

Environment Bill – White Paper

Response of the Waste Management Team at Denbighshire County Council to the above public consultation.

Contact: Alan Roberts

General comments

Before going to the consultation questions, we just wish to raise two points concerning the assumptions behind proposals for the regulation of waste segregation and collection within the White Paper.

The first of these concerns the statement that, “There is no evidence that these levels (recycling rates from commercial businesses and the public sector) have since increased” from 2007 levels.

Evidence taken from WasteDataFlow indicates that in 2007/08 roughly 23,500 tonnes of commercial waste was collected by Local Authorities for recycling. By 2012/13 this figure had increased to 29,200 tonnes, an increase of 24%. Over the same period there has been a corresponding reduction of 22% in residual commercial waste collected by Local Authorities, meaning the recycling rate has increased by 50% over the period.

Wales Audit Office collected benchmarking data confirms how recycling services offered by Local Authorities have increased. In addition to this, in Denbighshire, we are aware of many of the private sector waste collection companies (for which we do not possess data) have begun to offer recycling services to their customers since 2007. These include national companies such as Veolia, SITA and Biffa as well as small local companies such as Wasteaters (Prestatyn), Thorncliffe (Abergele) and ASH (Chester & Wrexham).

Additionally, in the past three years there has been an upsurge in commercial residual waste being sent for processing into RDF with fractions, including IBA, being recycled in line with WG definitions.

We therefore believe that there is considerable evidence to suggest that commercial waste recycling levels have substantially increased since 2007.

The second part of the evidence base that we would question is the quote in 4.34 that “50,000 tonnes of food waste is discharged from domestic premises to sewer each year in Wales”. Looking at the source of this data (WRAP Down the Drain report 2009) shows that this figure was produced from data gathered in one week in 2007. WasteDataFlow indicates that in 2007/08 not a single tonne of food waste was recycled by Local Authorities in Wales. However, in 2012/13, 76,000 tonnes of (source separated only) food waste was taken out of the waste stream which must have some bearing on that 50,000 tonne figure.

In the light of our concern over these two key assumptions, and the consequent reduction of the suggested £52 million benefit to the Welsh economy and 2.4 million tonne reduction in CO₂, we believe that the need for an increased legislative burden is being overstated and that further regulation is therefore not appropriate at this time of economic challenges.

We appreciate that at this stage not all these proposals are fully formed. However, these proposals are set out as “absolutes” with no exceptions, qualifications, de minimis levels or derogations. Given the complex nature of the proposals and the potential impacts, there is need for more detail and clarity to the proposals .

A further observation at this stage is that WG once again have not sought to put any kind of duty, even a non-statutory one, on individuals or householders. In this White Paper it appears that efforts have been made to avoid doing so.

We question this and believe that it is time that the WG sent a clear message to the householders of Wales that it is their duty to use the recycling services provided by their Local Authority to the full.

Consultation questions

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

In Denbighshire, we broadly agree with the aims and objectives of the proposed measures, though we have a number of comments to make regarding the details and concerns over the workability in practice. We have not identified any further waste streams or fractions that should be included in the requirements to sort and collect separately and we do take strong issue with the inclusion of wood in this list given the extremely limited capacity for the recycling of the various wood types collected by Local Authorities.

The proposal appears to suggest that, in order to trade in Wales, waste collection companies must offer all their customers separate collection services. We believe that WG should take notice of any response from the WESA about this as we have concerns about how this would make trading in Wales more difficult and costly. We also have concerns about such simple aspects such as the operation of skip hire companies.

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

Looking at the materials specified for segregation, our main concern is again with wood. A duty to collect wood separately (coupled with incineration and landfill bans) could literally create a log-jam given the scarcity of markets for recycling. In Denbighshire, we have been unable to recycle wood in meaningful quantities for at least 18 months and material is currently sent to a biomass CHP facility.

Our understanding of the proposals is that individuals (i.e. householders) will not be asked to carry out any segregation at all. We understand that the publication of the guidance for Local Authorities mentioned in paragraph 4.14 may possibly contribute in this area, but we consider the absence of any duty on individuals to recycle to be a considerable missed opportunity.

Given the proposal that separate recycling collections of the same materials must be provided by all waste collectors, a more streamlined approach would be for the WG to specify only a minimum level of collection service which then must be utilised (where it is practicable to do so) by waste producers; **including** households.

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

We do believe there are businesses for which it would not be practicable to keep seven separate waste streams. Our key concerns here are of financial costs to businesses, the physical space that may be required and also the absolute nature of the proposal.

For example, many high street businesses have limited storage space and would consequently find it very difficult to keep up to seven wastes separate. Additionally, businesses that produce low volumes of waste are likely to incur higher collection costs when obliged to split their waste into the same number of fractions.

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

Denbighshire does not support the concept of absolute landfill and incineration bans and we believe them to be unnecessary given the current rate of increase in recycling in Wales and other proposals put forward in the White Paper. We would also argue that the cost of incinerating and landfilling wastes is also a sufficient deterrent to routinely disposing of wastes in these ways.

The proposals as put forward in the White Paper conflict with duties of Local Authorities to collect and dispose of household waste (and other wastes) as set out in EPA90. Although 4.23 and 4.28 recognise the issue of “acceptable levels of contamination” in residual wastes it suggests the need for a costly regime of monitoring, sampling and regulation that would be overbearing given the other measures in place to achieve the high levels of recycling to which Wales aspires.

Bans on landfill and incineration of these materials raises more potential difficulties over how the import and export of residual wastes between England and Wales will be managed. The lack of clarity over this, and about contingency positions in the case of recycling market failure, fly-tipped materials, natural disasters (flooding comes to mind) and emergencies such as fires causes us great concern.

Whilst believing that the disadvantage of bans outweigh the benefits, we understand that WG is committed to this approach. If that is so, we suggest that WG consider landfill bans before any ban on incineration, in line with the waste hierarchy.

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

Our position is that these bans are unworkable anyway. We believe that the resources that the WG are already using in developing these measures would be better deployed elsewhere.

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

We believe householders and businesses should both be discouraged from putting avoidable and/or recyclable food waste to sewer. However, we do not believe that there is ample evidence to suggest a ban is necessary.

These proposals also include a proposal for the mandatory separate collection of food waste by waste service providers. We believe that this, coupled with a duty on householders and businesses to use their food waste collection service, is an appropriate approach at this time.

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

As stated above, we do not believe a prohibition is appropriate and that this could not be adequately enforced anyway.

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

The lead times suggested for the proposal for separate collection seems reasonable.

Bearing in mind we have concerns over the other proposals, the lead times are not our greatest concern. However, we would say that proposals for bans on landfill, and particularly incineration, need much more work and 2017 is far too early. If WG does eventually choose to go down the path bans we would argue that any landfill bans should precede bans on incineration by at least three years to allow markets to adjust and processing capacity to develop whilst adhering to the principles of the waste hierarchy.

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.

We are not sufficiently well informed to make a judgement on whether NRW has sufficient resources to regulate the proposed duties. However, we do believe they would be an appropriate agency to undertake the work.

We are absolutely clear though, that the limited resources of Local Authorities are not sufficient to regulate any of these proposals should they become law. Local Authorities are not an appropriate regulatory body for this because of the potential conflicts of interest with their role as service providers under their duties as Waste Collection Authorities.

27. In your opinion, who is the most appropriate body to regulate the bans on disposal of food waste to sewer for businesses and the public sector: i) NRW ii) Local Authorities iii) sewerage undertaker or iv) other. If 'Other' please propose an alternative regulatory body and state reasons.

Our comments on the suitability of NRW and Local Authorities to regulate this mirror those above. We would suggest it is for the sewerage undertaker to decide whether the benefits of an enforcement regime justify the costs but that they should do so on the basis of more current information than that included in the WRAP report of 2009.

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

As stated immediately above, Denbighshire County Council is very concerned over the possibility of being asked to regulate all the above measures. We do not believe this is a practicable option for any Local Authority, large or small.

In terms of the services Denbighshire provides to its residents and businesses, the proposals go very much in the direction the Council would like to develop anyway, e.g. the collection of food waste from businesses, so we are far from convinced that additional regulation is necessary.

The impact on the private waste collection services is questionable. It does not strike us that having six or seven companies driving around Denbighshire all collecting very small quantities of food waste make much sense. How will the skip hire business be affected? The views of the private sector will be interesting to see but I could see increased reliance on Local Authorities to provide services and there ultimately being a more expensive market with less competition than there is now.

In terms of local businesses, the setting of appropriate de minimis levels will be essential for all. Is it really necessary to ask a high street establishment, such as an estate agency, to keep their food waste separate? There is a risk of the legislation in this area being seen as overbearing and onerous particularly by small businesses.

Towards the Sustainable Management of Wales' Natural Resources

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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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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 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 are pleased to see such a wide ranging bill as we believe that environmental issues percolate through so many aspects of public policy. Our members are concerned with the gathering and provision of biodiversity data. We are therefore pleased that the white paper recognises the importance of using and sharing evidence and the need for different organisations to work together on this. We believe that in order for the Environment Bill to deliver its proposed outcomes, it is vital that it successfully develops the already existing relationship between public bodies and other organisations, in particular our Welsh members, the local environmental records centres of Wales.

Question 2

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

Yes

No

We agree with the general idea and purpose for defining natural resources. However, under the current proposal we feel that biodiversity is under represented. Also, the intrinsic value that people place of the natural environment should be recognised.

Whilst the proposals mention biological resources and biomass, there is no specific mention of biodiversity. This is key to the functioning of the environment. The [IUCN](#) say that **biodiversity is** "...crucial for the functioning of ecosystems which provide us with products and services without which we couldn't live." This should be recognised in any definition of natural resources as it key to understanding their value.

Our members are collecting information on Wales' biodiversity all the time, and much of this information comes from volunteer natural history enthusiasts. Whilst most of them will understand and appreciate the concepts of ecosystem services and natural capital, the valuable information they collect is not collected for the purposes of assessing economic value. Instead it is collected because of the curiosity, interest and intrinsic value that people hold in biodiversity. This should be recognised in any legal definition of natural resources.

We strongly advice the Welsh Assembly Government to redraft their definition of natural resources and publish this for consultation as soon as possible.

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

Yes, this is of prime importance for the economy, people and biodiversity. However, we think there should also be a requirement to measure the effects on biodiversity, using all available evidence. A robust evidence base is the first step to making effective decisions on anything, especially climate change resilience and mitigation, which is inherently unpredictable.

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

One of the difficulties in the relationship between NGOs and agencies such as NRW is that policies and direction can be changed radically and at short notice. Whilst there can often be a good reason for this, it is hoped that a five-year cycle should set expectation and provide some level of security that policies are not likely to be changed in a seemingly whimsical manner.

The overall success of this of this approach will be determined by how consultative and stakeholder driven it is. New policies should always be consulted on as soon as possible, giving people the opportunity to comment on them, as well as receive explanation on difficult concepts. This will mean that stakeholders in Wales will buy into new concepts and form the necessary partnerships needed for effective delivery. Our English members have recently found that sudden changes in their relationship with Natural England have made it harder to achieve joint outcomes.

Question 5

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

Yes

No

ALERC believes that the area-based approach should achieve the desired outcomes so long as certain aspects are adhered to. The Welsh LRCs have considerable experience working on the environments of specific areas. From this, we think that in order for an area-based approach to be successful, it must:

- Identify the key stakeholder groups within local communities and engage them as much and as often as possible (helps provide clarity).
 - Use all the available evidence possible to plan and make decisions. This includes data generated from a number of sources including public, private and voluntary groups (helps with setting priorities).
 - Instigate regular monitoring and surveillance programmes (helps with keeping focus).
-

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

The key here is that it is flexible enough to avoid the need for future legislation as this is cumbersome and time consuming, and allows differences between areas to be taken into account. We believe it should be, so long as the points above are observed.

Question 7

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

Yes

No

This is very important as the environment is affected by many types of activity. Critical to this is the requirement for all public bodies to take the appropriate impact assessments that consider the relevant scope. For example, infrastructure agencies in Wales need to make sure that biodiversity issues (both native and the spread of invasive species) are taken into account when working on projects. This means they need to access the most up to date biodiversity evidence, but also share any evidence of their own that they generate through surveys etc. The most efficient way of doing this through working with LRCs. It is therefore important that public bodies are required to work with each other and other organisations as well.

Question 8

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

Yes

No

There needs to be an organisation that acts as a focus for reporting in Wales and NRW is best placed to do this. It is very important that as a reporting organisation, NRW has access to all the best evidence with which it to draw its conclusions. Therefore, we advise that the existing relationship between NRW and the Welsh LRCs, who provide biodiversity data, is at least continued in its present form. Ideally, this relationship should be developed to make sure that LRC can provide the best evidence possible. This means exploring ways in which LRCs can exploit new sources of data, or exploit existing ones that are not currently providing as much information as they could do. Not only should NRW be looking to utilise raw data from LRCs for its reporting, it should also be working with LRCs on interpretive data products that allow more detailed conclusions to be drawn (such as species distribution models).

Question 9

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

The LRCs in Wales have been playing an important but low profile role in providing agencies in Wales with the biodiversity data they need to make sound decisions. We feel that the Environment Bill presents an opportunity to raise the profile of the work the LRCs do and take it to the next level by enshrining the need for a robust evidence base in law, and by further developing the relationship between LRCs, NRW and other agencies and organisations. This is of prime importance not just because of the data LRCs provide, but also because their unique position as link organisations between the public, private and voluntary sectors means they can engage a wide variety of stakeholders.

There are four, regionally based LRCs in Wales. For more information visit <http://www.lrcwales.org.uk/?AspxAutoDetectCookieSupport=1>.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

We don't have a strong opinion on this, other than that all new ways of working should retain the need for decisions to be based on robust evidence. Where NRW looks to other organisations to help fulfil its outputs, these organisations should also be required to source and share evidence.

Question 11

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

No comment.

Question 12

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

Yes X

No

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

Question 13

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

No comment.

Question 14

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

No comment.

Question 15

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

A

B

No comment.

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) *Businesses and Public*

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

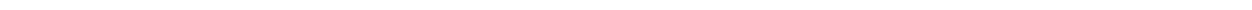
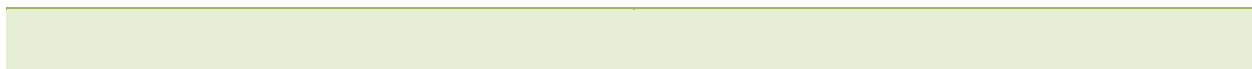
Implementation / Equalities

Question 41

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

Question 42

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



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Name

Nigel Hendley

Organisation

The Chartered Institution of Water and Environmental
Management

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Type

*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes **Yes**

No

Please provide comment:

The Chartered Institution of Water and Environmental Management (CIWEM) supports the aim of delivering sustainable economic growth in Wales. It also supports the concept of integrated natural resource management.

Question 2

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

Yes **Yes**

No

Please provide comment:

CIWEM generally supports the ecosystems approach to natural resource management. It accepts that there are benefits to be gained by coherent and integrated policies covering ecosystems together with associated social and economic benefits.

We consider that existing definitions of sustainable development are too broad and un-measurable and therefore any definitions used in a Bill should reflect the following definition:

“To be sustainable an action must not lead, or contribute, to depletion of a finite resource or use of a resource exceeding its regeneration rate” (Re-framing sustainable development: A critical analysis. CIWEM 2013

<http://www.ciwem.org/media/731756/Reframing%20report%20WS.pdf>).

Question 3

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

Yes **Yes**

No

Please provide comment:

Climate change will inevitably affect ecosystems in the widest context including economic and social ramifications. It is essential that long term planning takes place at national and local levels in order to mitigate such effects.

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:

CIWEM has no particular view on the relative merits of 5 year cycles as opposed to other periods as long as effective long term plans are made covering at least the succeeding 25 years.

Question 5

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

Yes **Yes**

No

Please provide comment:

CIWEM would argue strongly for an area-based approach based on river catchments as opposed to any other option, whether this were (current) administrative areas or any other proposal that might be made.

One of the most important legal instruments for the long term improvement of our natural resources is the Water Framework Directive. This is based on river catchments and it is of the greatest importance that any area based action is consistent with this approach.

Question 6

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

Yes **Yes**

No

Please provide comment:

Assuming that a river catchment based approach is adopted then this would enable management changes to be made with a minimum of disruption.

Question 7

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

Yes **Yes**

No

Please provide comment:

Integrated natural resources management can only be achieved if there is co-operation between all the relevant public bodies.

Question 8

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

Yes **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 **Yes**

No

Please provide comment:

It is considered that in general innovation in working practices should be encouraged, especially when this enables cooperation between stakeholders.

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 **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:

At this stage the benefits of changes to primary legislation not consistent with action in England are not clear.

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.

When advocating improvements to the environment such as bathing water quality account should be taken of associated issues such as high energy (and thence carbon) impacts.

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 **YES**

No

Please provide comment:

We believe that the package of measures proposed is sensible. However, we consider that if the aim of these measures is genuinely resource efficiency, responsibility should wherever possible be passed higher up the supply chain. Currently businesses have the full authority to supply products with no environmental responsibility for their impact. Responsibility has to lie with the inbound supply chain to internalise end of life externalities as part of their design, materials, logistics and marketing or progress will not be made.

Most producer responsibility legislation has been aimed at designing for recycling and we need to ensure that they are used to drive material efficiency. Public funding from the EU budget ultimately needs to be prioritised to activities higher up the waste hierarchy and we feel that the White Paper could reflect this principle more strongly. We would commend our report on “A Lifecycle Approach to Waste Prevention and Resource Optimisation (CIWEM, 2013)” to NRW for further detail. This may be downloaded at:

http://www.ciwem.org/media/719743/Less%20is%20More_online.pdf

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

Yes

No **No**

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

We consider that the range of materials is sufficiently ambitious as to deliver good results but that widening it any further would introduce levels of risk associated with contamination and poor segregation that would in all likelihood undermine the effectiveness of the proposals.

Question 19

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

Yes **Yes**

No

If no, please state why and an alternative.

Question 20

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

Yes

No **No**

If yes, please identify them and explain why.

Generally speaking we consider that it should be possible for the majority of businesses to segregate the wastes identified, provided that appropriately user-friendly means of collection are provided. Small and medium sized enterprises often struggle with understanding their environmental obligations and it may be necessary for there to be an education and support programme for SMEs which promotes awareness of obligations and examples of good practice. Elsewhere, we do not consider the proposals should be overly burdensome.

Question 21

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

Yes **Yes**

No

The materials listed represent a good balance between ambition and practicality.

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

Yes

No **No**

If yes, what are they?

We are supportive of an approach which results in no resources with a value for reuse or recycling are sent to landfill by 2020. Whilst we make no specific recommendations here, we would hope that there will be a process of regular evaluation of value and markets of recyclables and there should be provision to review and update the list as appropriate.

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 **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 **No**

If yes, should this apply to:

a)
Sector

Households
c) Both

b) Businesses and Public

Please provide comment:

We do not consider that there should be a wholesale prohibition on disposal of food waste to sewer and believe that if resource efficiency is to be optimised, there is a need to ensure that a range of mechanisms are available to ensure the widest uptake of food waste recycling. Fats, oils and greases (FOG) should never be poured down drains and we would support the prohibition of disposal of these wastes to sewer.

Food waste disposers are used effectively in other countries (such as the USA and other EU

member states) and if used properly (i.e. when used with the appropriate screens and where users do not dispose of FOG through this route) have been shown not to contribute to sewer blockages. We consider that there may be a role to play for food waste disposers in ensuring effective levels of food waste recycling under certain circumstances. These may often be in flatted properties where more conventional segregation and collection is more difficult and in remote rural locations where kerbside collection of a range of segregated waste streams is inefficient. In these circumstances, conveyance via sewer to a sewage treatment works with anaerobic digestion is considered an effective option for resource recovery.

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 **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 YES

Local Authorities

Sewerage undertaker or

Other

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

We consider that NRW is best placed to regulate most waste streams. However whilst the overall duty should lie with NRW there may need to be provision for cooperation with the sewerage undertaker as part of this process.

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 **Yes**

No

Please provide comment

This is a sensible proposal. Any decision should be taken on the basis of clear evidence of environmental cost/benefit.

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes **Yes**

No

Please provide comment

We are supportive of the proposals which seem sensible.

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?

1 This response has been prepared by the Welsh Branch of the Chartered Institution of Water and Environmental Management (CIWEM) with assistance from the Institution's central office. It reflects the considerations of CIWEM's members living and working in Wales.

2 We have read the response to this consultation by the National Surface Water Management and SuDS Group and would add our support to its content.

3 Whilst we support the "ecosystems services" approach in general we consider that there needs to be some flexibility in its interpretation in some circumstances. Wales has particularly short steep catchments around much of its coastline (similar to Boscastle and some parts of Northern England) and for such catchments the hydrology and the hydrodynamics in the river basin are complex in the extreme. Reverting to first principles, and analysing the flood risk potential accordingly, it soon becomes clear that in the context of flood risk reduction the "ecosystems approach" is less effective for such terrain. If we are to make significant inroads for flood risk reduction, for the terrain and types of extreme weather events we are more likely to encounter in the future, then we must consider alternatives - such as bank-side storage reservoirs at the bottom end of catchments - to reduce flood risk

4 In response to Q35 we feel that measures should be undertaken at a measured pace, and proven on 'test' sites before being implemented nationally.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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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	Diane Thomas	
Organisation	Carmarthenshire County Council - Waste Services	
Address	Street Scene, Technical Services, Pibwrlwyd campus, Pibwrlwyd, Carmarthen SA31 2NH	
E-mail address	DDThomas@carmarthenshire.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"/>

As a waste section we have concentrated on Chapter 4.

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:

Require a definition of the “area” in the area based approach.

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:

Who would be responsible for establishing this definition? It would really require input from all stakeholders. Will the definition be flexible particularly in light of changing climatic conditions and associated climate adaptations.

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:

Please see response above

Question 4

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

Yes **X**

No

Please provide comment:

We agree on the basis that this information is shared and made available within an appropriate timescale.

Question 5

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

Yes **X** but see comments. No

Please provide comment:

There is no definition of the “area” in question so difficult to comment. Will this be based on political boundaries, catchments, city regions, a combination?

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:

No comment – not enough information.

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:

This may be difficult to implement if an area is larger than a political boundary particularly if local authorities are involved.

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)?

Enter in text here.

No comment

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes **X**

No

Please provide comment:

No Comment

Question 11

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

Stakeholder engagement on proposed new initiatives.

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?

Not enough knowledge on the scheme – however we would not want this to become a cash cow for landowners with limited ecosystem benefit

Question 13

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

This should be considered at both national and local levels.

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?

There is a concern that these could be used to ensure that certain legislation is pushed through and that consultations would just become a paper exercise.

Question 15

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

A

B

Please provide comment:

No comment

Question 16

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

Planning guidance at a local level may have conflicts. Along with elements of waste reduction and biodiversity/ conservation legislation.

Question 17

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

The Bill is too generalised to really comment on any specific detail

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes **X but with reservations** No

Please provide comment:

In part, however, although the proposals seem to exclude household waste in terms of source segregated collections, there is a worry that this legislation will be used as a means to introducing this in the future in order to meet WAG's Collections blueprint. Carmarthenshire has a comingled kerbside collection scheme in place with separate weekly food waste. Moving to a fully kerbside sort system would involve a great deal of expenditure with new vehicles, receptacles as well as educating a public that are already happy with the existing scheme due to its simplicity.

The partial comingling collections of office recyclables would also have repercussions for Carmarthenshire as we currently fully co-collect paper with plastic and metals in our offices and schools.

In the current economic climate of efficiency savings, it would be expensive to change collection methodology to accommodate this separate collection.

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

Yes No **X**

Any additional waste streams would require additional capacity on a vehicle if kerbside sort, but also additional picking facilities at an MRF. There seems to be little mention of producers and their responsibilities with regard to a “cradle to grave approach” with their products. In addition their need to be viable and affordable markets so that these materials can comply with EoW criteria

Question 19

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

Yes

No **X**

Please see comments in Question 18 – National chains would probably find this more economically feasible than small SMEs, and it would be very dependent on the pricing schedule of waste disposal companies and the level of competition. Although local authorities have a duty of provide a service to the commercial sector, the current economic situation might see them pricing themselves out of this market.

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 **X**

No

Please see comments above

Question 21

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

Yes

No **X**

With the best will in the world not all materials can be excluded from the residual waste stream. Some of these materials have a calorific value that is important when establishing the size and capacity of an EfW. It would be difficult for local authorities to manage the exclusion of all these materials due to the number of householders visited and the differing social economic groups. There is a worry that EfW will place stringent contamination limits on the inputs and the local authorities would find they pay large sums of money for the disposable of these “contaminated loads” to landfill which would also jeopardise their landfill allowances.

Regional procurement of facilities is currently underway by the majority of local authorities in Wales with some already with contracts in place or near completion. As many of these are long-term contracts, it may have implications on these depending on the extent of the commodities banned from landfill.

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

Yes

No

If yes, what are they?

No comments

Question 22

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

Yes No

This should be done in consultation with the users of these facilities.

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 | |

Commercial & Hospitality sector as it would be difficult to police for householders.

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) many businesses producing food waste are already visited by public protection or business rates and food establishments in particular have to look at grease trap. Also during the planning process for new facilities or change of use, visits could be scheduled to educate and raise awareness among business. This could potentially have a large resource implication on these bodies if the ban has to be enforced.

ii) don't think it should apply to householders as it would be very difficult to enforce

Question 25

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

Yes

No **X**

If the local authority has to change any of its fleet vehicles to accommodate changes in collection, there will be associated lead in times with these which will not necessarily match the dates proposed. In addition, many of our schools have used waste disposal units in the past. These are slowly being phased out of the system as they break down, but may not necessarily be stopped before a ban is in place.

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

Don't NRW already do this to some extent using the data from WDF?

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 - possibly

public protection

- Sewerage undertaker or**
- Other**

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

No comments

Question 28

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

The source segregated collections could potentially have a large financial implication on our authority for the reasons stated in question 18 and 21

Carrier Bags

Question 29

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

Yes **X**

No

Please provide comment

In Carmarthenshire the scheme has operated well. Continued support for this is welcomed.

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 **X**

No

Please provide comment

The net proceeds should be passed onto the local community to support both charitable and environmentally sustainable projects. A good example is Keep Wales Tidy who are using these monies to fund the Wild Weekend for Wales projects. These can be applied for by Community groups, schools, organisations and SMEs, irrespective of local authority region, as long as the project is carried out on publicly-accessible land in an effort to enhance an ecosystem for pollinators.

Question 31

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

No 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 comments

Question 33

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

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

No comments

Question 34

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

No comments

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comments

Question 36

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

Yes

No

Please provide comment

No comments

Question 37

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

No comments

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comments

Question 39

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

Yes

No

Please provide comment

No comments

Question 40

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

No comments

Implementation / Equalities

Question 41

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

Question 42

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

No further comments

Towards the Sustainable Management of Wales’ Natural Resources

Environment Bill White Paper – Consultation Responses

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Please submit your comments by 15 January 2014.

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Data Protection

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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	British Dragonfly Society
Organisation	British Dragonfly Society
Address	c/o Natural England' Parkside Court, Hall Park Way, Telford. TF3 4LR
E-mail address	consoff@british-dragonflies.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"/>

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:

Biodiversity needs to be a key aspect in the proposals, not hidden in definitions or briefly mentioned.

Question 2

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

Yes ✓

No

Please provide comment:

It is useful to have a definition but the term (Natural Resources) that you are defining is not ideal. There are conflicts between the common English meaning of this phrase and the definition in this document that are even pointed out in this document. This could lead to misinterpretation and misunderstanding in the future. Which, in turn, could lead to mismanagement of our natural environment. To avoid confusion a different term should be used to accompany this definition.

Question 3

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

Yes ✓

No

Please provide comment:

Yes but there should be more if a focus on resilience.

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:

Landscapes and ecosystems are long term features and should have long term plans rather than plans that fit with human politics especially with the current Welsh approach of landscape scale projects – these very large projects should have long-term timescales.

It would be ok to have short term targets but these should be integrated into a much longer-term approach.

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 approach should also fit with the current landscape scale approach. If the area-based approach is adopted, discussion between areas should be encouraged especially where they share ecological features or character areas within their landscapes.

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:

So long as it properly balances environment and other issues in terms of the longer term strategy and is not for limited short term objectives.

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:

If this approach is adopted then yes. Discussions should happen between different areas to facilitate landscape-scale conservation.

We are unclear what 2.74 actually implies. Simplification may be possible but this should not be at the expense of proper consultation and assessment of all factors including the impact on the environment.

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)?

Natural resource (as defined in this document) management needs to ensure a proper balance between environmental sustainability and other factors and not driven by single issues. Plans should be long term plans as landscapes / nature / ecosystems are long term, not 5 years or less like political / funding cycles. Also where management is working, this should be continued, it should not be necessary to reinvent the wheel if there is no need every few years as currently is the case.

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?

There should be input from independent experts / NGOs / academics or other stakeholders.

Also, how can you put a price on biodiversity and complex ecological relationships and systems upon which ecosystems / habitats rely? We are wary of PES, especially the loss of irreplaceable species or habitats e.g ancient woodlands, some grasslands or resources required by rare species which if lost would result in species or population (of a species) loss.

We are also wary of selling off our environment without replacing it – functioning ecosystems and habitats become established over many years and specific conditions, these cannot be artificially made or instantly created, so whilst payment for loss is made, the thing that is lost will not be replaced with a like-for-like habitat for many years (if it is possible).

Question 13

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

They should have significant power provided this is to ensure that the management agreements deliver real and sustainable benefits. There should be adequate funding to monitor any such agreements to ensure that they deliver what is promised.

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

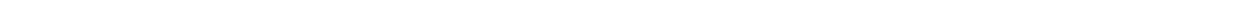
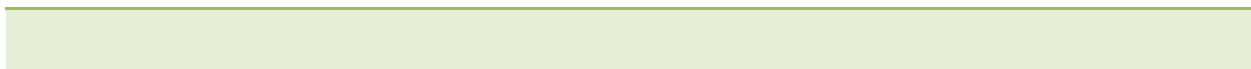
Implementation / Equalities

Question 41

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

Question 42

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





RESPONSE TO WELSH
GOVERNMENT WHITE PAPER
CONSULTATION ON PROPOSALS
FOR AN ENVIRONMENT BILL

January 2014



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
3. The WLGA welcomes this opportunity to comment on this Welsh Government (WG) consultation on its proposals within the Environment Bill White Paper.

General comments.

1. There are a number of general **'headline'** points and questions WLGA would like to raise in relation to the White Paper before responding to selected consultation questions on areas likely to have the greatest potential impact on local authorities.
2. The general points are as follows:
 - The efforts to simplify and give greater coherence to the existing legislative framework are broadly welcome, as are the efforts to improve our management of natural resources (including use of the concept of ecosystem services).
 - However, the volume of new legislation with implications for local authorities is a major concern at a time of significant financial cuts and imminent **reorganisation, both of which will reduce authorities' capacity to deal with the required changes. There is a real risk of 'overload'**.
 - In this respect, and others, greater consideration is needed in the White Paper of the interdependencies between this Bill and in particular, the Future Generations Bill and the Planning Bill.
 - The powers proposed in the White Paper which would enable Ministerial changes to primary legislation are, as they stand, too open-ended. They could add to the above situation of overload unless the powers are very clearly prescribed and subject to prior consultation.

- The Bill would benefit from concentrating on natural resource management and related proposals in relation to ecosystems services. The range of issues covered in the White Paper extends beyond this to include matters such as waste and carrier bags, which causes a loss of focus.
- The proposals in relation to natural resource management plans need to be worked through carefully with local government in terms of their relationship with the land use planning system (including changes now proposed in the Planning Bill)
- Despite frequent references and attempts to define it, the meaning of **'integration' remains uncertain in the White Paper:** is it about a more integrated approach to the way we manage various different types of natural resources? or is it about achieving more effective integration of the management of all natural resources with social and economic considerations?
- The extent to which all natural resources are covered remains slightly unclear – are coal, gas and oil resources covered for example or are they **'non-devolved'**? Likewise, what is the position in relation to water supply and even wind?
- The proposals in the White Paper in relation to waste are not considered helpful and should be dropped. They add to an already complicated legislative position **in relation to local authorities' waste collection and disposal responsibilities and options.** In any case, the timescales proposed appear inconsistent with the rate of progress required to meet the statutory recycling targets.
- **Whilst the carrier bag proposals appear to be aimed largely at 'tidying up' after the Waste (Wales) Measure,** they could result in cost pressures for local authorities as existing literature and staff training would have to be updated and renewed. The current arrangements were introduced relatively smoothly and it is not seen as necessary to make further changes at this point in time.
- Overall, the consultation document at nearly 100 pages is too long and a much shorter version concentrating on the main proposals would have helped in engaging more people in the discussion.

Chapter 2 – Natural Resource Management

3. The WLGA supports the principle of establishing a national Natural Resources Policy setting out a clear high-level direction of travel (ref: Q1).
4. There has to be a common understanding of the definition of natural resources between all parties, all departments in Welsh Government, Local Authorities, NRW and other public bodies so that an integrated common strategy, goals etc

can be 'signed up' to and delivered. Without common understanding from all stakeholders there will be different agendas and different interpretations and ultimately no common goals and objectives.

5. It is not clear whether 'integrated natural resource management' involves the integrated management of natural resources as defined in Fig iii (page 18) or, as seems to be implied elsewhere in the document, if it refers to the management of natural resources (overall) being integrated into the decision making process together with economic and social issues (ref: Q2).
6. In considering the broad topic of Natural Resources Policy (covering water, flood, biodiversity, forestry, landscape, access and recreation) it is clear a wide range of partner organisations will have an interest. There will need to be clarity over the extent to which NRW will co-operate with stakeholders to **determine and address the 'range of social, economic and environmental inter-relationships between functioning natural resources and how in turn they can support the delivery of shared outcomes' (2.4)** The extent of coverage of natural resources and the issues of devolved vs non-devolved powers needs to be clarified. For example, do the natural resources covered extend to include coal, gas and oil resources? What is the position regarding water supply and wind energy?
7. It is also essential (ref: Q3) that climate resilience and climate change mitigation **and adaptation** are embedded into integrated resource management at a national and local level.
8. The WLGA agrees that the national outcomes and priority actions for natural resource management should be aligned with the national outcome setting in the Future Generations Bill in order to bring the two functions/processes together. However, the national outcomes for natural resource management and the outcomes for Future Generations and Sustainable Development should NOT be restricted to a 5 year cycle as we should be considering longer term outcomes. In terms of a generation (25-30years+), and biological cycles, 5 years is short term. There must be long term national outcomes perhaps with 1-5 year targets together with 5-yearly reviews of progress towards the targets and the longer term outcomes (ref: Q4).

Area-Based approach

9. WLGA acknowledges that NRW should have a key role in participating in the Local Service Boards. However, the Williams Commission findings could have an impact upon the geographic areas covered by the LSBs.
10. In addition the NRW has its own spatial areas determined by river catchment (as identified in Fig (v) page 25), or by river basin or regionally.
11. It is important to acknowledge that the land area overseen by an LSB area could be affected by factors partially or wholly outside of their defined geographic area (e.g. linked to commuting patterns, water flows, flood risks, wildlife corridors). NRW area-based plans do not therefore necessarily need to be coterminous with the LSB / local authority boundaries. The key to the delivery on an area based approach will be the on-going dialogue, at a number of levels to achieve integration with other public bodies and their service and infrastructure planning mechanisms (ref: Q5). Until more detail is known about the approach being proposed it is difficult to comment on the issue of flexibility (ref: Q6) – if anything the concern at present is that there could be too much scope to make unilateral changes.
12. In this respect therefore the WLGA welcomes the requirement for other public bodies to co-operate in the area-based approach (Ref: Q7). Co-operation is a two-way process, though, and it will be important that NRW too does actively co-operate with other public bodies and engage with relevant stakeholders in this process.
13. Whilst there is logic in making NRW the lead reporting authority for natural resources (ref: Q8), there is some concern that the responsibility on NRW to establish the area-based approach is not interpreted as giving NRW the lead on decision making as opposed to them being an equal partner within an LSB. Moreover, it must be remembered that local authorities' LDPs are already the subject of stringent environmental assessment, aimed at sustainable management of resources. These plans are developed through a democratic process and as NRW carries out its activities it should not be able to overlook or by-pass this.

14. Given the current range of legislation and respective requirements to report and plan often to different deadlines, the WLGA welcomes the proposal to explore opportunities to rationalise and streamline existing processes.

Chapter 3: Natural Resources Wales – New opportunities to deliver

15. (Ref: Q10) WLGA welcomes the proposal that NRW should be able to trial innovative approaches to integrated natural resource management. However, there has to be early and meaningful consultation/dialogue with relevant parties on the design of these innovative schemes. To be *effectively* innovative there should also be scope for other parties to generate schemes for discussion and design with NRW.
16. The opportunity to innovate is useful and will help progress. However, following a trial, what level of failure will be acceptable once reports of the outcomes and conclusions of a scheme start to suggest that it may not be viable to proceed? **Is it envisaged that there will be an 'innovation fund' to facilitate schemes?** Could there be a cap on the expenditure per innovation scheme? (Ref: Q11).
17. In respect of Payments for Ecosystem Services schemes, WLGA acknowledges that those who provide Ecosystem Services Schemes should not be financially **disadvantaged 'for the greater good' but should receive remuneration.** As with PES generally, there are many difficult questions as to how the schemes are **developed in practice. As for NRW's role in facilitating,** brokering and accrediting PES schemes (Ref: Q12) there might **be a conflict with NRW's** regulatory role, as might apply sometimes to local authorities too. Other organisations, including third sector specialist organisations, might therefore be able to play a role.
18. There is concern that under 3.13 one of the 4 roles is the buyer, defined as **'...beneficiaries of ecosystem services who are willing to pay for them to be safeguarded, enhanced or restored...'** **If we consider ecosystem services** which, for example, provide flood risk management – some beneficiaries may be in communities where poverty restricts the ability to pay for the benefits. In such circumstances it would not be desirable for such an ecosystem service to be withheld but could alternative sources of payment be identified?

19. The power being proposed for NRW to enter into management agreements for Ecosystem Services (Ref: Q13) will need to take into account the complex inter-relationships between local authorities, landowners, Welsh Government, NRW, communities etc. Is it envisaged that NRW will unilaterally approach landowners (ESS providers) with proposals – with any progress being dependent on generating sufficient funders/beneficiaries? Having negotiated an agreement on payment for ESS who determines the ESS cost or would this be the subject of negotiation? If there is an inability or unwillingness/inability to pay (highlighted in 18 above) do those who are willing to pay have to pay more or would the payments have to be supplemented by the local authority, Welsh Government and/or NRW and if so where/how will that supplement be generated? How would the problem of **'free riders' be dealt with (i.e. people who want the benefits but don't want to contribute to the cost)?**
20. Alternatively is it envisaged that NRW identify potential beneficiaries of a scheme, suggest a level of contribution from each beneficiary and then seek to negotiate with an ESS provider to deliver the ESS for the price?
21. If there were to be a change in circumstances with beneficiaries becoming unwilling to pay, or where a landowner decides they cannot afford to deliver at the previously agreed price, will NRW be liable for any costs of removal of the ESS and any results of so doing e.g. flood damage? Presumably some form of **'contractual' relationship would be needed to address such possibilities?**
22. The use of General Binding Rules (Ref Q.14) can facilitate development in some instances but will tend to be more applicable to cases where the issues that need to be addressed are fairly standard and predictable.
23. On the issue of whether **Welsh Ministers' amendment powers** should be limited to NRW functions or to cover broader environmental legislation (Ref: Q 15), the WLGA has concerns about the amendment powers being implemented in either situation. Although the suggestion is that no amendment will be implemented without a public consultation the power is still there to introduce legislative changes irrespective of the outcome of consultation. The prime concern is that this could result in changes that impose new responsibilities and have significant financial implications for local authorities.

24. The achievement of integrated natural resource management could be hampered through current legislation insofar as directives produced by EU each require their own planning and reporting requirements. Directives need to be incorporated into UK legislation which requires a department to draw up details and a process to get the directive enacted. This tends to promulgate the silo approach whereby departments, plans, reports are determined and delivered in isolation. It would be far better if this took place in conjunction with others, to produce a plan or a report capable of delivering the requirements and objectives of more than one Act (ref: Q16).

Chapter 4: Resource efficiency

25. It is the resource efficiency chapter that has generated most concerns from local authorities and WLGA disagrees with the proposals and would like to see them removed when the Bill is developed (ref: Q18).
26. Within para 4.4 it is suggested **that** *'... The proposals act at different points in the supply chain – at the producer of the waste, the waste collection company and at different points of final disposal or recovery (landfill and energy from waste facility)...'*. The proposals aim to maximise the quantity and improve the quality of materials available for recycling and to reduce the quantity going to landfill. However, one fundamental point in the chain seems to have been overlooked namely the generation of the waste material by the supplier in the first place as a result of **'excess packaging'**. There seems to be no attempt to curb the waste at source. Yet, if the consumer received goods with less packaging they, **as 'producers of waste' would produce less waste.**
27. The principle of targeting different points in the supply chain to ensure that valuable recyclable materials are not lost to landfill or Energy from Waste is to be applauded but the WLGA wishes to express concern at the practicalities of enforcement.
28. To target individuals and businesses with potential further segregation of their waste – e.g. to have up to 7 receptacles at every SME - would not be practical or acceptable¹ (ref Q19 and Q20). Use of a de minimis threshold (based on turnover of tonnage) or of **'TEEP criteria'** might be necessary to avoid

¹ There is also a 'streetscape' issue for local authorities, especially in high profile and tourist locations, whereby multiple collection boxes generate 'street clutter', detracting from the visual appearance of an area.

unnecessary and impractical burdens on SMEs. Moreover, any such requirements do not appear to take into account the existing legal position for local authorities that if the quality can be met by the collection authority through comingled collection there is no requirement to collect separately. The process should be designed to make it easier for individuals to adopt the desired behaviour and encourage use of facilities rather than introducing measures which could have a discouraging effect.

29. At the end of the chain to hold the collection company, (for household and many businesses this will be their local authority²), or the final disposal or recovery company liable for contaminants in the waste they are accepting is unworkable in practice. In order to ensure no contaminants are in residual waste there would need to be inspection at every point of pick-up, not desirable, practical or acceptable. Likewise there would need to be inspection on delivery at the recovery/disposal company - how would contamination be determined and would loads considered to be contaminated have to be turned away? (Ref: Q22). In either situation the proposals are penalising organisations who have limited or no control over the quality of the products they receive.
30. The proposals have raised serious concerns for the current procurement exercises for energy from waste plant as they could place unachievable constraints on the operations. It may be that the segregation and landfill ban proposals were aimed more at the commercial and industrial sector than the household sector. If that is the case it is unfortunate that, the way the proposals in the White Paper are drafted, they will impact on the operations of local authorities collecting from households too. WLGA believes it should be **taken as a 'given' that residual waste from a well-**structured collection system that is working towards the SRTs does not contain valuable recyclable material.
31. The practicalities of enforcing the proposals to curb disposal of waste food to sewer are also called into question (ref: Qs 23 and 24). Local authorities would not have the resources to enforce such a ban in households. In any case, the use of building control regulations might be a more effective route to explore if the Welsh Government's **intention** is to prohibit use of macerators etc. Policies need to be consistent and, if there were to be a ban, it would appear strange if new builds were allowed to continue to include such appliances.

32. Section 4.34 quotes figures from WRAP (2009) 'Down the drain' regarding tonnage of food waste from domestic premises to sewer but in the same point states that the proposal will not apply to food waste from households. Is there a need to include this in the document?
33. Given WLGA's opposition to the proposals it would be inconsistent to comment on the issue of lead in times and regulation (ref: Qs 25 to 27). However, it is worth noting that the timescales proposed do not seem consistent with the those associated with the Statutory Recycling Targets (SRTs) requiring more waste to be recycled. The SRTs are consistent with a steady increase in the extraction of recyclable material from the waste stream right up until 2024/25. The prohibitions proposed by January 2017 in the White Paper would require a faster rate of extraction than the SRTs.
34. On the issue of regulation, should Welsh Government decide to press ahead with its proposals regardless, there would have to be reassurances about the capacity of NRW to take on such a role. It would also be vital for NRW to adopt a pragmatic and realistic approach. Local authorities have expressed concerns to WLGA that NRW enforcement can sometimes be inflexible and pedantic, not allowing for the context in which specific actions (or inactions) have occurred.

Carrier Bags

35. WLGA acknowledges the success of charging for single use carrier bags. In *principle* there is no issue with the policy extension. Local authorities have been provided the power to enforce the current regulation on single use carrier bags, and although there is no indication in the consultation, we presume the intention would be to extend the powers of local authorities for other types of carrier bags.
36. Business and the public have overwhelmingly accepted and adjusted to the charge for single use bags. The bulk of the work which has fallen to local authorities has been in terms of education of businesses, the provision of information and guidance documents etc on websites and in printed format, dealing with complaints; and ensuring large multi-site businesses who deliver

² The local authority is particularly likely to be the collector in the case of 'harder to collect from' businesses and areas (e.g. in remote rural areas).

goods in Wales comply.

37. The work associated with the inclusion of other types of bags within the regulations will constitute new burdens on local government. Guidance documents will need to be amended, and published. Enforcement guidance will need to be amended, consulted upon, changed, and implemented. There will be costs for training of officers, and if there is an expectation of proactive business interaction to ensure compliance, those associated officer costs. Given these costs, WLGA is not opposed to the proposed changes but questions whether they are really necessary at this point in time. Should Welsh Government proceed with this then the additional cost burden would need to be recognised and covered within the settlement (ref. Q29)
38. There is agreement to the proposal to require retailers to pass on their net proceeds to any good causes – indeed, this was something WLGA argued in favour of when the Waste (Wales) Measure was under discussion (ref: Q 30).

Chapter 5: Smarter Management

39. The principle of changing fee charging powers, based on full cost recovery is logical, however there are wider implications too; the transfer of powers e.g. in the case of consenting on ordinary watercourses, local authorities are still not able to recover full costs (only able to charge an inherited £50 which does not meet the costs incurred in processing applications.) If the proposed change would set a precedent then it is to be welcomed. (Ref: Q33)
40. Finally, the proposal to simplify or consolidate one or more Water Acts should be encouraged (subject to comment para 23 above).

For further information please contact:

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Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

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Type
*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public X

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

Question 2

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

Yes

No

Please provide comment:

Question 3

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

Yes

No

Please provide comment:

Question 4

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

Yes

No

Please provide comment:

Question 5

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

Yes

No

Please provide comment:

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

Question 9

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

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

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?

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

Yes

No

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

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A

B

Please provide comment:

Question 16

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

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes **Yes**

No

Please provide comment:

As a member of the public I am concerned about the differing policies on waste segregation as perceived by the householder. In the county where I live, Powys, the instructions to the householder are clear and I have no difficulty in following them. I can also say that the recyclable waste collection service works very well in my own village of Llangorse. However when visiting in other Council areas I find that instructions to the householder are less clear and waste collection services less effective, I believe that waste segregation policies and instructions should be consistent throughout Wales and clear guidance given on these by the regulator.

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Light green shaded area for user input.

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

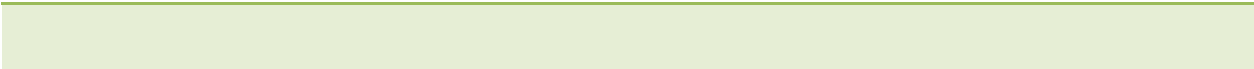
Do you have any comments on the impact of either of these proposals?



Implementation / Equalities

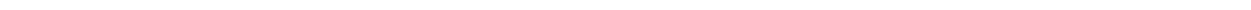
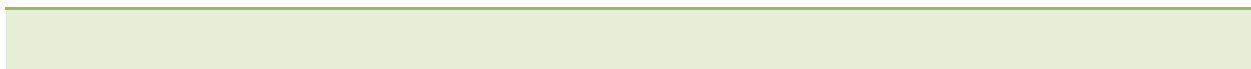
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We want to ensure that the Environment Bill is reflective of the needs of Welsh Citizens. As such, we would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) Human rights b) Welsh language or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



Question 42

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



Towards the Sustainable Management of Wales' Natural Resources

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

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 rob yorke

Organisation rob yorke (associates) ltd

Address Gelliwelltog
Abergavenny
Np7 7LR

E-mail address ry@robbyorke.plus.com

Type
*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public x

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes **X**

No

Please provide comment: Great care is required to acknowledge that trade-offs are intrinsic within the management of natural resources.

One species habitat is another's nightmare – the same applies to land use and some ability to prioritise **land use and natural resources without listening to those that live closest to the resource.**

Forestry is badly neglected within Wales with the Woodland Trust becoming a dominant but unrealistic voice within the Welsh forestry scene. The prejudice against conifers based on past poor practice must be overcome

A critical govt report on forestry's role in dealing with climate must be integrated within NRW forestry policy

<http://www.forestry.gov.uk/readreport>

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:

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: The overzealous implementation of climate resilience can detract from efficient food production within agriculture. I'm not talking about the uplands but lowland agric. Fertiliser use must be made more efficient but does increase 'necessary' GHG emissions from agriculture but must not be penalised when it could impact upon affordable food prices

Question 4

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

Yes **X**

No

Please provide comment:

Question 5

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

Yes **X**

No

Please provide comment: NRW must be ready to use outside experts in defining the priorities - countryside land use management is a complex area and a careful balance sought between economically sustainable and environmentally sustainable.

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:

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: How other public bodies interact is sometimes down to improved social science skills. Dealing and consulting with the rural sector requires different skills to those used in the urban sector and consultation must not be purely to ‘tick the box’

Question 8

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

Yes **X**

No

Please provide comment: But it must work closely with other bodies - private and public

Question 9

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

The NRW contact team must be savvy as to the huge range of issues that they cover. A 'one stop shop' is fine but only if the first point of contact knows what they are talking about.

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:

Take time testing new frameworks with proper focus group; feedback from those that understand the processes.

i.e. do not use pure urban based focus group to feedback on forestry - the Nature Fund consult I went to was full of them with zero understanding of wide remit of forestry

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?

See above – best use of social science to work out best focus groups to feedback on trials

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? I agree with PES and am involved with feeding back material to DEFRA but am not sure if NRW is best body. An independent ecologist and rural land managers might define better role.

The full range of ecosystem services as defined within the UK NEA Report, is vast and we tend to latch onto the easy to define ones. Game shooting is an example of an provisioning and cultural ES but yet some conservation NGOs might find it hard to promote these in the face of their member's expectations

Question 13

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

Learn from past poor practice of SSSI management agreements. Landowners and scientists need to work closer to understand what is required and what can be learnt from a closer understanding in the purpose of the MA

Question 14

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

No comment

Question 15

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

A **X**

B

Please provide comment:

Question 16

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

Integrated Nat res management can be hard to achieve if trade-offs exist. They may not always be apparent at the start. Removal of scrub and weeds for agricultural land use in line with EU farm payment requirements can conflict with wildlife habitat management.

Question 17

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

The planting of conifers - including alien and in the uplands - to ensure that forestry is resilient to climate in the future must be discussed now.

There are many forestry skills that have been lost and landscape design can prevent the monocultures of the past

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

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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

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Yes

No

If yes, please identify them and explain why.

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

Yes

No

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Yes

No

If no, what other approach could we adopt?

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Yes **X**

No

If yes, should this apply to:

a)
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c) Both x

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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?

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Carrier Bags

Question 29

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Yes **X**

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 **X**

No

Please provide comment

As our consumption has the largest impact on our wildlife (agric production in the countryside which is home to most wildlife) – proceeds to conservation projects - from those proposed by BASC to the RSPB

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

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Yes **No**

Please provide comment

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Please provide comment

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

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Please provide comment

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Implementation / Equalities

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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?

Please circulate amongst those that wish to view the new demands on an ‘old’ countryside

<http://www.scribd.com/doc/102926161/New-demands-old-countryside-by-Rob-Yorke-aka-blackgull>

Rob Yorke 07900 891564

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	Simon Pope
Organisation	World Society for the Protection of Animals (WSPA UK)
Address	222 Gray's Inn Road, London, WC1X 8HB, UK
E-mail address	SimonPope@wspa.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:

Question 2

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

Yes

No

Please provide comment:

Question 3

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

Yes

No

Please provide comment:

Question 4

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

Yes

No

Please provide comment:

We have no significant objects to following a five-year cycle so long as short-term plans within this timeframe are not excluded. A long-term direction is crucial, but so is the flexibility for environmental changes that cannot not foreseen.

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:

WSPA believes that an area-based approach may well have benefits in providing a clear, prioritised and focussed approach to delivery but would like to see more clarity regarding ensuring the local population is actively involved in the decision-making process that could have a direct impact on their surrounding environment and natural resources.

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

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Please provide comment:

Question 8

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A

B

Please provide comment:

Question 16

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

WSPA welcomes the intention of the sustainable management of Wales' natural resources. It remains to be seen however how this proposed Bill will affect existing legislation and regulations on areas such as farming, environmental impacts and animal welfare.

As we have shared in earlier conversations; we fully agree with the importance of putting in place governance to ensure Wales' natural resources are used to deliver lasting environmental benefits as well as benefits to economic and social. We remain unsure how this Bill will achieve its intended joined-up approach to other legislation, particularly in terms of farming and the following impacts on environment.

Farming and agriculture can be an asset to the management of the environment and help protect natural resources and wildlife and as such WSPA would seek clarification of how existing farming legislation and regulations would be impacted by the Environment Bill. WSPA holds significant concerns around the increase in industrial dairy farms in Wales which from our perspective are the opposite of what a sustainable country such as Wales should be looking at. We believe that this Bill provides an opportunity to protect the natural resources and environment of Wales from the negative impacts that can be associated with industrial farms for example contamination of the land from over use of slurry, air pollution and water contamination through runoff of waste products. These alone can have significant environmental and human health impacts that we believe leaving out of the Environmental Bill would be a missed opportunity.

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

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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:

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 - Sewerage undertaker or
 - Other
-

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

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Please provide comment

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Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

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No

Please provide comment

Question 40

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Question 41

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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name Colin Russell

Organisation Narberth Food Festival

Address Llabedog Llanmill Narberth

E-mail address waunlipa@hotmail.co.uk

Type
*(please select
one from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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Yes

No

Please provide comment:

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Yes

No

Please provide comment:

Question 3

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Yes

No

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

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Please provide comment:

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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?

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Please provide comment:

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Yes

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Please provide comment:

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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:

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

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A

B

Please provide comment:

Question 16

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



Question 17

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



Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

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.

Organisers of events who rely on the public to dispose of waste whilst attending their events. They should not be penalised if they have demonstrated reasonable efforts to provide for the segregation of waste. Many of these events are run for the public benefit by volunteers.

I have been the volunteer site manager for the Narberth Food Festival for the last 15 years. Over that time we have worked with the Local Authority to improve recycling on site. We have had good success HOWEVER experience has shown that many members of the public WILL NOT segregate despite our efforts with signage and separate bins. We have even gone to the extent of manning bin “stations” and some people still ignore advice.

I don't regard separating the waste that does get mixed as a safe activity for our team of volunteers and therefore a sizeable proportion has gone to landfill.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a) Households

b) Businesses and Public Sector

c) Both

Please provide comment:

Should apply to both

Question 24

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

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)?

Whilst supporting recycling to as great an extent as possible, I hope that the guidance provided to landfill operators and waste collectors on the level of mixing in residual waste does not prohibit, deter or place an undue financial burden on event organisers.

We accept that waste should be recycled and make every effort to do so but we rely on the public to co-operate. Year on year, It is an improving situation and perhaps WG will further improve efforts to educate people to achieve the outcomes sought in this section of the Bill.

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:

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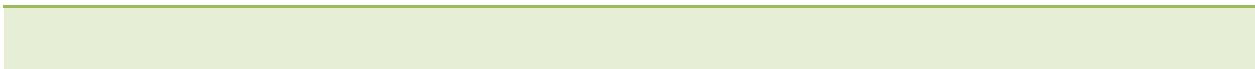
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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Kate Chapman	
Organisation	Welsh Yachting Association (WYA)	
Address	8 Llys-y-Mor, Plas Menai, Caernarfon, Gwynedd, LL55 1UE	
E-mail address	environmental.manager@rya.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"/>

The Royal Yachting Association (RYA) is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at the 2000, 2004 and 2008 Olympic Games.

The Welsh Yachting Association (WYA) acts as the RYA Council for Wales and is recognised as the National Governing Body for boating related matters in Wales by the Welsh Government and Sport Wales.. The WYA represents 85 affiliated member clubs and 64 registered Training Centres together with an estimated 25,000 club and personal members in the sport in Wales. It is grant aided by Sports Wales and works closely with the National Watersports Centre at Plas Menai.

Chapter 2 - Natural Resource Management

Question 1

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

Yes x

Please provide comment:

The WYA broadly supports the overall package of proposals and is particularly pleased to see that access and recreation are specifically mentioned as two of NRW's duties, within its overall remit.

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

Please provide comment:

The WYA agrees with the approach and in particular the acknowledgement that sustainable management and integrated natural resource management should also take account of the economic and social benefits which arise. We also support the longer-term "future generations" view that is being taken with regard to natural resource management.

Question 3

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

Yes x

Please provide comment:

We agree with the proposed approach since action to adapt to climate change will vary according to local conditions and geography (e.g. increased coastal flooding). A co-ordinated approach to climate change mitigation will be required at national level.

Question 5

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

Yes x

Please provide comment:

We support the area based approach on the grounds that Wales' natural resources are not evenly split across the country so each local area will have different demands, pressures and priorities. In addition, if NRW wishes to work with a wide range of stakeholders to effectively manage natural resources, this will undoubtedly be easier with an area based approach. People care about their local area and are more likely to play an active part in managing / protecting / restoring / using natural resources if these are relevant and important to them.

Question 7

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

Yes x

Please provide comment:

We support the requirement for other public bodies to participate in the area-based approach so that there is a consistency to planning and to natural resource management. However some flexibility may be required when looking at the marine environment since marine plans are less likely to lend themselves to being too localised. The marine environment will need to be considered on both a local level and regional / national level from a resource management point of view.

Question 8

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

Yes x

Please provide comment:

Give NRW's remit to manage natural resources, it would seem sensible that it is the lead reporting authority.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 28

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

Many sailing and boating clubs are member / volunteer run organisations but any waste produced on these premises is classed as commercial waste. If the proposals to introduce greater segregation of waste and to ban food waste to sewers are brought in, there will need to be a significant awareness raising programme (that goes beyond traditional businesses) so that all organisations are aware of the new requirements and can brief / train staff accordingly. The Green Blue, the RYA's joint environmental awareness programme with the British Marine Federation, would be able to help with disseminating this kind of information in a way that is relevant to boating clubs.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes x *but with reservations*

Please provide comment

While the WYA understands the reasons for NRW seeking to recover costs against Marine Licence application work, transferring of licenses and licence variation and has no objection to it in principle, we would like reassurance that this cost recovery is truly reflective of an increased burden of work for NRW and a proportionate reflection of that workload.

With regard to “subsistence charging”, again, we understand the reasons for wishing to charge for monitoring and general administration of marine licensing, but we would have concerns if this fee is disproportionate to the scale of the works being carried out. It is not clear from the White Paper whether the charge would be applied across the board, or only to works which will require monitoring.

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?**

Pre-application costs:

Small developments, typical for clubs and training centres, may or may not require consents and may or may not require supporting information. Pre-application advice as to what is required and consistency on the level of supporting information is helpful for applicants. However if charges are set too high, this may deter potential applicants from seeking pre-application advice.

Variation costs:

The WYA is comfortable that costs incurred through licence variations sought by the applicant should indeed be recoverable by NRW. Confirmation is sought however that variations that are requested or required by NRW (or by the NRW's statutory consultees) will not result in additional costs for the applicant.

Costs of transferring of licenses:

The WYA has no comment in relation to the transfer of licenses.

Covering regulatory costs, via subsistence changes:

See response to Question 32

Question 34

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

The WYA represents clubs and training centres who will mostly be seeking to undertake small-scale works and many of the organisations we represent are member-funded, volunteer-run and not-for-profit clubs. We understand the need for full cost recovery, but reiterate our concern that charges are applied fairly and proportionately. We have concerns that if the subsistence charges are set too high, this could mean that clubs may not be able to afford to undertake essential maintenance work. We note that a review of marine licensing fees will be undertaken in the near future and that this will be the subject of a separate consultation exercise.

Question 42

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

WYA developed a new 4 year strategy in 2013 and set some challenging targets on growing the sport in Wales over the next 4 years. The strategy is aligned with the Welsh

Governments aspirations set out in their Creating an Active Wales Strategy and in the Vision for Sport Strategy. We hope that the proposals set out in this consultation take into account the challenges set in Creating An Active Wales and the appropriate balances with regards to restrictions and costs will be reflected in any charges. Our aspiration is that Wales becomes known as one of the best places in the world to be a sailor – and one of the main selling points is our beautiful natural resources and coastline. Sailing and boating in general can truly boast to be an inclusive sport for lifelong participation regardless of age, gender or ability.

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Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Christopher Lewis
Organisation	NHS Wales Shared Services Partnership – Facilities Services
Address	Bevan House 24-30 Lambourne Crescent Llanishen Cardiff, CF14 5GS
E-mail address	Christopher.lewis4@wales.nhs.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 checked="" type="checkbox"/>
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Please provide comment:

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No

Please provide comment:

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Yes

No

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No

Please provide comment:

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No

Please provide comment:

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Yes

No

Please provide comment:

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Yes

No

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Yes

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Please provide comment:

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

Yes

No

Please provide comment:

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

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Yes

No

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

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Please provide comment:

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

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Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes **X**

No

Please provide comment:

We broadly agree with the proposals which seek to maximise quantity and improve quality of recycling. However we have concerns over the specific detail regarding separate collection and the increased segregation required. The proposed minimums suggested in para 4.18 are achievable in general but there are concerns from NHS Waste and Estates Managers about increasing the segregation beyond that set out in 4.18

Additionally prohibiting disposal of food waste to sewer will have a considerable impact on the NHS. Again it is acknowledged that we must move towards better alternatives, however, the NHS has a varied and complicated catering arrangement which results in food waste being generated across a large and complex estate. Currently much of the waste will be collected separately, whilst some will be disposed of via macerators to drain. A requirement for all food waste to be segregated and collected separately for alternative treatment will be a very onerous task requiring significant investment of resources. It will not be achievable in a short timescale, a long lead in would be needed.

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

Yes

No **X**

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

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.

With regard to the NHS and hospitals across Wales, there are very challenging circumstances to deal with in terms of the nature of the buildings and the demands upon space, staff and resources. In healthcare environments there are already requirements to segregate many different clinical waste streams and obviously these must take priority for reasons of compliance, patient and staff safety and infection control.

The NHS recognises that it has a role to play, broadly supports the proposals and must continue to improve its performance. However it is our view that excessive segregation requirements will put undue pressure on hospital space, on staff and on resources to deliver recycling. The broad view of Estates and Waste Managers is that the current co-mingled recycle offers a more beneficial solution when the big picture is considered.

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.

Hospitals (Local Health Boards and Trusts) will be very seriously affected by having to introduce 7 or more segregated waste streams. As stated above there are already huge pressures on available space at ward level and circulation areas, there are pressures on staff and resources available, on budgets and financial resources available to achieve the requirement with the challenging financial climate set to continue in coming years.

It is important to note that in healthcare environments there are already requirements to segregate into several different clinical waste streams, and these take priority for reasons of legal compliance but also staff & patient safety, infection prevention and control and risk management. Therefore adding a further seven or more additional segregated waste streams would be hugely challenging.

Note – the minimum requirement in 4.18 suggests 6 streams not 7.

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 **X**

If yes, what are they?

We do not have any strong objections to recovering energy from a wide variety of wastes.

Treated clinical waste flock is a residual waste stream that is ideally suited to energy from waste recovery and is hopefully going to become more mainstream in future. We note that this is not listed on the potential banned list and agree that this should remain the case and our comment is that it is a waste stream that should be encouraged for energy from waste.

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No **X**

If yes, should this apply to:

a)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment:

Prohibiting disposal of food waste to sewer will have a big impact on the NHS. It is acknowledged that we must move towards better alternatives, however, the NHS has a varied and complicated catering arrangement which results in food waste being generated across a large and complex estate. Currently some of the waste will be collected separately, whilst some will be disposed of via macerators to drain. A requirement for all food waste to be segregated and collected separately for alternative treatment will be a very onerous task requiring significant investment of resources. It will not be achievable in a short timescale, a long lead in would be needed.

The NHS would be keen to forge stronger links with Welsh Local Authorities in order to potentially take advantage of existing food waste collection services, to ensure that public money is spent most wisely and kept within the public purse. This does currently happen in some areas but the picture is patchy and a co-ordinated all Wales and all public sector approach would be supported by the NHS.

It is also important to observe that there is a significantly higher cost associated with separate

collection of food waste versus maceration and disposal to drain. This is something that needs to be acknowledged and, if there is to be a prohibition on maceration then it has to be properly resourced and supported at a time when NHS budgets are under huge pressure.

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)

If there is to be a ban on it then there needs to be a long lead in with gradual reduction targets to achieve step by step for hospitals / healthcare.

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?

Jan 2017 is achievable however it may be smart to put some interim stages of reduction in rather than one end point. Additionally support and significant additional resources would be needed to achieve it as the NHS faces severe pressures in all budget areas.

The NHS would be keen to forge stronger links with Welsh Local Authorities in order to potentially take advantage of existing food waste collection services, to ensure that public money is spent most wisely and kept within the public purse. This does currently happen in some areas but the picture is patchy and a co-ordinated all Wales and all public sector approach would be supported by the NHS.

As stated above, there is a significantly higher cost associated with separate collection of food waste versus maceration and disposal to drain. This is something that needs to be acknowledged and, if there is to be a prohibition on maceration then it has to be properly resourced and supported at a time when NHS budgets are under huge pressure.

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

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)?

Impacts on the NHS will be significant. These are set out in detail in Q.18-27.

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

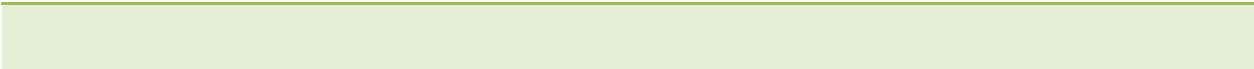
Do you have any comments on the impact of either of these proposals?



Implementation / Equalities

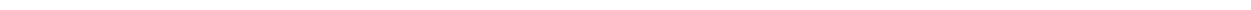
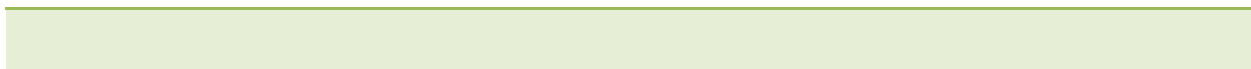
Question 41

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



Question 42

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



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.

Paper		
23 October 2013 – 15 January 2014		
Name	David Thorpe	
Organisation	Transition Town Llandeilo	
Address	3 Penpound Lane, Llandybie, Carmarthen SA18 3JF	
E-mail address	hello@davidthorpe.info	
Type <i>(please select one from the following)</i>	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)	X
	Academic bodies	
	Member of the public	
	Other (other groups not listed above)	

Chapter 2 - Natural Resource Management

<u>Question 1</u> Do you agree with the overall package of	
----------------------------------------------------------------------	--

<p>proposals in relation to natural resource management in chapter 2?</p>	
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/> X</p>
<p><i>Please provide comment:</i></p> <p>General comments:</p> <p>The Welsh Government's Sustainable Development Scheme, 'One Wales: One Planet' has an objective that within the lifetime of a generation, Wales should use only its fair share of the earth's resources, with its ecological footprint reduced to the global average availability of resources of 1.88 global hectares per person (the global availability of resources in 2007). This is a very challenging but necessary target.</p> <p>One Planet Development Practice Guidance is provided in line with this policy to support the introduction of One Planet Developments (OPDs). This policy is very new. There are only a handful of OPDs that have received planning permission. They represent a potential dramatic change in attitude to land use which allows a degree of habitation on agricultural land provided that a certain amount of livelihood can be generated from it sustainably. The metric used to evaluate this is the ecological footprint based on the ecological footprint calculator which is downloadable from the Welsh government website.</p> <p>We are perturbed that 'One Wales: One Planet' is only referred to in passing, in a footnote on page 94 of the consultation document. There it does say that your approach "builds on the Welsh's Government's commitment to sustainable development as our central organising principle to define the best development path for Wales". We feel this should be noted right up front at the Environment Bill, since both the bill and the OPD guidance (and TAN 6 on which it is based) are bound to do this.</p> <p>In fact the consultation document notes: Natural Resource Management and Land-Use Planning is intrinsic to the</p>	

Environment Bill

What the consultation document lacks is a set of criteria that will underpin implementation of the bill, and evaluation and verification that its principles are being effectively carried out. Perhaps this will come later in accompanying guidance, but it would be helpful to discuss it at this stage.

Since the environmental footprint analysis criteria for OPD's is derived from TAN 6 and itself from 'One Wales: One Planet' we believe that the EFA metric should also form a general criteria for all new developments. I.e. it is only possible to guarantee that changes in land use or, indeed, present land use, can help Wales achieve its One Wales One Planet policy aspiration if all land use and development is measured in the same consistent way. This will be a gradual process, and we are responding to other Welsh government consultations with the same representation.

We note for example that planning applications are not particularly scrutinised by NRW, when asked to do so, for their overall environmental impact. For example an application for an opencast coal mine is not scrutinised on the same basis as a One Planet Development even if it is operating on a greenfield former agricultural site such as the one given approval two years ago between Llandybie and Ammanford, which NRW's former body the EA was asked to consult upon.

If the metric to be deployed for the assessment of developments is not to be environmental footprint analysis, then what else it might it be? The country's sustainable development indicators are woefully inadequate and need revising. (For example there are only three for biodiversity and they are to do with birds.) Another possible assessment process that could be applied across-the-board is noted later in our response, and is life-cycle analysis, for which an internationally agreed standard already exists.

We also note that an ‘area based approach’ as opposed to a thematic approach has the potential to aid integrated planning but we think more attention needs to be given to the identification of discrete areas, and to integrated planning between areas.

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

Question 2

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

Yes **X**

No

Please provide comment:

We support the approach to define natural resources and the sustainable management of those resources. But we believe food production and other land-based activities and industries should be included in the definition.

Question 3

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

Yes **X**

No

Please provide comment:

Given the adoption of the Welsh Government's Sustainable Development Scheme, 'One Wales: One Planet' there is therefore a need to reduce not just the carbon footprints but the whole ecological footprints of individuals and families, for all land use practices. This principle already applies to OPDs which are supposed to demonstrate objectively not just climate resilience and climate change mitigation through land management but improved biodiversity and resource efficiency. The policy would benefit from an integrated understanding and approach at all levels of government, and if Wales is serious about aspiring to One Wales One Planet it should apply to all types of land management and use otherwise some uses are being treated unfairly and disproportionately with respect to others.

In other words, the policy as stated in the consultation does not go far enough because climate change is not the only threat to the environment and to society.

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

Question 4

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

Yes **X**

No

Please provide comment:

This is already the case for OPD

management plan evaluation. OPDs are providing much-needed research results into sustainable land management techniques.

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 intention appears to be to focus on river catchments, which is a reasonable if limited organising principle, and in line with the Water Framework Directive, but most local government bodies, third-sector organisations and community groups are not organised on this basis. It should be clarified how bodies will work together to achieve this.

Question 6

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

Yes

No **X**

Please provide comment:

We object in principle to the idea of the marketization of the environment. In England, the Environment Audit Commission has already critiqued the key document produced

on this topic: Realising nature's value: The Final Report of the Ecosystem Markets Task Force, (2013)

[<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenvaud/750/75008.htm>]. It said "The biodiversity offsetting metric described in the Green Paper is overly simplistic." It also said: "the metric for calculating environmental losses and gains must reflect the full complexity of habitats, including particular species, local habitat significance, ecosystem services provided and 'ecosystem network' connectivity. For some sites, for example sites of special scientific interest, the weightings in the metric must fully reflect their value as national, as well as local, assets."

We believe this does not go far enough. Whilst we support George Monbiot's criticism of the marketisation of nature as "making nature as fungible as everything else" we also recognise its value in making development in important habitats prohibitively expensive (i.e. making sure that biodiversity damage is not an economic externality), and thus preventing biodiversity loss in the first place.

However, payments for ecosystem services (PES) if they do happen, could beneficially affect OPDs and organic farmers and growers, as sellers and as knowledge providers. These could be funded by buyers to deliver expert environment-enhancing actions. But there is no way this can justify the destruction of precious ecosystems elsewhere.

Once marketization is in place in a site, however, commercial contracts will make any change problematic.

Question 7

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

Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<p>Please provide comment:</p> <p>All public bodies must cooperate for the policy to be meaningful but we are sceptical about the consequences for those who do not co-operate or fail to deliver to targets. More information is needed on how NRW would enforce this.</p> <p>Community councils and third-sector groups such as ourselves should also be involved in environmental protection work.</p>	

<p><u>Question 8</u></p> <p>Do you agree that NRW should be the lead reporting authority for natural resources?</p>	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<p>Please provide comment:</p> <p>But there needs to be better consultation and involvement across all stakeholders in order to achieve the aims of Welsh Government's commitment to its One Wales One Planet focus. NRW needs support and training to undertake this task. We need to be convinced of its capacity to do so. But it might also, once certified, provide such support to other bodies such as planning authorities. There is currently confusion over who are the 'competent persons' in assessing OPDs' planning applications and indeed what defines competency, to evaluate policy, proposals and practice. If there is confusion over this, a relatively minor policy, how much more will there be over larger ones?</p> <p>As said in our introduction, a consistent approach needs to be taken across-the-board. If this is not to be ecological footprint analysis, then another solution could be that an ISO standard is applied by NRW (such as Life Cycle Assessment, ISO 14040). Whichever is the case, NRW staff would need</p>	

to gain competency in applying this.	
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Question 9

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

We support the attempts herein to tackle climate change, resource efficiency, preserving and increasing bio-diversity, tackling poverty and access to housing and employment. But we would welcome a consistent attitude being taken to all development.

We advocate:

1. That the same set of social and environmental criteria should be used to assess all development to create a level playing field
2. That these criteria, amongst others, should be informed by ecological footprint analysis which enables all projects to be compared for their environmental impact
3. That official attitudes to land use should change to help rural areas use one planet living methods to become more productive and more populated, and urban areas more green.

This call is made because we support the one Planet Council (OPC) and believe that One Planet Development:

1. ... Results in more productive land use with far fewer environmental impacts
2. ... Creates more employment than conventional agriculture
3. ... Promotes greater physical and mental health and well-being, reducing the burden on the welfare state and health service
4. ... Requires no taxpayer subsidies, unlike much conventional farming
5. ... Improves the local economy, resilience and food security
6. ... Therefore is more sustainable and gives excellent value.

In this context, OPDs could become sellers of expertise and the OPC a knowledge provider.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

<p>Question 10</p> <p>Do you agree with the proposals set out in chapter 3 in relation to new ways of working for NRW?</p>	
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>
<p>Please provide comment:</p> <p>We're concerned that the proposal to further the role of NRW to stimulate the use of market mechanisms to pay for ecosystem services, is based upon an assumption that the systems of the natural world can be valued monetarily. This notion carries extreme risks because:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Prices cannot encapsulate nature's use-value for all living organisms including ourselves, either now or in generations to come. • <input type="checkbox"/> Nature itself is composed of interacting, changing systems which cannot be commodified into homogenous value units. • <input type="checkbox"/> Market pricing does not take into account the irreversible character of finite resource use or of many systemic changes that commerce might encourage (such as the impacts on climates of carbon released from burning 'renewable' biomass). • <input type="checkbox"/> Prices are determined by a multiplicity of factors, not solely by the scarcity of a 'commodity'. <p>These objections are explained in many papers on ecological economics and biophysical economics, e.g. see 'Indicators of Sustainable Development: Some Lessons from Capital Theory' by Peter A Victor, Ecological Economics 4, 3:191-213</p> <p>We are concerned that the staff of NRW are not qualified to evaluate these risks.</p> <p>Similarly we would like to see competency defined, as stated above, so that it can</p>	

properly understand the techniques employed by OPDs.

Question 11

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

We could support a range of small-scale pilot projects for research purposes, overseen by the Commissioner for Sustainable Futures.

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 oppose the concept of marketised ecosystem services. NRW would be, as an unelected body, inappropriate as facilitator, broker and accreditor of Payments for Ecosystem Services Schemes.

We would prefer the protection of natural systems to be the designated responsibility of government at all levels, working with specialists and concerned individuals in bodies like NRW, the Commissioner for Sustainable Futures and other third-sector organisations.

Question 13

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

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

Question 14

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

No comment

Question 15

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

environmental legislation, subject to conditions as stated?	
A <input type="checkbox"/>	B <input type="checkbox"/>
<i>Please provide comment:</i> Without seeing supporting guidance there is no way to evaluate this.	

<u>Question 16</u> Please state any specific evidence of areas of potential conflict or barriers between the objectives of integrated natural resource management and the application of existing legislation.	
No comment	

<u>Question 17</u> Do you have any comments on the impact of these proposals, for example, on your business or organisation?	
No comment	

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18 Do you agree with the package of proposals in chapter 4 in relation to the regulation of waste segregation and approach of combining the 5 measures together?	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<i>Please provide comment:</i> Insofar as they might reduce the ecological footprint of Wales, but not if it leads to more waste being exported. Otherwise Wales is losing the value in the recycle. There should be a ban on exporting waste and greater emphasis on reuse and waste minimization. Mixed waste collecting and MRFs are antithetical to improving the quality and value of recycles, so we support the move for separate collecting and a ban on incineration of most wastes.	

Are there any other materials or waste streams which should be included in the requirements to sort and separately collect?	
Yes <input type="checkbox"/>	No <input type="checkbox"/> X
<i>If yes, what are they, and why should they be chosen?</i>	

Question 19	
Do you agree that the level of segregation asked of individuals / businesses is acceptable?	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<i>If no, please state why and an alternative.</i>	

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 <input type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, please identify them and explain why.</i>	
No comment	

Question 21	
Do you agree with the materials that we propose to ban from landfill or energy from waste facilities?	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
Are there any other materials which should be banned from landfill or energy from waste facilities?	
Yes <input type="checkbox"/>	

No <input type="checkbox"/> X	
<i>If yes, what are they?</i>	

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 <input type="checkbox"/> X	No <input type="checkbox"/>
<i>If no, what other approach could we adopt?</i>	

Question 23	
Do you agree that there should be a prohibition on the disposal of food waste to sewer?	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<i>If yes, should this apply to:</i>	
a. ds Public Sector	a) Househol b) Businesses and c) Both

Please provide comment:

Both

Question 24

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

i) They could be rewarded with discounts on business rates

ii) They could be rewarded with discounts on council tax

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

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:

LAs and Sewerage undertaker

Question 28

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

No comment

Carrier Bags

<p><u>Question 29</u></p> <p>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?</p>	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<i>Please provide comment</i>	

<p><u>Question 30</u></p> <p>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?</p>	
Yes <input type="checkbox"/> X	No <input type="checkbox"/>
<i>Please provide comment</i>	

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

<i>No comment</i>	
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Chapter 5 - Smarter Management

Marine Licensing Management

<u>Question 32</u> Do you agree with the proposals in relation to Marine Licensing?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>Please provide comment</i>	
<i>No comment</i>	

<u>Question 33</u> 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:	
<ul style="list-style-type: none">• - pre-application costs?• - variation costs?• - costs of transferring of licenses?• - covering regulatory costs, via subsistence changes?	
<i>No comment</i>	

<u>Question 34</u> 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)?	
<i>No comment</i>	

Land Drainage Management / Flood and Water Management

<p><u>Question 38</u> Do you agree with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p><i>Please provide comment</i> <i>No comment</i></p>	

<p><u>Question 39</u> Do you agree with the proposal in relation to changes to Section 47 of the Flood and Water Management Act (2010)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p><i>Please provide comment</i> <i>No comment</i></p>	

<p><u>Question 40</u> Do you have any comments on the impact of either of these proposals?</p>	
<p><i>No comment</i></p>	

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?

There is a lot of research that needs to be done in order to understand how different aspects of land use contribute towards the overall ecological footprint of the nation and environmental policy and assessment, not to mention scrutiny and enforcement can be brought to bear to steer Wales into a more sustainable direction. We can see this from the inadequacy of the sustainable development indicators for Wales. We think that that United Nations sustainable development indicators are too vague to be applied in a situation like this: they like the robustness and the capacity for monitoring and verification. They are quantitative rather than quantitative.

From the point of view of One Planet Developments' planning applications and decisions it is entirely evident to us that there is little expertise within local authorities in evaluating proposals. It is therefore necessary for an independent body to have this expertise in order to be able to advise planning inspectors. This body could be NRW but it needs to have greater capacity and expertise to fulfil this.

We hope that NRW will be given funding commensurate with its new powers, and the ability to monitor and fine wrongdoers where necessary to an appropriate degree.

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 Amanda Davies

Organisation Association of Local Government Ecologists Wales

Address Flintshire County Council

E-mail address Amanda.A.Davies@flintshire.gov.uk

Type
(please select one from the following)

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes ✓

No

Please provide comment:

In principle the overall package makes sense, however it is very light on detail, and as such is likely to be open to interpretation especially as there is limited reference to biodiversity and the need to deliver 2020 Biodiversity targets.

The ecosystems approach is sound in theory, however it could result especially in the current economic climate, with economic and social considerations outweighing environmental considerations, particularly at a local level.
How will the socio-economic and environmental needs be balanced and prioritised?

There are a few misgivings or points that need to be clarified, particularly how the areas that will contribute to the area based approach be defined, formed and controlled.

What happens to biodiversity out of the area? How will boundaries be dealt with especially since biodiversity does not recognise boundaries? A clearer explanation of the approach is needed as well as relevance to Local Authority areas.

Please refer to answer provided for question 5 for further clarification.

NRW has worked in the past, (as the three legacy organisations), with local biodiversity partnerships, which draw together local people and organisations, including community groups and charities. It is hoped that the network of local biodiversity partnerships, which have over a decade of working together and coordinating local action for biodiversity, are not lost, and that they are allowed to move forward with the new approach. NRW should be committed to continuing its involvement with local biodiversity partnerships and the local authorities that steer them.

Question 2

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

Yes ✓

No

Please provide comment:

Need to ensure consistency in approach and terminology.

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

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

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

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

Natural resource management is defined as “the sustainable management of air water and soil, geology and landscape, biomass and biological resources, and ecosystems”. It is understood from the explanatory text that ‘integrated natural resource management’ is the planning and policy setting process and that ‘sustainable management’ is the output of this process, ensuring that natural resources are maintained and enhanced, so that the long-term social and economic benefits are optimised. The key issues for biodiversity conservation and ecosystems is sustainable and appropriate management; who, what, where and how, and the financial requirements for this to happen.

If the approach is to be truly “sustainable”, then the three tiers must be given equal weight, and the environment is no longer seen as the poor relation. Social and economic considerations depend on the environment; it is intrinsically linked to everything we do. This understanding must be effectively communicated to all sectors to ensure that the approach will be successful. Sometimes the provision for the environment or biodiversity is added as a token gesture rather than a fundamental component of a plan or a project, so this needs to change. The impact on the environment and the opportunities to enhance the environment as part of plans and policies need to be addressed as a legal requirement.

Question 3

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

Yes ✓

No

Please provide comment:

Both need to be included, although mitigation is largely covered in the Climate Change Act 2008 and various national emissions target agreements.

It is vital resilience is included in this Bill as the local environment plays a vital role in local resilience

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

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

Question 4

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

Yes ✓

No

Please provide comment:

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

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

The outcomes and priority actions should be realistic and not too constraining for organisations to continue some of the good work that they are currently carrying out.

The proposal is that NRW would report “at least every 5 years” on the state of natural resources in Wales, including information on general trends, successes and challenges to implementing a joined-up approach to natural resource management (summary document).

In order to be able to report on the state of natural resources, a regular review of ecosystems and ecosystem services to update the baseline mentioned previously, would need to be undertaken.

Every 5-years would seem to be most appropriate for this, however, there may be other

individual issues where reporting should be more regular, which could then form a collated review after 5-years.

Also, the long view must be taken, in particular when looking at adaptation to climate change. Therefore monitoring and updating every five years may not always be effective but the five year reporting schedule would provide a degree of continuity.

In addition need to ensure that this approach is consistent with other monitoring cycles such as EU Special Site monitoring.

5 year reporting could potentially provide greater project security if funding can be agreed for more than one year at a time. The main question raised with regard to the five-year cycle regards the resources available (including financial and qualified and/or competent professionals), will the organisation be resourced adequately to achieve the targets and goals and establish the working practices that the Bill sets out.

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:

Generally yes but it will vary by each individual topic and/or issue. Certain issues and monitoring will need to be pan Wales, UK, or the EU in order to contribute to the improvement. In general, an area based approach makes sense, however the nature and scope of area-based plans requires detailed consideration.

How will the areas be defined? Will these be based on river catchments and if so how will the system take account of the management of other 'natural areas' (e.g. the Cambrian Mountains).

An "area-based approach" is one of the guiding principles of an ecosystem approach that have been set by the Convention on Biological Diversity and Europe. It is understood that this needs to remain flexible and areas identified on a needs basis, but guidance for stakeholders would be essential from NRW or WG. In general terms, an area based approach is the best way forward, but the proposal is for WG and NRW to set the areas used, although with some stakeholder engagement and a 12-week consultation (see 2.42), but the process is rather prescriptive and both the engagement process and implementation will need to be fully financed.

What will the mechanism be for working with local authorities and other local interests in devising area based plans (for example are area based partnerships to be formed?). The arrangements for engagement with partner organisations will be critical; including direct involvement in the planning process: the comments made above regarding integration with

LDPs are also relevant here, as is the role of Local Service Boards.

The relationship with other plans and strategies both land and marine based) is also crucial, for example the implications for the production of Local Development Plans (LDP). **There are** a number of issues that need to be considered in relation to LDPs:

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

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) 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.

What happens to the environment outside the priority areas?

A natural resource area approach must relate to the Marine spatial plan and other pressures, 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.

NRW involvement with Local Service Boards is welcomed (2.58), but this must not be to the detriment of liaising and engaging with other experts within local authorities and organisations on key issues, for example, local authority ecologists and biodiversity officers, to ensure that an accurate picture of the natural resources in a local area is created and used. The Local Service Boards must obtain the views of local experts in making key decisions.

The Local Biodiversity Action Plan process tried to be the 'catch-all' for biodiversity action in a unitary authority area, which only 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 and that the capture of activity and action at a community level will be more effective (see 2.65). NRW are the obvious candidate to lead this at the national and regional level, but perhaps the existing Local Biodiversity Action Plan Partnerships could be used as a focal point at the local level and bring in new partners such as businesses and other organisations.

There is the need to strengthen the influence on the management of the 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.

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.

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.

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 process has yet to be defined

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

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

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

How far into the future? It could be several years into the future before plans are replaced by the area based approach. It's going to take time to transfer from existing plans and ways of working to the new approach and this will inevitably delay proceedings. Eventually, though, the area based approach should replace existing plans and they should be integrated thoroughly to ensure that all issues are considered equally in all decision making processes.

The approach needs to be equally flexible in relation and to be able to work in conjunction with other proposed legislation such as the Planning Reform Bill and the Future Generations Bill.

Question 7

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

Yes ✓

No

Please provide comment:

Yes, public bodies should be made to work together to undertake an area based approach. It is important that all key players are brought together to make informed decisions, rather than working in isolation and duplicating action. It is agreed that a “have regard to” duty would not be enough, as the current biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006 is worded as such, and it is not strong enough.

Co-operation already happens but is resource and capacity dependant. If the requirement increases, will there be an increase in resource?

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

This also highlights the importance for cross departmental working in WG and NRW to ensure effective links eg between agriculture and the environment.

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 more innovative approaches to ensure ecosystems and or ecosystem

service providers are conserved in the right areas and to prevent piecemeal mitigation.

Question 8

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

Yes ✓

No

Please provide comment:

Yes, providing an independent position can be maintained.

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

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

Question 9

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

It is not clear what the impacts are likely to be on us from these proposals. At an operational level there are good links to NRW especially grant-aid and locally-based NRW staff. Can NRW cope with this approach - eg combined ICT, timescales, new areas/procedure – and be able to maintain this valued local contact?

Until the local areas are defined and the mechanisms for delivery clarified it is difficult to comment in detail.

The Local Authority is not in a position to take on further burden or duty without an increase in resource. There will be inevitable financial implications of the proposals and these need to be considered by WG and NRW to ensure that stakeholders and key partner organisations are able to implement the new approach in the current economic climate. Local authorities are going to be hard pushed over the coming 3 years in light of government budget cuts, as are NRW, and it will be a difficult period. If key local authority staff are lost, then so will their local knowledge and expertise. Many local authority staff have been working in the same area for many years and have a historical knowledge that cannot be replaced in the short term.

Local resource management planning should make use of mechanisms that are already in place such as the Local Biodiversity Partnerships. It should be accessible to all, possibly through local record centres and among other aspects should be informed by the new spatial biodiversity action reporting system (BARS), priority mapping and favourable conservation status modelling.

Management should be carried out at the lowest appropriate, (i.e. principle 2 of the ecosystems approach). The closer the management is to the ecosystem, the greater the responsibility, ownership, accountability, participation and use of local knowledge.

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.

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 ✓*but.....

No

Please provide comment:

On the whole, Yes. However, as a new organisation the NRW must prove that they have established the most effective working practices internally before turning their attentions to the implementation of this Bill. There is concern that rather than concentrate on what works well there will be new procedures for “the sake of it”.

In relation to Wales’s biodiversity there needs to be conservation plans in place for European and Nationally Protected Sites and Species and to meet the 2020 Biodiversity Targets.

In principle the proposals make sense, but there are concerns regarding how they will work in practice, in particular the role of NRW stimulating market mechanisms, and General Binding Rules. A clear definition of what WG will be responsible for and what will be delegated to NRW needs to be provided to allow proper comment.

The NRW should not become an all-encompassing organisation and should concentrate on working with other organisations and bodies rather than dictating. Any changes to this Bill allowed by Welsh Ministers should allow for a consultation period with the relevant stakeholders in order to afford a degree of involvement and protection.

The re organisation and re modelling of NRW, particularly through the introduction of this Bill could have consequential costs on public bodies especially if there is a need to change procedures.

Improvements to the system/procedures which could be used to achieve enhanced benefits for the environment are to be welcomed but not if existing legislation/policy is 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. 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 National Resource Management Plan through A Living Wales. One suggestion is to upgrade the NERC duty from "have regard to" to "take positive steps to enhance".

Yes, on the whole, however, the Bill and/or NRW must ensure that Payments for Ecosystem Services are based on the best possible and most up-to-date environmental data, including evidence from new studies or surveys. If PES is going to be effective, it needs to be based on accurate data.

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.

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

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

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

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?

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

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 replaceable and those that are sacrosanct for example ancient native woodland or limestone pavement.

The legislative framework proposed by the Bill provides a safeguard by ensuring that any experimental schemes devised by Natural Resources Wales is ratified and approved by the Welsh Ministers. There are, however, some limitations with regard to this approach, as, firstly,

the bureaucratic process is very time consuming. Welsh ministers are not trained specialists in the field and therefore may not fully understand or appreciate the full implications of the proposed scheme and their decision may be prejudiced by the information provided to them by officers.

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

Question 12

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

Yes

No ✓

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

No, There is potential conflict of interest with NRW purposes, and there needs to be an independent body who can work in partnership with NRW, WG, LA and landowners.

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

There needs to be a range of organisations involved in such a system, depending on subject and topic area. NRW should not be allowed to 'cream off' the projects themselves, managing the fees and revenues themselves, and effectively leaving others to take all the risks and be overly constrained by the NRW. The Bill must ensure that priorities and projects are allowed to emerge from grass roots up, although it is at the regional and large-scale type initiatives that the NRW will be the best-placed organisation to act.

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

Who will define the PES process before it's enabled?

PES must be based on accurate and up-to-date environmental data and should not be seen as a way to "offset" biodiversity loss.

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

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

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

Question 13

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

NRW should have the flexibility to enter an agreement that meets their core purpose

What resources are to be made available, we would welcome incentives for agreements and management agreements to run with the land (para 3.23).

Management Agreements are vital for the appropriate management of ecosystems and natural resources, including biodiversity, carbon, water and soil. They should also be seen as vital for ecosystem services. There has been a reluctance to enforce management agreements on landowners in the past and this needs to be addressed so that the quality of ecosystems is not lost due to lack of management or inappropriate management. There needs to be a willingness to implement the law to adequately protect natural resources and ecosystems, and to halt the loss of biodiversity

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

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

Question 14

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

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

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

However, this whole area needs to be better defined and more detail provided before we can comment further.

Question 15

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

A

B

Please provide comment:

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

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 TirGofal, 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 delivering an ecosystems approach.

An ecosystem approach relies on all landowners working towards shared goals. It is therefore essential that there is conformity across all WG departments as well as between the proposed Bills.

Question 16

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

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

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

An ecosystem approach relies on all landowners working towards shared goals. It is therefore essential that there is conformity across all WG departments as well as between the proposed Bills. This highlights the importance for cross departmental working in WG and NRW to ensure effective links between agriculture and the environment and relevant schemes such as Glastir.

There is the potential for conflict in objectives between management agreements proposed in this bill and existing Glas Tir agreements for land management. The relationship between these two schemes will need to be reviewed.

There is a need for structured and adequately resource enforcement of legislation – NRW as an organisation will need to consider how to prioritise regulation and enforcement versus the encouragement of appropriate ecosystem management and meeting wider targets eg EU and CBD 2020 Biodiversity Targets.

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

Question 17

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

Simultaneous applications for different consents are supported in principle. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly. However this would require much further discussion to ensure that targets are still able to be met from all sides e.g. if discharge consents were to be agreed at the same time as planning permission.

Potential positive effect from long term, funded management agreements and potential income through PES.

Local Authority strength is that provides the link between the strategic and local, and accessing communities through the varied work sectors covered.

To ensure reduced impact on local authority ecology/biodiversity staff, the importance of NRW 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's natural resources, the local authority can build on existing successes engaging with the public. For example LBAP/LGAP education and awareness work which are 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:

Welsh Local Authorities already have a statutory obligation to achieve Recycling and Composting Targets by 2025, in order for this to be achieved greater extraction of materials from the residual waste stream will be required; it is likely this will include further segregation of material streams. By placing a further obligation on the authorities as waste collectors there is duplication of the requirements and potential for contradiction.

Source separation has proved successful to increase recycling rates from the household waste stream and therefore the trend should apply for other waste streams should the provision for source separation be provided by the waste collector. If the emphasis is placed on the waste collector to provide sufficient mechanism for the producer to separate waste – ie provide the means for the producer and the facilities to separate waste then the producer would be more willing to separate waste.

Emphasis should also be placed on the waste hierarchy with regards to reduction and reuse. The white paper focuses on recycling but it should also focus on measures to encourage the reduction of waste especially food waste

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

It may be a problem for small businesses

Question 20

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

Yes ✓

No

If yes, please identify them and explain why.

Yes – it may be a problem for small businesses with limited space and there may be practical implications with regards to availability of space.

With regards to planning implications we should ensure that LDP policies ensure that businesses have sufficient space for a number of waste collection bins. Policies should ensure that new development has sufficient space for source waste separation.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

It is virtually impossible to get all residents on board with what they should recycling now and it will be impossible (unless we undertake regular bin audits – with many extra enforcement officers) to determine who is contaminating and then when it exceeds some notional ‘contamination level’ who will end up paying the penalties?

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:

Yes – it should apply to all. There is no need to dispose of food to sewer if the mechanisms are put in place for collection. Also focus should be made on reducing food waste in the first place.

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:

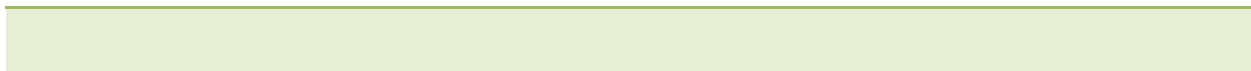
- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

I do not agree that the scope of the application of net proceeds should go to any good cause, i.e. non-environmental. The Environment Bill is about natural resource management and the aim of the reduction in plastic carrier bags is to limit the effects on the environment (including marine) and climate change, so the proceeds should be directed towards the management of natural resources and ecosystems, including wildlife charities and organisations, community groups and local authorities, to enable them to better manage their land and to increase the extent and connectivity of habitats. This would have knock-on social and economic benefits to local people.

Question 31

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

Increased financial income from carrier bag proceeds for small, local projects that benefit natural resources, ecosystems and biodiversity, and local communities.

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

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

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

Question 33

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

- pre-application costs?
- variation costs?
- costs of transferring of licenses?

covering regulatory costs, via subsistence changes?

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

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

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

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

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

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

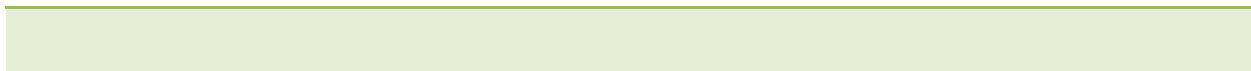
No

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

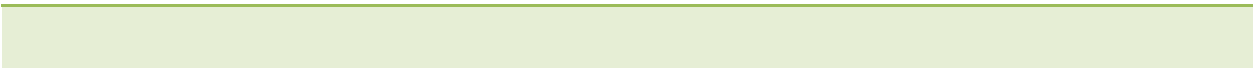
Do you have any comments on the impact of either of these proposals?



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?

This consultation should be written in plain English. The document was difficult to comment on due to its poor and overly complex structure. The questions are too prescriptive and do not allow wider comment.

Whilst sustainable development is very much integrated into the Environments Bill, the core principle of the Bill should be the environment, and the sustainable use of it. The Bill misses key aspects such as agriculture, quarrying, and renewable energy which have major effects on natural resources and yet the bill focuses on the carrier bag scheme.

The Bill does not celebrate the Welsh landscape, its biodiversity and its value to the nation.

It is important that all the Bills eg Environment, Planning and the Future Generations Bill are inter-linked so that the Natural Resource Management Plans do not conflict with Planning etc.

In the current period of financial pressure there are major resource and capacity issues for successful implementation of this 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	Angharad Evans (with input from colleagues)
Organisation	Coed Cadw (The Woodland Trust)
Address	3 Coopers Yard Curran Road, Cardiff, cf10 5nb
E-mail address	angharadevans@woodlandtrust.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:

Yes

We welcome the stated in the consultation document and that NRW will not be allowed to withdraw back to its absolute minimum if it is expected to do so much. We also welcome if NRW is open to new information and new ways of working – a sort of R and D role.

Little is touched on the Natural resource management in the urban environment however. There isn't a great deal of detail in there about this, yet it's where most people live, therefore if NRW are looking about improvements for society as a whole, we believe it needs greater prominence.

Question 2

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

Yes

No

Please provide comment:

Yes we agree with approach but as noted in the consultation document, the natural and historic environments in Wales are inextricably intertwined and shape the character of the Welsh landscape.

We welcome therefore that it is intended that consideration of the historic environment is fully embedded into the proposed definition of natural resources, as set out in chapter 2; NRM 1. We only hope that historic trees are included in the definition of historic environment and therefore included in the definition of natural resources. Growing awareness of the significance of ancient trees in Wales coincides with an amazing opportunity for the Welsh Assembly to use its new powers and its decision to create a new single environmental body to properly protect these trees and lead the way in the UK. For some owners advice and funding to help with management would be an added incentive to encourage them to proactively care for their tree or trees. Wales' ancient trees may be many hundreds if not thousands of years old; some of the oldest natural-historical features of the landscape. Many will be older than the oldest buildings and manmade features in Wales and yet unlike the built heritage, they do not yet receive the same protection and grant support. The Woodland Trust in partnership with other key organisations such as the Tree Council, Ancient Tree Forum and the National Trust for Wales are calling on NRW to be given the duty to promote the conservation of these "markers of time, guardians of biodiversity, and repositories of history or subjects of folklore".

We must not forget to look at historic parkland which is made up of valuable ancient and other veteran trees. The habitat i.e. parkland or wood pasture often gets overlooked when talking about ancient trees.

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

We wonder if there shouldn't be some comment on the need to protect existing habitat of value whether designated or not. The words "***improved diversity, extent, condition and connectedness of ecosystems***" (2.28) don't quite convince us that NRW recognises that all valuable habitat needs to be protected - not just the rare, e.g. hedges and trees across the wider landscape and that we need to do more parkland and wood pasture restoration - without an inventory how would one measure that or recognise it was still going or deteriorating.

Consideration of management to improve the diversity, extent, condition and connectedness of ecosystems should not only focus on the management and creation of what is conventionally viewed as habitat, but should include natural features integrated into farming systems including hedges, hedgerow trees, field trees, shelter belts, areas set-aside etc. A set of easy to measure but meaningful metrics should be established. These could include measures for total canopy cover (rather than just woodland cover) and core area of habitats.

No mention of it specifically other than mention of SUDS under climate change mitigation, but what about identifying how to enhance natural resource management in the urban environment across Wales specifically – making use of the Urban Tree Survey in Wales about to be published to create a better environment for the urban population of Wales which would be excellent promotion of green infrastructure.

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:

We think that in addition to “**...appropriate range of stakeholders together, at the relevant times...**” **2.32**, that it should say at appropriate geographical scales. IN some cases ‘stakeholders’ might be represented by national interest parties, but it also needs to have provision for more local actors and representation which is meaningful i.e. can be influential in decisions made. Final determination of actions should be locally sensitive, which requires the policy to be suitably flexible around the core aims. It is not clear whether the whole of Wales is to be carved up into areas or whether only certain geographical areas are.

It is welcomed that this section talks about focusing effort within chosen areas, however, it will be decision between NRW and the Minister what areas are chosen. It would be better practice to involve wider range of stakeholders in the initial decision not just after selection. Also, what happens in areas outside these areas? The selection of what constitutes an area is a fundamental decision which affects subsequent decisions. The most important consideration is probably the view of those who manage the resource and their perception of what constitutes a meaningful boundary to an area. It is unclear how the relationship between partners that will be asked to become involved will work with NRW. There is a need to include all partners at an early stage and that these become truly equal partnerships not just tendered contracts. The third sector is a key partner and can add value but only if it is recognised that the third sector will need to be enabled to provide this role. It’s unclear how this work will be paid for as it is unrealistic to rely on public money, so some thought is needed on how to gain private sector investment.

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:

Working with communities at a local level in catchments is mentioned in relation to knowledge that they have and can contribute to information gathering however there is a huge potential for NRW/WG on the social side of things to work with public/communities on projects with primarily social outcomes but which could actually result in beneficial water related outcomes also- urban equivalent to Pontbren where reason for undertaking the planting work was making farming more sustainable and profitable. There is the need to be imaginative and creative!

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)?

Paragraphs 2.64 – 2.68 focuses on Integrated Water Management. We welcome the need for a more joined up and integrated approach to water management in Wales. *“...it is acknowledged that there is a need for a catchment based approachultimately water and land management actions at a catchment level should be integrated...”* We would emphasise that water and land management decisions are inexorably linked and must be integrated. At both a catchment and sub-catchment (small catchment) level. The lesson from Pontbren is that this also needs to work at a human scale i.e. Pontbren stream has meaning to those farmers in the smaller catchment, whereas the River Severn catchment might not.

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 mostly agree but want to emphasise the link with other benefits to society arising from improved natural resource management such as air quality, health and well-being to name just a few and to ensure that all of this makes the connection with other government policies.

Seeks to enable NRW to enter into agreements that are tied to the land holding and would include water that flows through the land. In principle these are good measures and should assist in prevention of flooding.

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?

We would like more clarity on this – on the scope of the agreements and does it include incentives for owners for this work and good sources of advice so owners do the right thing. The Pontfadog Oak would be an excellent example to look at. The owner needed funding and support and this sad case illustrated how we are failing to provide adequate protection for our ancient trees at present. In December 2012, Coed Cadw presented a petition, bearing over 5,300 names, to the Welsh Assembly, calling for better protection for our ancient, veteran and heritage trees and in particular, support for the owners of trees in caring for them, just as the owners of listed buildings can receive support in caring for them. Also in 2012, the year before the tree felled, a group of experts from the Ancient Tree Forum visited the Pontfadog Oak and put together a list of actions that they believed could help conserve it. Although the total cost was only £5,700, these actions were never taken as no funding source was available. No one will ever know whether taking these actions would have saved this tree. Therefore more information is needed about these proposed management arrangements, and what staffing would be available to support this? How do we get a handle on this to hold to account?

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?

We think that the Environment Bill offers an excellent opportunity to further protection for our Ancient Veteran and Heritage Trees in Wales which isn't mentioned or referred to in. We ran a campaign and a petition back in 2012 calling on the Welsh Assembly to increase the protection for ancient, veteran and heritage trees in Wales. This petition received a lot of support from members of the public, gathering over 5,300 signatures. We are grateful to the Petitions Committee for their pursuing of this important issue, which has been given added urgency by the sad loss of the Pontfadog Oak nearly a year ago. For us, as the petition makes clear, an absolutely key element is that the system needs to recognise the unique value of ancient and veteran trees as a habitat for a whole range of extremely rare species and to provide some positive support for their care and management. This, of course, goes beyond mere reform of the Tree Preservation Order system. For this reason, we have been disappointed to hear that it has been decided not to include better protection of ancient, heritage and veteran trees in the forthcoming Environment Bill, but to deal with it in the Planning Bill instead. As stated in the June E-Bulletins for Natural Resources Management Programme, The purpose of the Environment Bill is to:

- provide Natural Resources Wales with a legislative framework that means it can manage Wales' natural resources in a joined up way; and
-

- amend and better join up key areas of the legislative framework so it improves Wales' environment whilst also having wider economic and social benefits.

Isn't the first bullet point, in particular, very relevant to ancient and veteran trees? Our concern is that, if the issue is dealt with purely as a planning issue, it will presumably relate only to restrictions on landowners, rather than positive support for management or recognition of their importance as a unique wildlife habitat. We feel that by including this duty would simplify the process, and would enable NRW to deliver a more joined-up approach to Ancient Tree Protection

We feel that this protection is critical and we proposed that the protection could be increased, for example by:

1. Placing a duty on Natural Resources Wales to promote the conservation of ancient, veteran and heritage trees by providing advice and support for the owners of such trees that meet criteria set by the agency following consultation. This would include the provision of grant aid where work was needed for the benefit of the tree. The agency would also have a duty to advise Local Planning Authorities (LPA's) on the care of such trees.
 2. Amending the present Tree Preservation Order (TPO) legislation to make it fit for purpose in protecting our most ancient and venerable trees:
 - a. To remove the blanket exemption for trees that are 'dead' or 'dying'
 - b. To reword the reference to dangerous trees to distinguish between those trees which constitute a 'real and present danger', which would remain exempt, and others where there is a less immediate safety issue to address. Also to clarify that work should be limited to those parts of the tree which actually constitute such a danger and that the LPA should be notified as soon as possible.
 - c. To clarify that the wildlife and heritage interest does constitute 'amenity' for the purpose of TPO legislation.
 - d. In the case of trees carrying TPOs which also meet the criteria in section 1 above, LPAs would have the right to refuse permission to fell trees, but to refer to the new environmental agency to advise on management work and funding, as above.
 - e. To put a duty on LPAs to publish a telephone number on which the public can contact the authority about tree preservation issues out of usual office hours.
 - f. To replace the current two category penalty system with one which would allow the courts to impose penalties at a level they believe to be appropriate. (Under the current system it is extremely difficult for LPAs to bring a prosecution for a category 1 offence; the maximum penalty for a category 2 offence is just £2,500. This is hardly a meaningful deterrent, bearing in mind the value of building plots.)
 - g. The 6 month time limit for prosecutions should be from the date on which the prosecuting officer has sufficient evidence to justify proceedings, not from the date of commission. This is already the case in England.
-

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.

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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?

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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)
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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

We have been beneficiaries of revenue as a result of the successful implementation of a single use carrier bag charge in Wales. We have used this money to take forward crucial work in a range of areas involving tree planting and communities. This money has supported our work in protecting woods, creating more native woodland and inspiring everyone to enjoy and value woodland and trees. Not only has this charge reduced the problem of litter in towns and the countryside, including woodland and reduced the wastage of natural resources; but it will also help to raise funds to help care for some of our wonderful woods and to plant more native woods and trees for the future.

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 welcome extension of the carrier bag levy to bags for life and recommend the direct channelling of revenue back into Welsh charities to support delivery of environmental benefits for Wales such as tree planting. The money we've received as a direct result of current charge on throw away bags, has supported the Trust in being actively involved in creating more new native woodland, working with landowners to help fulfil the Welsh Government's aim of creating an extra 100,000 hectares of new woodland over the next 20 years to help absorb CO2 and make the landscape more resilient to climate change. The creation of litter and unnecessary waste is an environmental issue. There is therefore logic in passing on funds raised to specifically environmental good causes.

The Trust is delighted, however, that the main result of the levy has not been to raise money, but to reduce unnecessary bag use. This was always the hope when the scheme was reduced, and the fact

that this has happened has demonstrated its success.

Question 31

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

If the changes were to result in fewer funds being passed to the Coed Cadw, this would have a corresponding effect on our tree planting and conservation work in Wales.

The creation of litter and unnecessary waste is an environmental issue. There is therefore logic in passing on funds raised to specifically environmental good causes.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

We are happy to look at making legislation better.

Agriculture is rightly identified as having a significant impact on water quality and flood risk. Changes in the farming landscape, agricultural practice and cropping over the last 50 years have exacerbated many of the issues affecting water, and projections of both climate change and future pressure on land use may well make this worse. In particular agricultural improvements, increase in field sizes, removal or neglect of hedgerows, loss of woodland cover, and so on, have increased the likelihood of surface runoff, and with it increases in soil erosion, phosphate and nitrogen pollution, contamination by faecal organisms and an increase in flood risk. The cost of tackling these issues is likely to be the lowest where it is possible to find solutions and interventions which match several of these issues simultaneously. Any effective strategy needs to start with a consideration of agricultural land use. Improved modelling and a growing body of evidence should help to identify where interventions using increased tree and woodland cover and other elements of the natural environment can have the greatest impact.

There is a need for more research to assist in the targeting of resources and it was disappointing that a research project submitted to the *Resilient Ecosystems Fund* earlier this year by Cardiff University and supported by the Coed Cadw/Woodland Trust, was rejected. This project was to provide evidence of the ecosystem services delivered by riparian trees, valuing and mapping multiple ecosystem functions provided by riparian woodlands across Wales to enhance freshwater ecosystem resilience and reduce multiple stressors. The resulting evidence from this research project would enable the better targeting of resources, prioritising catchments in order to maximize the multiple benefits through new woodland creation (riparian and wider small scale planting across the farmed landscape). It would hopefully act as a catalyst for wider partnership working in priority catchments identified involving a range of stakeholder organisations and land owners/managers.

We strongly believe that targeted tree/woodland related interventions should be promoted through cross compliance measure under the CAP and through both agri-environment support and forestry grant schemes.

An increase in targeted tree cover can also be achieved by promoting the benefits of tree cover to farm productivity and resilience – for instance the use of trees for shelter and shade, for livestock and crop protection, as well as a measure to mitigate pollution risk and improve water quality. With a focus on increasing agricultural production, and the narrative of food security, we believe it is important that wherever possible measures are not seen as working counter to agricultural production.

Greater consideration needs to be given for generating income for tree/woodland interventions through water charges or other water market related mechanisms (forms of payment for ecosystem services).

Tree based interventions should include:

- Riparian planting – to intercept nutrients and sediment and lower water temperatures
- Tree planting on erosion vulnerable slopes – preventing sedimentation of water courses
- Woodland creation on floodplains – ‘slowing the flow’ and mitigating downstream flood risk
- Hedgerow restoration and planting – to reduce surface water runoff
- Tree planting around point source pollution – intercepting pollution run off e.g. around slurry pits and livestock yards, and aerial pollution especially ammonia from livestock units.

Many of these interventions have wider ecosystem services benefits including:

- Biodiversity and support for habitat networks Carbon sequestration and storage
- Support for pollinating insects
- Animal welfare gains and increased pasture productivity through increased shade and shelter
- Possible source of timber and wood fuel

These supplementary benefits need to be factored in when considering the total value of benefits to society against the costs of implementation.

Despite strong evidence in support of tree related interventions to tackle water quality and flood risk issues at source, there has been very little positive action to promote targeted woodland creation through Glastir, and national woodland creation figures despite an improvement in the last few years, are woefully low.

Pollution from towns, cities and transport

In urban areas an increase in the proportion of green infrastructure could have a significant impact on the water environment through reducing surface water runoff and absorbing pollutants. [Research by Manchester University](#) shows that tree cover can increase the amount of water which infiltrates in to urban soils and reducing overall pollution load. Green infrastructure, in addition to sustainable urban drainage, should form a critical part of any new development and be planned strategically across urban areas to maximise benefits to water management and other aspects of a healthy urban environment. Tree base interventions should include;

- Street trees – in town centres, paved streets and squares
- Highway trees – alongside public highways
- Trees in public open spaces – parks, playing fields and other public open green space to reduce through fall and increase water infiltration
- Trees in private open spaces – in particular retail park car parks, office and industrial unit car parks and hard standing, to reduce through fall and surface water

In addition green infrastructure has wider social benefits in terms of air quality, reducing urban heat island effect, safe travel and biodiversity networks which increase the overall social benefit when

compared to the costs.

In summary we would like to see:

- NRW to identify opportunities for using tree and woodland to manage water resources including improving water quality and flood risk management
- Trees and woods featuring in more measures to improve the water environment in River basin Management Plans
- Field-scale mapping of where trees are likely to benefit WFD and flood risk available for the whole country and in the hands of NRW staff responsible for coordinating catchment management plans - better integration of flood risk and WFD delivery as trees/woods can bring benefits to both
- NRW doing more to both promote green infrastructure in its role as a statutory consultee on planning applications and through its work to influence developers, use NRW's survey of urban tree cover in Wales as a catalyst to encourage more towns and cities to achieve woodland town status and initiate projects which provide evidence e.g. I tree hydro when it becomes available in the UK. <http://www.itreetools.org/hydro/>

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?

Agriculture and urban transport might be said to have the most significant effect on land use, and whilst integrating WFD objectives with the planning and delivery of Protected Areas, and using the Environment Bill, we believe these are also where real progress can be made through wider land use management and land use change, both through an increase in tree cover and other elements of the natural environment e.g. wetlands. This approach is based on tackling the issues at source through understanding the drivers for land use change and influencing these. Tackling the issue of landscape change can also have positive benefits beyond water management, which in the balance of societal cost/benefit and could have a significant impact on the viability of measures.
