought for nearly 100 years with very limited success to date. Trials on a reasonable scale are needed to assess the viability of unproven alternative species; an

approach that has been advocated by Forest Research. Quirky alternative slow growing species that will need much more input from the processors to be useful are not a commercial alternative.

Climate Change mitigation therefore needs to focus on protecting our valuable upland conifer resource by preventing imports of damaging pests and diseases and dealing effectively with any that arrive like *Phytophthora ramorum*. Diversity of upland spruce plantations should concentrate on age and genetic diversity rather than destroying what we have. All our eggs maybe in one basket but that doesn't mean we should smash them all ourselves! It might be a frivolous analogy but are sheep farmers being encouraged to raise alternative stock species just in case sheep should succumb to a devastating fatal disease?

On lowland commercial sites and in areas of east and south east Wales where climate change is predicted to have more of an effect further diversity is favoured as these woodlands are capable of supporting a range of commercial species.

Question 4

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

Yes

No X

Please provide comment:

Five years is too short for the long term planning needed for successful environmental management. *Woodlands for Wales* is a 50 year plan with a 5 year review period. Would the same approach – long terms plans with 5 year review/reporting be best for other aspects as well? Para 2.45 states there should be 5 year reviews and again in para 2.46 it seems the refresh period can be more than 5 years or shorter to fit with 'other' planning cycles. All doesn't seem well enough worked out.

In some respects the timetable in table (i) is rather long and drawn out. For example Implementation of the area based approach will not start until 2017/18. What happens in the interim?

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:

Without greater detail it is not possible to give an unqualified yes or no.

Fig (v), Para 2.65 and much recent discussion suggest areas will be based on catchment. We note from recent catchment workshops that 15 are proposed. The important point when doing catchment management is to recognise that there are some issues which are supra-catchment in their nature and have a particular need to be planned on a supra-catchment basis. Forestry, landscape and air quality are notable examples. The need in these cases is to have individual sector-based assessments which feed in to individual catchment plans. To expand on the forestry case, management on a catchment basis may not be workable. Contiguous forest areas currently managed as a whole may well straddle more than one catchment. If they are managed separately in different areas this will require consistent management of harvesting, restocking, silvicultural operations etc. across the areas. Will this be achieved if forests are managed catchment by catchment? Other forestry matters are managed on an all Wales basis e.g. long term supply contracts for timber. How will the proposals affect these national based plans?

Para 2.43 comments that initially not all parts of Wales will be designated in areas. How will forestry matters be managed in and outside these areas?

It is very unclear (para 2.54 and elsewhere) how these proposals will impact on privately owned land particularly farms and forests, the main components of rural land use.

Para 2.57 mentions the importance of working with public sector bodies. It will be just as more important to work with private sector and third sector bodies e.g. CLA, NFU, FUW, CONFOR, WT, Coed Cymru and active engagement with the landowners, farmers, woodland groups, SMEs and communities who reside within the areas for which the plans are being drawn up is crucial if they are to be successful.

Para 2.32 mentions ‘an appropriate range of stakeholders... at the relevant time’ this needs to be clearer and there should be more guidance on who should be included as a stakeholder and when they can expect to be involved in discussions of plans that will directly affect them.

Para 2.42 seems to imply that the consultation with the ‘appropriate’ (presumed to be determined by NRW on a case-by-case basis) stakeholders happens before a 12 week statutory consultation period. This seems an uneasy compromise between a participatory process and a more formal top-down consultation. Might it be better to place these plans in a co-production framework with the end result being an agreement which partners sign up to rather than to present it as a plan handed down by NRW? To whom is the recommendation arising from the plan addressed? Local landowners, communities, public bodies or NRW itself? Might it work better as an agreed set of actions by all partners in the area plan?

Para 2.43 says there ‘will be no initial requirement for full coverage across Wales’. This para and the ones following make it clear that the first NRM areas may cross existing administrative boundaries, be determined, probably on a catchment basis (though groupings of adjacent

catchments will be permitted) and on an ad hoc timetable and sequence. It is unclear how by whom and on what basis priority areas will be proposed for the 2016 tranche of areas. At no time is a coherent set of areas to include the entirety of Wales mentioned and it is not clear how such a tessellation of areas will be achieved (though it is presumed that this is likely to be the 14 NRW catchment areas). Although flexibility is required when developing innovative ideas this apparent laissez faire approach to the development of a coherent set of NRM plans areas is worrying and does not engender confidence. Surely there should be a period of consultation to draw up a set of area boundaries with a timetable for preparation of plans for all areas?

Table (i) and Para 2.35 introduces the role of the Local Service Boards (LSB) and the LSB is then developed as the key local body with which NRW will engage in the development of the area plans. On the face of it LSBs are a good candidate for engagement on public service delivery as they contain both public and third sector representation. However, LSBs are formed at the level of the Unitary Authority (UA) level and are composed mostly of high level representation of local public bodies e.g. Health Boards etc. With the amalgamation of such bodies the area represented by LSBs will become larger and the people sitting on them more removed from community level details. Furthermore with the proposed overlap between catchments and UAs the LSBs may need to sit on several areas. This could have the consequence that LSBs have little time to invest in individual NRM plans and are not able to represent adequately local communities. It is not clear from the proposals who should shoulder responsibility and the cost of engaging with local stakeholders and who determines who they will be for a specific area. Is it NRW or the LSB? In terms of community level representation, who would be the appropriate stakeholders? The Community Council? Council members for the area? Local stakeholder groups (woodland community groups, river watch groups etc.), community activists, local landowners? Local natural resource management providers (foresters, farmers, countryside services contractors? Local natural resource based SMEs? All are potentially relevant stakeholders and engaging constructively with them is not something which can be achieved through a high level meeting between NRW planning team and a LSB. Engagement with area stakeholders should be rooted in the area and allow for equitable access by all landowners, managers and users in the area.

At present the activity of LSBs seems somewhat hit and miss. On the <http://wales.gov.uk/topics/improving-services/local-service-boards/by-area/?lang=en> webpage, many of the LSBs have not even provided valid links to pages detailing the arrangements for the Boards at UA level. While others seem to have already taken account of environmental issues at UA level (e.g. Caerphilly) the plans for others do not mention environment at all (e.g. Conwy). Inclusion of environment in LSB plans is desirable and so inclusion of NRW as a statutory member (para 2.35) is a good idea. However, there is evidently some work to make the LSBs a credible lead on local issues for area based NRM.

Para 2.42 – outlines a process for development of NRM plans for an area. There is no mention of the evidence on which the recommendation and actions is to be based and Table (i) proposes that the ‘State of Natural Resources’ will be produced at the final stage of the process (by 2020). Surely, collection of evidence should be a first step in the process at least within the area? If the evidence is only collated at the end of the process how is it to be used to inform the decisions to be made?

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:

Don't know. It is flexible enough to do more or less anything you want whenever you want!

Question 7

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

Yes **X**

No

Please provide comment:

But public bodies will need to know what this will mean in terms of the number of areas they will need to consider, what is expected and who will pay for staff time. It would be perverse if, say, local biodiversity staff end up using all their time to provide information, attend meetings and conduct consultations on behalf of NRW and neglect their existing responsibilities. This has already been the case with Glastir with UA biodiversity officers making site visits to deal with challenges to the woodland creation 'traffic light' maps.

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)?

General points from comments above.

1. We question the appropriateness of areas based **solely** on water catchments for forest planning, management and operations
 2. It is unclear how the proposals will affect owners of privately owned land. This must be clarified.
 3. Five years is too short a period for long term environmental planning
 4. The timetable for implementation seems very long and drawn out though we appreciate this will probably be necessary because of the complexity of the decisions to be made and the need to consult widely
-

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 broadly but with important reservations see below

No

Please provide comment:

See following questions

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?

Most of the proposed powers are likely to affect the private sector. Para 3.7 states NRW will be required to consult relevant parties. The importance of consultation with private sector and voluntary organisations cannot be overstated. For forestry this includes CONFOR, WFBP, NFU, FUW, CLA, WT, Coed Cymru.

Reporting on outcomes by NRW might not always be appropriate. As a minimum any evaluation must include independent people and in some cases evaluation should be done wholly by external parties to ensure independence of judgement.

Question 12

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

Yes

No X

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

The proposals are too general for an unqualified yes answer.

Some members are wary of NRW's possible role in developing markets for ecosystem services (paras 3.12 and 3.14). Such schemes will only be successful if they are beneficial to landowners. Their development requires specialist expertise in land use economics. New market based systems should be developed in close collaboration with the private and voluntary sectors. Any decision on these powers for NRW should await the results of the study mentioned in para 3.18.

Para 3.15 suggests that current powers already allow the entry of NRW as both a buyer and seller of environmental services. Since this is the case it cannot also be the broker and accreditor without very careful separation of regulatory and commercial activities.

What exactly is meant by accreditation in this context? (para 3.13). In principle any organisations involved in NRW schemes should be independently accredited e.g. UKAS to avoid conflicts of interest.

We note and strongly support the statement in para 3.17 of further consultation before any steps are taken to seek additional powers to "repurpose the existing powers for PES to develop market mechanisms to support sustainable management of natural resources."

Question 13

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

Some members consider that some management agreements with private land owners should relate to the ownership **not** the land. If linked to the land (potentially in perpetuity) this will seriously limit the willingness of owners to participate and could ossify land use and management.

Presumably unless legislation allows it, all agreements will be on a voluntary basis

There is no mention of management agreements with private, social enterprise or community groups on the WGWE. This has been possible for some time and is promoted by the Woodland and You and is mentioned in the NRW Corporate plan consultation. This could be significant in the delivery of local employment and enterprise opportunities.

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?

Forestry is already heavily regulated and subject to the rigorous standards of UK Forestry Standard. In addition many woodlands are certified to the international FSC/PEFC standards under the UKWAS scheme. Any development of new binding rules affecting the management of forests and woodlands on privately owned land must **not** increase current regulations, but rather, in line with the broader objectives of the Environment Bill, should seek potential simplifications.

Question 15

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

A x

B

Please provide comment:

Subject to conditions laid down in para 3.41

If the second proposal (B) is taken full consideration must be taken of the Forestry Acts

Question 16

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

We oppose any proposals which might lead to the introduction of charges (at a rate higher than that needed to cover administrative costs) on private customers for fulfilling their statutory obligations. With forestry this applies particularly to felling licences and any subsequent appeal proceedings.

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.

Proposals are being considered to require untreated wood to be separated and not burnt for energy – what will be done with this wood? Is this practical? Might it be better to promote use of untreated wood at source if produced in large quantities?

Household collection of untreated wood seems impractical.

Why shouldn't untreated wood be burnt? Does this presumption mean it couldn't be used as firewood?

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

In line with the general tenor of the Bill, there should not be a disincentive to use bags derived from sustainably produced and recyclable or biodegradable material.

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.

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Question 42

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

The document itself is unwieldy, short on details or examples especially of the process for defining and developing area-based plans. It is beyond the understanding of most lay people to whom the area based plans have to be relevant.

Members of Woodland Strategy Advisory Panel (excluding WG and NRW members)

Nigel Ajax Lewis MBE	Senior Conservation Officer for Wildlife Trust for South and South East Wales
Roger Cooper (Chair)	Bangor University (retired)
Dr John Edington	Tutor on environmental issues, Cardiff University
David Edwards	District Manager, Tilhill Forestry
Helena Fox	Consultant in Education and Sustainable Development
Rory Francis	Woodland Trust, Wales
Dr Alun Gee	Executive Manager, Environment Agency (Retired)
Sue Gittins	Deputy Director, Ramblers' Association Wales (retired)
David Jenkins OBE	Director, Coed Cymru
John Lloyd Jones OBE	Farmer/land owner.
Tim Kirk	Chairman, CONFOR, Wales
Bernard Llewellyn	Farmer and chairman of NFU Cymru Rural Affairs Board
Kath McNulty	Manager, CONFOR, Wales
Philippe Morgan	Forest Manager and Consultant
Penny Lloyd	Director, Clifford Jones Timber
Celia Thomas	Farmer and Woodlands Officer, Pembrokeshire National Park
Dr Jenny Wong	Director, Wild Resources Ltd, Honorary Lecturer Bangor University

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Chairman Dr Jean Rosenfeld
Cyfarwyddwr Director Peter Ogden

The Environment Bill team
Climate Change and Natural Resources Policy Division,
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

January 14th 2014

Dear Sir / Madam,

**Towards the Sustainable management of Wales' Natural Resources
Environment Bill White Paper
Response by the Campaign for the Protection of Rural Wales (CPRW)**

1. General comments




1.1 The Campaign for the Protection of Rural Wales welcomes the opportunity to respond to this important document which will set the long term direction for not only the management of Wales' natural assets but also guide the crucial role that Natural Resource Wales must play as the guardians and the stewards of these important assets.

1.2 CPRW recognises that the challenges facing the Welsh Government in developing an integrated approach to the management of Wales' extensive range of high quality natural resources are significant. This is particularly the case given the many competing ways in which the range of Wales' natural assets could potentially be used. This is made even more challenging given that many of Wales' natural and heritage assets combine to create landscapes of exceptional quality and give many places their own distinctive, individual and appealing character.

1.3 We believe therefore the task for Welsh Government in achieving this balance and promoting an integrated, sustainable and responsible management approach to the natural resource use on land and at sea, must recognise the pivotal role the environment and the landscapes of Wales play as the framework for promoting economic and green growth and opportunities for more sustainable life styles and the improvement of everyone's quality of life standards.

1.4 We are pleased that the Environment Bill White Paper recognises these crucial links and the opportunities that well managed landscapes provide to promote this ambition. The scope and in particularly the manner in which NRW undertakes its role in this context will therefore be crucial.

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1.5 Notwithstanding this however CPRW has concerns that the White Paper places an overemphasis on how Wales' natural resources should be used, rather than recognising that their protection enhancement and responsible stewardship are the keys to their ability to provide the kinds of opportunities which the eco systems services approach seeks to deliver. Only by focusing on maintaining the integrity and resilience of the resources which provide the basis for our national life support systems can sustainable natural resource management be effectively achieved.

1.6 In achieving this ambition we also believe that many of the effective mechanisms which currently exist and have helped maintain the current status, quality and integrity of our environment and the distinctive character of our landscapes and seascapes, should not be jettisoned in the belief that they are no longer relevant. In this respect we contend that the principle of designating areas and landscapes of particular national and international importance and managing them to the highest environmental standards still remains valid and extremely relevant.

1.7 Although this response is primarily related to the issues raised in Chapter 2 and 3 of the White Paper, we believe that the tone and direction of the White Paper as a whole provides an admirable start on the journey to develop an approach to integrated resource management. We therefore trust that the suggestions we offer ensures that the Bill which follows, is even more complete and strategically robust.

1.8 In this context we contend that it is crucial that the Bill should eventually include and reflect a number of additional but fundamental provisions and interrelated outcomes, all of which should be overtly recognisable and fully accounted for on the face of the Bill and in its supporting text. These include

- Recognising the enormous range of functions, services and public benefits that all Welsh landscapes and seascapes currently provide, many of which underpin the status of the economic and social wellbeing of the nation
- Effective natural resource management can only be achieved if there is a commitment to and adequate investment in responsible natural resource protection and stewardship. Resource resilience is not achieved through environmental neglect or apathy.
- Ensuring that the principle of "Environmental limits" is embedded in the philosophy of the Bill and that managing our natural resources within these prescribed limits is recognised as the only way that the integrity of the services these assets provide can sustained. We are dismayed that this principle whilst accepted in the principles of promoting Sustainable Development and its associated Charter and in the context of the Future Generations Bill is not directly cited as a fundamental principle in this Bill.

- Ensuring that sufficient flexibility and opportunity is inbuilt into the provisions of the Bill to enable the stewardship of our Wales’ natural assets to evolve in a creative and ambitious manner, as circumstances require or necessitate.
- Stating more explicitly that the management of land and sea must be inextricably linked and not managed as two territorial domains.
- Recognising that the management of Wales’ natural resources must give full and equal recognition to the significance and value of Wales’ land and marine based heritage assets and their associated cultural dimensions as they do to their natural counterparts.
- Ensuring that in promoting the sustainable stewardship of Wales’s natural resources, the principles of the European Landscape Convention (to which the Welsh Government is a signatory) are directly recognised such that the quality and diversity of all aspects of all Wales’ landscapes and seascapes are actively protected and enhanced.
- Ensuring that the provisions of the Bill refer directly to the “**Precautionary Principle**” as a fundamental principle which underpins any approach to sustainable natural resource management.

1.9 Given these prerequisites, we are concerned therefore that whilst the White Paper provides a helpful focus for biodiversity management, it makes little obvious reference to, nor articulates in any convincing manner, how the Bill (and hence the Welsh Government), will ensure that Wales’ landscape and seascape assets will be safeguarded and promoted. We suggest that a “landscape approach” should be adopted as the overarching framework within which a sustainable approach to natural resource management is promoted and implemented.

1.10 Equally we are particularly concerned that the White Paper makes no direct reference at all to the current or future role that Wales’ internationally recognised and iconic Protected Landscapes play in the Welsh Government’s proposed agenda for natural resource management. It is particularly disappointing that no credit is given to the exemplary stewardship work that the Authorities responsible for managing these areas have undertaken, which are unilaterally recognised as being successful examples of the multi-functional approaches to the sustainable management of many of Wales’ most important and sensitive natural resources.

1.11 The therefore trust the Bill will therefore include a clear expression of:

- **The importance and focus that the European Landscape Convention provides for implementing an integrated approach to natural resource management and how Welsh Government will champion and further its principles in a Welsh context.**

- **A commitment by the Welsh Government that the quality, values and benefits provided by Wales’ landscapes and seascapes are the frameworks around which any integrated approach to the stewardship of the nation’s natural resources must occur.**
- **That the conservation and management of land and sea will be undertaken in an unified and integrated manner.**
- **That an unequivocal reconfirmation is included in the Bill of the international status, value and importance of the range of public benefits that Wales’ finest Protected landscapes and seascapes provide and an endorsement included of their role as nationally important strategic “sustainable natural resource hubs” where priority must be given to safeguarding and enhancing the quality and integrity of their special natural and cultural qualities.**

1.12 We suggest that Bill’s ambitions for the future management of Wales’ natural resources should expressly recognise that Welsh landscapes and seascapes:

- Provide an essential range of **“Life support services”**.
- Represent the **“Shock absorbers”** which will enable Wales to mitigate the consequences and impacts of future climate change. The nation’s **“Life insurances policy”**
- Offer a range of **“Life style and personal development experiences”** to help tackle the nation’s health agenda.
- Present **significant opportunities for job creation and employment** through the creative use of the nation’s Green and Blue infrastructure.
- Represent the ultimate **“Theatre for Learning and personal development”**
- Provide the crucial pivot around which **“Wales’ Living Heritage”** is anchored and flourishes.

1.13 We are particularly concerned that these important dimensions to guide the future management of the landscapes of Wales and the social and economic opportunities they create, have not been directly recognised as part of the proposed focus and scope of Environment Bill.

1.14 Accordingly we believe that specific recognition of the overarching role that landscapes play and the integrating framework they provide for planning and managing Wales natural resources, should be clearly addressed and evident on the face of the Bill and in the accompanying text.

1.15 Notwithstanding these matters, the remainder of this response focuses on the content and questions posed in the existing version of the White Paper

2. The Case for change

Para 1.10

2.1 We would also suggest that without positive intervention Climate change is also likely to affect the resilience of most of Wales' natural resources and ultimately the character of our landscapes and seascapes.

Para 1.14

2.2 We are puzzled and extremely disappointed that the National Parks and AONBs have been singled out and misrepresented as being areas which are only concerned with the preservation of their individual special qualities. Exactly the opposite is in fact the case and these areas are widely recognised as "Living landscapes" where positive and creative sustainable land management and conservation approaches have been successfully implemented to demonstrate how integrated natural resource management can be successfully achieved. The role of Protected Landscapes as pioneers in the development and implementation of the Area based Management approaches which the Welsh Government seeks to promote, have likewise been exemplary.

Para 1.16:

2.3 We believe that reference should likewise be made to the European Landscape Convention to which the Welsh Government is a signatory as the promotion of its principles provides exactly the integrating approach which the Bill is seeking to achieve.

Para 1.31

2.4 Whilst supporting the Area based approach to natural resource management we believe that the Bill should clearly indicate the status of such Plans especially given the importance of their interface not just with LDPs but also with the Planning Bill's recently proposed National Development Plan and Strategic Development Plans in those areas where these plans are to be prepared. We would advocate that the content of any Area Management Plans should be a "material consideration" in the preparation of these documents.

Para 1.34

2.5 CPRW is pleased to note the recognition that is given to the landscapes in this section but believe that their crucial role and the relevance should more fully incorporate the approaches we have suggested in other sections of this response.

Proposals NRM 1: A legal definition of natural resource management

Para 2.13

2.6 CPRW welcomes the Welsh Government's initial interpretation of term natural resources but believes that the proposed definition is too focused solely on the use and opportunities that natural resources provide rather than recognising that the quality and integrity of these natural resource is fundamental to the manner in which any ecosystem approach can be implemented.

2.7 Similarly and to avoid any misinterpretation of the definition of what natural resources encompasses, it would be helpful if it was made clear that any integrated resource management approach applies equally to both the land and to the coastal inshore and marine areas of Wales.

Para 2.17

2.8 With respect to the term **Integrated Resource Management** we suggest the definition should be amended to read

... coordinates the maintenance, enhancement and ***responsible use of natural resources within acceptable environmental limits***, so that ...

2.9 With respect to the term Sustainable Management we suggest that the definition should be amended to read

... the maintenance, enhancement and ***responsible use of natural resources within acceptable environmental limits, in a way and at a rate ...***

...while maintaining and enhancing the resilience and adaptability of the life support services that these resources provide.

2.10 With respect to the last paragraph of Figure iii Definitions, we find it difficult to understand the logic of the first sentence. Sustainable management is a process not an outcome and we suggest that this sentence should be rephrased to read

Adopting an integrated approach to the management of Wales' natural resources will result in these assets being able to continue to perform their life support and public benefit functions, in a sustainable and positive manner.

NRM 2: National policy and priorities

Para 2.22

2.11 We believe the aspirations of this approach will only be successfully achieved and delivered if these policies and national outcomes are spatially defined and properly embedded in any proposed National Development Plan or Strategic Development Plan as proposed in the Planning Bill.

2.12 The strategic approach and spatial dimension associated with the management of Wales' Green and Blue infrastructure (our foundation natural resources) should be recognised in their own right as key national assets and important components in any strategy which seeks to achieve an integrated approach to sustainable development across Wales.

NRM 3: Area based approach to sustainable management

Para 2.25

2.13 CPRW supports the proposed Area based approach as suggested and believes that the approach adopted by National Park and AONB Management Plans provides an ideal model for implementing any proposed future Area based resource management approach.

2.14 We suggest however that rather than informing the proposed Area Based Management Plans, where geographically relevant the existing Park and AONB Management Plans should form the core of these Plans. We also believe that scope exists for extending the remit and geographical area of the current Protected Landscape Plans so that greater integration of the management of the resources within and beyond the boundaries of these areas is achieved.

2.15 We also believe that National Park Authorities given their experience in the development and delivery of integrated approaches to natural resource management are particularly well placed to act as the body responsible for the implementation of the proposed Area based management approach. This would be sensibly achieved by them retaining the decision making responsibilities they currently possess for both the planning and management functions within their existing designated areas.

2.16 Notwithstanding this greater clarity is however required regarding the status of any Area based approach or plans which are adopted to deliver natural resource planning and management within Protected or any other areas, so that their role in relation to the Development Plan processes is clear. We would suggest that any Area based Plan should be a material consideration in a Development Plan context and the requirement to implement an Area based approach must also carry with it an obligation that such plans or activities must conform to certain quality Benchmarks and standards.

2.17 In supporting the introduction of the Area based approach to natural resource management we also note the general point that it is assumed throughout the document that this would be best implemented on a "Catchment Area" basis. Whilst we can see the advantages that this provides, we would suggest however that this may not be the most appropriate approach to adopt in certain areas or circumstances.

2.18 Considerable time and effort has been invested by the Countryside Council for Wales in developing its “Landscape Character area” and LANDMAP approach and these combined with the use and definition of equivalent Seascape Character areas may be a more appropriate basis for managing some dimensions of the natural resource agenda. Mountains and coastal areas for instance collectively function in different ways to individual catchments and care will be needed to ensure that particular natural processes and characteristic qualities associated with certain areas are not ignored. An approach for instance to peat land resource management or the management of the qualities of wildness or solitude could involve a “supra catchment” and more regional landscape approach. The management of future tree cover should most definitely be based on landscape and not merely water catchment area parameters. We therefore suggest that WG should not confine itself at this point in time to the Area based approaches being synonymous with water catchment areas but invest further time and effort to decide what the best spatial approach should be.

NRM 4: NRW priorities for natural resource management

Para 2.42-2.58

2.19 Subject to our comments above, CPRW welcomes NRW’s role in acting as the active coordinator of the national effort to develop and deliver the proposed Area based approach to natural resource management.

2.20 We would however for clarity, suggest that an additional bullet point be added to para 2.42 namely

- An unambiguous cross referencing of principles and policies between the content of any Area based plan and any corresponding Strategic or Local Development Plan which exists within that area.

Para 2.59- 2.63: Marine Environment

2.21 It is unclear from the text whether the responsibility for ensuring that the Area based approach to the management of land and sea is appropriately embedded in the Marine Planning processes, will ultimately be the responsibility of NRW. Its role in this respect should be clarified.

Para 2.69 National Park Management Plans

2.22 We repeat our comments as set out above in paragraph 2.13-2-15 of this response, regarding the status and role of Protected Landscape Management Plans and trust that the Bill eventually establishes the principle that these plans should form the core of and indeed directly inform the content of any future Area based approaches and not the other way round. Similarly in doing so we trust that the Bill establishes a more creative role for those bodies and independent Authorities currently responsible for managing these resource rich hubs.

2.23 We would further contend that National Park Authorities in particular are ideally placed to be the agents best able to integrate the delivery of Area based resource plans beyond their boundaries, in particular in the context of linking the countryside and ecosystems surrounding their boundaries with the resources within them and especially in geographical context of the management interface between the land and sea.

NRM 5: How Natural resource management should be accounted for by others

2.24 CPRW agrees that all those involved with resource management both directly and indirectly should take full account of the principles and proposals embedded in Area based approaches when making decisions which will affect the integrity of the resources in a particular area. As recognised we agree that the “non-monetised” attributes and benefits of these resources should be properly recognised and fully accounted for in any decision making processes.

Para 2.87

2.25 In the light of the above, whilst recognising the need for organisations to work together from the earliest possible opportunity, we do not agree that the “*have regard to*” obligation should be rescinded in all circumstances.

2.26 In particular we believe that in the context of designated Protected Landscapes, these areas have “Special Qualities” or defining characteristics which have been identified as a result of statutory provisions and legal requirements. In these instances we would contend that those developing Area based plans coincident with any Protected Landscape or Protected Area must have “**full and proper regard**” for these defining characteristics when managing the natural resources and heritage assets of these designated areas.

NRM 6: Reporting arrangements

Para 2.90- 2.93

2.27 Whilst supporting the concept of monitoring progress towards achieving national outcomes in principle, it is therefore inherent that the desirable “target” outcomes in respect of the range, status, quality and integrity of the nation’s natural resources must be defined. For instance without some measure of the extent to which peat land restoration or wild land should be increased or the loss of biodiversity reduced it seems difficult to understand how performance and progress towards these goals can be either monitored and measured.

2.28 We do not agree that the only performance measurements should be those related to the proposed outcomes of the Future Generations Bill. The State of the Welsh

Environment of Wales should have its own performance targets and associated standards.

2.29 We would further add in this context that there should be requirement for all public bodies to annually account for and report on how they have taken the provisions of the Environment Bill into account in discharging their functions and responsibilities.

Para 2.99

2.30 CPRW fully supports the concept of early collaborative working with the public and in particular the Third sector in order to enhance and enrich the content and credibility of the natural resource management approach.

Question 1- 9. Package of proposals

2.31 Whilst CPRW welcomes in principle the proposed approaches being suggested in Chapter 2 of the White Paper, we believe the comments and suggestions we have outlined above highlight our concerns and how these can be overcome

Chapter 3: NRW - New opportunities to deliver

NRM 7: Trialling innovative approaches

3.1 Whilst supporting this approach in principle, CPRW believes that approval for any new schemes must be undertaken in an open transparent and accountable way with a clear mechanism which enables interested parties to respond to them and to provide their own proposals.

NRM 8: Market mechanisms to pay for ecosystems services

3.2 CPRW supports the development of an approach which promotes Payment for Ecosystem Services (PES) schemes, especially those which are associated with the intangible and huge range of multipurpose public benefits that the natural assets e.g. Welsh landscapes provide. We highlight this particular example as the White paper fails to recognise the importance of this important characteristic of our natural and heritage assets upon which much of our tourist industry is based.

3.3 We believe therefore that the scope of any proposed PES system should include specific provisions for stewardship of high quality and resilient landscapes, particular those which provide for the promotion of public health, learning and personal development opportunities.

3.4 We also suggest that in developing such an approach it is important for "Integrity Thresholds" to be defined so that any recompense for public benefits provision meets certain acceptable quality management standards.

3.5 Equally it is important to clarify whether there will be provisions to impose or introduce Management Agreements on areas of land in order to secure the ambitions of an agreed Resource management approach in a particular area.

3.6 We would also suggest that an area based approach to the implementation of the PES system could be advantageous, so that all those land managers who contribute positively to the base line management of a resource are recognised for the contribution they make to the wider and overall improvement of any individual resource and the public benefit it provides. Again we suggest that the landscape approach provides a useful framework for the implementation of such considerations.

NRM 9: Management Agreements

3.7 Whilst supporting this approach we would however question whether NRW should be the only body able to implement such provisions.

3.8 Likewise clarity is required as to how this provision relates to the powers vested in certain bodies who already have an effective track record in negotiating and implementing Management Agreements to effectively secure the responsible stewardship of our natural resources. We cite again the effective work of National Park Authorities in this respect. We believe such organisations which have proved successful in utilising this Management Agreement approach, should retain these powers under any proposed future arrangements.

3.9 In addition to identifying the role of those able to negotiate Management Agreements, CPRW believes that any such provisions once confirmed such be specifically related to an area of land or land holding, so that the payment provision relates to the land and not to the desires of an individual. If the latter was the case such payments could be viewed as a merely commodity rather than a payment for securing a desirable long term resource outcome.

3.10 We would also suggest that NRW should be given opportunities to use these Management agreement powers to promote opportunities with land owners to use natural assets and landscapes specifically as **Living learning resources**. In this way the use of these assets could be promoted to the widest range of individuals in ways which increase their individual quality of life and contribute to their own personal wellbeing. We recognise however that this must be done as with any other use of the environment, in responsible ways and within acceptable limits such that no use compromises the intrinsic quality or integrity of the very land or resource which is being used to increase public enjoyment.

3.11 Equally we trust that the provisions associated with the implementation of Management Agreements will enable NRW to promote and improve the quality of

urban environments and in particular the value of green and blue open spaces in them. NRW we suggest is in a perfect position to ensure that these natural assets are effectively linked in a spatial sense with their wider rural hinterlands and deeper countryside areas.

3.12 The value of using Management Agreements to act in an integrating way to link people and places should be emphasised more specifically in this section.

NRM 10 General Binding Rules

3.13 CPRW broadly welcomes any initiative that seeks to remove duplication and improve the efficiency of existing processes where this is appropriate. However, there needs to be clarity as to how such an approach relates to or replaces the existing Permitted Development Rights provisions which relate to current land use practices, some of which may not currently be in the best interests of an integrated approach to natural resources management. Likewise if such provisions are introduced, NRW will need to ensure that this process is vigorously monitored and enforced.

NRM 11 Powers to realign NRW duties and other primary legislation

3.14 CPRW **does not support and indeed objects** to any proposal that would enable Welsh Ministers to amend primary legislation using the mechanisms offered through secondary legislation. The inclusion of this provision would significantly reduce the opportunity for considered Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and resource stewardship in Wales. We support the view that the need for change should be first identified through a formal review process prior to any proposals for primary legislation being then published.

Questions 10-17

3.15 Subject to the concerns expressed above in relation to the detail of various elements of the proposals outlined in Chapter 3 of the White Paper, CPRW welcomes in principle the overall approaches being suggested.

RE 6 & 7 – Carrier bag charges

3.16 CPRW welcomes the proposal to extend the carrier bag levy to bags for life, should it be felt necessary. However, with regard to any revenue subsequently raised by this change, we recommend that the beneficiaries should remain as at present namely those Welsh environmental charities which are supporting the promotion and delivery of those environmental, social and economic benefits that use of Wales' natural resources provide. This would ensure that all funds raised through this activity are used within Wales and support the funding of an integrated approach to natural resource management as promoted by the Bill.

4 Summary

4.1 CPRW believes that whilst supporting the overall tenor and direction of the White Paper, the current document has a variety of weaknesses and gaps which should be addressed. If these are included in the provisions of the Bill, we believe it will provide a positive and creative approach to the future protection of the integrity and resilience of Wales' natural resources and the creative and responsible stewardship of our land and seascapes.

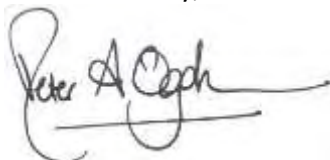
4.2 We strongly believe and suggest however that the overarching concept of sensitive landscapes and seascape stewardship, especially the approaches which have been pioneered in Wales' Protected Landscapes, should be embedded more visibly and centrally in the Bill.

4.3 CPRW trusts that our comments prove helpful and looks forward to responding to the Draft Bill which we trust will reflect the clear ambition that the value and integrity of Wales' natural resources is central to the delivery of a sustainable development agenda for Wales.

4.4 Finally CPRW confirm that its comments can be made available to others if so required. In the meantime, I would be grateful for your acknowledgement of the safe receipt of this submission and in due course welcome sight of your response to the representations you receive to this important document.

Thanking you in anticipation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Ogden', with a long horizontal flourish extending to the right.

Peter Ogden :
Director

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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



Environment Bill White Paper

23 October 2013 – 15 January 2014

Name

Organisation

Address

E-mail address

Type

(please select one from the following)

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to 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:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 3

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

both national and local levels?

The NFRN does not have relevant experience in this area and does not wish to comment.

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 4

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to 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:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 6

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 7

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

area-based approach?

The NFRN does not have relevant experience in this area and does not wish to comment.

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 8

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 9

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 11

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 12

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

Yes

No

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 13

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 14

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

The NFRN does not have relevant experience in this area and does not wish to 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 NFRN does not have relevant experience in this area and does not wish to 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.

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 17

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to 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?

The NFRN does not have relevant experience in this area and does not wish to 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.

The NFRN does not have relevant experience in this area and does not wish to 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.

The NFRN does not have relevant experience in this area and does not wish to 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?

The NFRN does not have relevant experience in this area and does not wish to 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?

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 23

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

Yes

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both**

b) Businesses and Public

Please provide comment:

The NFRN does not have relevant experience in this area and does not wish to 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) The NFRN does not have relevant experience in this area and does not wish to comment.

ii) The NFRN does not have relevant experience in this area and does not wish to 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?

The NFRN does not have relevant experience in this area and does not wish to 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

The NFRN does not have relevant experience in this area and does not wish to 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:

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 28

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

The NFRN does not have relevant experience in this area and does not wish to 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

The NFRN agreed with the original proposal to introduce a levy on single use carrier bags in light of the benefits for the environment, charities and businesses from the implementation of such a scheme.

However, it does not agree with the proposal to extend the enabling powers of the Welsh Ministers so that they may provide for minimum charges to be set for other types of carrier bags in addition to single use carriers. We consider that if this proposal was to go forward, it would unreasonably burden small retailers such as news and convenience store owners, who would have to administer and report on potentially different charges for different types of bags.

We also dispute the assertion that customers will begin to treat low cost reusable bags as 'throw-away bags' and they will be disposed of prematurely. As the bags are still chargeable, it seems unlikely that consumers will treat them as they did single use bags. While we recognise that WRAP data demonstrated an increase of around 120 -130 per cent in the sale of bags for life by supermarkets in Wales between 2010 and 2012, this may be due to the fact that customers, if forced to purchase bags, would rather opt for the sturdier, re-usable option than a single-use bag.

Ultimately, the NFRN feels that it is also too soon to be drawing conclusions as to the whether the government need to be providing for minimum charges to be set for other bags. It would be advisable to wait and look at the data over a longer period of time, before implementing further regulations.

Question 30

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

Yes

No

Please provide comment

We agree with the proposal to extend the enabling powers of the Welsh Minister so that they may by regulations, require retailers to pass on their net proceeds to any good causes.

The NFRN notes that currently, the Welsh Government relies on a voluntary code with retailers to help ensure that the proceeds are passed on to good causes but that there are provisions in place to allow ministers to make regulations imposing a duty on sellers to donate the proceeds to environmental good causes if the voluntary option fails.

Whilst we favour the use of a voluntary code to reduce the reporting requirements on small retailers, if there are already provisions to allow ministers to impose a duty on sellers, it seems sensible to extend this to all good causes rather than just environmental ones.

Members of the NFRN have seen real benefits in being able to donate to local causes and charities that are important to them rather than just environmental matters, as it allows them to give something back to the communities in which they are based.

However, we also consider that it is important that “good cause” is defined, so as to avoid any potential confusion should ministers decide to enforce regulations requiring retailers to pass on their net proceeds.

Question 31

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

The NFRN has addressed the impacts of these proposals on its members’ businesses in its answers above.

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

The NFRN does not have relevant experience in this area and does not wish to 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?

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 34

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

The NFRN does not have relevant experience in this area and does not wish to 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

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 37

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

The NFRN does not have relevant experience in this area and does not wish to 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

The NFRN does not have relevant experience in this area and does not wish to 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

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 40

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

The NFRN does not have relevant experience in this area and does not wish to 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.

The NFRN does not have relevant experience in this area and does not wish to comment.

Question 42

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

The NFRN does not have relevant experience in this area and does not wish to comment.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014		
Name	David Jones Powell	
Organisation		
Address	Glanafon, Fennifach, Brecon, LD3 9PH	
E-mail address	davidjonespowell@tiscali.co.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input checked="" 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:

I can't answer this question because I failed to discern any precise "proposals" in chapter 2. I prefer the "Summary of Key Proposals" in Chapter 1; bullet points 1&2 in para,1.37 which I assume are an accurate summary of "Key Proposals" in Chapter 2. At a guess the Chapter 2 proposals are intended to integrate more of the government machine and hence the government's political aims in the planning process. An example would be including the Biodiversity Information Service data into the planning process, by law and therefore make the process less user-friendly.

In para 2.13 I see that " The Welsh government considers that a definition of natural resources should be about more than exploitation for economic gain". However there is little doubt that economic gain has been the prime if not the only mover of the rural economy in one form or another; indeed it is an essential ingredient of the rural economy and will continue to be so. In my opinion the Forestry Commission lost its way in the late 1980s when it became committed to more than one driver in the form of multi-purpose forestry and the demands of commercial production, recreation and conservation were "balanced off".

It is also a mistake to think that the government has a monopoly of concern for our natural resources. It is shared by many citizens who take daily and long-term decisions affecting natural resources in Wales and who would be unwilling to concede the government a blank cheque in this respect.

Question 2

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

Yes x

No

Please provide comment:

As this will have to be done anyway and much more precisely in the Bill itself (if the subsequent Act is to be effective at all) the definitions in the Paper will surely have to be redrafted anyway.

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:

Inevitably it must be but see reply to Q 4 below. Is it really likely that there will be any difference between “national” and “local” levels? Danger of micromanagement particularly if differences are “embedded”..

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:

But is this cycle too short for good science? It is certainly too short and potentially disruptive for optimum investment decision-making.

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:

As there is no definition of “area” in the Paper it does depend on what is meant by “area”. The traditional choices are country, county, community and national park. If this paper is floating some other definition such as catchment for example this has something to recommend it as water is so important and basic but it will not be without its difficulties either.

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 x

No

Please provide comment:

So long as Welsh Government has legislative power for both primary and secondary legislation, there is nothing new about “replacing” “elements” of its “plans”. Surely a government always has this power, only limited by the political situation at the time? what’s new?

Question 7

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

area-based approach?

Yes x

No

Please provide comment:

But it is unlikely to make the process less expensive or long-drawn out. To an extent this surely already happens but without requirement by law.

Question 8

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

Yes x

No

Please provide comment:

It seems the most obvious department of government to report on this subject as it already has a number of statutory duties and expertise in environmental matters and furthermore probably attracts recruits who have an idealistic and personal interest in the subject which ought, hopefully, to encourage them to do a better job anyway.

Question 9

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

I sense that it is unlikely that the bureaucratic regime will shrink in Wales as a result of an Act derived directly from this White Paper. From my reading of Chapter 2 , and so far as I can discern any clearly defined proposals at all, I think that planning in all its forms will continue to be an obstacle to the long-term decision making vital for any substantial investment in the rural economy; particularly in forestry which has such a long cycle in comparison with the relatively short-term and annual cycle of farming.

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:

Again I don't feel I can answer this question precisely, since I can't glean any firm proposals from chapter 3 but I will confine my comments to the two bullet points in the summary at para 1.37 of chapter 1.

I am nervous of "experimental powers" particularly if imposed by a "legislative tool" Will there be sanctions for non-cooperation? The words "...within the confines of the law" are not reassuring when the proposers (WG) have a monopoly of law-making powers.

The second bullet point seems to refer to the problematical and, to my mind, rather undemocratic resort to secondary legislation by regulation,

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?

Provided such "innovative approaches" are confined to WG's own estate (ex FCW) nothing new is needed. The answer depends on whose property it is that is being trialled upon. This is not clear from the text.

Question 12

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

Yes x

No

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

Not competent enough on the present situation to comment

Question 13

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

In theory they should only be limited by the consent of the parties to them. If such agreements are obtained by force fear or fraud they are not 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?

GBRs are a method of simplifying and reducing time taken and cost expended in the planning process and, as such, can be welcomed in general. The particular application of the Rules and any extension of them is obviously of interest to rural businesses, all the more if they are to be “established beyond their existing scope”. There should be consultation before they are introduced. There is already some evidence that, slowly, such matters are already “entering the food chain” of rural businesses anyway, voluntarily and as matters of everyday practice.

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:

“High level purpose” has a rather top-down, European Commission directive ring to it. Secondary legislation is certainly more convenient for governments than primary but is generally less subject to inspection and debate. It seems to be a necessary evil but should not be used to legalise arbitrary changes of direction or application. There is no substitute for getting it right first time and then leaving the electorate alone to get on with their businesses in peace , untroubled by more papers, workshops and consultations.

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.

There are always conflicts of interest seemingly in-built e.g. the objects of National Parks, and strains between the environment, farming, and tourism. It will be an achievement if WG do not at least exacerbate these conflicts or facilitate new ones.

Question 17

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

Since it is difficult for me to discern precisely what this paper is implying for me, I can't say but , as a forester I worry that long-term investment decisions may not be made because of the perceived potential of arbitrary or short term policies or changes in policy of the government providing an uncertain and unstable future. There is already a great decline in confidence in the future of commercial forestry in Wales and its supply chain from the exciting days of the 1960/70s when there was vigorous activity, investment and experimentation in Welsh forestry. We are a very long way from that now and this White Paper does not seem to encourage any raising of spirits. That is more than just a pity because Wales can certainly grow fine trees and produce valuable timber as well as providing new forestry habitats as it has done until now.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

Implementation / Equalities

Question 41

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

Question 42

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





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

Date: 14th January 2014

Enquiries: 01443 452359

Our Ref: NW/

Your Ref:

Dear Sir,

“TOWARDS THE SUSTAINABLE MANAGEMENT OF WALES’ NATURAL RESOURCES” – WELSH GOVERNMENT CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL

Thank you for consulting on your proposals for an Environment (Wales) Bill.

These comments are from Dŵr Cymru Cyfyngedig, the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. We are owned by Glas Cymru, a single purpose, not-for-profit company with no shareholders. We provide essential public services to our customers by supplying their drinking water and then carrying away and dealing with their wastewater. In this way we make a major contribution to public health and to the protection of the Welsh environment. Our services are also essential to sustainable economic development in Wales.

We support most of the key proposals outlined in the White Paper and we will work with Natural Resources Wales (NRW) to ensure that the proposals are implemented in an efficient and effective way. We hope that the changes proposed will allow for both an improved environment and lower regulatory environmental charges we can pass on to our customers.

There is much in the White Paper that Dŵr Cymru welcomes. The intention to introduce “simplified processes and benefits to business”, “to strip away unnecessary complexity” and to provide “a robust and consistent evidence base...for business” would put Wales at a real advantage in terms of attracting business and so would contribute to the Minister’s objective of sustainable economic growth. We welcome the Welsh Government’s wish to reduce the use of our sewers as a way of disposing of inappropriate food waste, and have some alternative suggestions about how best to achieve this objective. Confirmation that the Welsh Government is considering the introduction of a system of General Binding Rules is also welcome news, as we believe this will assist in achieving the requirements of the Water Framework Directive.

Dŵr Cymru is particularly pleased to have been given the opportunity to work with the Welsh Government and NRW to look for ways that the Environment (Wales) Bill might be used to enable the wider introduction of sustainable drainage systems in Wales.



We welcome correspondence in Welsh and English
Rydym yn croesawu gohebiaeth yn y Gymraeg neu yn Saesneg

In order to prioritize and support the various outcomes sought from the White Paper it is essential that a detailed assessment of the costs and benefits (e.g. through a Regulatory Impact Assessment) is now undertaken. We believe this is particularly important given the challenges currently facing the economy. Such an approach will ensure that the costs and benefits are thoroughly explored as part of a transparent consultation process for any major new legislation. Some of the provisions described in the White Paper (e.g. payments for ecosystem services) could, on the face of it, represent a significant additional burden for companies like ours and so could, in turn, undermine the Minister's desire to encourage long term prosperity through a revised environmental regime. Dŵr Cymru would be very happy to work with the Welsh Government to explore some of these impacts with the aim of ensuring that Welsh Ministers are well informed about the financial implications of the Bill's provisions.

Dŵr Cymru is also mindful that the Welsh Government's Water Strategy for Wales is due to be published shortly and could include various additional provisions of particular relevance to our sector for inclusion in the Environment (Wales) Bill. We hope that the Strategy will clarify the role that the Welsh Government envisages that our sector will play in, for example, the proposed regime of payments for ecosystem services and natural resource management and the benefits these will bring our customers. We hope that the Strategy will also confirm that provisions will be included in the Bill to encourage the wider use of sustainable drainage systems, and that it will reinforce the view that it remains essential that any new approaches to improving our environment do not undermine the polluter pays principle.

These comments are developed in the enclosure to this letter. Dŵr Cymru would be very happy to meet with the Welsh Government to discuss our views with you.

A copy of this letter goes to Prys Davies, Deputy Director, Energy, Water and Flood Division.

Yours faithfully,



Nicola Williams
General Counsel & Company Secretary

COMMENTS FROM DŴR CYMRU CYFYNGEDIG ON “TOWARDS THE SUSTAINABLE MANAGEMENT OF WALES’ NATURAL RESOURCES”: WELSH GOVERNMENT CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL

The services that Dŵr Cymru Welsh Water provides are essential not only for our domestic customers, but are also needed to support the sustainable economic growth that the Minister for Natural Resources and Food is committed to promoting here in Wales. Ours is a highly regulated business whose day-to-day operations rely on - and can have a very real impact on - the Welsh aquatic environment.

As part of our company’s ethos, Dŵr Cymru tries to put our customers first and to earn their trust. We are very aware that many are currently under considerable financial pressure; hence Dŵr Cymru recently announced plans to keep our price rises to 1% below inflation every year until 2020. Any significant new burdens placed upon us would therefore be very unwelcome at the present time.

Dŵr Cymru appreciates that the Environment (Wales) Bill will represent the first opportunity for Welsh Ministers to exercise their primary legislative powers to shape a legal framework designed to meet the particular needs and priorities of the Welsh environment. We hope that the following comments, which reflect our company’s unique perspective, will help you shape this important Bill’s provisions.

Our comments are ordered under the chapter headings of the White Paper.

Natural Resource Management

Dŵr Cymru broadly supports the proposal (on page 20) to give statutory weight to Ministerial policy setting a direction of travel and priorities for the management of Wales’ natural resources. This would, for example, give clarity on progress towards national and EU targets for management of the environment. The policy should ideally link closely to the proposed ‘State of Natural Resources’ five yearly reports (pages 21 and 35) so that progress against the targets, measures and priorities can be monitored and measured.

We do however have some reservations about the White Paper’s proposals for area natural resource management planning (pages 22-26). There is a danger that they could add more red tape to an already complex arena of environmental management. The table of current plans (pages 31-32) illustrates the myriad of plans that are currently prepared, including by our sector.

In particular, at a time of economic austerity the Welsh Government needs to be very clear that the costs of these new policies and plans – in terms of their preparation, as well as meeting the subsequent actions required of the Welsh Government, Natural Resources Wales (NRW) and other bodies, including statutory undertakers – will not outweigh any potential benefits they may bring.

As a direct example, the suggestion that the area plans may be based on river catchments (Figure (v) on page 25) implies considerable duplication with the planning process for statutory River Basin Management Plans (RBMPs) prepared by NRW and the Environment Agency to meet the EU Water Framework Directive (WFD).

Following on from this point, there is also some confusion within the White Paper between the 'catchment approach' and 'area-based approach'. We support the simple concept that "water and land management actions at a catchment level should be integrated", but were left unclear as to how an area based approach would work outside of the (already established) river basin and catchment frame of reference.

If the Welsh Government remains convinced that there is a good case for statutory national natural resources policy supported by area plans, Dŵr Cymru recommends that you should use the Environment (Wales) Bill to repeal some of other existing planning requirements, or perhaps enable the Welsh Government and NRW to rely on other statutory plans (e.g. RBMPs) to fulfil the relevant parts of natural resources management plans. This would go some way toward reducing duplication of effort and keeping the new regime cost neutral (paragraph 2.95 refers).

Dŵr Cymru would have welcomed greater clarity about the relationship between the new plans and those already required by EU legislation. As a company that has many of its obligations defined in EU Directives, Dŵr Cymru is particularly concerned by the suggestion in paragraph 2.77 that the introduction of an area based approach might require "the re-transposition of Directives".

Natural Resources Wales – New opportunities to deliver

As part of its ambition to encourage innovative ways of working, the Welsh Government's proposal (page 40) to give NRW the freedom to test new approaches to permitting is very welcome. Dŵr Cymru is currently exploring a number of our ideas with NRW, such as a different approach to permitting in coastal waters supported by management plans to protect bathing water or shellfish quality. The proposal to encourage simultaneous applications for different consents (page 41) is also worthwhile, assuming the Bill places a duty on regulators to ensure that their information requirements are coordinated, thus potentially reducing the burden on applicants. We also have a number of ideas about where General Binding Rules (GBRs) (proposed on pages 46-47) could be a useful tool in helping to address some chronic problems affecting the Welsh aquatic environment (e.g. the operation and maintenance of septic tanks). We do, though, have some concerns about the proposals for catchment trading schemes (page 43), including the system of payments for ecosystem services (PES), as these may undermine the polluter pays principle.

As we acknowledge above, much of Dŵr Cymru's operational business is reliant on the Welsh aquatic environment. It is in our interest to collaborate with other interested parties (e.g. through our river Usk and Wye research programme; our involvement in the Pembrokeshire Ecosystem Enterprise Partnership; and our funding of some WFD related projects undertaken by non-profit organisations) to find the best, and most cost-effective ways of achieving improvements to the Welsh aquatic environment. But the Welsh Government must not weaken its commitment to the polluter pays principle in the pursuit of other tools to improve our environment. This long established principle is enshrined in European environmental law, including in the WFD which will set the agenda for the protection and improvement of the aquatic environment between now and 2027.

In particular, companies like ours should not be expected to pay other sectors to stop land management practices that are polluting the natural environment. That would be unfair on our customers. The wide range of enforcement powers and incentives already available to the Welsh Government and its regulators should continue to be the main instruments, based on the polluter pays principle, to deliver better practice and be used to achieve the basic environmental compliance expected from all sectors.

We see the payment for ecosystem services as a useful tool to work alongside the current regulatory powers afforded to NRW e.g. through the WFD, to drive and incentivise an improved environment. For example, Dŵr Cymru might as beneficiaries contribute toward the cost of returning appropriate areas of our uplands to a more natural 'undrained' state and thus assist with water resources for the region. Or we might consider compensating farmers who agree to stop using problem pesticides even though they are authorised for general use (e.g. metaldehyde slug pellets). Such schemes however must offer best value when tested against other options, if they are to be successful, and must form part of a wider package of targeted measures (e.g. keeping pesticide authorisations under review).

If payment for ecosystem services was to require any party to pay another party to essentially comply with basic regulatory requirements, say to meet the needs of the WFD to control diffuse pollution, or if it were to undermine the polluter pays principle or if it acts as some form of tax where our customers are asked to fund pollution abatement for which they are not responsible, then we would not be able to support it. It is important also to note that any such new approach would need to have the support of all our regulators, as it could represent a fundamental change in our remit as a business.

It needs to be more widely acknowledged that the scope for Dŵr Cymru to reduce levels of water treatment to realize longer term financial savings is, in practice, limited. Repeated surveys confirm that our customers' top priority is (rightly) that we supply them with safe and reliable drinking water. Reducing the level of treatment for our potable supplies to customers, based on catchment based solutions which we know will not work 100% of the time presents a risk which both we and our regulators will need to resolve if such schemes are to be acceptable going forward.

Dŵr Cymru is also mindful that there is research suggesting that the benefits to water quality, particularly in the short-term, of some popular catchment interventions (e.g. grip blocking) may not always be as clear cut as they are sometimes portrayed. Our company continues to undertake research to try to substantiate the extent of the potential gains within our supply area, and so inform this debate more fully.

Another real issue for us would be the availability of adequate safeguards to ensure that, after having invested in catchment management, Dŵr Cymru – and thus our customers - would not subsequently be required by our regulators (NRW and the Drinking Water Inspectorate) to install conventional treatment to guarantee the achievement of particular outputs.

GBRs have a useful role to play in encouraging better practices by land managers. The Scottish GBRs include some land management requirements (e.g. in relation to the use of pesticides), an example that could be built upon here in Wales.

The NRW should be encouraged – at least in terms of the water environment – to continue to collect robust evidence on the impacts that various sectors make on individual catchments. The burden subsequently placed on each sector must be even-handed, reflecting the extent of their impact and

applying the most cost effective measure to enable them to reduce it, including through PES. The WFD provides the ideal vehicle for this, including its provisions about disproportionate costs.

Resource Efficiency

Your resource efficiency proposals include a suggestion that the disposal of food waste via the sewer be banned. Although the White Paper says (on page 58) that this proposal will initially be aimed at business, the associated question (no. 23) implies that the prohibition might be extended to include the public sector or even households.

Dŵr Cymru deals with over 2,000 sewer blockages a month to try to prevent the pollution and flooding problems that might otherwise occur. Needless to say, resolving these blockages comes at a considerable cost to our business, our customers, and the environment. Many blockages are the result of the inappropriate use of our sewers to dispose of the oil, fat and grease associated with food waste. This is one of the reasons for our on-going "Stop the Block" education campaign.

Against that background we welcome the Welsh Government's evident desire to find a legislative mechanism to reduce this major problem. However, we can foresee several legislative and practical obstacles associated with a ban which we have raised with WG Officials. For example, there would need to be a tight definition to clarify whether abattoir or even farm waste was included, and to avoid a prohibition of flushing away the waste inevitably associated with domestic food preparation (e.g. small amounts of potato peelings). Even more problematically, Dŵr Cymru cannot envisage a practical, proportionate and affordable way of policing such a ban, particularly if domestic homes were covered.

For these reasons, we continue to believe that public education campaigns probably offer the best way forward, encouraging food to be separated from general waste at source so that it can be collected as a separate waste stream, ideally to fuel anaerobic digestion plants, and from there to be turned into a soil conditioner/fertiliser if possible.

That said, GBRs introduced under enabling provisions within the Environment (Wales) Bill could potentially be very useful. For example, GBRs could require 'fast food' outlets to install sink strainers and grease traps: this would offer a proportionate, well targeted measure which could easily be policed by local authority food inspectors, for example. Such a move could make a very real difference to our environment in terms of reducing the number of pollution incidents for little extra costs to such businesses.

Smarter Management

We note your plans (page 75) to use the Bill to give the Welsh Ministers the ability to amend a Water Act if it would make consolidation easier. Dŵr Cymru would be very happy to work with the Welsh Government to discuss the potential options for consolidation, including their practical impact. On a point of detail, the White Paper says the Bill will amend section 47 of the Flood and Water Management Act 2010 to confer on the Welsh Ministers the power already enjoyed by the Secretary of State. However the Water Acts listed on page 75 of the White Paper do not precisely correspond with those in section 47 of the 2010 Act.

Miscellaneous

Dŵr Cymru is grateful for the Welsh Government's continuing support for our efforts to promote sustainable drainage systems as a better way of managing surface water. We are pleased that paragraph 2.29 of the White Paper acknowledges the value of sustainable drainage systems in helping to minimise the effects of climate change, although we would argue that the benefits can be much wider, including for the environment, the economy and society.

Schedule 3 of the Flood and Water Management Act 2010 only deals with sustainable drainage for new developments. Current legislation does not allow for such systems to be retrofitted by sewerage undertakers without entering into a range of complex - and potentially costly - legal agreements. The draft Water Bill going through the Westminster Parliament includes a helpful provision enabling sewerage undertakers to construct sustainable drainage in order to alleviate capacity issues in the public sewer network. However, it would be timely to ensure that other pieces of legislation such as the Highways Act 1980 are amended to reflect this change and ensure that the legislative framework for sustainable drainage, both new build and retrofit, is cohesive and complementary rather than piecemeal and inconsistent. In particular, greater clarification is needed of funding issues and of where responsibility rests for ongoing maintenance of the assets created.

The Environment (Wales) Bill offers an opportunity to make these changes and Dŵr Cymru has been pleased to work with your officials, including your legal teams, to explore the options. We hope that the soon to be published Water Strategy for Wales will confirm the Welsh Government's commitment to legislate to enable the wider use of sustainable drainage systems.

Finally, we look forward to supporting and reviewing the draft Regulatory Impact Assessment for the proposals outlined in the White Paper. A clear and well articulated economic and social impact review will be essential, if these proposals are to receive general support and be viewed as credible by all those affected by them. When complete this would demonstrate the Welsh Government's commitment to ensuring that it has a robust understanding of the potential costs to third parties and would give consultees the opportunity to comment on or even refine the estimates – thus providing a win:win for both sides. Such major new legislation should only be contemplated if it follows a rigorous examination of all the consequences, including the costs and benefits.



Email: naturalresourcemanagement@wales.gsi.gov.uk

Consultation on the proposals for an Environment Bill in Wales

The Association for Public Service Excellence (APSE) represents officers and members involved in the management and provision of quality public services. APSE's mission statement positions the organisation as *'The Association which consults, develops, promotes, advises and shares on best practice in the delivery and provision of efficient and accountable public services'*. APSE is currently working with 250 authorities within the United Kingdom including all 22 councils in Wales, has advisory networks in waste and recycling and has been involved in a number of projects with a range of local authorities throughout the UK on waste related issues. APSE is also currently undertaking a national research project on waste collection services. APSE has consulted with its membership and has included their comments within this submission.

APSE supports the overall aims of the White Paper for the better management and use of our natural resources. APSE agrees that sustainability should be central to all local government activities and that local authorities have a key role in developing and providing sustainable initiatives through well managed public services. Such services also help to alleviate the conditions which lead to inequalities in the quality of the environment which ultimately impact on the health and well-being of citizens.

The main part of the White Paper which, in our opinion, requires clarification and revision is Chapter 4 on *'Resource Efficiency'*. In Chapter 4, the Welsh Government seems to be pursuing source segregation as the preferred option on waste collection systems. This is despite the recent Judicial Review on co-mingled recycling collections, where on 6 March 2013 the judge, Mr Justice Hickinbottom, dismissed the claim lodged by the Campaign for Real Recycling who sought to restrict co-mingled recycling collections. Mr Justice Hickinbottom ruled the obligation to establish separate collection of paper, metal, plastic and glass from 2015 applies only where it is necessary to ensure waste undergoes recovery operations and to facilitate and improve recovery and is also technically, environmentally and economically practicable (TEEP). The judge also ruled in favour of local authorities determining whether separate collection is TEEP:

"It was and is open to the United Kingdom to fulfil its obligations under the Directive by the system created by the 2011 Regulations, which allows a local authority to determine within its area whether separate collection is technically, environmentally and economically practicable; enforced by the Environment Agency, through compliance, stop and restoration notices, and ultimately by way of criminal proceedings. Given the need to consider the particular circumstances of collection, it is perfectly understandable that the primary decision-

making function has been given to local authorities, which are uniquely placed to take into account local circumstances.”

APSE welcomed this ruling as we believe that the type of collection systems (co-mingled and source segregation) should be a local decision and local authorities should be given the flexibility in how they achieve the targets in terms of waste minimisation, recycling and carbon reduction, whilst providing residents with an efficient, environmentally responsible and value for money waste service. Methods used by different councils will vary greatly according to local circumstances, demographics and treatment/sorting facilities. APSE's 2013 State of the Market Survey into local authority refuse services throughout the UK received 113 responses and 84% stated that they operate co-mingled collections, which has increased from 72% in the 2012 survey.

APSE has received feedback from its membership that clarification needs to be sought on which of the proposals in Chapter 4 are targeted at the commercial and industrial sector and which are targeted at local authorities in particular. APSE believes that the Welsh Government should educate businesses on reducing packaging in the production and distribution processes and should have enforcement powers for where companies breach national guidelines, rather than simply concentrating on householders.

There have been concerns raised by APSE's membership of the cost considerations, given the current financial climate, of monitoring and enforcing the landfill and energy from waste bans and the duty to present waste separately for collection. For domestic waste alone, local authorities throughout the UK collected on average 76,832 tonnes of waste in 2011/12 and made 2,951,943 collections (*source: APSE performance networks*) and therefore to regulate the banning of specific materials from landfill or energy from waste facilities would be a huge task. There needs to be further clarity in the paper over responsibility for this between the various statutory bodies, how the associated costs are going to be met and that the proposals don't result in an additional unbudgeted burden for local authorities at a time of austerity. Local authorities have already seen reductions in their refuse service budgets; APSE's UK-wide benchmarking service, performance networks has shown that the average net cost of refuse collection services has reduced by 5% between 2009-10 and 2011-12. In addition, according to APSE's 2013 State of the Market for Refuse Services survey, the financial outlook for refuse collection services is deteriorating, with 79% expecting the refuse budget to change in 2014, with the majority of these (66%) expecting a decrease in revenue and some (31%) expecting a decrease in capital. Over the next 5 years, the majority of respondents expect to see a reduction in their service budgets of up to 5% or 10%.

In response to the questions in the consultation *'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?'*, this question can only be answered following guidance provided by the Welsh Government on what comprises technical, economically and environmentally practicable to collect. However, our members

have raised a range of factors such as the size, location and physical environment of the business which will mean that not all businesses will have the capacity to keep 7 waste streams at the point of generation pending collection.

The paper indicates that further decisions are to be made on what comprises an 'area' in the proposed 'area based approach'. However, it is important to be clear on how this area-based approach fits with local authority boundaries and democratic decision making processes. APSE believes that public services should be subject to the maximum form of democratic control and scrutiny and that local government is central to the delivery of area-based outcomes. In addition, whilst it is important for public bodies to engage with Natural Resources Wales (NRW) in sustainably managing the environment and natural resources of Wales, we disagree with the need to place a requirement on public bodies to co-operate, share information, jointly plan and jointly report on the management of natural resources. Joint working and partnership approaches are already commonplace within public bodies in Wales and providing more information on the desired outcomes would be a more constructive approach.

Thank you for the opportunity to respond to this consultation.

Debbie Johns,
Principal Advisor



Association for Public Service Excellence

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

14th January 2014

Dear Sirs,

Response to proposals for an Environment Bill

I am writing on behalf of the Swansea Biodiversity Partnership to respond to your consultation document "Towards the Sustainable Management of Wales' Natural Resources". You will appreciate that this response focuses on issues related to biodiversity and the protection and enhancement of our natural environment.

We welcome the recognition of the decline in biodiversity in Wales and the recognition of the challenges to be faced in halting and reversing the continuing degradation of our natural environment. We accept that legislation may be required because of the integrated role of Natural Resources Wales, but would urge caution to ensure that important protections for biodiversity are not swept away and lost simply because there is a desire for change.

We share the concern expressed in paragraph 2.10 that the term "Natural Resources" could lead to an expectation that they are recognised as being available for exploitation, and welcome the intention to provide a definition allowing for a wider concept. However we are concerned that the proposals set out in figure iii of paragraph 2.17 do not capture the biodiversity of Wales. "Biomass and biological resources" could mean simply an area dominated by a single species of massive individuals, such as the forests planted with alien spruce trees which have historically featured in large areas of Wales. Ecosystems occur wherever living organisms form a community regardless of whether the communities contain a rich variety of organisms or not. We would urge you to consider including the term "biodiversity" in order to capture the concept of the variety of living organisms which enriches our environment in Wales, and to ensure that the greatest possible range of habitats is caught in the definition.

The consultation proposes that there should be a requirement on NRW to develop and implement an area based approach. The extent to which this will be helpful will depend on what areas are chosen. The former Environment Agency Wales made a radical break with traditional area organisation by basing itself on river catchments when establishing its Local Environment Agency Plans (LEAPs). This caused significant difficulty in collaborating with other organisations, such as local authorities, because rivers are clearly recognisable geographical features and tend to form local authority boundaries rather than centres. In consequence individual river catchments generally fall into several local authority areas, and each local authority area may include parts of several river catchments. Most other organisations have boundaries related to those used by local authorities; the Environment Agency boundaries were alone in crossing over those used by other organisations.

In consequence each LEAP had to be agreed by several local authorities; each authority had to deal with several LEAPs, and to meet with the different teams charged with completing the LEAP planning process. We would urge you to establish boundaries for area organisation which are aligned with

the boundaries used by partner organisations in order to avoid the inefficiency and duplication caused in the LEAP process.

It is understandable for flood control purposes that NRW would wish to be able to track flood water along the course of a river, but from other points of view highland areas would seem to have more in common with other highland areas, and estuaries more in common with other estuaries than the estuary of a river with its headwaters. In any event establishing management plans is a human activity, and NRW needs to reflect existing human organisation to build partnerships for this purpose, particularly given the range of relevant plans set out in paragraph 2.72.

We would consider building resilience in key ecosystems to be a crucial part of NRW and government functions in relation to the natural environment, particularly in this era of climate change. This is of special importance in conserving the biodiversity of some of our threatened habitats. Small isolated populations are vulnerable. Well connected populations are better able to recover from local problems through the movement of organisms through the landscape. Often relatively modest conservation proposals can have a disproportionately valuable impact on improving the connectivity between natural population centres of organisms within the landscape, and we would urge you to make provision for the continued support of local organisations attempting to implement such environmental improvements.

Your proposals in NRM8 to use market mechanisms to pay for ecosystem services may have some benefits, but there may also be significant drawbacks, particularly from a biodiversity point of view. We believe that local people should be able to enjoy the benefits of rich biodiversity, and we do not think that they will be compensated for local losses by environmental improvements in other places in the way implied by the development of a market for ecosystem services.

We believe that it is important that developers should be required to establish their activities in a way which minimises adverse impact on the local environment, that developments which might have a seriously adverse affect on local environmental quality should be prevented, and that developers should not be able to avoid the protection of the local environment by promising to pay for improvements in environments in remote locations. Residents of Swansea will not be compensated for, say, the loss of their sand dune systems by benefits enjoyed by sheep farmers in Monmouthshire or cattle farmers in Ayrshire. Market based mechanisms to compensate for local environmental damage should only be deployed as a last resort when protection of the local environment is demonstrably impossible and there should be a general presumption that protection of the local environment takes priority over environmental off-setting when any particular development is under consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S.P. Bolchover'. The signature is fluid and cursive, with the first letters of the first and last names being prominent.

S.P. Bolchover
Chairman
Swansea Biodiversity Partnership

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	Chris Engel	
Organisation	Blaenau Gwent County Borough Council	
Address	Green Infrastructure Team Baldwin House Victoria Ebbw Vale	
E-mail address	Chris.engel@blaenau-gwent.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Question 1

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

Yes

No

Please provide comment:

The package seems to provide a clear and logical approach to natural resource management.

Proposals seem workable.

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:

This will involve significant change from 'business as usual' but essential for sustainable development

Question 3

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

Yes X

No

Please provide comment:

It makes perfect sense, we need to think through the consequences of our actions and need to be more conscientious about waste!

Question 4

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

Yes X

No

Please provide comment:

Five years is good for review, longer term commitment is needed to much of natural resource management.

Question 5

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

Yes X

No

Please provide comment:

Area based approach is logical. Water catchment areas help to inform a considerable amount of our decisions and these are well worth consideration for informing The Areas.

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 X

No

Please provide comment:

Good focus with sufficient flexibility for change. If we promote innovation there needs to be a degree of flexibility

Question 7

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

Yes X

No

An area based approach has to include partnerships between the public bodies and private bodies.

Please provide comment:

Question 8

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

Yes X

No

Please provide comment:

No alternative available

Question 9

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

LAs are all subject to future significant changes. Information on future boundary changes will help to provide a focus.

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:
New legislation should be effective
Innovation is good*

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?

A matter of ethics. There needs to be some control system applied.

Question 12

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

Yes X

No

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

Unable to comment

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 X

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:

In terms of banning certain materials from landfill we can expect an increase in fly tipping, how do we address this problem

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 X

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 X

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 X

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 X

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 X**

b) Businesses and Public

Please provide comment:

Need to ensure the benefits of system function are clear to all users.

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 X

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 X

No

Need to be resourced adequately

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

Currently Im unsure how the funds raised are used. How do these funds result in environmental enhancement.

System could be improved through introduction of a single funding body with responsibility for distribution and publicinformation

Question 31

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

LA's should be allowed to access funding for wider public benefit.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes X

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)?

NA

Land Drainage Management / Flood and Water Management

Question 38

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

Yes X

No

Please provide comment

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

Question 40

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

-

Implementation / Equalities

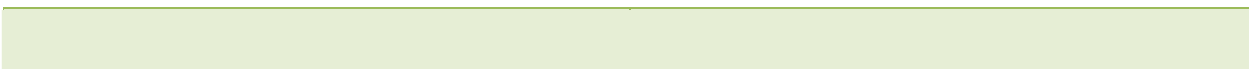
Question 41

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.

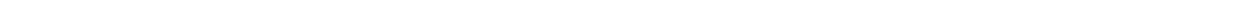
-

Question 42

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



-



Environment Bill White Paper

23 October 2013 – 15 January 2014

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

Community growing as an ecosystem service

Encouraging and enabling the use of land for growing by communities increases the value of ecosystem services to those communities.

The National Ecosystem Assessment (NEA) describes six scenarios, to illustrate how socio-economic factors drive changes in ecosystem services to 2050¹ and in four out of the six, the development of green space is a common theme. This is either through creating parks, gardens or open spaces but also through the creation of green areas with a focus on food production as well as recreation. These come about either through top-down government policy or through bottom-up community enterprise. Under a fifth scenario where national security is the driver large market gardens are established on of all urban green space in the UK to provide greater food security for the population.

The ecosystem service of food production and the associated benefits to health and well-being of those participating in the activity, is enhanced by a more intensive but diverse uses of land by a greater number of people producing food produced using sustainable methods that enhance biodiversity. There are also educational, social

¹ http://www.nottingham.ac.uk/cem/pdf/NEA_Ch25_Scenarios_Haines-Young_et%20al%20_2011.pdf

and cultural services that are provided as part of community growing activities and we must not forget their overall contribution to addressing climate change in regards to increasing community resilience. Market gardens, community supported agriculture (CSA), farm shops and community growing, all assist in providing food security for the population.

Proposal NRM 1 - Establishing a legal definition for the natural resource management of Wales

The Federation of City Farms and Community Gardens (FCFCG) supports the recognition that some ecosystem services are currently undervalued in the marketplace, and that community use of land for the growing of food is one such undervalued activity.

The Environment Bill should explicitly recognise the role of locally grown food and that it is an ecosystem service which benefits communities. Where an economic benefit is difficult to value, more exploration of payment for ecosystem services needs to be undertaken. This will in turn increase its value.

We would particularly like to see mention made of community based natural resource management, using examples of community farming and growing initiatives, that demonstrate land managed for both people and wildlife. Reference could be made to successful examples such as the Cwm Harry Land Trust in Powys², My Garden, Evanstown, Bridgend³, Abergavenny Community Orchard⁴, Riverside Market Garden⁵, Green Meadow Farm⁶, Swansea Community Farm⁷, Vetch Veg⁸ and Knucklas Castle Community Land Project.

FCFCG is keen to have a role in facilitating schemes and being an intermediary between landowners and growers or between government and suppliers. However, changes to planning legislation and policy will be needed if community growing is to expand to realise the true value of community growing as an eco-system service. Proposals for planning reform will be made in our response to the Planning White Paper: Positive Planning but in short FCFCG would like to see extended permitted development rights for community growing projects and the test of what is reasonable development in the countryside to be extended to community growing operations.

We support the proposal to have a more joined up and proactive framework for more cost effective public services across Wales. There is a role here for local development plans (LDPs) to shape the future direction of development to support

² www.cwmharry.org.uk

³ www.communityfoodie.co.uk/bridgend/my-garden-evanstown-ogmore-valley/

⁴ www.abergavennycommunityorchards.org.uk/

⁵ www.riversidemarketgarden.co.uk/about-us/

⁶ www.greenmeadowcommunityfarm.org.uk/

⁷ www.swanseacommunityfarm.org.uk/

⁸ www.vetchveg.tumblr.com

society's needs. More attention could be made in LDPs to land use ecosystems and how they are finite resources that needs to be valued and made best use of.

Single Integrated Plans (SIPs) are produced by Local Service Board Partners and are currently produced on a voluntary basis. The White paper notes that LDPs and SIPs are 'often linked'. In practice this is not the case. We would like to see SIPs be statutory plans that are intrinsically linked to LDPs.

Proposal NRM2 – National Policy and priorities in relation to natural resources in Wales

The White Paper focusses heavily on new ways of working for its new development body Natural Resources Wales (NRW) by providing it with its statutory functions and duties to support the delivery of its core purpose. FCFCG welcomes the opportunities offered by an approach based on sustainable development. Our Members often recognise the intrinsic value of nature but are also demonstrating how land can be managed for environmental, economic and social benefits.

More emphasis could be made on the role of NRW in managing and facilitating the protection and enhancement of ecosystems and also in ensuring the population values and feel connected to their natural resources and natural environment. The focus in the White Paper is more on making effective use of them.

There is a danger, that as people continue to migrate to urban areas for employment, increasing demand on land for housing, and the population become more technology focused, that the people in Wales will become even further removed from their natural environment and the connection they have with it will become lost. If this happens, then we may end up with future generations who no longer value their natural resources and who fail to protect and conserve them. The connection and the experiences people have with nature, particularly when they are children, is vital to ensuring the future sustainable use of our resources, to maintaining a healthy eco-system and also in maintaining the health and well-being of the population as a whole.⁹

Community growing, community farming and growing within schools, plays a vital role in connecting people with their natural resources and natural environment, as well as assisting in maintaining a healthy eco-system, particularly in urban and the more deprived areas, through the provision of green infrastructure,. This connection and the experiences growing provides, helps ensure that the people engaged feel connected and are therefore, more likely to value their natural resources and natural environment. FCFCG would like to see greater emphasis placed on the importance of people valuing Wales's natural resources, not in terms of their economic value, but of their value in maintaining all life, with an outline on how the Bill will help to ensure this.

⁹ www.rspb.org.uk/images/naturalthinking_tcm9-161856.pdf

A greater emphasis on the community use, community management and community ownership of natural resources in Wales, particularly in relation to land, would be welcomed, to ensure that communities are able to access resources, such as land, to grow and live sustainably. FCFCG and CLAS Cymru have already begun discussions with NRW regarding the availability of small areas of land in the ownership of NRW being made available to community groups where that land is in an accessible location. We would like to see this area based approach developed further and will respond to NRW's consultation of its 3 year Corporate Plan with this in mind. There may be other partnerships and projects that FCFCG and NRW can undertake together, under the banner of promoting access to green space and the countryside.

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

FCFCG is generally supportive of the proposals of NRW for an area based approach to sustainable management of natural resources. We look forward to working with NRW in promoting access to green space and in identifying NRW land that may be suitable for community growing schemes. We look forward to working with NRW to provide best practice examples that can contribute to the future delivery plans.

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

FCFCG supports the development of a Natural Resources Policy and an annual policy statement. We urge the Welsh Government to make a clear statement about the benefits of green space in this Policy and to give clear direction to public bodies that they should make land and support available for communities who wish to grow food or otherwise take part in community activities.

FCFCG supports the package of proposals that the Environment Bill White Paper has set out in terms of its area based approach. We see this as an opportunity for making land and support available for communities and for placing a value on eco system services such as community growing. It is also an opportunity to integrate Welsh Government climate change targets on an area wide basis.

We welcome NRW's experimental powers to test and trial innovative approaches and understand that the Bill needs to be sufficiently flexible for NRW to develop and adapt the approaches in association with its partners at different geographical scales and timetables. We look forward to continuing to work with NRW and Welsh local authorities on opportunities for communities on an area wide basis.

The area wide approach is an opportunity for NRW to collaborate with partners and local authorities on shared outcomes as part of single integrated plans and local development plans. It provides an opportunity to map land in the ownership of public bodies which might be considered as green space or community uses. Private and third sector bodies (and NRW) should be prepared to include land in these area plans, make it available for community uses and gain payments and incentives for so doing.

FCFCG is very interested in the possibilities of area based natural resource planning. We would like to draw attention to our CLAS Cymru service as an intermediary between landowners and community groups that is developing mutually beneficial projects that encourage the growing of food.

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	Alex Wilson	
Organisation	Tata Steel	
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E-mail address	alex.wilson@tatasteel.com	
Type <i>(please select one from the following)</i>	Businesses	X
	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:

Question 2

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

Yes

No

Please provide comment:

The definition of sustainable management should also recognise that collective actions in Wales will have the potential to impact on natural resources in other regions. For example, improved local recycling rates or the use of natural resources in Wales will have wider environmental, economic and social benefits for Europe and beyond.

Question 3

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

Yes

No

Please provide comment:

Question 4

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

Yes

No

Please provide comment:

Question 5

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

Yes

No

Please provide comment:

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

Question 9

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

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

Question 11

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

Question 12

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

Yes

No

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

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment: Clarification of what is meant by the recycling target of 70% by 2025 for commercial and industrial businesses is essential. This target nearly doubles the apparent current 38% recycling rate noted in the consultation document, but it is not clear whether these figures encompass just the recyclable materials listed elsewhere in the consultation document, or all waste generated. Perhaps more importantly, it is not clear whether 'recycling' means waste recycled as per the waste hierarchy definition, or if it also encompasses other non-disposal routes, such as re-use. Re-use and prevention efforts must not be jeopardised by stringent recycling targets. Industrial businesses must be properly consulted before imposing a new target, in terms of both data collections and reporting requirements and any unforeseen impacts. As per Tata Steel's previous comments on consultations for waste prevention, some large tonnage industrial process wastes may be recovered on site, but not be counted in any 'recycling' targets; and landfill remains the best option for some industrial process residues, after the vast majority is recovered.

Section 4.1

It is recommended that recycling is more clearly defined in the proposal, as not all materials are recycled within a closed material loop. For example, recovery and crushing of materials to form aggregates or fillers is not true recycling and does not provide the same benefits in terms of resource efficiency as closed material loop recycling. This is particularly relevant for the proposed construction and demolition recycling target of 90%.

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?

Clarification of what is meant by the recycling target of 70% by 2025 for commercial and industrial businesses is essential. This target nearly doubles the apparent current 38% recycling rate noted in the consultation document, but it is not clear whether these figures encompass just the recyclable materials listed elsewhere in the consultation document, or all waste generated. Perhaps more importantly, it is not clear whether 'recycling' means waste recycled as per the waste hierarchy definition, or if it also encompasses other non-disposal routes, such as re-use. Re-use and prevention efforts must not be jeopardised by stringent recycling targets. Industrial businesses must be properly consulted before imposing a new target, in terms of both data collections and reporting requirements and any unforeseen impacts. As per Tata Steel's previous comments on consultations for waste prevention, some large tonnage industrial process wastes may be recovered on site, but not be counted in any 'recycling' targets; and landfill remains the best option for some industrial process residues, after the vast majority is recovered.

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.

Co-mingling of recyclable materials should be allowed where this does not adversely affect the quality of the recycle or the ability to recover it.

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?

There should be no need to ban steel from energy from waste facilities as this can still be recovered after the process, unlike other materials, such as multi-layered packaging materials. The new Viridor plant being built in Cardiff is a clear example of how this could negatively effect this.

Section RE3

We do not agree with the proposal to ban steel (which comes under the category of metals) from energy from waste facilities. Steel scrap is not destroyed during the incineration process and is therefore widely recovered for recycling. A ban on steel from energy from waste facilities would not increase steel recycling rates and such a ban would only serve to limit the recovery options for end-of-life steel products. It is therefore recommended that steel should be considered separately from other metals, in this respect, and made exempt from the proposed ban on metal from energy from waste facilities.

Yes

No

If yes, what are they?

Landfill or incineration may remain the best option for some of the materials on the proposed lists of banned materials, in situation where they have become contaminated during use with hazardous substances, or substances which render them unsuitable for recovery. If there is to be an exception for incineration made for contaminated paper/card, then the same exceptions should be in place for other materials.

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 for acceptable levels of contamination in residual waste needs to be pragmatic. The approach should be to develop this guidance with waste producers and/or the associations that represent them, as well as the waste industry and regulator, in order to achieve fit-for-purpose guidance and encourage its adoption. By definition, the waste producers are in a position to influence waste segregation at source - the waste management sector and regulator are not in a position to do this. Care should be taken to avoid any unintended consequences such as higher waste processing costs or additional barriers to landfill that could result in the export of waste to English sites rather than an improved recycling rate of the specified materials.

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?

A suitable timescale and information for waste producers and managers is essential, given the increasing disparity in waste management requirements within the UK; many companies operate in England and/or Scotland as well as within Wales.

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)?

These proposals should not provide barriers to the already efficient steel recovery and recycling infrastructure that exists both in Wales and in other regions. Steel has been recycled for over 150 years, due to its economic value, and the recycling process and infrastructure is efficient and economical without any added stimulus. Steel scrap is also an internationally traded commodity and the proposal should recognise that materials recovered in Wales are traded for recycling in other regions. Artificial barriers should not be put in place to keep recovered materials in Wales as this has the potential to increase manufacturing costs and will create an unlevel playing field with other regions both inside and outside of Europe whilst not providing an environmental benefit.

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?

