



*The Association of Manufacturers
of Domestic Appliances*

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

15 January 2014

Dear Sir or Madam

Towards the Sustainable Management of Wales' Natural Resources
Consultation on proposals for an Environment Bill, October 2013

AMDEA is the UK trade association for large and small domestic appliances: heating; water heating; floor care and ventilation. We represent manufacturers at UK, European and International level; with government and EU political institutions; in standards and approvals; with non-governmental organisations; with consumers and in the media. AMDEA protects and promotes its members' interests in all these spheres.

All of our members are fully committed to waste prevention, opposed to landfilling of unavoidable waste and support the recovery of value from waste. However we have some member companies with a particular interest in sustainable and effective food waste management, as they manufacture domestic food waste disposers (FWDs).

Members of our FWD Group include the world's leading producer that has manufactured food waste disposers for over 70 years and markets these appliances in over 80 countries. As food waste and sewer management are core issues for this group, we have accumulated a substantial evidence base of peer-reviewed scientific research conducted by recognised experts and academics worldwide.

In our drive to promote evidence based policy AMDEA's FWD Group also facilitates the exchange of information between the industry, scientists, engineers and environmental policy makers. To this end we recently held the first of an intended series of AMDEA FWD Group round tables at the Royal Society in London, which included expert presentations from countries such as Sweden and Denmark, considered leaders in environmental best practice.

It is particularly regrettable that no representative of the Welsh Government policy team was able to attend this event at a time when the Welsh Assembly Government White Paper is proposing a ban on the disposal of food waste to sewer on the basis of a report "Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of

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Food Waste to Sewer”, Eunomia, May 2013, which reflects prejudices relating to food waste disposers which are unsupported by the worldwide evidence.

We are deeply concerned that statements repeated in both the study and the White Paper relating to food waste disposers contradict robust, peer-reviewed, scientific evidence. These serious misapprehensions threaten to flaw gravely Welsh environmental policy and limit its future ambitions.

The environmental agenda is constantly evolving and the danger of a single solution approach to managing food waste is to block technological innovation. Even countries that have long-term experience in separate collections are experiencing barriers to further achievement.

Despite a highly disciplined and environmentally aware population there is a significant proportion of the German population who cannot or does not effectively separate their food waste. According to a very recent German report, “Ecologically Sustainable Recovery of Biowaste,” published in July 2013 by the German Federal Environment Ministry, only 67.5 million of the German population have separate collection services and of these 56% do not use the facility. This means 44 million, or half, of the German population do not have or use a separate food waste collection facility. Germany aspires to separate collection of food waste for treatment at AD centres and is committed “in principle” to establish closed loop recycling by 2015. However it is much further from achieving this target than might be supposed.

Regrettably the statements published in the White Paper reflect a position which the Environment Agency retracted in November 2010, on consideration of the substantive body of evidence which we would also like to make available to Resource Wales, Eunomia and Dŵr Cymru Welsh Water.

Since 2010 the evidence has continued to grow with recent studies published from countries at the forefront of sound environmental management, such as Denmark and Sweden. In England, in November 2012 the Local Government Association embarked on a programme of pilot studies installing food waste disposers in new-build properties, to deepen the proven knowledge base¹. The Republic of Ireland has recently reversed a ban on domestic food waste disposers.

As no experts from our industry were consulted on, or quoted in, the report by Eunomia and it includes neither a literature review nor a bibliography, our members are concerned that these oversights may contribute to misconceptions, or may even be construed as bias.

To compensate for the apparent lack of qualified consultation our members requested a technical review of the study by a specialist FWD/sewer engineer which we submit for your consideration (Annex 1). This review concludes that any position that the Welsh Government may take relating to food waste disposers on the basis of the recommendations of this study will be flawed; carrying a high risk of departure from evidence based policy making.

Accordingly we have confined our responses to those questions relating to Chapter 4 of the White Paper which rely on misconceptions apparently drawn from this report.

¹ http://www.local.gov.uk/web/guest/productivity/-/journal_content/56/10171/3510540/ARTICLE-TEMPLATE

Key Points

- Food waste disposers provide a sustainable means of effectively diverting food waste from landfill and extracting both renewable energy and soil nutrients. Both Denmark and Sweden are monitoring the benefits of encouraging FWD usage to increase biogas production.
- Food waste disposers can improve the recovery of other waste fractions. Food waste is a significant contaminant of dry recyclables and research in Japan has found that removing food waste at source, using an FWD, unlocks the potential for recycling other fractions².
- Food waste disposers grind practically all food waste to minute particles (98% are less than 2mm) that are easily carried in the wastewater collection system, as established in Germany³.
- FWD do not increase the risk of sewer blockage⁴. Ground food waste is 70% water, with a specific gravity similar to faecal waste which the sewers are designed to transport. A study from the New York City Department of Environmental Protection concluded that the impact of FWDs on the sewer system was insignificant⁵.
- Food waste disposers deter rodents and vermin as food waste is not stored for street collection. Without leaving the kitchen, finely ground waste goes directly to the sewer. As concluded most recently by a Danish study⁶ "...finely ground kitchen waste will have little impact on the sewer rats' general health and will not result in a significant increase in their population."
- The suggestion that ground food waste increases the risk of odours in the sewers is spurious and unproven. It is certainly not the experience of Surahammar in Sweden where domestic FWD use increased from 0% of households to more than 50% of households in a period of about 10 years⁷. Odours are a far greater risk, along with proliferation of bacteria and pathogens, where food waste is stored for kerbside collection.

² Yang, X.; Okashiro, T.; Kuniyasu, K. and Ohmori, H. (2010) Impact of food waste disposers on the generation rate and characteristics of municipal solid waste. *J. Mater. Cycles Waste Manag.* 12:17-24

³ Kegebein, J.; Hoffman, E. and Herman H. Hahn (2001) Co-Transport and Co-Reuse. An Alternative to Separate Bio-Waste Collection? *Wasser-Abwasser GWF* 142 (2001) Nr. 6 429-434

⁴ Mattsson, J. and Hedström, A. (2011) The incompatibility of food waste disposers with an aging sewer – Fact or Fiction? 12th Nordic Wastewater Conference, Helsinki

⁵ New York City, DEP (1997), The impact of food waste disposers in combined sewer areas of New York City. cit.op.

⁶ Clauson-Kaas, J. and Kirkeby J. COWI (August 2011) Food waste disposers: energy, environmental and operational consequences of household residential use

⁷ Per Andersson, Surahammars KommunalTeknik AB, personal communication 2013

- FWDs do capture many typical food waste contaminants that have proved damaging to AD plants such as plastic wrappings and bags. These remain in the FWD grind chamber.
- Ground food waste aids biological nutrient removal both at the WwTW⁸ and by in-sewer bio-transformations⁹ as it has a much higher ratio of carbon to nutrients.
- Fats oils and greases (FOG) are serious problems for sewers but they are not linked to FWD usage. A Water Environment Research Foundation (WERF) study of FOG examined samples from all around the USA. It is the largest study of FOG to date. The WERF researchers say they did not see (by microscope examination) evidence of FWD output in FOGc samples¹⁰. This has been corroborated with samples from sewers in UK¹¹. Authors of the WERF study have gone on to elucidate the mechanism of FOGc formation, which points to grease recovery units being superior to static grease traps.

Response to relevant 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?

The cost of establishing adequate new anaerobic digestion infrastructure drives a need to adopt a rigid single policy approach mandating kerb side collection. This lack of flexibility carries a high risk:

- Anaerobic digestion is a technology that is already demonstrating vulnerabilities in both safety and systemic failures. In presenting Evidence to the House of Lords in December 2014, the Environment Agency pointed out areas of difficulty which have been encountered with significant incidents at AD sites in England.
- Demanding rigid sort of waste to avoid the contaminants that have proved a barrier (cling film etc.) places a reliance on human efficiency that has proved misplaced in the UK, and other countries such as Denmark.

⁸ Battistoni, P.; Fatone, F.; Passacantando, D.; Bolzonella, D. (2007) Application of food waste disposers and alternate cycles process in small-decentralized towns: A case study. *Water Research* **41** 893 – 903

⁹ Evans, T.D.; Sandell, M. Andersson, P. and Wievegg Å. (2013) Field-based quantification of the power of in-sewer treatment. 7th International Conference on Sewer Processes & Networks, 28 - 30 August 2013, Sheffield

¹⁰ Ducoste, J.J.; Keener, K. M.; Groninger, J. W. and Holt, L. M. (2008) Fats, roots, oils, and grease (FROG) in centralized and decentralized systems. Water Environment Research Foundation. IWA Publishing, London.

¹¹ J.B. Williams, J.B.; Clarkson C.; Mant C.; Drinkwater, A. and May E. (2012) Fat, oil and grease deposits in sewers: Characterisation of deposits and formation mechanisms. *Water Research* **46** 6319-6328

- New technologies and new paradigms for environmental achievement are constantly evolving. Rigid regulation is a barrier to achievement in both areas.

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

No. In the most disciplined nations evidence is demonstrating that allowances must be made for the fact that enthusiasm peaks and human error compromises efficacy. Suitable flexibility must be built into regulation to allow a sustainable alternative for those businesses or individuals who cannot comply with a rigid requirement for source separation for street collection, on practical or economic grounds; otherwise the cost of enforcement will outweigh the environmental benefit. The Waste Framework Directive requires that TEEP must be permitted to prevail and regulatory space or sufficient flexibility must be created to enable this. Food waste disposers are just one currently proven technology that could provide an additional sustainable solution and if permitted others will emerge.

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.

Small businesses and households will find the separation and storage of 7 waste impracticable. Small bed and breakfast businesses, cafes and sandwich bars, or flatted properties will be unable to comply. Although other on site solutions such as food waste disposers could permit compliance in these space-restricted environments.

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?

We support banning food waste from landfill, providing that the regulation adequately permits a range of alternative methods of achieving this.

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?

No comment

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?

No. Where food waste cannot be prevented, food waste disposers (FWDs) aid recycling and recovery, efficiently using existing infrastructure (with no detrimental effect), improve kitchen and street hygiene and reduce the need for collection vehicle emissions.

In seeking to impose a ban on food waste disposers, Wales is regulating against proven technology and restricting policy success to a single solution. Anaerobic digestion is a good solution for food waste and for sewage sludge but physical contaminants (mainly plastic film) are a major operational problem for AD of separately collected food waste. As yet there is no clear winner in the search for a technology to remove physical contaminants. In contrast FWD leave physical contaminants in the kitchen and just deliver clean food waste to the sewer.

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

As we find this prohibition unsubstantiated and ill-advised we have no comment on enforcement.

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 fail to recognise that the active life of an FWD is approximately 10 years. Forcing disposal and recycling of an appliance which is still has an active life and against which there have be no evidence based environmental objections represents the adoption of economically and environmentally impracticable policy.

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.

NRW is an organisation ideally placed to encourage new technologies and continuous innovation. Policing a single proscriptive policy may not represent best use of this potential positive contribution.

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.

Banning ground food waste to sewer is misguided and non-evidence based policy. Seeking the "most appropriate body" to regulate unsubstantiated policy is a misnomer. Efforts would be better spent developing a more flexible regime that permits the use of existing and appropriate infrastructure, that is the sewer system, to transport finely ground food waste to waste water treatment and anaerobic digestion.

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

The impact of banning finely ground food waste to sewer on the flimsy basis of unsubstantiated misapprehension will deprive Wales of an easy and efficient means of eliminating this waste stream from landfill, recovering biogas and valuable soil nutrients including phosphates.

On the basis of years of operational experience and of published research, administrations in many advanced countries are adding FWD to the toolbox of options for diverting food waste from landfill, and encouraging their use.

AMDEA urges Wales to consider the evidence, to keep abreast of current international environmental thinking and not to ban FWDs.

Yours faithfully

A handwritten signature in black ink that reads "Douglas Herbison". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Douglas Herbison
Chief Executive

Encls: Annex 1 Review of Eonomia Report MK 090114

Comments on: “Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer, Report for Welsh Government (Eunomia Report)

Michael Keleman 1/9/14

Following a review of “Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer, Report for Welsh Government,” hereafter referred to as the Eunomia Report, I offer the following detailed review.

I serve in a technical support role as the Manager of Environmental Engineering at InSinkErator, the world’s leading manufacturer of food waste disposers, referred to in the Eunomia report as macerators. My primary function is to oversee research and communicate on the impacts of food waste disposers, and after nearly twenty years in the wastewater treatment profession, I am ardent about the benefits of disposers, because they are increasingly being viewed as a part of the global solution to organics management. Disposers facilitate both landfill diversion and resource recovery, so the recommendation by Eunomia supporting a ban on commercial disposers solely on an economic evaluation contradicts contemporary research and trends.

The authors of the Eunomia Report (Ann Ballinger, Peter Jones and James Fulford) are all residents of the UK, and apparently have extensive background and education in the waste industry in the UK (according to their LinkedIn profiles). Unfortunately, even with their experience in waste management, including life cycle assessment, composting and anaerobic digestion (Ann Ballinger), they did not consult with any literature outside the UK and Europe for their evaluation. In fact, the report contains no formal literature review or bibliography. Without a thorough investigation of existing literature on the subject of food waste disposers, the recommendation to prohibit commercial food waste disposers is biased and flawed. Furthermore, it is unfortunate and shortsighted that the authors of the Eunomia Report neglected to include any outside experts familiar with the environmental impacts of food waste disposers before writing their report. (Although the report references WRc, no industry experts were consulted for their evaluations.)

As communities around the world consider alternatives to landfills for effective management of organics, they should consider reviewing “Life Cycle Assessment of Systems for the Management and Disposal of Food Waste.”ⁱ This evaluation concluded that food waste disposers used in conjunction with any of eight types of wastewater treatment plants results in lower greenhouse gas emissions than landfilling. In addition, if the plant utilizes anaerobic digestion and cogeneration, the impacts of primary energy demand and greenhouse gas emissions are both lower than even composting.

The Eunomia report mentions on page five the goal of Wales to “...improve rates of recycling” yet a ban on disposers contradicts this goal. The report ignores the global megatrend for [The Water Resources Utility of the Future](#) to transform wastewater treatment plants into Water Resource Recovery Facilities (WRRF) – producers of clean water, energy and fertilizer.ⁱⁱ Resource recovery is the ultimate form of recycling, and can be accomplished via disposers. Food waste on average, is at least 70% water, and is basically the same specific gravity as human waste, and so by conveying finely ground material processed in a disposer to the local wastewater treatment plant, municipalities can reclaim the imbedded water as a resource. Also, where anaerobic digestion is utilized, there is a net energy gain on the process as recently modeled by world renowned wastewater treatment academic and author George Tchobanoglous.ⁱⁱⁱ This paper also demonstrated the benefits of disposers on nutrient removal at WRRFs.

Comments on: “Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer, Report for Welsh Government (Eunomia Report)

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As the trend continues to reduce the negative impacts of eutrophication, municipalities should consider that because sewage is carbon deficient and food waste has a high carbon to nitrogen ratio, when there are sufficient food waste disposers, the better carbon to nutrient ratio can help municipalities meet strict regulatory effluent compliance limits, and in a less energy intensive manner. This paper was recently shared at the European Wastewater Management Conference in Manchester. The Eunomia Report is void of any mention of the benefits of adding supplemental carbon to wastewater for reducing nutrients in the treated effluent.

Contemporary research on food waste disposers resulted in a claim from the latest edition of Wastewater Engineering which states,

“The challenge in the future is how to extract the energy in wastewater most effectively. For example, food waste could be ground up in kitchen grinders and transported to the wastewater treatment facilities in the collection system.^{iv}”

With any engineering report, assumptions are necessary in order to quantify both environmental and economic impacts. Unfortunately, the Eunomia Report bases much of its economic impact of commercial disposers on current residential disposer levels of 3% yielding 6,000 tonnes per year. Arguably, the amount of food waste processed in disposers is difficult to measure and highly variable, but to extrapolate any data for commercial disposers based on an exaggerated residential number is more of a guess than an estimate, and renders any further economic evaluation useless. Furthermore, why is the cost of the disposer mentioned in Section 4.1 on page 42? The cost of purchase is irrelevant to the Wales government because it is covered by the user. With regard to economics, the report contradicts a recent report titled “Sustainable Food Waste Evaluation,” which determined that wastewater treatment of food waste via disposers is the least expensive option based on a comparison of five different systems, including composting.^v The exclusion of the cost benefit of sending ground food scraps to AD in Table 4-1 on page 51 explains why the Eunomia report exaggerates the costs of disposers.

In Section 4.1.1.1 on page 43, if commercial food waste is 3.5 times (21,000 tonnes) that of residential waste (6,000 tonnes), then why is the CAPEX and OPEX FWD (Table 4-1 on page 50) for business approximately 9 times that of household?

In Section 4.1.1.2 on page 44, using the assumption of 0.001 £s/liter and the 300,000 L/month cited in notation 25 would equal 300 £s/month or 3,600 £s per year I water costs. This is only 14% of the value of 25,000 £s/year quoted (from an article from notation 23).

In section 4.1.1.3 on page 46, the report lists 1,300,000 households x 3% penetration x 1% blockages = 390 blockages per year expected due to FWD usage. So what is the actual number of blockages recorded in Wales? If disposers are already negatively impacting sewer networks, it is important to consider the current level of disposer use in Wales. Our best estimates show that on average, less than 5% of residences currently own a disposer, which agrees with the Eunomia estimate of 3%. If the sewers are in poor condition, and the sewer manager is concerned about solids build up during the dry weather, does that mean they are currently relying on wet weather inflow and infiltration to keep the sewers clean?

Comments on: “Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer, Report for Welsh Government (Eunomia Report)

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Additional flow from disposers will not exacerbate existing problems given food waste is the same specific gravity of human waste. More importantly, food waste discharged from disposers meets very fine particle size requirements of the American Society of Sanitary Engineering (ASSE) - 94% of the material must pass a 6 mm sieve, and so concerns of sedimentation expressed by water authorities in sewers should not be rationale for prohibiting sewers. Potential sedimentation has been studied thoroughly, largely because officials repeatedly mention “concerns of sedimentation,” yet no research has substantiated these claims, and none of the studies were referenced in the Eunomia report.

It is highly unlikely the current level of disposer installation results in negative impacts on sewers, especially given the widespread acceptance and use in the US where some areas have as high as 90% adoption rates. Cities like Philadelphia, Tacoma and Milwaukee are actually encouraging the use of disposers to accomplish organics diversion and resource recovery.

Acknowledgement of issues of fats, oils and greases in Welsh sewers within the Eunomia report to support a ban on disposers is interesting given the current low penetration of disposers. In fact, this supports our ongoing research on the phenomena of calcium soaps forming in sewers as a result of free fatty acids (from various sources including bar soap, poorly maintained grease interceptors, and feces) reacting with ubiquitous Calcium. In other words, disposers are not the source of problematic calcium soaps.



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ⁱ PE Americas. 2011. “Life Cycle Assessment of Systems for the Management and Disposal of Food Waste.” InSinkErator.

ⁱⁱ The Water Resources Utility of the Future. 2013. National Association of Clean Water Agencies, Water Environment Research Foundation, and Water Environment Federation.

ⁱⁱⁱ Harold Leverenz and George Tchobanoglous. 2013. “Energy Balance and Nutrient Removal Impacts of Food Waste Disposers on Wastewater Treatment. Unpublished Report. InSinkErator.

^{iv} Tchobanoglous, George, H. David Stensel, Ryujiro Tsuchihashi, and Franklin Burton. 2014. Wastewater Engineering: Treatment and Resource Recovery. 5th Edition. Metcalf & Eddy/AECOM. McGraw Hill-Education. p. 1869.

^v David Parry. 2012. “Sustainable Food Waste Evaluation.” Water Environment Research Foundation.

WCVA Response to Welsh Government White Paper consultation on proposals for an Environment (Wales) Bill

January 2014

Introduction

WCVA is the voice of the third sector in Wales representing 3,000 third sector organisations that impact on all areas of society. We have a close working relationship, and large shared membership, with Wales Environment Link and therefore endorse the response submitted by that body, in particular the call for the introduction of statutory targets in relation to climate change and the concern over proposed measures to enable Welsh Ministers to amend primary legislation using secondary legislation.

WCVA also notes the lack of recognition within the Bill of the key partnership role that third sector organisations have played historically in delivery of natural resource planning, conservation and management and calls for this omission to be rectified. WCVA is also concerned at the lack of reference to community engagement on the crucial issue of climate change and would welcome further detail on how NRW will ensure that community action on this challenge will be encouraged and enabled.

Specific concerns have been highlighted under the Chapter headings below. We trust that Welsh Government will take these into account when finalising the Bill.

Chapter 2: Natural Resource Management

NRM 2 - National natural resources policy and priorities

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?

- WCVA represents the third sector on the Climate Change Commission for Wales and are aware of the enormous impact that a changing climate will have on many third sector clients and beneficiaries. We support the proposed approach but also the view of the Commission that

'Setting a statutory underpinning to Wales' climate change targets could help to provide certainty to policy-makers, businesses, investors, and wider society in Wales and strengthen incentives to reduce emissions'.

The Environment (Wales) Bill is an opportunity to set out statutory targets for climate change in line with international targets and we recommend that this opportunity is seized.

- WCVA also recognises that climate resilience and climate change mitigation cannot be embedded in integrated natural resource management at both national and local levels' without widespread engagement and participation of all relevant actors.
- On the first point, WCVA is concerned that the document makes no specific reference to public engagement on climate change or a role for NRW in ensuring this. WCVA considers this to be a serious omission.

Second, WCVA notes that ‘ there could potentially be secondary implications on resource requirements in relation to other public, private and third sector organisations participating in a more collaborative natural resource planning processes’. However we note with concern the view that ‘... early views from stakeholders suggest that the benefits of a more collaborative approach would merit the engagement and input up front’.

It is our experience that the vast majority of third sector organisations are not sufficiently resourced to carry any such resource implications ‘up front’ and believe as a matter of principle that consultation and engagement is an investment that should be borne by government rather than third sector organisations. Unless resources are made available to allow third sector organisations to participate in this process in a cost-neutral way then the views of many smaller stakeholders will be excluded and expertise and local knowledge lost as a result. This would be at odds with the Welsh Government’s other work on inclusion and equality and we ask that third sector organisations are enabled to engage with the natural resource planning process in an appropriate and cost neutral way.

Chapter 3: Natural Resources Wales - New opportunities to deliver

Q. 12. Do you agree that NRW are an appropriate body to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes?

NRM 8 - NRM and its role in development of Payments for Ecosystem Services (PES)

- We welcome development of Payment for Ecosystem Services (PES) schemes, the important role for NRW and exciting opportunities for involvement of third and private sector partners.
- WCVA shares the reservations noted by WEL over the proposed all encompassing role of NRW as broker establishing accreditation and assurance for schemes, as well as providing information and facilitation services, and a regulatory role.
- We suggest that there are many existing third sector partners that could provide expertise and operational support in the design and delivery of such schemes and ask that there is appropriate consultation about the design of future services and realistic opportunities for other partners to be involved at an early stage in operational planning and delivery.

Q. 15 In relation to Welsh Ministers’ amendment powers...

NRM11 - Ministerial power to amend primary legislation via secondary legislation

- WCVA echoes the concern already noted by WEL to NRM11, the proposal to enable Welsh Ministers to amend primary legislation using secondary legislation. We agree that this measure could reduce Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and management in Wales..
- WCVA also shares the concern noted by WEL that both options proposed under NRM11 - (a) enabling Welsh Ministers to amend primary legislation specifically relating to NRW functions and powers, and (b) creating a broader power to amend environmental legislation - are very broad (NRW’s functions and powers come from approximately 230 pieces of primary legislation).
- The White Paper does not include specific examples of where this power needs to be applied because no specific examples have hitherto been identified by Welsh Government. WCVA concurs with WEL that the need for change should be identified via a formal review process and, if this concludes change is needed; proposals for primary legislation should be published.
- In line with the WEL membership, WCVA would therefore be reluctant to see the introduction of any measure that would allow incremental changes to Primary legislation without proper scrutiny.

Resource Efficiency (Chapter 4)

Q. 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?

RE 6 & 7 - Carrier bag charges

- Many WCVA member organisations have been beneficiaries of revenue as a result of the successful implementation of a single use carrier bag charge in Wales. WCVA therefore welcomes the extension of the carrier bag levy to other types of carrier bags in addition to single use carrier bags and particularly welcomes the beneficial impacts that the current arrangements have had in building relationships between retailers and many local third sector projects.

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

Overall, we would agree with the package of proposals which are outlined in chapter 2. The legal definition of the term ‘natural resource management’, and related definitions, would appear to be a key aspect when incorporating natural resource management into the Environmental Bill to ensure there cannot be incorrect interpretation of the aims of NRW in natural resource management. Whilst we agree that there is a role to play for area-based approach to resource management, it should also be considered to which aspects the area-based approach would be suitable, and to which aspects a national approach would achieve better or similar results, for example where specialist knowledge is necessary. This idea could be taken further to propose that NRW would have set priorities both at a National level and an area-based level.

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:

We strongly agree that the definitions used will have an impact for all following proposals, as the definitions will be used for reference throughout the Environmental Bill, as well as being used and referenced when determining best practice and course of action. It is therefore extremely important that any definitions incorporate all aspects required in order to develop the aim of a holistic approach as referenced in the consultation document. The introduction of a specific legal definition of natural resource management will also aid clarity for goals and outcomes from related or referenced legislation. To the table on page 18, we would suggest adding mineral resources and also imported materials which are added to the Welsh economy and should be used sustainably.

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:

To have a strong impact, we believe that any approach to dealing with the effects of climate change should be dealt with at least UK, or even European level. The Welsh Government plays an active part in those discussions.

Question 4

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

Yes

No

Please provide comment:

This approach will ensure that there is a regular review of natural resource management, and will also ensure that priorities are amended as required. Trend and opportunity detection from a legislative point of view would take place regularly, as well as the possible review of changes in related or reference legislation.

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:

Overall, we agree that an area-based approach can ensure that there is area-specific natural resource management, however it should also be ensured that this is integrated not only with the adjoining areas, but also that best practice is shared within Wales, and across the whole UK. For example, figure V outlines the area of Taff and Cynon and there may also be other areas within Wales with similar parameters that would benefit from similar objectives.

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

In line with the proposals made it would seem reasonable that NRW would complete the role of the lead reporting authority. This would ensure that national statistics were assimilated in one Government department to allow a broad overview of natural resources, the work which is being completed, and the integration of legislative changes. As well as providing one authority for reporting all statistics, it would also ensure that trends and opportunities could be analysed, and best practice would be effectively shared amongst all areas.

Question 9

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

We do not expect these proposals to have an impact on our area of producer responsibility, unless at a future time individual legislation was applied for Wales.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

Question 11

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

Question 12

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

Yes

No

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

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

Overall, we agree with the approach outlined in chapter 4, however we suggest a strategy which encourages the maximum suitable recycling and to only use EfW and landfill where recycling is not possible.

Where kerbside collections provide a high quality sorted material, co-mingled collections, which are subsequently separated at a MRF facility, can give a good quality output at a lower cost. The balance between the environmental costs and the economic cost would require further investigation.

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.

As in question 18, the approach to segregating and collecting waste streams must take into consideration to the cost of operation. Co-mingled collections, which are subsequently separated at a MRF facility, can give a good quality output at a lower cost to the economy. The balance between the environmental costs and the economic cost would require further investigation.

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.

For small businesses, especially those with a small amount of area for waste segregation, for example high street retailers, small bars, restaurants or cafes, which do not have communal collections (with other businesses, such as might take place on a retail park), the space required for the separate containers for the separation of waste may not be practical.

Question 21

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

Yes

No x

A ban on these types of material may be impractical, as there is always an element of unintentional contamination. We would suggest it may be better to have a strategy which encourages the maximum suitable recycling and to only use EfW and landfill where recycling is not possible. As an example, it is not currently feasible, technically or economically, to recycle mixed household plastic such as crisp packets, raw meat wrappings or confectionary packaging.

Our experience also shows that segregation of food waste is extremely important to reduce the level of contamination and therefore increase the amount and availability of material suitable for recycling, so food waste segregation should be encouraged.

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

Yes

No x

If yes, what are they?

Question 22

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

Yes x

No

If no, what other approach could we adopt?

Question 23

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

Yes

No x

We do not believe that this proposal is practical, however we would encourage, as in point 4.34 of the document, that there should be encouragement for food waste collection services to be used.

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?

We believe that the alternative approaches suggested should be developed and progressed before introducing bans.

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:

Please see previous responses

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?

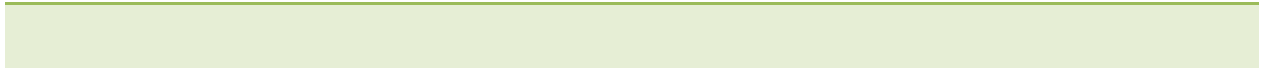
Implementation / Equalities

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?



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.

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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 | <i>Dr Ruth Williams</i> |
| Organisation | <i>Landscape Institute Wales</i> |
| Address | <i>Landscape Institute Charles Darwin House 12 Roger Street London WC1N 2JU</i> |
| E-mail address | |
| Type <i>(please select one from the following)</i> | <input type="checkbox"/> Businesses <input type="checkbox"/> Local Authorities/Community & Town Councils <input type="checkbox"/> Government Agency/Other Public Sector <input checked="" 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) |

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

Please provide comment:

LIW welcome this important step change towards a co-ordinated approach to natural resources in Wales as long as ‘Landscape’ continues to be clearly recognised as a key and integrative component of these resources.

Therefore we strongly support the consideration of landscape as an important part of an integrated approach to natural resource management.

The Natural Resource Policy needs to be very carefully worded. There should be specific reference to the word “landscape” with a clear understanding and interpretation of it as a valuable resource important to the ecosystem service approach as well as its significance in relation to our cultural heritage. If 'landscape' is not stated then, as we all know, planning law and planning policy are entirely focussed on specific words and its absence will mean that connections will be difficult and tenuous to make. The policy should also make specific reference to Green Infrastructure as a useful and integrating delivery mechanism and be followed up by a TAN (Planning Policy Technical Advice Note) specifically on Green Infrastructure.

Question 2

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

Yes

Please provide comment:

LIW very much welcome ‘Landscape’ being recognised as one of Wales’ important natural resources and that its definition combines physical features of the natural environment, and cultural and historic influences - in line with the European Landscape Convention and Ecosystems Approach.

Para 1.34 provides further specific headings for landscape including cultural heritage, sense of place and natural beauty, which help frame how landscape is perceived from a number of separate but related perspectives and allowing the conservation and designation functions of Cadw and NRW to be reflected in the Bill. The seascape dimension also needs to be included in the definition of 'landscapes'.

Landscape is also a valid organising context within which to spatially map and understand the components of Green Infrastructure and realise the opportunities for ecosystem delivery at a regional and local level. Please see our publication:

Local Green Infrastructure

http://www.landscapeinstitute.co.uk/PDF/Contribute/LocalGreenInfrastructurewebversion_002.pdf

Landscape Character Assessments also help to articulate the elements and features of an area which give it its specific character and sense of place.

For example: Wrexham’s LANDMAP Supplementary Planning Guidance consolidates and presents the complex technical data in an accessible format and provides a good framework within which to add ecosystem functions, conservation, enhancement and management objectives for county and local delivery

http://www.wrexham.gov.uk/english/planning_portal/landmap/spg.htm

However, we have concerns that the White Paper is somewhat ambiguous on whether the ecosystem approach in the Bill about the integrating landscape approach, which is not spelt out, or whether it will be based on biodiversity resilience, which reads as the primary delivery vehicle for the fulfilment of the ecosystem approach.

Question 3

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

Yes

Please provide comment:

Yes. The example given focuses on ecosystem habitats, but there is much more that needs to be factored into this area such as how natural resources on the edge and within towns and cities provide green infrastructure functions of moderating the heat island affect, improving air quality, reducing noise, surface run-off and flood management and creating quality spaces which people want to use for health and wellbeing. See:

Green Infrastructure an integrated approach to land use

<http://www.landscapeinstitute.co.uk/PDF/Contribute/2013GreenInfrastructureLIPositionStatement.pdf>

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:

National outcomes and priorities need to be set in ways that are locally deliverable. It is essential that there is discussion between the officers of the policy-setting and delivery organisations. It appears logical to relate natural resource management to the Future Generations Bill, but there may well be projects which, due to complexity and needing to test and define approaches (e.g. delivery of the water framework directive), cannot be conveniently aligned with this time frame.

Question 5

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

Yes

No

Please provide comment:

As raised in question 4 national outcomes and priorities need to be set in ways that are locally deliverable. It will be essential to have clear guidance allocated resources to implement an area-based approach successfully. The guidance needs to set out who will support, regulate and plan delivery.

Some of our members have concerns about an area based approach.

They ask how the 'areas' will be decided?

Also how will the natural resources which are not static (water, air, pollution, noise) or have transferable impacts, be organised?

Also how will this approach and the Local Development Plans work together?

Question 6

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

Yes

Please provide comment:

The approach appears to be flexible in the sense that individual components of the ecosystem resource can be overlaid added to or removed within a spatial plan, to understand the interrelationships, constraints and opportunities.

We think the difficulty will come in comparing resources which although symbiotic are measured differently either scientifically, quantitatively or qualitatively – how will a common understandable measure of ‘good status’ be applied across a spectrum akin to ‘apples and pears’.

However, we feel strongly that great care will be needed to ensure the new area based plans are at least as robust and deliverable as the existing plans they are replacing, BEFORE those existing plans could be replaced e.g. AONB and National Park Management Plans

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:

Some of our members are concerned as to how this will be done, and how it will be funded, particularly in times of local authority cuts.

The obvious delivery mechanism for the ecosystem service approach is Green Infrastructure which many local authorities are starting to include now as Local Development Plan policy and developing Special Planning Guidance – as well as allowing the incorporation of sustainable development through the adoption of the Community Infrastructure levy which will allow dedicated funding pots to be targeted to specific projects when incorporated within Local authorities Infrastructure Plan.

Question 8

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

Yes

Please provide comment:

No view.

Question 9

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

Impacts upon local planning authorities:

The delivery of the Bill's objectives at a regional/ local level within sustainable development decisions is only possible if the local planning authority has the in-house expertise to embed the ecosystems approach within day to day thinking, discussion and action. Nationally set objectives/targets will need to be interpreted and attuned to local issues and this can only happen with officers embedded within the organisation. A strategy will not deliver itself and fine-tuning strategic decisions to local circumstances is essential to making sustainable decisions. With this in mind the suggestion that the new approach can be delivered without new resources and potential savings doesn't ring true. For example, only 18 of the 25 local planning authorities within Wales have a Landscape Architect providing planning policy, development control, design and impact assessment advice and none of Wales' national parks, whose designation is the result of its landscape quality and heritage, has an officer qualified to provide solutions for sustainable development.

There is also a concern that this new approach may not be given priority by all local authorities when they have so many competing priorities to deal with at a time of reducing budgets.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

Please provide comment:

Yes but with qualification:

NRW's landscape function needs to be clearly set out. The White Paper defines landscape as cultural heritage, sense of place and natural beauty. These are not just embodied within nationally designated sites, but can be found and be equally important for sustainable resource management and economic, social and environmental reasons at a regional and local landscape scale. We want NRW to champion its landscape remit across the full resource spectrum, and not tend to focus on nationally significant designated landscapes as CCW tended to do.

In terms of Payments for Ecosystem Services (PES), the PES proposal could tie in very well with the Green Infrastructure approach, supplementing the Community Infrastructure Levy (CIL) funding pots for dedicated projects.

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 view

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 view

Question 13

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

We agree with broader powers for NRW as set out in 3.23 and 3.24

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 view

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 view

Question 16

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

No view

Question 17

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

No view

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

Please provide comment:

We agree in principle.

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

Yes

No

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

No comment.

Question 19

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

Yes

No

If no, please state why and an alternative.

The duty should be on all for segregation – I.e. the producer segregates. It's easier to do at the time of production and it may have positive impacts upon the way in which items are produced or processes carried out.

Question 20

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

Yes

No

If yes, please identify them and explain why.

No comment.

Question 21

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

waste facilities?

Yes

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

Yes

No

If yes, what are they?

No comment.

Question 22

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

Yes

No

If no, what other approach could we adopt?

No comment.

Question 23

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

Yes

If yes, should this apply to:

c) Both – households and businesses

Question 24

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

i)

No comment.

ii)

Question 25

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

No

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

We suggest 2015.

Question 26

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

Yes

No

No comment.

Question 27

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

NRW

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

NRW is the most appropriate body. This prevents local authorities from having their own individual ways of regulating bans. We also feel that NRW would be seen as being more important and therefore command a greater positive response.

Question 28

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

No comment.

Carrier Bags

Question 29

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

Yes in principle.

Question 30

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

No

Please provide comment

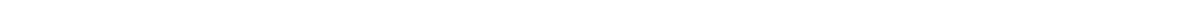
Definitely not – there should be a direct link between cutting use of bags and the cost to the environment, both actual and in people’s minds. If the money went to another cause who would decide upon which cause? It could be seen as sponsorship by a company / business of a cause with which they had a particular personal, and possibly financial, connection.

Question 31

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



No comment.



Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes in principle.

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:

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

We agree with all these and the necessity to recover the full costs.

Question 34

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

No comment.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment.

Question 36

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

Yes

No

Please provide comment

No comment.

Question 37

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

No comment.

Land Drainage Management / Flood and Water Management

Question 38

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

Yes in principle.

Question 39

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

Yes – in principle.

Question 40

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

No comment.

Implementation / Equalities

Question 41

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

No comment.

Question 42

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

1. Historic environment:

We welcome the proposal to 'fully embed' consideration of the historic environment into the proposed definition of 'natural resources' – para 1.34 and NRM1.

2. Green Infrastructure:

The White Paper states that: “Renewing and increasing infrastructure capacity is essential to Wales' future wellbeing and prosperity.” The Bill will be a golden opportunity to champion the Green Infrastructure approach as cost-effective and resilient way to deliver integrated economic, social and environmental outcomes.

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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 | Stefan Cartwright – Acting Secretary | |
| Organisation | One Planet Council | |
| Address | 1 Helyg Fach, Lon Helyg, Llechryd, Cardigan, Ceredigion, SA43 2NE | |
| E-mail address | layingdownroots@gmail.com | |
| Type <i>(please select one from the following)</i> | Businesses | <input type="checkbox"/> |
| | Local Authorities/Community & Town Councils | <input type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies and Associations | <input type="checkbox"/> |
| | Third sector (community 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 checked="" 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 X

Please provide comment:

General comments:

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.

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.

The One Planet Council (OPC) has been set up to promote and support the OPD policy and OPD applicants in Wales.

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.

In fact the consultation document notes: Natural Resource Management and Land-Use Planning is intrinsic to the 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 (EFA) 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.

In our view, NRW has an important role to encourage sustainable land use, eg through OPD.. We note for example that OPD planning applications could be are not particularly scrutinised by NRW, when asked to do so, for their overall environmental impact. We are concerned that current scrutiny arrangements are not co-ordinated, Ffor 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 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:

The One Planet Council (OPC) supports the approach to define natural resources and the sustainable management of those resources. The OPD policy is designed to conserve, improve and sustainable manage our natural resources and is an example of a policy in practice with the ecosystem approach at its centre. 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 monetarise ecosystem services. There is a lack of clarity here as to whether the intention is to recognise the implicit value of ecosystems through Natural Capital Accounting as per The Economics of Ecosystems and Biodiversity (TEEB) Report or whether the approach is to enhance marketisation. 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. The One Planet Council would welcome the opportunity to feed in to this process and is in a position to deliver clear examples and statistics of the delivery of the aforementioned priorities.

Question 5

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

Yes

No

Please provide comment: It is the opinion of the OPC that the success of this approach will lie in how well the delivery is integrated in to strategic objectives of the broad range of stakeholders in each area. There is an opportunity for greater focus through Local Service Boards (LSBs) at county level.

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:

As we say above, we believe that success will depend on integrated delivery which requires collaboration rather than competition. We object in principle to the idea of the marketisation 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, as sellers and as knowledge providers. OPDs 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.

The OPC should be considered as a knowledge provider. OPDs are generating much expertise and research data which could be useful.

Once marketisation 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 **X**

No

Please provide comment:

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.

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

Question 8

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

Yes **X**

No

Please provide comment:

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 specific, a relatively minor policy, how much more confusion will there be over larger, more generic policies ones?

As said in our introduction, a consistent approach needs to be taken across-the-board. We would continue to argue for the If this is not to be ecological footprint analysis and for this to be applied through the coming Future Generations Bill across Government and the public sector in Wales. We would also be interested in looking at whether, then another solution could be that an ISO standard could be is applied toby NRW activity (such as Life Cycle Assessment, ISO 14040). Whichever is the case, NRW staff would need to gain competency in applying this.

Question 9

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

The OPC sees the Bill as a broadly positive opportunity for increased understanding across agencies and organisations of the example of One Planet Developments in tackling climate change, resource efficiency, preserving and increasing bio-diversity, tackling poverty and access to housing and employment. We see delivering on OPDs as a specific opportunity to address some of the sustainability challenges facing Wales and suggest that Government and NRW could be utilising the evidence from OPDs more effectively in building an evidence base of what works. 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 the 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 believe that OPD:

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

Question 10

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

Yes

No **X**

Please provide comment:

We'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:

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

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

We are concerned that the staff of NRW are not qualified to evaluate these risks.

Similarly we would like to see competency defined, as stated above, so that it can 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 **X**

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

B

Please provide comment:

Without seeing supporting guidance there is no way to evaluate this.

Question 16

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

No comment

Question 17

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

No comment

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

The OPC has specific expertise in waste reduction at the individual and community level. Our interest in waste is that it should be reduced, re-used and recycled according to the European hierarchy wherever possible. All waste that cannot be dealt with by the above should be seen as a resource. As much as possible should be diverted from landfill and opportunities taken to increase accessible recycling centres where it is uneconomic or hazardous to pick up such waste in the normal arrangements. Our support for the Insofar as they might reduce the ecological footprint of Wales as a metric is so that there should be a consistent application of a trusted metric to guide behaviour . We welcome the policy direction that Government/NRW should seek ways to reward good behaviour that is environmentally positive and penalise poor behaviour as has been pioneered through the carrier bag charge.

We have made no further comment in this section as we are making our comments from the OPC perspective. However, we can as a Council demonstrate the effectiveness of designing waste out of our lives.

Please go to q42

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 recylates, 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

No

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

Question 19

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

Yes **X**

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

No comment

Question 21

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

Yes **X**

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?

Question 22

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

Yes **X**

No

If no, what other approach could we adopt?

Question 23

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

Yes **X**

No

If yes, should this apply to:

a. *Public Sector*

a) *Households*
c) *Both*

b) *Businesses and*

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

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

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

Question 31

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

No comment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

No comment

Question 33

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

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

No comment

Question 34

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

No comment

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

No comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment

Question 39

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

Yes

No

Please provide comment

No comment

Question 40

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

No comment

Implementation / Equalities

Question 41

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

No comment

Question 42

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

The Welsh Government has a statutory duty to have regard to sustainable development. 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 which can be brought to bear to steer Wales into a more sustainable direction. We can see this from the inadequacy of the current 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 lack the robustness and the capacity for monitoring and verification. They are quantitative rather than quantitative.

From the point of view of One Planet Development's planning applications and decisions it is entirely evident to us that there is little expertise within local authorities in evaluating proposals against a clearly articulated Government strategic direction. 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.. At the very least, we hope that NRW will contribute to a pool of research that will be set up by the One Planet Council based on OPDs' ongoing performance, and we look forward to working with them.

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.

To: NaturalResourceManagement@Wales.gsi.gov.uk
Date: 14/01/14
Ref:

Cc: NFU Cymru Policy team
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Towards the sustainable management of Wales' Natural Resources

Environment Bill White Paper

Introduction

This response has been prepared to highlight the areas of concerns to farmer members of NFU Cymru and we hope they can be addressed as the Bill progresses. We have also raised issues at the engagement event held in Llandudno in December.

General points

Over many generations farmers have managed the vast majority of the Welsh countryside and have a major role in caring for the environment. The last decade has been one of improving condition for the natural environment and landscape, not degradation as the discussion document indicates. For example, sustained effort by Government, conservation agencies and especially farmers, has resulted in significant improvement in the condition and maintenance of many habitats and wildlife species.

Having said this we accept that the challenges ahead are concerning. Climate change, population growth and reducing natural resources pose major challenges that have brought the importance of maintaining sustainable farming and food production back into focus. The world's population is expected to reach 8.3 billion by 2030, with an increased demand not only for food but also for water and energy. The UK Government's Chief Scientist, Professor Sir John Beddington, has warned of significant global shortages of food, water and energy within 20 years if action is not taken now to address these fundamental resource concerns.

Recent droughts and floods may be the foretaste of events that are predicted to become more frequent and severe as climate change takes effect. Agriculture is especially vulnerable: Much of the best agricultural land in Wales is less than five metres above sea level, and at increasing risk from the kind of flooding that could undermine agricultural productivity and the rural economy. It is predicted that river flows in late summer and early autumn could fall by 50-80 per cent in some places by 2050.

Against this backdrop it is even more important for farmers to manage the natural environment in a sustainable way. We will need to find a workable balance between the demands of food security, water availability, climate change mitigation, wildlife protection, flood risk management, water quality and farm business viability. The UK needs to cut greenhouse gas emissions substantially and use resources more efficiently. Inevitably, there are implications for the way we manage our land and natural environment.

Generic Issues

We would ask you to consider some generic issues in developing the Bill and are concerned that farming despite being by far and away the biggest land user in Wales gets scant mention in the White Paper.

- A definition of 'natural environment' which engages land managers: The focus of the White Paper creates major concerns for the farming community: what is meant by the "natural environment"? What role do farmers play in managing and impacting this 'natural environment'? It is clear that the Government's definition is broad (including biodiversity, rivers and waterways, air and soils) however fundamentally this overlooks the basic fact that few areas of the country are 'natural', in the sense of being unaltered by man. The majority of our natural environment requires continuing land management often by farmers as a by-product of their food production. We are concerned that the term 'natural environment' creates a barrier to the continuing role of farmers and land management more generally, implying as it does a resource that needs 'protecting from' rather than being 'conserved by' the community who have created and sustained it for centuries.
- Celebrating achievement and challenging further progress. There are very few references given to the positive contributions made by farmers or the improvements that have been seen. For example, water quality has improved greatly over the past 20 years. Greater recognition must be given to these, particularly those over the past 10-20 years. Again this negative approach risks alienating the enthusiasm of those who have contributed to the considerable recovery of the environment in recent decades through agri-environment schemes and other voluntary activity.
- Compatible with increasing food production. Managing farming's influence on the environment must be implemented in such a way that food production and the environment go hand in hand. A range of actions and mechanisms are needed to ensure that farmers can increase agriculture's capacity to produce food whilst also improving farming's environmental performance and its capacity to safeguard the environment. We believe that using existing tried and tested routes to influence farmers (such as agronomists and farm advisers) is likely to be more effective than novel messages provided by the conservation community.
- Recognising links to other environmental priorities. We are concerned that the links with other environmental priorities (for example, climate change mitigation) are considered not simply in their impact on the natural environment but also in how integrated responses to these challenges are delivered through policy, advice, incentive and regulation.
- Reward positive management and innovative responses. We believe that the Bill needs to move the debate on to reward land management that provides multiple benefits and that promotes innovative approaches by farmers. We are concerned that at present agri-environment schemes reward only for following activities with little incentive to innovate and with payment based on income foregone, which is a crude measure of public value. We are supportive of the development of new mechanisms such as environmental markets for the goods and services that farmers provide many of which are viewed as environmental benefits.
- Country-wide activity not site based designation and regulation. The Bill also needs to move on from the sterile debate focused on further regulation and expanding site based designations. Our understanding of environmental priority suggests that wider countryside measures should be the priority – in effect many farmers and land managers taking small steps across the landscape to provide a more resilient and less fragmented countryside.

Role of farming and farmers

- What role do farmers play in managing these 'natural resources'? Any approach must be implemented in such a way that food production and the environment go hand in hand. A range of actions and mechanisms are needed to ensure that farmers can increase agriculture's capacity to produce food whilst also improving farming's environmental performance and its capacity to safeguard the environment. NFU Cymru has long argued that one of the biggest challenges facing farmers and growers in Wales in the near future will be their part in meeting the expected global demands to produce more food, but with less of an impact on the environment, so this action was particularly significant but also that government, industry and others would be brought together to work collaboratively to help find solutions.
- Country-wide activity not site based designation and regulation. Wider countryside measures should be the priority – in effect many farmers and land managers taking small steps across the landscape to provide a more resilient and less fragmented countryside. Widespread activity is already supported by agri-environment schemes and farmers' voluntary activity.
- Promoting partnership. We need to promote this type of response to environmental challenges. However in doing so Government must avoid a proliferation of distinct projects and seek instead to promote multi-messaging using well established initiatives and trusted actors within the farming community.
- Improve the way government bodies work together so they provide more coherent advice and are easier to work with. Setting up of Natural Resources Wales has helped with this but need to be clear between role of this body with National Parks and Central and local Government.
- Carry out a full review of how government provides both advice and incentives for farmers and land managers, to create an approach that is clearer, more joined-up and yields better environmental results.
- Farmers are bombarded with differing and sometimes competing messages on environmental priorities from various bodies and organisations so government commitments to provide a more coherent and joined-up approach to addressing and communicating environmental issues to farmers were very welcome.
- It is clear that the Government's definition of Natural Resource is broad (including air, water, soils, ecosystems) however it does overlooks the basic fact that few areas of the country are 'natural', in the sense of being unaltered by man. The majority of our natural environment requires continuing land management often by farmers as a by-product of their food production. Any definition should not create a barrier to the continuing role of farmers and land management more generally, implying as it does a resource that needs 'protecting from' rather than being 'conserved by' the community who have created and sustained it for centuries.

Natural resources evidence base

Generally this appears to be a good thing and NFU Cymru would welcome it. We would emphasise the importance of stakeholders being involved in the development of the evidence base and that we are consulted on it. I would also emphasise the importance of recognising the positive contributions made by farmers or the improvements that have been seen over the past 10-20 years or so.

Welsh Government is now using references from the State of Nature report (2013). This report was put together by a consortium of environmental NGOs. NFU Cymru believes that the Bill should rely on using Welsh Government Data or at least independent data! Hopefully the evidence base will address this.

Definition of the natural environment

The Bill should identify what the natural environment provides. A suggested list is set out below but it is not comprehensive.

- Food, fuel and feed production
- Biodiversity
- Landscape
- Water resources
- Air quality
- Soil

To assist in policy formulation there needs to be a consideration of which of these are complementary and highlight incompatibilities. What can be done elsewhere i.e. minimise demands on the environment by doing other things differently.

We should not forget that our decisions have global consequences. If we reduce food production to preserve the natural environment this may lead to the export of food production to elsewhere in the world which may be less sustainable.

Progress to date

More efficient and effective use of resources by farmers:

- Major reductions in the consumption of fertiliser nutrients over the past 20 years (40% or more for both nitrogen and phosphorus).
- Reduced nutrient pollution of surface waters, chemical contamination of ground waters and sediment pollution improving water quality and reducing impacts on aquatic habitats.
- Reducing energy use and emissions of methane, nitrous oxide and ammonia.
- Increased recycling of composts, sewage sludge, manures and slurry is providing a source of organic matter and nutrients which help to improve soil structure and fertility.
- Increasing action to manage water wisely.

Widespread uptake of agri-environment schemes delivering multiple benefits:

- Helping to stabilise or improve the condition of our most important designated terrestrial wildlife sites (SSSIs) as well as maintaining the condition of farmland wildlife and habitats outside of these sites.
- Supporting populations of certain farmland species which have now increased or stabilised following earlier declines

- Making an important contribution to the maintenance and enhancement of our distinctive rural landscapes as well as making significant improvements to the condition of important historic features.
- Supporting flood management initiatives and encouraging more farmers to take measures over and above regulatory requirements contributing to improvements in the quality of watercourses.

Partnership approaches, supported by incentives and advice are helping to deliver these improvements:

- Increasing numbers of farmers are using advisory services and agri-environment schemes to help prevent soil erosion, reduce run-off and safeguard existing stores of soil carbon.
- Recently launched strategies and plans have raised the profile of water resources issues in agriculture and clarified the measures that are necessary to tackle the challenges that lie ahead.
- Many farms in Wales now host educational visits, encouraging both school children and adults to learn about food production and the countryside at first hand.

Ecosystem Services

'Ecosystem services' is not a very user friendly term, understandable or easily communicated.

Appropriate application of economic valuation methods are lacking. The real danger we see is that the value of services such as food, fuel and fibre production are undervalued.

Currently, valuation of a number of environmental benefits amounts to willingness to pay surveys, which are well known to inflate prices if not carefully and correctly carried out as respondents do not always consider their budget constraints. Meanwhile, market data is readily available for current values of agricultural produce given present supplies although these private values do not recognize the future value to society of home-produced food as supplies become increasingly short in the years to come. Therefore, we are not in full agreement that 'we know more than ever before' about the value provided by natural systems. This work is very much in its infancy still and much more needs to be done to build on the economic valuation methodologies already developed, such as those for the Water Framework Directive (WFD).

Funding for ecosystem services is critical. Agri-environment schemes already provide funding for certain services, but because of the income foregone calculation (the required measure under EU Rural Development rules) farmers are currently offered the cost price for environmental work rather than a figure which is closer to the value of the benefits. In many situations farmers' agri-environment measures yield multiple benefits for which payment is calculated only on the theoretical foregone production. The complex methodology involved does not promote innovation in environmental delivery and performance. A different approach would be needed to enable agri-environmental payments to offer real and consistent incentives to farmers and to take account of the benefits delivered rather than the income foregone.

In terms of other market development, we can envisage, for example, the water industry, entering into agreements or contracts with farmers. This may not be too far from reality as over the border in England, Natural England is already running 3 ecosystem service pilots using funding from the last price review agreed by Ofwat in 2009. 'Biodiversity off-setting' & 'conservation credits' have been promoted as other funding sources for services.

Also critical to embedding the 'true' value of our environment is recognizing the longer-term benefits of land and its services. For example, Treasury guidelines help NRW with its assessments on valuation and where and how to allocate its funding for flood defences. Our concerns are that this valuation currently underestimates the value of high grade agricultural land but also does not take into account the productive capacity of that land in the future. This is a critical consideration (but not

the only one) in the debate about protecting high grade agricultural land from flooding. (It is our belief that food policy should also be made a material consideration in the Flood Risk Management decision making processes through, for instance providing a specific outcome measure for Flood and Coastal Risk Management in relation to food security). We note a potential revision of guidance on Impact Assessments, the Green Book and other policy appraisal guidance to take account of sustainability and the value of nature'. We very much welcome this and urge that the points in relation to the longer-term benefits of land and its services be addressed in this much needed review.

So yes given the points noted above we do believe that NRW has a role as facilitators for a PES scheme.

Overarching Challenges

We agree that the overarching challenges include Climate change; Demographic changes and Incremental changes. However, we should also include the challenge of 'scale and impact'.

Demographic changes – “Producing More, Impacting Less”

We strongly believe that increasing food production and environmental improvement can and must go hand in hand.

What is needed is a range of actions and mechanisms to ensure that farmers can retain the capacity to produce food whilst also continuing to safeguard the environment:-

- Investment in applied research and knowledge transfer. We need to better understand and better manage the interactions between the impacts of climate change, our use of natural resources, wildlife species and habitats and food production. This knowledge must be transferred to advisers and farmers promptly and practically.
- Agri-environment schemes contribute positively to the protection of landscapes, soils, water and biodiversity. Continued access for all farmers to agri-environment schemes is needed.
- Demonstration, advice and information are critical.
- Support for beneficial technologies and techniques such as precision farming techniques and winter storage reservoirs help farmers better manage their inputs and help secure essential supplies.
- The development of new mechanisms such as environmental markets for the goods and services that farmers provide should also be investigated.
- Agriculture can play a part in reducing the use of fossil fuels within the industry and across the wider economy through the growing of energy crops, the production of biogas and the use of other renewables like wind and solar, ground-source and micro-hydro. In addition, the industry's Greenhouse Gas Action Plan demonstrates the industry's commitment to making a realistic reduction in its greenhouse gas emissions as its contribution to the UK's climate change target.
- A planning policy framework which recognises the importance and value of sustainable food intensive production alongside protecting the environment is also key.

Scale and impact

Linked very closely to our objective to achieve sustainable food production, another over-arching challenge is in understanding the scale and impact of any proposals made on each of the three 'arms' of sustainability (economic, social and environmental). Our particular concern is that there not always a requirement to assess the social and economic impact of measures that protect the environment. The fundamental issue is that the impacts on agriculture and horticulture are not always taken account of in decision-making process. Environmental policies and legislation such as the Habitats Directive and the Nitrates Directive or the recently agreed Floods and Water

Management Act powers to carry out environmental works to manage water levels (to deliver leisure, habitat and other environmental benefits) places the environment first with little or no balance with other interests. These powers can result in a loss of land (sometime high grade agricultural land) for agriculture or impact on the farming business. These different arms of sustainability need to be on an equal footing. Government needs to re-balance the weighting between all three elements if it is to set a fully sustainable policy to shape the nature of Wales.

Biodiversity

The management of farmland has already been demonstrated to benefit wildlife. NFU Cymru is convinced that productive and efficient farmers can continue to supply food and non-food crops for a growing global population whilst also contributing to biodiversity. At the national level, the UK government must therefore ensure that agriculture is properly engaged in discussion and actions on halting biodiversity loss, given the sector's unique position in offering benefits for society. Overall we believe that the emphasis of Welsh Government's biodiversity policy should be on wider countryside measures and not on further designation. There has been a vast investment (both in area and financially) in UK site protection in the last 40 years not least in Wales. However, the jury is still out regarding how cost-effective designation is as a tool at halting biodiversity loss. The process is generally costly and adds a significant constraint on land managers. Therefore, we advocate a response that relies less on an expansion of a site designation process as the preferred policy model and more on wider countryside measures. The Environment Bill is an opportunity to do this.

Designation can have the perverse outcome of drawing funds away to protect the "elite" and results in the formation of islands and greater disconnection with the wider countryside. It can also lead to an "institutionalised landscape". Emphasis should be placed on the effective functioning of whole ecosystems rather than individual species and habitats, with the aim of developing landscapes where biodiversity can be more resilient to climate change¹. The management of agricultural land is integral to developing this landscape, with agri-environment schemes providing a flexible tool to target a range of diverse habitats at different successional stages.

A justified criticism would be that such voluntary management is subject to market pressures and cannot therefore be guaranteed. NFU Cymru believes that the concept of income foregone hampers the development and long-term stability of agri-environment schemes. Exploring the possibility for greater flexibility in the current income foregone model could help greatly to secure the long-term financial attractiveness of agri-environment schemes and hence provide greater stability as a method of providing resilience to the natural environment.

Water

A combination of catchment approaches (i.e. changes to land management) and engineering solutions may be the most cost effective solution in some/many cases. Water industry treatment processes are carbon intensive requiring high capital expenditure (CAPEX) for construction and considerable operating costs (OPEX) involving chemical treatment. The current regulatory regime delivers return on capital and so may favour high CAPEX options.

Catchment approaches may well be able to deliver improved raw water quality at lower cost, although we are not aware that a full Cost Benefit Analysis (CBA) taking account of all the significant impacts has been carried out.

Catchment approaches are unlikely to be able to deliver water of given quality to the same standards of certainty as engineered plant. To get the best from catchment management it should not be asked

to deliver standards or to levels of compliance (e.g. the 100 % required for standards set as “maximum acceptable concentrations”) which are not necessary.

Regulatory regimes are geared to prescribed and inflexible standards which may not be based on science and may therefore be irrational and poor value for money. At least one drinking water standard has been assessed as “cost ineffective” by the Parliamentary Office of Science and Technology². The way compliance is measured may also not be rational in terms of incurring unnecessary costs.

Soil

Farmers have an inherent interest in maintaining their land in good condition and in assuring its long-term fertility and productivity and should be supported in these efforts through carefully targeted advice and information, voluntary action, partnerships and a greater emphasis on monitoring and research.

There are a number of actions that can be taken to encourage good soil management, to reduce soil erosion, to increase the capacity of the soil to store both carbon and water and to promote good nutrient management. These include:-

- Promoting best practice in soil and nutrient management through agri-environment schemes.
- Providing advice and support through Catchment Sensitive Farming and voluntary initiatives and via farm advisers and Farming Connect.
- Encouraging compliance with the amended Soil Protection Review (now taking a more risk-based approach).
- Development of end-of-waste Quality Protocols for certain waste types to reduce the risk to soil quality and ensure agricultural benefit.

Woodland and forestry in the natural environment

Woodlands are an important feature of the Welsh landscape and also perform a vast array of environmental functions, ranging from the provision of habitat for biodiversity to carbon sequestration and resource protection. However, we believe that securing their long-term sustainability and expansion should not stem from further regulation and red-tape; they should be appropriately managed functioning features of the countryside. Woodlands for example tend to yield greater biodiversity benefits when actively managed. For this reason we would like to see a future policy for woodlands that encourages the development of commercial markets for their timber and the renewable fuel opportunities and rewards the managers of these woodlands for the multiple services they provide.

Biodiversity off-setting to achieve no net biodiversity loss

This has been advocated by the Government as a possible mechanism to manage our natural systems in the future. As the UK is almost entirely managed habitat, then offsetting is really mostly about achieving “correct” management in the right place. In principle NFU Cymru is not against the concept of offsets, as there may be possible opportunities created for our members to carry out this management, however the devil will be in the detail. Transparency in the credit calculation system will be critical as will simplicity in its administration, but we are still to be convinced how this would work in practice.

We do question whether the same practical effects could be achieved by adjustments to the existing system. The current legislative and policy framework in place enables central and local government

to give considerable weight to protecting biodiversity. Critically it allows a balance to be struck between competing demands when planning policies are developed and planning applications determined. There is scope to give additional weight to no net biodiversity loss if it is considered necessary. Simply raising awareness and improving the environmental duty and knowledge of planners may therefore be less costly than inventing new structures?

If offsetting does become a measure in the future, then it is inevitable (and probably desirable) that new legislation and regulation may be needed, or at the very least a code of best practice to oversee fair play and transparency for those considering entering into agreement to carry out offset and avoid perverse outcomes. This will not unlock new money but redistribute existing resources. We also believe there should be caution in making direct comparisons with the experiences of other countries that may have entirely different planning systems.

Payment by results

NFU Cymru understands that this regionally applied approach has been tested in several countries including Germany (Ulber et al. 2010) as a potential future model for agri-environment schemes. Farmers receive payment for the provision of ecological goods against a pre-agreed set out observable outcomes as opposed to the current action-orientated agri-environment scheme. Published literature on this approach suggests that it can deliver scheme efficiencies and can generate farmer motivation and entrepreneurial skills because of the greater flexibility of land management. We are aware that the shift towards an outcome rather than prescription and process based approach has been initially viewed with some cynicism by local farming unions in Europe where this has been tried. Whilst we get some reassurance from reports that these have later proved to be relatively popular amongst farmers, we have concerns that the system is not without problems.

Such an approach would require very careful consideration regarding the desired outcomes and these would need to be transparent and easily monitored. For example, a payment by results scheme requires all participants to be monitored for results since the payments are based on these. This monitoring adds significant administrative cost unless a degree of self-monitoring can be introduced, which then simply shifts an unacceptable burden onto the farmer (or, if not, risks creating a perception that insufficiently rigorous checks are taking place).

The second major criticism is that funds cannot be guaranteed to the farmer because no matter how well the land is managed to achieve the desired objective, the results may be impacted by factors beyond the control of the farmer such as adverse weather conditions. Whilst some may argue that poor years for crop yield and subsequent economic losses are already embedded and accepted as part of farming culture, it does little to motivate farmers to engage in long-term participation. There is often a substantial delay, potentially of several years, between the adoption of changes in land management and the production of the environmental outputs. Farmers would require some extra financial incentive to compensate for the period before the return is received. Important consideration would therefore have to be given to providing basic guaranteed level of payment with a “top ups” or bonus element for results. This in itself carries budgeting difficulties.

The approach is still largely bound by the strict interpretation of WTO rules on income foregone and a less strict interpretation could be less-trade-distorting than previous policies. The payment by results method also has the added problem that it could lead to a distortion of the types of management activity adopted. This is because only single outcomes can really be assessed with any accuracy, so management that delivers multiple benefits (and hence is more land efficient) is less easy to measure and promote through such an approach. Hence such an approach, whilst having some attractions, could have the perverse effect of creating a barrier to multiple benefits.

Measuring success

It is in the interests of both productive farming and the natural environment to have a well - functioning natural resource, but any assessment of the success of policies must focus directly on the condition and potential capacity of our land air and water and not rely on 'indicators'. The reasons for the decline in the environment (or specific species) are varied and or cumulative and it is all too easy to attribute the cause when in reality it is actually far more complex. The classic example is the farmland bird index.

Equally well, the natural resource base could be deteriorating while the indicators chosen mislead government into thinking all is well. A good example is wetlands – there is a false impression that withdrawing management from flood defences and allowing wetland areas to form is a 'good thing' but it tells us nothing about the quality of the wetland or value to wildlife.

Wildlife and the natural environment

A healthy natural environment needs management and this also refers to the management of the wildlife that it supports. This management ranges from strict protection through to sometimes necessary control measures when species populations start to increase to unsustainable levels and impact negatively on their habitat and the other species and activities it supports. This also means we must strike a balance between wildlife management and other competing interests such as agriculture. However in recent years we have seen a shift in emphasis to species protection accompanied by an increased reluctance to engage in control. In reality these two measures should actually be considered together as a whole package to management wildlife populations. Wildlife legislation should be more enabling and less prescriptive using a mix of tools so that the right solutions can be found to address a particular problem.

Addressing diffuse pollution

Farmers engaged as willing participants in catchment improvement projects can deliver and maintain substantial improvements. However, schemes directed / managed / funded nationally are susceptible to unpredictable interruption or cessation.

The European experience is that local 'contracts' between farmers, municipalities, local water companies, foresters and other relevant local interests are able to deliver more or less consensual and enduring changes to land use, with funding where appropriate. In the UK regulators, who are generally national, tend to see themselves as controllers and deliverers, rather than standing back and facilitating if needed.

The tendency of national agencies such as regulators to seek to direct and dominate matters disables local people. Issues are seen as the responsibility of the agencies and local communities, businesses and people disengage, increasing the burden on and cost of the agencies.

The Water Framework Directive requires public participation. The working together process, where it has occurred, has engendered a more participatory approach with different sectors more willing to play their parts.

Area Based approach

A landscape scale approach implies taking a top-down approach and matching this with a bottom-up partnership approach. The industry has already demonstrated that it is willing to participate in partnership approaches but to ensure the success of a landscape scale approach, a common and shared vision of what it is we all want to see from our landscape is essential (alongside a recognition that landscapes will change as the climate changes). Farmers, as the owners, occupiers and

managers of the landscape, are critical to the success of this type of approach and must be involved in any discussions from the out-set.

There appears to be a range of different definitions for a 'landscape scale approach', but some include taking climate change and the need to adapt into account and others that put biodiversity at the heart of the approach. At the very least, if a landscape scale approach is to be adopted we believe that it must give farming and the natural environment equal importance.

Other Comments

NRM7 – trial innovative approaches

NFU Cymru would agree with this. CCW had this power but did not utilise it as often as they perhaps should have.

NRM8 – stimulate the use of market mechanisms

We appreciate the fact that WG has certainly given greater thought as to how they can influence the debate about rewarding land management that provides multiple benefits. We note that you say that you may introduce a separate power to repurpose the existing powers for PES. Alternatively you could use the new experimental powers proposed under NRM7 to further opportunities. We are supportive of the development of new mechanisms such as environmental markets for the goods and services that farmers provide many of which are viewed as environmental benefits.

NRM9 -Conservation covenant type arrangements in The Law Commission consulted on these last year. We would agree but these highlight the need for the arrangements to be voluntary.

NFU Cymru notes para 3.24 suggests that these arrangements could be used to 'manage the flow of water through a person's land for the purposes of managing flood risk'. If these arrangements remain voluntary then that should provide important safeguards.

Regulation of waste segregation and collection

NFU Cymru would question the 70 % target for recycling by 2025 for waste from households and commercial and industrial businesses. Has this been tested to check this is possible and achievable? Similarly with bans of certain materials to landfill what alternative arrangements have Welsh Government got in place?

SM3 – powers of entry to enable WG agents to investigate compliance with an ALT Order.

There are pros and cons of this but we believe this should be a power of last resort and not used unless there is a totally justifiable reason.

Conclusion

If we were to pick just one priority action, it would have to be for the Bill to ensure that farmers can continue to farm viably and that farming retains its capacity to produce food whilst also continuing to safeguard the environment. Linked very closely to this, we must understand the scale and impact of any proposals in the Bill on each of the three 'arms' of sustainability (economic, social and environmental) and ensure that each of these three arms are given an equal weighting.

Alun Davies Natural Resources Minister statement at the start says 'That said I do not subscribe to the view that in order to have jobs we have to forsake our environment or that we need to make false choices between economic growth and sustainable living. We can and must aim for both.

The trick now that this sound objective is heeded as the Environment Bill passes through the Assembly to ensure that this is actually achieved.

CNP Cymru response to ‘Towards the sustainable management of Wales’ Natural Resources’: Consultation on proposals for an Environment Bill

Introduction

The Campaign for National Parks has been in existence for over 75 years and is the charity that campaigns to protect and promote National Parks in Wales and England as beautiful and inspirational places enjoyed and valued by all. CNP Cymru represents the interests of third sector bodies such as the three National Park Societies in Wales and other bodies such as CPRW (Campaign for the Protection of Rural Wales), Ramblers Wales, the YHA and the National Association for AONBs (Areas of Outstanding Natural Beauty). The three National Park Authorities in Wales and National Parks Wales have observer status.

National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. CNP Cymru believes that National Parks should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change.

National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also play a vital role in sustainable development through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses.

We welcome this opportunity to respond to the Welsh Government’s consultation on proposals for an Environment Bill and the increased attention that is being placed on ensuring that Wales’ natural resources are managed sustainably for both current and future generations. We are broadly supportive of the proposed new approach to the management of Wales’ natural resources. However, this must take proper account of all the important aspects of natural resources, including the use of land and sea for recreation and the natural beauty and cultural heritage which National Parks and Areas of Outstanding Natural Beauty exist to protect.

We also have a number of general comments about the White Paper as a whole which can be summarised as follows:

- The proposals should take account of the fact that landscape management already provides the framework for natural resource management by ensuring that the interaction between human activity and the natural environment is considered in an integrated way.
- The proposals need to take account of existing mechanisms such as National Park Management Plans (NPMPs) .

- The concept of environmental limits is missing from the proposals, particularly in relation to the definition of sustainable management. This needs to be incorporated and must include full recognition of the special qualities and particular vulnerabilities of protected landscapes as well as limits relating to other aspects of the environment.

These issues are covered in more detail in our response to selected consultation questions below. We have responded only to the questions in chapters two and three as these are the ones of most relevance to CNP Cymru.

Chapter 2 – Natural Resource Management

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

There is much in these proposals that we welcome such as the definitions and the area-based approach to natural resource management and we are broadly supportive of the overall package of proposals for natural resource management in chapter 2. However, we believe that the proposals should build far more on existing mechanisms and practices. In particular, they should take account of the fact that landscape management already provides the framework for natural resource management by ensuring that the interaction between human activity and the natural environment is considered in an integrated way. When considering landscape management, it is also important to acknowledge that certain landscapes are of even higher value and that protected landscapes will only be able to provide the framework for natural resource management if they are able to deliver their statutory purposes effectively. In general, there is too much emphasis in the proposals on the use, rather than the protection and responsible stewardship, of Wales' natural resources.

There are also a number of areas of the proposals where greater clarity is required. In addition to the points we have raised in response to questions below, for example, with regard to the definitions, these include:

- How marine issues will be incorporated into natural resource management planning: Although it is proposed that this new approach will also cover the marine environment, there is a lack of reference in the proposals to seascapes. As we have commented in response to a number of recent consultations, we are concerned that this new approach is very focused on 'land' issues and there needs to be a lot more consideration of marine/seascapes issues.
- What the relationship will be between natural resource management planning and other types of plans that local authorities currently produce, such as local plans and the National Park Management Plans: As set out above, we believe there is great potential to build on the latter to form the basis for the new approach. There is a need for clarity as to whether natural resource

management plans will be a material consideration in planning decisions and plan-making.

- What sits above the local natural resource management plans: It had previously been proposed that there should be a national natural resource management plan which would include a spatial dimension to inform the local planning. This aspect seems to be missing from the White Paper proposals and instead a national natural resources policy is proposed. It is unclear what the scope of this policy would be and in particular whether it would have a spatial dimension.
- How will the success of natural resource management plans be judged and what will happen if they fail: There is a lack of information about who is ultimately responsible for the plans and who would therefore be accountable if they are considered to have failed. Related to this is the issue of what will be measured and how when assessing the plans.

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

We welcome the fact that the Welsh Government proposes to have clear definitions to assist in the development of this new approach. However, we believe that some aspects are missing from the proposed definition of natural resources, notably seascapes, and that some words, such as landscapes, need to be more clearly defined to ensure that they are not open to variable interpretations. There is a good definition of landscapes in paragraph 1.34 but this should be incorporated into the rest of the document, and in particular, it needs to be included in this definition.

Paragraph 2.16 states that the definition should allow for the consideration of environmental limits but although the definition of sustainable management in figure (iii) refers to 'the needs and aspirations of future generations' the concept of environmental limits is missing. We would like to see the definition amended to address this and also to make it clear that 'environmental limits' includes full recognition of the special qualities and particular vulnerabilities of protected landscapes, such as biodiversity and climate change. We understand that the concept of environmental limits will be included in the Future Generations Bill but it also needs to be included in this Bill.

Finally, we are unclear about what is meant by the final paragraph in figure (iii) which states that 'sustainable management of natural resources is the output of the process of integrated natural resource management' as we do not understand how 'sustainable management' which should lead to certain outputs can itself be an output. This section needs to be reworded. It would also be helpful to be clearer as to whether it is outputs or outcomes which are being referred to.

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.

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

Yes, as we believe that there needs to be close links between the priorities for natural resource management and the outcomes set by the Future Generations Bill. We would also welcome greater clarity as to what would be included in the national outcomes and how these would be developed. It is important the outcomes relating to National Parks are aligned with those in the policy statement for protected landscapes.

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

We believe that the area-based approach could help provide a clear, prioritised and focussed approach to delivery but it needs to take account of existing mechanisms such as National Park Management Plans (NPMPs). We believe that there is huge potential not only for NPMPs to form the basis for natural resource management planning within the areas they already cover but for this work to be developed further so that it informs the development of natural resource management planning in areas beyond the National Park boundaries.

This would be a cost-effective way of introducing natural resource management planning as it would build on the relevant expertise that already exists in National Park Authorities (NPAs) and there would be economies of scale in NPAs delivering natural resource management outside their boundaries. The NPAs role would be limited to natural resource management and we do not wish to suggest that NPAs should be taking over other responsibilities outside their boundaries.

We welcome the recognition in paragraph 2.81 that non-monetised benefits need to be understood when analysing the evidence on natural resources as it is important to recognise the benefits of a quality environment that cannot easily be quantified.

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?

We do not wish to comment on this question.

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

Yes, but we would welcome greater clarity as to how this duty would be enforced and to whom it might be applied. Paragraph 2.86 discusses a power for Welsh Ministers to issue powers to 'other bodies' but it is not clear how this power would be applied and whether it would also apply to those other than public bodies.

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

Yes.

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

As CNP Cymru represents a wide range of third sector organisations with an interest in National Parks, we would like to highlight the impact of these proposals on the third sector. There is a key role for the third sector both in helping to develop natural resource management plans and in contributing to their delivery. In order to be able to fulfil this role effectively, third sector organisations will need adequate resources. Greater consideration should be given as to how the third sector's contribution to the approach can be supported including the possibility of private sector investment for this work. All partners, including those from the third sector, should be involved at an early stage in the development of natural resource management plans.

It is also important to consider how a wider range of people can be encouraged to get involved in taking forward these proposals. To achieve this successfully involves engaging effectively with a diverse range of people at an early stage in the process. CNP Cymru would be pleased to work with Welsh Government to facilitate this type of engagement through our existing networks and projects but it is important to recognise that the third sector will need appropriate support for this type of activity.

Chapter 3: Natural Resources Wales – New opportunities to deliver

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

Whilst we are broadly supportive of the proposals to provide Natural Resources Wales with new opportunities to trial innovative approaches we are very concerned about some of the specific proposals included. In particular, we do not support the proposal to enable Welsh Ministers to make changes to primary legislation through secondary legislation where this is needed to align NRW's duties with primary legislation.

We do not believe that such powers are needed as Welsh Ministers could use guidance instead to direct NRW's activities and we are concerned at the precedent being set for amending primary legislation without proper scrutiny by the Senedd as this places too much power in the hands of a single Minister. Whilst the consultation document suggests that this could not be done without public consultation, there is still a risk that changes could be made to primary legislation with less scrutiny than would usually be the case.

We are also concerned at the suggestion that it is not currently known when and how Welsh Ministers might use these powers.

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?

Given that Welsh Ministers will need to give formal approval to the terms of any scheme to be introduced, safeguards will need to be put in place to ensure the use of these new

powers does not become too politicised. These should include ensuring that the process of developing and designing new schemes and seeking formal approval for them is undertaken in an open and transparent way with a clear mechanism for stakeholders to provide their own proposals for potential schemes as well as being consulted on NRW's ideas. There is a role for the third sector here in engaging a wide range of people in the development of innovative approaches.

In addition, there needs to be effective assessment and reporting of the outcomes of those schemes that are introduced so that lessons can be learnt from the process.

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

We welcome the development of Payment for Ecosystem Services (PES) schemes and recognise that NRW should play an important role in this. However, we are not sure that it is appropriate for NRW to act as broker and accreditor for these schemes as well as providing facilitation services and the undertaking their environmental regulatory role. It would be more appropriate for NRW to focus on facilitation and regulation and to consider whether there are other organisations who could act as brokers for PES schemes, for example, there is an opportunity to involve the National Park Authorities here.

It is also worth noting that many third sector organisations already have a lot of experience of working with the private sector and could also assist with the facilitation of PES schemes. For example, we work closely with the [Corporate Forum for National Parks](#) which includes several of the major businesses that operate in National Parks in both Wales and England.

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

In principle, it would seem to make sense for NRW to have the power to enter into management agreements. However, there is a need for greater clarity as to how these new proposals relate to the existing ability of NPAs or other authorities to make management agreements and S106 agreements. We are concerned that there is no reference to landscape in the discussion of this particular power and would not want to see the introduction of anything that removed NPAs' powers to enter into management agreements for landscape benefits. There is also a need for greater clarity as to whether NRW can require landowners to enter into management agreements.

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

We do not wish to comment on this 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?

We do not support either of these options as we do not believe it is appropriate to give Welsh Ministers these amendment powers in relation to either NRW's functions or to cover broader environmental legislation, for the reasons we have set out in response to question 10.

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.

As set out above in response to questions 10 and 15, we do not believe it is appropriate to amend existing legislation in this way.

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

Please see our response to question 9.

15 January 2013

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7924 4077 ext.222).

*Observations from the Countryside Section Rhondda Cynon Taf CBC
on the proposals for Natural Resource Management Plans
contained in the Environment Bill consultation Chapter 2.*

At the Environment Bill consultation seminar on Monday 2nd December 2013, there was considerable discussion of the lack of a role for local government and the voluntary sector in the preparation of the Natural Resource Management Plans, particularly in the area based approach. A Welsh Government representative explained that the Plans were designed as a mechanism for integrating the work of Natural Resources Wales and would bring together the knowledge and expertise of the legacy bodies to inform their work programmes.

The publication of the consultation 'Positive Planning' on 4th December 2013 indicates a wider role for Natural Resource Management Plans. This suggests that the proposed National Development Framework will be informed by the Natural Resource Plans (S 4.10-4.19). Similarly the proposed Strategic Development Plans will be based on the Area Natural Resource Management Plans (S.5.26) and that Local Development Plans will need to be in conformity with the higher tiers of Plans.

In these circumstances, the lack of a broad participation in the preparation of Natural Resource Management Plans is of particular concern. To be most effective natural resource planning should combine specialist expertise (often contained within Natural Resources Wales and Wales-wide voluntary organisations) and local knowledge (typically from local government, civil society and local community groups). This will ensure that the 'devilish detail', which is of such significance for natural resources, can be considered and appropriately addressed at the national, strategic and local levels. This should benefit Natural Resources Wales as an advisor to the Welsh Government and in their area based work. It will also provide a more robust evidence base for the hierarchy of Plans proposed in 'Positive Planning'.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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



Environment Bill White Paper

23 October 2013 – 15 January 2014

Name

Organisation

Address

E-mail address

Type

(please select one from the following)

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

But with reservations over the area based approach detailed later.

There are some risks posed to natural resource management area approach posed by the National Development Framework as detailed in the Planning Bill White Paper, which could result in areas not having the protection needed if the strategic plans lapse.

There is some merit in aligning planning areas with natural resource management areas, protecting the natural environment while developing areas.

Question 2

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

Yes

No

Please provide comment:

There need to be significant links with Single Integrated Plan, Local Development Plans and other strategic plans.

During the development of the latest version of the single integrated plan it was clear that evidence to support environmental objectives was not always available. There also needs to be an understanding and acceptance that changes in the natural environment are often slow to take effect and realise results on a scale that can be measured. This provides challenges in long term planning and needs analysis.

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

The definitions of natural resources and sustainable management say little about the degradation of those resources, environmental limits or links between Wales and the world's ecosystems.

Question 3

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

Yes

No

Please provide comment:

Climate Change action needs to be embedded into the proposed legislation. Mitigation is already well understood and significant action is underway. However adaptation actions are less advanced and need to be further reinforced. Legislation already exists which could be used to ensure Climate Change adaptation/resilience is undertaken by public bodies.

There was some confusion about whether resilience meant adaptation?

There is little detail or commitment to Climate Change adaptation, or 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:

If the suggested report feed into that proposed in the Future Generations Bill there would be one cohesive report rather than several allowing for a better joined up approach.

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

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

Question 5

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

Yes

No

Please provide comment:

While the area based approach could be a mechanism for ensuring quality natural resource management there are some concerns:

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

If areas were to be defined in different was and in order to support different local outcomes there could be overlaps or gaps. How would areas covered by several different plans be resourced and prioritised and who would make that decision? The proposed links between the reviewing of area management plans and the electoral cycle, while sensible given the ‘state of the natural resources report’ may result in some areas being prioritised, due to population, over others.

Ensuring that existing good practice and partnerships are included in the defining of areas was vital to their success.

Conflicts with other systems and regulations could also be an issue: ie Glas Tir and flood management.

How much flexibility would area plans have? Will local needs guide the plans or will national goals? The approach could have a significant impact on the successful engagement and delivery of the plans.

Question 6

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

Yes

No

Please provide comment:

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

Question 7

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

Yes

No

Please provide comment:

The requirement on public bodies to co-operate in the area-based approach may assist with successful implementation however ensuring that partners can see the benefits of being involved is more likely to encourage engagement and co-operation.

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

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

Question 8

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

Yes

No

Please provide comment:

NRW was set up for this purpose.

Question 9

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

Changes in reporting mechanisms, especially those around the area based approach, could impact on existing performance management systems.

An objectives and targets approach may facilitate progress and would have an impact on our existing monitoring systems.

This approach would offer a good opportunity to look at existing data and collate the information from a range of sources to provide a better representation of the natural resources.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

The experimental power will support innovation and local solutions.

Question 11

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

No comment

Question 12

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

Yes

No

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

The Council is not aware of any further powers that would be needed. However any scheme must demonstrate clear linkages between the 'payment' and the ecosystem service. They should support the local environment and economy and tackle local issues.

Question 13

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

There needs to be flexibility in local schemes within local areas to address particular issues. However as previously mentioned how this will be possible if there are overlapping areas will need to be considered.

There is also a need to ensure that any management agreements are properly resourced in the long term so that funding is still available after the agreement is entered into.

Question 14

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

Less regulation and more flexibility is always welcomed.

Question 15

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

A

B

Please provide comment:

Question 16

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

EU legislation

Environmental Permitting Regulations

The proposals for a Nation Development Framework proposed in the Planning Bill may result in degradation of the natural environment.

The Land Drainage Act may have conflicts within it around restrictions/removal of water courses.

If the scope of impacts is set too narrowly then wider impacts may not be identified.

Question 17

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

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

The general principle has merit, however there are specific logistical issues for rural areas such as Powys.

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

Yes

No

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

There are some issues around wood collection in Powys.

Powys has very few businesses large enough to make separate collections practical or financially viable. Likewise there are few providers of collection services other than the Council. The Council suggests that a lower limit for collections be introduced to allow for small businesses with minuscule amounts of some waste streams.

A better separation of material and waste collection for particular industries – i.e. construction and retail, would allow better flexibility and maybe improve take up.

There needs to be appropriate mechanisms to allow for processing of existing and proposed waste streams.

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.

Powys has very few businesses large enough to make separate collections practical or financially viable. Likewise there are few providers of collection services other than the Council. The Council suggests that a lower limit for collections be introduced to allow for small businesses with minuscule amounts of some waste streams.

A better separation of material and waste collection for particular industries – i.e. construction and retail, would allow better flexibility and maybe improve take up.

There needs to be appropriate mechanisms to allow for processing of existing and proposed waste streams.

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.

See above

Business size is likely to be more of an issue than type. Many small businesses will not generate sufficient amounts

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

There need to be infrastructure in place to deal with the waste.

Question 22

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

Yes

No

If no, what other approach could we adopt?

Guidance will be needed for levels of acceptable contamination

Question 23

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

Yes

No

If yes, should this apply to:

a)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment:

The Council feels that this is an issue for the water and house building industries and they are better placed to deal with the issue.

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) Identifying that this is happening will be difficult enough before the enforcement stage is reached.

ii) Identifying that this is happening will be difficult enough before the enforcement stage is reached.

Question 25

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

Yes

No

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

Question 26

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

Yes

No

This should be dealt with on a scale basis using a similar approach as in fly tipping i.e. small-scale dealt with by local authority, large-scale by NRW.

Question 27

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

NRW

Local Authorities

Sewerage undertaker or

Other

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

All – see above.

Question 28

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

Any changes to the waste streams needed to be collected would impact on the procurement and cost of new vehicles and equipment.

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

There is still some hostility to charging for single use carrier bags. Although most people support the need to reduce the use of single use bags charging for other bags may reduce that support. There seems to be little evidence of heavier gauge bags being used in the same way as disposable bags.

If the true cost of producing and disposing of plastic bags were used then 'bags for life' would be the ones that we would need to not use rather than single use. The charge was introduced in part for educational purposes and to charge more for bags which can be used more than one seems to be contrary to this idea.

Question 30

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

Yes

No

Please provide comment

The preference would be that environmental projects were supported wherever possible.

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

Not applicable as Powys has very little coastline.

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

Again Powys CC has no view on these proposals.

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?

The Water Industrial Act 1991 seems to have been omitted from the list of legislation under paragraph 5.42.

Aligning existing cycles with those in the Bill would make reporting and prioritising easier.

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.

None

Question 42

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

Aligning the timeframes for this and other existing statutory systems would help to embed environmental management and considerations into a wider range of topic areas.

Using innovation to reduce impacts and regulations on businesses and organisations would help them to recognise the benefits of a strong and resilient natural environment.

There is very little mention of biodiversity within the Bill. Local Biodiversity Action Plan Partnerships could have a key role to play in developing and delivering Natural Resource Area Management Plans.

There is a need to collate the collection of the right evidence to contribute to SIPs and their JNAs.

Adequate resources will need to be identified, within NRW and partners, to ensure that the aims of the Bill are delivered.

The need to address the impacts of a changing climate need to be more clearly defined within the Bill. There is already existing legislation giving the Welsh Government Minister powers in this area which have not, as yet, been used to their full extent.

Reference to living with environmental limits, as described within One Wales: One Planet, is lacking within the Bill despite the aim to manage natural resources sustainably.

If the Welsh public are to be engaged in the goals of the Bill then the learning in the Sustainable Development Narratives for Wales about language and messaging needs to be considered throughout the Bill's development and implementation.

Towards the Sustainable Management of Wales' Natural Resources

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Environment Bill White Paper

23 October 2013 – 15 January 2014

| | | |
|--|---|-------------------------------------|
| Name | Mr Philip Garner – Director General | |
| Organisation | Confederation of UK Coal Producers (CoalPro) | |
| Address | Confederation House Thornes Office Park Denby Dale Road Wakefield WF2 7AN | |
| E-mail address | admin@coalpro.co.uk | |
| Type <i>(please select one from the following)</i> | Businesses | <input type="checkbox"/> |
| | Local Authorities/Community & Town Councils | <input type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies and Associations | <input checked="" type="checkbox"/> |
| | Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) | <input type="checkbox"/> |
| | Academic bodies | <input type="checkbox"/> |
| | Member of the public | <input type="checkbox"/> |
| | Other (other groups not listed above) | <input type="checkbox"/> |

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

The overall package of proposals is fine. The definitions are good except that the recognition of mineral need and use is not embraced in the description of sustainable management.

Question 2

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

Yes

No

Please provide comment:

Climate measures should be part of the assessment balanced against economic factors and outcomes which improve on the larger scale or remediate existing land or can be integrated to collectively improve, e.g. drainage over time.

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:

Agreed, but it is important that in doing so the full potential for a better long term solution is considered as five year goals may be stifled by finance or a lack of awareness of the total opportunity.

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:

Agreed in principle but there are always boundaries to any area or region and there needs to be communication between adjacent areas so that they take opportunities to work together and that there are no unintended consequences created by project independence.

Question 5

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

Yes

No

Please provide comment:

Yes.

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:

Yes.

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.

Question 8

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

Yes

No

Please provide comment:

Yes.

Question 9

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

The coal industry is concerned that minerals, and in particular fossil fuels, are not viewed by NRW as not sustainable because of their end use. The recognition of the benefits which can be realised both economically and in landscaping, drainage or land use when schemes are well restored and the potential not only to protect habitats and species, but to create new habitats, should also be viewed as a key tool to get the best out of the interaction between industry and natural resources.

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:

Yes in principle.

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?

Accountability for the decisions it takes measured against the delivered long term benefit and an assessment of how that impacts on economic growth both locally and for Wales as a whole.

Question 12

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

Yes

No

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

Yes, don't have enough information to understand what new powers might be required.

Question 13

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

NRW should first establish whether it is the most appropriate body to manage, if by doing so it provides a better sustained improvement then it should be allowed to do so. However, the evaluation of the competence required and whether that is superior within NRW or likely to be better outsourced is a key step.

Question 14

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

We are not convinced that expansion of General Binding Rules is a necessary step.

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:

In relation to a Welsh Ministers' powers, we support a) limiting to NRW's functions.

Question 16

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

No response.

Question 17

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

The coal industry believes that a thorough integrated approach to schemes which may include some industrial activity, in particular the winning of coal, could be positive in providing the most cost effective solutions for land, landscape, drainage and amenity if considered as part of a more holistic area or regional plan.

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?

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 | Greg Pycroft | |
| Organisation | National Parks Wales | |
| Address | 126 Bute Street, Cardiff CF105LE | |
| E-mail address | greg.pycroft@nationalparkswales.gov.uk | |
| Type <i>(please select one from the following)</i> | Businesses | <input type="checkbox"/> |
| | National Park Authority | <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?

Please provide comment:

National Parks Wales welcomes the emphasis on integration of, rather than balance of sustainable development principles. However, the Bill is high on concept. The practical implications need further development and explanation.

We agree with and welcome the sentiments at para 2.13 and with the proposal at 2.17 which uses outcomes as the fundamental measure of progress, supported by trend and process information.

We envisage this hierarchy as follows:

| Level | Purpose | Comment |
|----------------------------|--|--|
| <i>Outcome information</i> | <i>To assess progress on the state of natural resources.</i> | <i>This is the most important type of monitoring. However, outcomes may change only slowly and may not, on their own, tell us why things are changing.</i> |
| <i>Factor information</i> | <i>To identify existing and future causes of change.</i> | <i>Often helps identify existing and future causes of change in a more timely way than outcome data. The issues and opportunities associated with factors should give rise to Wales-level natural resource policies, with knock-on consequences for economic policy formulation in particular and helping to identify a sustainable development route.</i> |
| <i>Impact information</i> | <i>To assess effectiveness and efficiency of organisational performance.</i> | <i>Coupled with the reasons for management (provided by 1 and 2 above), this completes the basic audit trail. Performance information (e.g. impact-to-cost ratios) is collected by individual organisations.</i> |

The environment is dynamic and is influenced by factors which may be outside of Welsh Government and partners' direct control; for both reasons, 'success' is not a fixed quantity, and will often in addition depend on how people feel or what they perceive. We suggest therefore that the state of natural resources assessment should not rely too heavily on fixed outcome targets in seeking to define a desired state. Instead, outcome and factor measures should be used to assess the direction and rate of travel towards natural resource aims (conservation/increase), and thereby determine appropriate and adaptive policies and action.

(1.15) We note that on balance EU and UK legislation has benefited Wales up until now and can assist its long term future. The precautionary principle, SEA, HRA, EIA, species and

habitat protection for example, are some beneficial examples. Without the legislation that we have, Wales' greatest asset, its environment, would not have been protected and managed to the extent that it has been so far. Problems have arisen when environmental policies fail to integrate with other policy sectors, for instance agricultural policy and economic policy, which have, in turn failed to adequately respect the importance of the environment.

We welcome the reference to the ecosystem principles in the Convention on Biological Diversity; these are closely complimented by the International Union for the Conservation of Nature Management Guidelines for Category V landscapes such as National Parks and Areas of Outstanding Natural Beauty.

(2.23) We suggest that the State of Natural Resources report envisaged could not only provide a quantitative overview and interpretation of the conservation status of Wales' natural resources and of trends in the factors affecting them, but include headline policy aims for addressing the factors and improving status – that is, there should be a Natural Resources Management Plan for Wales and that its point of origin should be the state of the resources. The 'State of Natural Resources report' therefore is actually an integral part of the Management Plan and does not need to sit separately, unless excerpted for (e.g.) communication purposes.

At the various area levels, status and factor information should also be the cornerstone of area plans and the basis of local policy. Area plans would therefore be geared to the national plan. Sustainability assessments would be able to examine the contribution/conflict of a proposal with national/local policy.

We believe that these suggestions accord with proposal NRM4 (paras 2.40-2.43) and NRM6. We suggest that the assessment of organisational effectiveness, proposals for trialling new approaches and recommendations to Ministers (paras 2.90-2.94) should be presented in a separate 'impact and improvement' type plan.

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 and no ✓

Please provide comment:

(1.31) We welcome the support and evidence this piece of legislation will provide to inform Local Development Plans; the Brecon Beacons NPA was the first local planning authority in Wales to use an environmental constraints model to develop LDP policies and has received praise for doing so.

(2.13) We welcome the emphasis on non-monetised benefits of natural resources. National Parks Wales has recently commissioned an independent study and report on the value (monetised and non-monetised value) of the three National Parks to Wales <http://goo.gl/tAVYje> .

We recommend that the definition of natural resources (2.16) must encompass elements of Favourable Conservation Status (FCS), e.g., factors ensuring the completion of life histories and life/ecological cycles of living and non-living things. FCS need not be limited to Annex 1 habitats and Annex 2 species but is an equally valid concept for the wider environment.

We suggest that the definition (pg 18, Figure (iii)) should also include alongside landscapes reference to tranquillity, in the sense of the degree of absence of both noise and light pollution. Silence, darkness and natural expanses are prized natural assets which require protection.

Will “geologic” resources include minerals, aggregates, fossil fuels etc?

Most natural resources are currently extracted from nature, beyond their natural limits, rather than “managed” (which implies an ability to limit/replace/regenerate resources to facilitate their extraction in the future). Biodiversity, which provides natural resources, can benefit from management of habitats and landscape features and is frequently disadvantaged where natural resources are exploited. Therefore rather than define what is to be managed, define limits of acceptable change away from Favourable Conservation Status, this could take the form of a national programme of area-based surveillance and monitoring against this FCS objective. Such an approach would help to achieve the degree of flexibility that is sought under Question 6 and would better reflect how humans interact with the world.

“Sustainable management” (2.18) can only be demonstrated where objectives are set beforehand. It can lead to the outcome of Favourable Conservation Status provided objectives are set to achieve this.

We welcome the effort to engender a better appreciation of how ecosystems work at varying scales and strongly recommend that significant sustained effort is made on this front through the National Curriculum and further and higher education and life-long learning. Suitably resourced, National Parks (other protected areas) have an important role to play assisting the WG in this regard.

Question 3

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

Yes ✓

Please provide comment:

National Parks Wales suggest the embedding should happen in two ways: by relevant resource plans reflecting inter/national goals for greenhouse gas emissions where achievable and by consideration of climate (and local weather/topography) as factors affecting the particular natural resource. The latter may give rise to additional responses to climate change (e.g. in terms of local resilience/adaptation measures).

Wales also needs to make a legal commitment to meet the EU 2020 target and 2050 target. A minor step towards this would be to amend the biodiversity conservation duty (s40 of the Natural Environment and Rural Communities Act 2006) from the current “have regard to” to “take active steps to” this could be undertaken through the Environment (Wales) Bill.

The UK’s National Parks published a statement on the role of Britain’s National Parks as test beds for ecological mitigation and adaptation to the impacts of climate change, which is available here: <http://goo.gl/EG7jiP>

(2.29) Peatland conservation in most parts of Wales is unlikely to achieve additional carbon sequestration because effort in most parts is focussed upon preventing existing peatlands from further degradation. The latter is already apparent as a consequence of global warming and the effects of acid rain deposition, with most areas of blanket bog showing limited if any signs of active peat formation. The immediate effort is to prevent further deterioration; protecting what we have. In the short term, small carbon sequestration gains may be more achievable through better woodland management; woodland creation; reduction in deep ploughing and ploughing of permanent pasture; and restoration of lowland wetlands.

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 and no ✓

Please provide comment:

The two cycles should be complementary, though priority actions should be expressed as a duty to conserve and enhance biodiversity underpinned by surveillance and monitoring objectives to record progress.

Being more ambitious in this in policy terms, for example by setting priority actions, may work if this is based upon the expansion of current, environmentally positive policies, for example the designation and management of statutory and non-statutory sites, biodiversity-based local development policies, regulatory assessments, spatial planning that is guided by environmental constraints, local biodiversity and Wales Biodiversity Partnership actions; and a much larger national effort to reverse habitat fragmentation in a co-ordinated rather than opportunistic/agri-environment scheme-based way.

If national outcome reporting is favoured, we suggest that it should be undertaken by an independent auditor tasked with recording the successes and failures of the incumbent Government.

Question 5

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

Yes ✓, provided that it is based on existing good practice

Please provide comment:

This approach would work well with natural resources. National Parks Wales would direct your attention to existing area-based plans, the statutory management plans for National Parks and AONBs. These are plans for areas where the primary asset is an exceptional combination of landscape features (geology, wildlife etc.) which are usually also of individual significance. It is our opinion that these plans, and the partnership approach used to develop them complement the area-based approach.

National Parks are managed in accordance with National Park Management Plans (NPMPs), the statutory area plans for protected landscapes. Exceptional landscape is the primary natural resource, with local geographic distinctiveness for each Park. Within this other themes and focal topics can be addressed, for instance social inclusion, health and wellbeing, woodlands, wetlands, river restoration, landscape management, connectivity etc.

(1.34) National Parks Wales welcomes the link that is made between managing the historic and natural environments; this is vital in Wales and talks directly to the first purpose for National Parks and Areas of Outstanding Natural Beauty: “to conserve natural beauty, wildlife and cultural heritage”.

Through the Environment Act 1995, National Parks and Areas of Outstanding Natural Beauty are already required to be managed through the area based approach, guided by the IUCN Management Guidelines for Category V Protected Landscapes (<https://portals.iucn.org/library/efiles/edocs/PAG-009.pdf>). Being based strongly on the relationship between people and their environment and managing the latter to benefit the former, these Guidelines are very appropriate to guide the management of other areas in Wales and are complementary to the ecosystem principles of the Convention on Biological

Diversity. National Parks Wales strongly recommends that the Welsh Government maximises efficiency by avoiding the invention of additional new guidance and processes.

We recognise that achieving the area based approach successfully requires effective partnerships. A useful model to emulate might be the Yorkshire Dales Environment Network (<http://www.yden.leeds.ac.uk/>), where a wide range of different organisations share and combine their expertise to oversee the management of the Yorkshire Dales National Park.

Within an area based approach, action on the ground will still occur at the level of habitat, species and landscape feature management. Whilst progress towards achieving objectives can be monitored at the site, habitat, species, feature and - where needs be - ecosystem service level. Monitoring will also need to be designed to identify those activities that undermine biodiversity conservation and delivery of ecosystem services; the area based approach is likely to achieve the best and quickest wins by eliminating damaging activities. It is highly unlikely that land management geared at benefiting biodiversity will be responsible for the damage that undermines it.

The area based approach may work best where the areas evolve based upon themes, resources or focal issues. Therefore area boundaries may change as different themes and issues are tackled and overlapping may occur.

For example (1.16) refers to catchments, which are a sensible basis for water management decisions because of the behaviour of water. Similarly we suggest that other parallel planning areas will emerge from the nature of the resource being considered. For example woodland may be associated with particular soils; soil types with a particular geology and contour; migration routes with the coastline and so on. We therefore envisage complementary and necessarily overlapping planning areas, according to the resource being considered.

We agree with the sentiments in Fig (v) but furthermore suggest that protected landscape plans will have a two-way relationship with wider natural resource plans: (i) they should reflect (and can build on) the relevant deliverables from those natural resource plans (e.g. woodland strategies, catchment plans, migratory route plans, etc.). (ii) protected landscape plans will also inform the relevant natural resource plans of relevant deliverables arising from the purposes of protected landscapes (e.g. requirements of habitat associated with that landscape, heritage, public access etc.), and of any special measures required to reflect the landscape designation.

(2.38) The area based approach presents difficulties where Natural Resources Wales area teams and local authority boundaries are not co-incident with e.g., catchment management areas and/or River Basin Management Plan areas. We therefore recommend that the Welsh Government aims to achieve a very light touch with the area based approach in order to avoid burdening the public sector with additional regulatory and reportage requirements. An augmented SEA and sustainability appraisal (screening) process might prove effective.

The main test for the area based approach could ask whether adopting such an approach releases more resources in order to ensure that Wales meets the European Union's 2020 and 2050 biodiversity conservation targets?

(2.42, 2.44.) We caution against area based plans requiring Ministerial sign off prior to being adopted. Similarly we do not recommend that area plan timetables are agreed by Ministers. Our concern is that short-term political considerations may obfuscate some of the more difficult decisions that will be required to achieve the more pressing longer term environmental outcomes.

Consideration should be given to how targets are set and passed between successive governments.

We would welcome area based plans that provide unitary authorities with more evidence to develop environmentally-led planning policies and guidance.

Question 6

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

Please provide comment:

The consultation needs to provide more detail in order to provide the sort of comfort sought by the question. The approach presents NRW with the unenviable challenge of overseeing the emergence of area based plans. It will succeed where it avoids being heavy handed and prescriptive, instead encouraging innovation and partnership-led planning.

The approach relies heavily on cross-sector buy-in. As far as we are concerned Wales' National Parks have yet to benefit from cross-sector buy-in to the duty under s62(2) of the Environment Act 1995 for "relevant authorities" to have regard to the purposes for which National Parks are designated. This is not without trying, as well as individual and collective efforts by NPAs to raise the profile of the duty, clear guidance was issued by Welsh Government (in 2005/06?) to all "relevant authorities".

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:

See our comments under Q6 above about compliance with Section 62(2) of the Environment Act 1995 we hope that the Welsh Government and NRW learn from the experience of NPAs.

This requirement has implications for the availability of suitable skills and knowhow within the relevant sectors. We recommend that the Welsh Government considers the role of the higher education sector in supporting the relevant service delivery sectors.

(2.53) Providing a “more consistent, proactive and prioritised natural resource evidence base” must build on existing good practice. There is already good infrastructure, policy and practice in place so it does not need to be reinvented.

(2.57) We recommend that rather than Ministerial sign offs for different elements of this approach, sign off is achieved through area-based partnerships, with some form of quality control to ensure that minimum standards are achieved. This might be akin to local development plans and might most easily be achieved through the screening process recommended in answer to Q5.

(2.83) We believe that the area based approach will address the same issues that have always dogged environmental damage and biodiversity decline, i.e., the very decisions and ensuing activities that damage and destroy. Eliminating and controlling these, as well as the sometimes perverse public policy decisions that give rise to them, will be a major challenge by the area based approach.

Question 8

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

Yes ✓

No

Please provide comment:

In principle, yes NRW is the appropriate agency this will include collation as well as primary data collection roles. To some extent success will depend upon the fit between NRW teams and the area based approach and the personal nature of local working relationships.

We are concerned by the risk of a potential loss of skills within NRW, in particular the erosion of the skills provided by the smallest of the three constituent agencies, the Countryside Council for Wales. The former CCW had the closest operational relationship with Wales’ existing area based approach within National Parks and AONBs and therefore has the most to offer going forward.

(1.19) We note that the achievements listed for NRW are organisational performance indicators, whereas successful area based management and biodiversity conservation needs to be measured in outcomes on the ground. The Wales Audit Office requires the latter, not

the former; therefore organisational performance indicators need to reflect the measures that NRW uses to improve outcomes, such as those listed under Article 4 (2) of the Natural Resources Body for Wales (Establishment) Order 2012. However, outcomes need to be owned by local partnerships, not by NRW alone.

Question 9

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

The environmental conservation sector can benefit from the area based approach, especially if growing the skills sector (jobs and growth) is made an explicit objective of the approach. More skills are required to provide Wales with its future generations of naturalists, biologists and ecologists, professionals and volunteers who can undertake the necessary surveillance and monitoring to keep track of the approach. These skills can be grown so that they emerge not only through the conservation sector but also through the land management, farming and forestry sectors too, giving these sectors both more autonomy and also more confidence to work with a common and shared currency.

Wales can benefit from supporting the role of Natur, the Welsh Association of Countryside and Conservation Management (<http://natur.org.uk/about/>) to help guide and nurture countryside management skills and careers.

(1.27) We point out the close fit between the focus of the Future Generations Bill on decisions that benefit the environment, people, communities and ecology, and the purposes of National Parks and AONBs and the duty of National Park Authorities and AONB boards to achieve these purposes in ways that benefit local economies and society.

(2.101) We believe that the White Paper (and any supplementary guidance for the Bill) would benefit from real time examples rather than conceptual ones. Embedding climate change mitigation into natural resource management may streamline decision making but it won't always lead to efficiencies/cost savings. Frequently environmental conservation costs more, so the emphasis should be on avoiding damage in the first place in order to save money.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes ✓

No

Please provide comment:

We have provided some answers to this question in answer to Q8 above. Additionally, NRW retains its current regulatory and advisory roles, which is welcomed.

We highlight the role given to National Park Authorities and AONB Boards working in “areas where new solutions to environmental and rural issues are tried, tested and shared,” to “articulate visions of rural development” (paragraphs 12 and 30 of the Ministerial Statement on National Parks, “Taking the Long View”).

Question 11

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

(1.37) We welcome the commitment to reform primary legislation where there are barriers that prevent NRW from implementing an integrated approach for natural resource management. We believe that the biggest barriers come in the form of contradictory public policy, inappropriate development, agricultural intensification, air and water pollution; eliminating or at the very least reducing these effects will make a significant contribution both to restorative biodiversity conservation and to better deployment of public resources. At the local level, success will depend upon building long term and trusting partnerships.

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 ✓

NRW's role (one currently spanning regulation and guidance) will be served better by providing advice and knowledge rather than brokerage and accreditation. We suggest that the regulatory framework should continue to be clarified and – importantly – enforced. This would help to create a defined and level playing field in which market forces should be able to work efficiently.

(1.15) Regulatory enforcement: this paragraph reflects on the development of UK environmental legislation. We suggest that the essential role of enforcement must be recognised in drafting the Bill, and resourced – unenforced regulation does not bring about changes in behaviour and if penalties are insufficient they are simply absorbed as a business cost with little deterrent value.

We fear that an agency-led approach to PES would inevitably lead to a one size fits all approach, which would stifle innovation. There are also more fundamental questions facing sustainable land management in Wales, such as ensuring that there are sufficient new entrants into farming.

Question 13

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

National Parks Wales welcomes this commitment to NRW's powers to enter into management agreements, we wish to point out that NRW already has this power under the National Parks and Access to the Countryside Act 1949, and Countryside Act 1968 as well as the Wildlife and Countryside Act 1981 (as amended).

We recommend that these powers should not be constrained from the outset but will need to be available to be deployed in innovative and experimental ways. We recommend that there should be freedom to use the agreements as leverage to attract additional investment from other public as well as private sectors.

To begin with, the agreements will need to be targeted at projects that help Wales to meet its 2020 and then 2050 targets in line with EU targets to halt the loss of, and then to restore, biodiversity.

We further note that NRW needs to be adequately resourced to undertake such agreements – both skills and people, a point we make elsewhere in this response.

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 scope to establish minimum environmental standards for sustainable land management in order to provide objectives that are achievable through cross-compliance and farm codes. There may also be scope to identify lead organisations that serve as mentors for providing training and guidance on minimum standards. For example, the Brecon Beacons National Park Authority working with the Fire and Rescue Services, can provide mentoring on how best to undertake controlled heather and grass burning in compliance with the regulations.

Rules might also be suitable to provide land managers with confidence that by following them they are achieving net benefits for biodiversity conservation; wetland restoration; siltation reduction and so on, without necessarily having to rely on monitoring and surveillance. This pushes the rules closer to good practice guidance.

Question 15

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

as stated?

Please provide comment:

Neither. National Parks Wales believes that the proposed powers to amend primary legislation via secondary legislation (so called, Henry VIII clauses) are contrary to the spirit of national and international sustainable development norms that promote good governance and public participation which include the legislature in environmental decision making (Principle 10 of the Rio Declaration on the Environment and Development). For this reason we cannot support the proposals in principle.

Further changes to primary legislation, even where the functions of NRW are concerned, need not be undertaken in haste, legislative opportunities and time will always continue to present themselves.

Question 16

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

No comment.

Question 17

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

No comment.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

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

- NRW**
- Local Authorities**
- 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?

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Please provide comment

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

Yes

No

Please provide comment

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

Chapter 5 - Smarter Management

Marine Licensing Management

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

Yes

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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?

We look forward to learning how Welsh Ministers covering other portfolios practically support the proposals set out within the Bill. Future guidance from Ministers, setting out how they expect publically funded bodies within their portfolios to engage with the area based plans, may prove persuasive and help to overcome the difficulties National Park Authorities have had ensuring public authorities engage with their s62(2) responsibilities.

The white paper is generally quiet concerning the role of National Parks, AONBs and other delivery bodies. In particular how they will be expected to work with NRW to achieve sustainable outcomes and avoid duplication. We recommend that some working ‘models’ of the area based approach are developed (making use of existing models of area-based planning) demonstrating how it might work across Wales.

We strongly recommend that the approach builds on existing good practice in biodiversity conservation, designated and non-designated site management. We reiterate statements made by National Parks Wales in previous consultations, namely that biodiversity conservation in the wider countryside remains the overriding objective in order to reverse habitat fragmentation. Nothing has changed and this remains the Welsh Government’s biggest challenge for biodiversity conservation. If the Environment Bill can achieve cross the board consensus on this and remove the barriers to its achievement, this will be a very positive step towards EU 2020 and 2050 targets.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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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.

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Environment Bill White Paper

| | | |
|--|---|--------------------------|
| 23 October 2013 – 15 January 2014 | | |
| Name | Mrs Carole Jacob – Co-ordinator | |
| Organisation | Torfaen Friends of the Earth | |
| Address | 48 Five Locks Close Pontnewydd Cwmbran, Gwent, NP44 1DD | |
| E-mail address | carole.jacob48flc@ntlworld.com | |
| Type <i>(please select one from the following)</i> | Businesses | <input type="checkbox"/> |
| | Local Authorities/Community & Town Councils | <input type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies and Associations | <input type="checkbox"/> |
| | Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) | X |
| | Academic bodies | <input type="checkbox"/> |
| | Member of the public | <input type="checkbox"/> |
| | Other (other groups not listed above) | <input type="checkbox"/> |

Chapter 2 - Natural Resource Management

Question 1

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

Yes **X**

No

Please provide comment:

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:

Care should be taken not to view natural resources and ecosystems only in terms of a capital gain which can be exploited, but to be valued for what they provide in their natural state for their own existence.

They should not be seen as merely as an opportunity to provide for economic or utilitarian purposes to support human existence.

Land can be privatised and speculated upon to provide an income for ecosystems services, pushing up land values, which, in turn, will endanger the future of the land and its value in natural terms.

Question 3

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

Yes **X**

No

Please provide comment:

Question 4

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

Yes **X**

No

Please provide comment:

Question 5

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

Yes **X**

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 **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:

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)?

As a local group of Friends of the Earth, it may be more appropriate for this question to be answered by Friends of the Earth Cymru. However we do hope that local knowledge from community groups within a locality should be given due opportunity for evaluation.

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:

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?

Provide for public consultation to be carried out prior to undertaking such 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 **X**

No

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

Concern exists over the security of private financial investment which may default leaving an ecosystem resource at the mercy of a takeover investment which may be undesirable and beyond the reach of Welsh control or legislation. Whether this anxiety can be overcome within the proposals is not clear

Question 13

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

No advice can be offered but hope that the answer to the above question may be taken into consideration.

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:

Unsure. This is a technical question outside my experience to comment.

Question 16

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

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 **X**

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes **X**

No

If no, what other approach could we adopt?

Question 23

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

Yes **X**

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both x**

b) Businesses and Public

Please provide comment:

The best disposal for food waste is via anerobic digester .

Question 24

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

Strong prohibition rules should apply

i)

ii)

Question 25

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

Yes **X**

No

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

Question 26

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

Yes **X**

No

Question 27

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

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

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

Question 28

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

No

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

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

Question 31

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

Support any measures to prevent plastic waste in the environment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes **X**

No

Please provide comment

Currently marine management is subject to European laws on marine use but these are being challenged by MARINET, an arm of Friends of the Earth, which challenges are supported by Torfaen Friends of the Earth.

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 **X**

No

Please provide comment

Regulation must be provided for WAG agents to check regularly on compliance with orders.

Question 39

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

Yes **X**

No

Please provide comment

Question 40

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

It is important that WAG has the powers needed to deal with these matters relevant to those of the Secretary of State, to ensure we can manage these matters in the way preferred by Wales.

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 adverse effects detected that can be commented on

Question 42

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

Merely to reiterate the need to ensure that Wales' natural resources are protected for Welsh residents and that any land ownership or ecosystems services are not put into jeopardy by the machinations of private financial investment.

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 | Mark Russell | |
| Organisation | British Marine Aggregate Producers Association | |
| Address | Gillingham House 38-44 Gillingham Street London SW1V 1HU | |
| E-mail address | mark.russell@mineralproducts.org | |
| Type <i>(please select one from the following)</i> | Businesses | <input type="checkbox"/> |
| | Local Authorities/Community & Town Councils | <input type="checkbox"/> |
| | Government Agency/Other Public Sector | <input type="checkbox"/> |
| | Professional Bodies and Associations | <input checked="" type="checkbox"/> |
| | Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) | <input type="checkbox"/> |
| | Academic bodies | <input type="checkbox"/> |
| | Member of the public | <input type="checkbox"/> |
| | Other (other groups not listed above) | <input type="checkbox"/> |

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

The overall intention to reduce complexity, simplify processes and plans and to deliver a more joined up approach to natural resource management is welcomed, as is the desire to support sustainable economic growth in Wales.

While the Environment Bill and the package of measures regarding an integrated approach to Natural Resource Management presented in Chapter 2 are to be applied to the marine environment (paras 2.22 and 2.31 for example), it remains unclear how exactly this will be delivered in the proposals as presented. Similar to previous policy consultations (A Living Wales, 2010 and Sustaining a Living Wales, 2012), there is a sense that the marine environment is being treated as an add-on, rather than as an integrated part of the policy development process.

The Marine and Coastal Access Act 2009, supported by the UK Marine Policy Statement (2012) already sets out a policy regime for the UK marine environment, which includes principles such as an ecosystem approach to management. This in turn is supported through the requirement to develop a marine planning system, deliver improvements to the regulation and control of marine development and the introduction of national Marine Conservation Zones. Furthermore, the EU Marine Strategy Framework Directive further strengthens the requirement for an ecosystem-based approach to marine management focussed at a regional sea scale.

We note that para 2.22 states the Bill will ‘...*identify the ways in which we must manage our natural resources, including those in the marine environment...*’ and ‘...*form the high-level direction of travel for all natural resources policy in Wales, including the social, environmental and economic impacts and opportunities from natural resources and link to national outcomes and indicators*’. Para. 2.31 states the Bill will ‘...*set out the requirements on NRW to develop and implement an area-based approach for the sustainable management of natural resources, including those in the marine environment*’. Finally, para 2.40 states that the Bill will result in a process which will ‘...*provide clarity in relation to the priorities, objectives and collective actions required within a given area (including where relevant, the marine environment)*’. However, it is not clear the extent to which the existing European and UK initiatives for the marine environment will be expected to deliver the wider principles that are being established through the Bill, or whether additional initiatives and actions are expected to be required.

Given the initiatives already established to manage the marine environment at a true regional sea scale, for areas like the Bristol Channel and the Irish Sea it will be essential that the principles and processes established are consistent with those being developed and adopted by adjacent marine management administrations. The same can be said for the integration between marine planning and terrestrial planning – given the importance of ports and wharves and the wider associated transport infrastructure to enabling the sectors essential construction materials to reach the market in an efficient and cost-effective way.

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:

The definitions established would appear to be broadly consistent with those already in place through other marine policy – such as the UK Marine Policy Statement.

However, it is less clear how the focus on ‘natural resource management’ and ‘sustainable management’ centred around the definition of ‘natural resources’ sits alongside the wider principles for ‘sustainable development’ – particularly for those activities or resources that do not fall under the ‘natural resources’ definition, such as mineral resources for example.

The principle of sustainable development, a legal duty under the Government of Wales Act (2006), and its relationship with natural resource management should be absolutely clear – however, this direct relationship is only really touched upon under paras 6.4 and 6.5. While these paragraphs suggest that Chapter 2 sets out the relationship between sustainable development and natural resource management, the word ‘sustainable development’ only occurs in two of the 101 paragraphs of that chapter (2.60 and 2.88). Consequently, we would suggest that at present the relationship between the two is perhaps not as clear as it needs to be.

This should be of key relevance to all policy makers, planners, regulators, advisors and developers who will be required to deliver actions in accordance with the new principles that are being established. Without clarity, there is a concern that the social and economic benefits derived from these resources/activities could inadvertently become a second tier consideration unless their status is made clear.

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:

Climate change resilience and mitigation should be key considerations – including the essential role that marine development sectors can play in supporting this, for example provision of marine aggregate materials to support coast defence projects.

Question 4

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

Yes

No

Please provide comment:

There are likely to be a range of reporting cycles in place for wider resource, planning and management initiatives – such as the marine planning process and also the Marine Strategy Framework Directive.

In terms of time, effort and cost, it would make sense to try to align these where possible, so they can potentially support one-another. This is particularly the case given that certain outcomes from one process may influence the objectives or delivery of other processes.

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:

Reference the response to Question 1, it remains unclear what the ‘area-based approach’ would actually mean in the context of the marine environment, given the other principles and associated processes that have already been established. This also applies to the respective role and responsibilities of the marine planning authority compared to that of the NRW, who it appears would be responsible for delivering this. Consequently, it is impossible to comment whether it will be able to provide the delivery outcomes that are anticipated.

It will be important that this approach does not unnecessarily introduce an additional layer of complexity (and potentially confusion) to marine management – and work against the improvements and simplifications that are envisaged.

Given the marine processes are moving towards an ecosystem-based approach to management, it will be essential to retain the ability to take a more holistic, regional sea-scale perspective on issues.

Question 6

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

Yes

No

Please provide comment:

Without clarity over the processes to be established, the objectives that will be established to determine progress or the mechanisms to monitor progress against the objectives, it is impossible to comment whether the approach is sufficiently flexible.

Given these uncertainties, coupled with the obvious scale and ambition of the approaches that are established by the Bill, it will be essential that the approach be as flexible as possible to account for the inevitable challenges in delivery that will arise – including constraints on budget and resourcing.

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:

To a degree it depends on the form that the area-based approach takes.

Given the uncertainties involved, it would appear sensible to adopt the approach taken (to encourage public bodies to cooperate rather than placing a duty upon them).

However, our comments under Q5 are relevant here, in that there needs to be clarity on the respective role and responsibility of the area-based outcomes/NRW compared to other existing or developing area-based regimes (such as planning) and their associated authorities.

Question 8

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

Yes

No

Please provide comment:

Subject to clarifications over the scope of natural resources and the relationship of this process with other resources/activities/uses and the associated processes that plan and manage them.

Without this clarity, there is a risk of a two-tier system, which would increase complexity and uncertainty rather than delivering the improvements anticipated.

Question 9

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

The nature of the proposals established by the Bill and how they may apply to the marine environment make it very difficult to determine the potential impacts that may apply to the marine aggregate sector.

As a marine development sector with significant sunk investment in vessels and significant development and operating costs, industry operators need to have confidence and certainty in the planning and regulatory environments they operate within, in order to allow them to proactively manage potential costs and development risks. This becomes even more important given the challenging economic conditions that are current taking place.

Developments in policy and delivery with outcomes that can potentially reinforce or even improve this confidence and certainty will undoubtedly be welcomed. However, developments with uncertain outcomes will inevitably be treated more cautiously.

Given the ambitious scope of the proposals set out in the Environment Bill, coupled with the considerable uncertainties around how they may apply to the planning and regulatory regimes that the marine aggregate sector currently operate within, any judgement over the relative impacts (positive or negative) need to be reserved until further clarity can be provided.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

Given the uncertainties presented in the responses to the previous section, it is difficult to comment on this question.

It is not clear how the current role of NRW in promoting sustainable development (as opposed to natural resource management), coupled with their interaction with many marine developers as their principle regulatory authority would change under the proposals set out in the Environment Bill.

There is already the potential for conflict between the dual-role of NRW as both a licensing authority and as the statutory nature conservation advisor. An obvious concern would be that the changing role of delivering natural resource management that is envisaged by the Bill could potentially add to these conflicts.

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 – bar being aware of the potential for increased conflict between the growing portfolio of responsibilities and duties that appear to be being placed upon NRW.

Question 12

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

Yes

No

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

No comment

Question 13

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

No comment

Question 14

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

No comment

Question 15

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

A

B

Please provide comment:

No comment

Question 16

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

See comments made under Q10, in terms of the growing remit and duties being placed on NRW and the growing risk of internal/functional conflicts that may result as a consequence.

There is also the potential for constraints on resource, expertise and budget as a consequence of the wider functions and duties that are being placed on the organisation. This should not be allowed to reduce or dilute the efficiency of existing functions that are being delivered.

Question 17

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

Similar to our response to Q9, the uncertainties around the proposals and their associated delivery make it very difficult to provide any informed comment without seeing further details.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

No comment

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

Yes

No

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

No comment

Question 19

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

Yes

No

If no, please state why and an alternative.

No comment

Question 20

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

Yes

No

If yes, please identify them and explain why.

No comment

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

No comment

Question 22

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

Yes

No

If no, what other approach could we adopt?

No comment

Question 23

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

Yes

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both**

b) Businesses and Public

Please provide comment:

No comment

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

No comment

Question 26

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

Yes

No

No comment

Question 27

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

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

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

No comment

Question 28

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

No comment

Carrier Bags

Question 29

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

Yes

No

Please provide comment

No comment

Question 30

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

Yes

No

Please provide comment

No comment

Question 31

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

No comment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

The marine aggregate sector already operates under a cost recovery regime, through a fees system established under the Natural Habitats (Extraction of Minerals by Marine Dredging (Wales)) Regulations introduced by the Welsh Assembly Government in 2007. This requires applicants to pay a significant lump-sum fee to the licensing authority at various stages of the application process (pre-application and formal application) to enable an application for marine mineral extraction to be processed. Operators are also required to pay an annual fee to cover the processing of monitoring data once a marine licence for marine mineral extraction has been issued.

The principle of paying for the regulatory process was supported by the marine aggregate sector at the time, on the basis that it would result in a better resourced and more efficient regulatory system. However, since the introduction of these fees there has been no review of the income received by the licensing authority against the time/effort expended – something that should be a key component of any cost-recovery scheme.

We note the proposals to provide NRW with greater flexibility in their charging powers based on the principle of full cost recovery, and the proposal for a separate consultation exercise following a review to be undertaken during 2013/14. We look forward to contributing to this consultation in due course, but in advance of this we would offer the following comments.

While the marine aggregate sector recognises the need for reasonable licensing fees to be paid, such fees need to be accompanied by agreed minimum standards in the quality and timeliness of the service they receive from the licensing authority. This requires sufficient resource and expertise to be in place to service the functions being delivered and charged for.

Performance against the standards established will need to be monitored and reported against on a regular basis, with appropriate adaptive management measures put in place to respond to issues when they arise. The focus should be on improving service delivery, rather than maintaining the status quo.

The potential for cross-sectoral subsidisation from the income received from licensing fees needs to be removed. As a standing principle, applicants' fees should only address time/effort associated with their application alone.

Experience in England has demonstrated that the administration of the costs associated with the marine licensing function is not straight forward – and the dynamic between the regulator and the individual applicant changes into a more commercial transaction based on a customer/ contractor relationship. In particular, the applicant becomes far more sensitive around the quality and timeliness of the various services they receive, including the transparency of the services provided and the costs associated with these. This applies not only to the function of the licensing authority, but also the services provided by any scientific

advisors that may be used.

Transitional arrangements (particularly for cases where fees have already been paid) need to be fair and proportionate. Applicants should not be locked-in to paying ‘over the odds’ for a licensing service which is based on an old arrangement.

Finally, there should be a reasonable lead-in time for any new funding arrangements to allow applicants to plan their budgets accordingly. This should include the licensing authority providing estimates of the likely licensing fee costs based on historic performance levels for similar cases.

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?**

It is not clear whether the costs to be applied will only apply to the delivery of the licensing function alone, or whether any other advisory functions delivered by NRW (such as those previously delivered by CCW or the EA) would also be subject to such charges? This is particularly the case for pre-application advice.

Any charges should be reasonable and proportionate to the time/effort required to deliver the functions, and should be applied consistently across all the sectors to which they apply.

Controls should also be put in place to minimise the potential for unnecessarily elongated discussions around casework issues, simply because they are in effect ‘cost-neutral’ to the licensing authority.

Question 34

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

Rather than starting the process from scratch, it would seem sensible to take into account and learn from the experiences of the MMO in evolving and developing the equivalent marine licensing functions that they deliver in English waters.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

No comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment

Question 39

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

Yes

No

Please provide comment

No comment

Question 40

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

No comment

Implementation / Equalities

Question 41

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

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



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Environment Bill White Paper

23 October 2013 – 15 January 2014

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

Generally agreed in principal, however how will 'areas' be defined? What happens to nature out of the area? How will boundaries be dealt with? Nature does not recognise boundaries. A clearer explanation of approach is needed. This approach needs relevance to Local Authority areas.

How will this approach relate to other policy eg Planning policy

How will the socio-economic and environmental needs be balanced and prioritised

There is a need to ensure that less tangible services as the asthetical, historical, spiritual, recreational and cultural aspects etc are not ignored or viewed as low priority since it is harder to put a monetary value on 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

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 it is not clear as to how this is to be achieved

Question 4

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

Yes

No

Please provide comment:

In part, but the long view must also be taken, in particular when looking at adapting to climate change.

Will this approach be consistent with other monitoring cycles such as at the European level?

There is greater project security if funding agreed for more than one year at a time.

There is a need to look at the whole governance structure from WG to LAs – policy integration needs to be both horizontal (across policies and programmes) and vertical (between levels of government). This is especially important if all the varied aspects of ecosystem services are to be considered eg Biodiversity, businesses, recreation, health, and reported on.

Question 5

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

Yes

No

Please provide comment:

Yes in theory, but depends on how an area is defined and in particular, how this will relate to the Local Authority

The need for a strategic approach to planning for the natural environment has already been recognised, for example, in the Lawton Report (Making Space for Nature: A review of England's Wildlife Sites and Ecological Network p.83) which amongst other things stressed the need for a more landscape scale approach to the conservation of the natural environment – 'more, bigger, better joined'. Core areas, which might be designated sites, would be essential for providing biological connectivity across our landscape, and this would be their primary function within an ecosystems approach, even if they were able to deliver other benefits while performing this essential function.

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.

Equally Local Authorities focus on a specific area.

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.

West Flintshire is primarily rural and used for agriculture. There is the need to strengthen the influence on the management of this land and farming systems to recognise the ecosystem approach. Currently there are concerns with the ability of Glastir to accomplish this but it would be advantageous to find ways for a greater "buy –in". This also highlights the importance for cross departmental working in WG and NRW to ensure effective links between agriculture and the environment.

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

Question 7

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

Yes

No

Please provide comment:

Co-operation already happens but is resource and capacity dependant. For example A key role of the planning system (as expressed under the Town & Country Planning Acts) is to ensure that society's land requirements are met in ways that do not impose unnecessary constraints on development whilst ensuring that appropriate measures are taken to protect and enhance the natural environment.

Land use planning should be used more holistically linking with connectivity. Currently local authority's land use plans are narrow primarily focusing on development. Spatial plans could be used to look at new more innovative approaches to ensure ecosystems and or ecosystem service providers are conserved in the right areas and to prevent piecemeal mitigation

If the requirement increases, will there be an increase in resource?

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

Question 9

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

The Local Authority is not in a position to take on further burden or duty without an increase in resource.

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, priority mapping and favourable conservation status modelling.

Habitat connectivity and ecosystem services would benefit from a regional or landscape scale approach. Local biodiversity action would also benefit from a spatial plan which could direct conservation objectives for the wider environment in a similar vein to the existing process for SSSIs. This approach could support and target landscape scale projects and help create a wider landscape that is more robust to climate change.

It is recognised that the planning system is currently advised to recommend SUDS and that LAs could shortly be given the responsibility for their maintenance. To ensure the latter, high level guidance/enforcement is needed.

Can NRW cope with this approach eg combined ICT, timescales, new areas/procedure?
Local officers are essential

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:

Currently unclear as to the effect of the proposals on the Local Authority.

We would welcome improvements to the system/processes which could be used to achieve enhanced benefits for the environment but we do not under any circumstances want our existing legislation/policy weakened. Emphasis must be on improved long term benefits for the environment. At present uncertainty for decision makers, regulators, land managers, developers and the general public is fuelled by inconsistency and lack of enforcement and by lack of implementation of Best Environmental Practice.

Good examples that show successful action on the ground benefiting people and the environment are essential in communicating this approach to others and demonstrating benefits eg NE Wales Heather and Hillforts project and Coast path

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".

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.

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?

There needs to be strict safeguards in place with regard to PES projects and furthering the role of NRW to stimulate the market, so that the limitations to a tradable asset are recognised. There will be natural resources or environmental assets that are displaceable and those that are sacrosanct for example ancient native woodland or limestone pavement.

Question 12

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

Yes

No x

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

Needs independent body who can work in partnership with NRW, WG, LA and landowners.

There is potential conflict of interest with NRW purposes

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

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 incentivised management agreements

Agree with 3.23

Question 14

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

Question 15

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

A

B x

Please provide comment:

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 ecosystems approach relies on all landowners working towards shared goals. While some important habitats and species are protected by designations, and legislation, others exist on farms where, through Cross Compliance and other regulations, there are checks that go some way to conserving these areas and the species they support. However there are areas of non designated non agricultural land where there are very few controls over land use and where activities such as extensive scrub clearance, often associated with a desire to obtain planning permission can be extremely damaging, but impossible to regulate. In considering the future of designations and regulations we must firstly decide what we want to protect, regardless of where it occurs and then how to achieve that goal.

Question 16

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

Species licensing issues

Existing processes can be cumbersome in relation to multiple consents with separate regimes. In particular EPS licences, environmental permits, marine consents also drainage consents and waste licences.

A real improvement would be to bring consenting timetables in line with the relevant planning consent/committee timetables for the planning applications in question. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly.

There is a need to be clear about the policy framework in which the new approach to natural resource management in Wales is to be placed. Policies are in danger of becoming more fragmented with a plethora of planning documents and measures. In many ways, the policy framework provided by the marine legislation (The Marine and Coastal Access Act 2009) provides some guidance, especially in the role assigned to Marine Spatial Plans in providing a more holistic approach to the management of the marine environment. Wales has a Spatial Plan, which has a statutory basis under the Planning & Compulsory Purchase Act 2004.

Moreover, there is a requirement for Local Development Plans (LDPs), prepared by local authorities, to have regard to the Wales Spatial Plan in the preparation of LDPs

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.

Question 17

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

Potential positive effect the incentivised management agreements and potential income through PES

A real improvement would be to bring consenting timetables in line with the relevant planning consent/committee timetables for the planning applications in question. This would ensure that all information is available to the "competent authority" to undertake an appropriate assessment or it could be undertaken jointly.

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 the FCC, the importance of local offices and officers with local knowledge as well as a straight forward application process for funding/grant aid cannot be emphasised enough.

Similarly to promote Wales's natural resources, the local authority can build on existing successes engaging with the public. For example LBAP/LGAP education and awareness work, forest schools, CCW outdoor classroom and walking for health are all excellent initiatives that have been successful at engaging people with their environment. A spatial plan could add to this by putting local sites into context, enabling local residents to see their importance at a landscape or wider scale.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

Yes in part.

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.

I have some concerns with regards to banning certain wastes from energy from waste facilities. The WG will need to be certain if these banned materials are excluded from EfW that the plant is efficient. There are cases in Europe that have proved that successful source separation from EfW has meant that the EfW plant have not operated efficiently as they require a certain calorific value in the waste input for them to work efficiently. Research should be undertaken to ensure that investment in EfW in Wales isn't wasted.

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 from 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?

Yes for landfill but concerns outlined above with regards to the technical specifications of EfW plants – caution should be taken to ensure that the plant works efficiently.

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 should the mechanisms be 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:

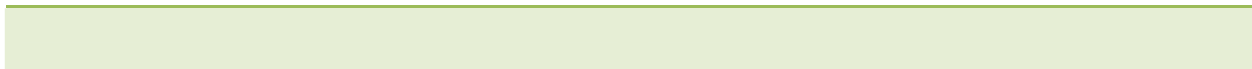
- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

It is an 'Environment' Bill and proceeds should go to benefit the environment.

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

No comments

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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?

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

The Bill misses key aspects such as agriculture, quarrying, and renewable energy which have major effects on the landscape and yet the bill focuses on the carrier bag scheme.

The Bill does not celebrate the welsh landscape and its benefit to 'sell the nation'

Towards the Sustainable Management of Wales' Natural Resources

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Environment Bill White Paper

23 October 2013 – 15 January 2014

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| E-mail address | Awilliamson@cardiff.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"/> |

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

No Comment

Question 2

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

Yes

No

Please provide comment:

No 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:

No 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:

No Comment

Question 5

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

Yes

No

Please provide comment:

No Comment

Question 6

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

Yes

No

Please provide comment:

No Comment

Question 7

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

Yes

No

Please provide comment:

No Comment

Question 8

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

Yes

No

Please provide comment:

No Comment

Question 9

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

No Comment

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

No Comment

Question 11

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

No Comment

Question 12

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

Yes

No

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

No Comment

Question 13

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

No Comment

Question 14

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

No Comment

Question 15

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

A

B

Please provide comment:

No Comment

Question 16

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

No Comment

Question 17

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

No Comment

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

With regards to the timing of the proposed measures clear Recycling and Composting Targets are already set out with key milestones for their achievement. With the target of 70% being in year 2025 and local authority waste strategies established around this framework, it appears contrary to introduce an additional obligation for the separation of recyclates potentially from 2017. Furthermore Prosiect Gwyrdd has established a Waste Flow Model, endorsed by Welsh Government, based on the five Partner authorities achieving a minimum of 70% Recycling and Composting by 2025 and without the powers to legislatively compel householders (as producers) to comply with segregation it was accepted that small amounts of recyclates that is unviable by the strategies to recover, would potentially remain in the residual stream.

Further without the requirement for materials separation being extended to the householders, the local authorities will lack tools to ensure compliance of the householders and ensure this extended segregation.

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.

To facilitate Welsh Governments proposal of banning certain materials from landfill and/or EfW the proposal needs to be backed up with Legislation to impose duties on waste producers, both domestic and commercial to enforce such bans. Legislation of this nature would give the various bodies the necessary powers to implement the proposals put forward.

Question 20

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

Yes

No

If yes, please identify them and explain why.

No Comment

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Please see comments on Question 22.

Question 22

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

Yes

No

If no, what other approach could we adopt?

The initial wording “residual waste containing specified materials will not be accepted at EfW facilities” would seem to propose an outright ban on any waste containing any of the proposed banned materials. Would this be impractical especially in terms of the household waste as they are excluded as waste producers from having to segregate their waste materials and there is likely to be contaminants of these materials within the residual?

To enable a fuller response on the guidance relating to contamination a fuller definition is required as to what will be considered contamination.

The proposed guidance on levels of contamination should consider the fact that Partner Authorities are already committed to achieving the statutory Recycling and Composting Targets. In this case, significant quantities of recyclable and compostable materials will have been removed from the municipal waste stream negating the need for inspection of the household residual waste.

It is proposed the legislation will place a duty on EFW operators and those sending waste to prevent banned materials being incinerated. It needs to be clarified as to whose responsibility it will be if banned material should be incinerated, for example will it fall on both Sender and Operator?

Furthermore the term sender needs to be clarified, is this to be the producer who has sent it via a carrier, the carrier who has delivered the waste and arranged for its receipt or a waste broker who potentially has not come in contact with the waste?

The above responsibilities need to be clarified to enable a full response to this proposal.

Further detail is required on the enforcement measures that will be levied against those who do not comply with the ban, further detail should be provided as to the potential implications of such action/inaction.

In relation to materials proposed to be banned from EfW/Landfill as the existing targets require greater levels of Recycling and Composting local authorities will target further materials and encourage further segregation to achieve these targets, however the assurance of achieving the implied 100% removal from the residual waste stream is unrealistic in terms of the resources required to segregate and verify the waste.

In previous years there have been occasions when a market for recyclable material has crashed, for example wood in 2012/13, leaving no viable outlet for material. Given the current proposal the wording would not enable this material to be treated through EfW or Landfill leading to no available outlet for these materials during exceptional circumstances. It should be considered as to if a material is recyclable when there is no viable market.

Given the existing instruments in place requiring the segregation and recycling of Municipal Waste it should be considered if the proposed ban and inspection requirements should apply to this waste stream, as the removal of recyclates is already driven by the potential fines for failure to achieve statutory Recycling and Composting Targets, which all of the Prosiect Gwyrdd Partnership Authorities are committed to achieving.

Question 23

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

Yes

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both**

b) Businesses and Public

Please provide comment:

No Comment

Question 24

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

i)

No Comment

ii)

No Comment

Question 25

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

Yes

No

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

No Comment

Question 26

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

Yes

No

No Comment

Question 27

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

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

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

No Comment

Question 28

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

No Comment

Carrier Bags

Question 29

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

Yes

No

Please provide comment

No Comment

Question 30

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

Yes

No

Please provide comment

No Comment

Question 31

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

No Comment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

No Comment

Question 33

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

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

No Comment

Question 34

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

No Comment

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No Comment

Question 36

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

Yes

No

Please provide comment

No Comment

Question 37

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

No Comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No Comment

Question 39

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

Yes

No

Please provide comment

No Comment

Question 40

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

No Comment

Implementation / Equalities

Question 41

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

No Comment

Question 42

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



No Comment

