

## **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](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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.**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

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

## Chapter 2 - Natural Resource Management

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### 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 proposals are dependent on the definition of 'natural resources' and MHR has concerns that re-defining this definition will add confusion, rather than add clarity and direction. It is also considered that the re-defined definition will go far beyond what is seen as the existing fundamental duties of NRW. The functions of the organisation should not be dependent on the definition or re-defined in order to reflect these. The organisation has existing functions and the priority should be to review these against Welsh economic, environmental and social needs and clearly associate them with existing and future legislation (at all levels). The proposals that have been developed to guide NRW to date are also too "environmentally based (without consideration to other factors). Achieving sustainable development requires a balance between environmental, social and economic factors. Milford Haven Refinery (MHR) has strong concerns that 'economic considerations' continue to be absent from all decision-making processes and forward planning. The lack of reference to working with the Industrial / Commercial sector is also concerning. Welsh Government needs to acknowledge existing Infrastructure / Industry and its importance to the Welsh economy (i.e. economic prosperity, jobs).

Attached to MHR's Environment Bill Consultation Response is its summary response to NRW's 'Draft Corporate Plan' Consultation Exercise. As these consultation documents are interlinked, MHR strongly recommend that these comments are also reviewed and taken on board by WG.

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### Question 2

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

Yes

No

***Please provide comment:***

The new definition will serve to confuse rather than inform and add clarity and direction.

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### 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:***

This subject is too complex to address through the proposals made.

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**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:***

Only, however, in the event of a realistic approach to the “Environment” and the consideration of all associated factors. The Environment Act 1995 will set out a way forward.

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**Question 5**

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

Yes

No

***Please provide comment:***

The work between WG and LSBs, together with the NRW, may lead to significant communication difficulties and conflicts. Engagement at a public level is known to be difficult.

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**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:***

Insufficient detail is provided

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### **Question 7**

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

Yes

No

***Please provide comment:***

Yes, however, further definition is required within the proposals. The boundary is not defined and the interaction/conflict potential with other public bodies is unclear.

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### **Question 8**

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

Yes

No

***Please provide comment:***

This should be independent of NRW.

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### **Question 9**

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

The principle behind this Environmental Bill is overcomplicated in its approach and fails to acknowledge current practice. Detail is sparse and the inter-relationship with current UK/Wales legislation seems to have been ignored (suggesting that it will be replaced). Equally, there is no acknowledgement of the European led legal obligations (e.g. Habitats/Water Directives) other than table ii – Page 31/32 inferring to plans, strategies and selected duties. There is also a notable absence of reference to the EPR/IED, which is an inherited obligation of NRW from EAW. However, brief reference can be found in Chapter 3 in regard to NRW experimental powers.

Below are comments provided as part of MHR's response to NRW's Draft Corporate Plan, which are also relevant to WG.

- WG needs to make more reference to (and its role in) working with the Industrial / Commercial sector. NRW needs to acknowledge existing Infrastructure / Industry and its importance to the Welsh economy (i.e. economic prosperity, jobs).
  - MHR believe that WG needs to review its previously stated desire to become a world leader in 'Green Growth'. MHR does not consider that this aligns with WG's principle driver, 'sustainable development'. A balance of low /medium / high carbon technologies is the
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only way to achieve ‘sustainable development’ and secure the Welsh economy. During 2013, other Countries have recognised this, particularly in regard to security of energy supply.

- WG’s proposals needs to be formulated and prioritised based on environmental, social and economic factors. This will result in a more integrated and sustainable Environmental Bill.
  - MHR would welcome further clarity on NRW’s role in ‘developing policy’ (as stated in NRW’s Remit Letter 2013/14) and being a ‘Principal Advisor’ to the Welsh Government. Setting policy and administering Government policy is a potential area of concern. A greater degree of independence is needed between the Welsh Government (who should be setting the policy) and NRW.
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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **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 aspirational proposals go far beyond what are seen as the initial fundamental duties of the NRW. These proposals should be considered, once it is established that NRW is able to function with the available resource, both now and in the future.

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### **Question 11**

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

It is believed that the basic concept of natural resource management, as proposed, is flawed. It is therefore suggested that any trialling is postponed until the full detail of any future policy is agreed.

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### **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 value of “environmental benefit” has always been almost impossible to quantify. It would take years to agree and establish an equitable system.

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**Question 13**

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

The existing approach should be maintained.

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**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?**

Regulation is far more effective at all levels.

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**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 'Regulatory Duty' a clear requirement for the duty holder has to be given by NRW. In other areas such as land management and conservation the rules should also be transparent. The function needs to be clearly associated with existing and future legislation, at all levels.

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### **Question 16**

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

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Land use planning stands out as a potential area of conflict. Industrial regulation seems to have received very little attention, particularly EPR and IED. MHR consider this to be a significant omission, which needs to be addressed.

It is noted that the Environmental Bill should be to “*provide Natural Resources Wales with a legislative framework that enables it to manage natural resources in Wales in a joined up way*” and “*amend and integrate key areas of the legislative framework to ensure that it supports the improvement of Wales; environment as well as delivering economic and social benefits (i.e. simply and streamline the regulatory regime)*”.

MHR do not believe that current proposals within the Environment Bill address the above.

In this respect, WG should also make reference to the Government-led initiative ‘Better Regulations’ and its commitment to this process. This will also shows alignment with EA and SEPA.

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### **Question 17**

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

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As indicated previously, the lack of reference to the Industrial / Commercial sector is concerning. Due to this omission, MHR is unable to fully conclude any ‘impacts’ (positive or negative) to the Refinery.

However, it has been stated that the Environment Bill provides NRW’s Corporate Plan with the legislative framework to support its delivery. Therefore, the lack of Industry inclusion, and lack of provision of a legislative framework, could be extremely detrimental for Industry. Due to the link between the Environment Bill and NRW’s Corporate Plan, the effective delivery of NRW’s Corporate Plan is then also compromised.

The detachment of NRW from the Environment Agency in England is also seen as a potential for inconsistent regulation, and further changes in legislation may exacerbate this.

Impact of the above points on Welsh oil refineries, could result in them being disadvantaged commercially within the UK/European refining sector.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **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:***

Proposals 1-4 appear to be reasonable and fit the general direction of the current waste management hierarchy. However, the application of RE5 will need considerably more thought, particularly policing and compliance assessment.

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

Yes

No

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

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#### **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.***

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**Question 20**

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

Yes

No

*If yes, please identify them and explain why.*

Some very small SMEs and maybe sole traders / self employed.

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**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?*

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**Question 22**

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

Yes

No

*If no, what other approach could we adopt?*

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**Question 23**

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

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Yes

No

*If yes, should this apply to:*

*a)  
Sector*

*Households  
c) Both*

*b) Businesses and Public*

*Please provide comment:*

As stated in the response to Question 18 much more thought needs to be put into this subject area if an acceptable solution is to be reached.

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**Question 24**

**Do you have any comments about how such a prohibition should be enforced with i) businesses and public sector and ii) households? No comment.**

*i)*

*ii)*

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**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.

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**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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**Question 27**

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

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

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**Question 28**

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

None.

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## Carrier Bags

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### 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.

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### 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.

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### Question 31

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

None.

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### **Question 32**

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

Yes

No

#### ***Please provide comment***

Only providing that SMI approach remains consistent with that of England. This would prevent Welsh marine operations, per se, being disadvantaged.

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#### **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, other than consistent with or better than equivalent costs in England.

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#### **Question 34**

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

No further comment other than to avoid over-regulation.

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## Shellfisheries Management

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### **Question 35**

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

Yes

No

*Please provide comment*

No comment.

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### **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.

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### **Question 37**

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

No comment.

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

No

*Please provide comment*

No comment.

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### **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. .

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### **Question 40**

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

No comment.

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## Implementation / Equalities

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### 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.

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### Question 42

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

The lack of reference to Industry and lack of provision of an effective legislative framework is extremely concerning. The potential for conflict with existing public bodies is considerable and will create considerable uncertainty.

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## **Towards the Sustainable Management of Wales' Natural Resources**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name** Stephen Marsh - Smith

**Organisation** Wye and Usk Foundation

**Address** Unit 4 Talgarth Business Park  
Trefecca Road  
Talgarth  
LD3 0PQ

**E-mail address** Stephen@wyeuskfoundation.org

**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** (Registered Charity 1080319)

**Member of the public**

**Other (other groups not listed above)**

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## Chapter 2 - Natural Resource Management

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### 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:*

### General comments on our response

We are relying on the response of [Wales Environment Link](#) of which we are a member to cover the majority of issues in this consultation and have confined our remarks to specific relevant aspects related to ourselves and our rivers

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### 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:*

As Above at Question 1

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**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**

As Above at Question 1

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**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:***

As Above at Question 1

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**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:***

We agree that an area based approach is ideal provided this means that problems are dealt with at an appropriate scale eg River catchment scale is in our opinion by far and away the ideal delineation of the area for water management.

NRW should take note

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**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:***

As Above at Question 1

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**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:***

Makes good sense

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**Question 8**

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

**Yes**

**No**

***Please provide comment:***

***Agree***

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**Question 9**

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

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**Although the Marine and Coastal Access Act 2009 is mentioned several times, it is not included in Table (ii) P 31 32 and in earlier sections of the White Paper, it seems to have been overlooked that this was the recipient Bill for 150+ years of Inland Fisheries Legislation (Section 8). Inland Fisheries doesn't even get a mention here despite it being a £75 -150million pound industry whereas the shellfish industry (£12million) is given several pages. (Please see P24 Q37)**

**Wye and Usk Foundation is a Rivers Trust we are the Defra appointed WFD catchment hosts for the English section of the Wye and joint hosts with NRW for the welsh section. This is complicated enough without subdividing the area in any other way**

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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **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:*

As Above at Question 1

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### **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?

As Above at Question 1

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### **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?***

Appropriate body? sometimes but not exclusively. WUF has been involved with delivering PES for over a decade: for example, we take funds from lower river proprietors and use this funding to draw down larger funds (typically from EU) to spend in the upper catchment to restore the salmonid fisheries of Wye and Usk. There is no stage of the PES here that NRW could deliver,

PES is essentially a commercial proposition. We suggest that the implementation of PES should be carried out by whoever can do so most efficiently and cost-effectively deliver the best outcome for Wales. This may in some circumstances be too commercially testing and even compromising for a government agency that is required to regulate to stimulate the market. Four roles are described in the White Paper: NRW may in some circumstances be the seller; other times buyers. However, other parties are needed in the process.

There may be conflicts too with NRW being the regulator of PES plus there is no history or pedigree of managing this demanding role by the forerunners of NRW.

To conclude, in our opinion no new powers needed

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### **Question 13**

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

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We agree with the proposed arrangements described in the white paper especially the study commissioned to see how PES should be regulated. 3.15 – 3.18

We also support the positions set out with NRM9 3.19 – 3.26

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#### **Question 14**

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

We agree with the principals behind the use of General Binding Rules particularly if they can replace or simplify more complex regulations especially 3.29 and 3.30 especially the sanctions suggested. However, there should be safeguards to ensure that no deficit in regulatory outcome results.

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#### **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?**

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A

B

***Please provide comment:***

It is not entirely clear what is envisaged here. If amendments are to be made to primary legislation by the backdoor as it were, then the minimum this is confined to, ie NRW, the better. Just a) if that is the case

Other *primary* environmental legislation should not be altered in this way

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**Question 16**

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

The inevitable concern that development (growth) v environment will fall victim to political pressure.

For example any planting or development on peatland should never happen if the legislation is functioning correctly We have concerns that this may not be the case

Another example: the lack of enforcement of cross compliance is accelerating the loss of topsoil, reducing infiltration rates and exacerbating downstream flooding.

Where will NRW stand under pressure to do otherwise?

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**Question 17**

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

WUF is concerned with the environment, ecology biodiversity and fisheries of the rivers Wye and Usk SACs. Both are impacted to varying degrees with diffuse and occasionally point source pollutions. Simplifying the control and implementation of strictures to deter polluters has not been sufficient to prevent failure of Water bodies (WBs) within the Water Framework Directive to date.

That so few Water Bodies are at High (zero on the Wye) is testament to the continued historical failure of regulation by previous agencies.

Can the Bill succeed in translating aspiration to successful outcome?

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

Yes **X**

No

*Please provide comment:*

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

Yes **X**

No

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

When pesticides are removed from lists of appropriate use it should be an offence to store/hoard them – they seem to get used if they are kept.

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**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.*

Long overdue for businesses, perfectly acceptable for both

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**Question 20**

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

Yes

No

*If yes, please identify them and explain why.*

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**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?*

*(Not within our sphere of knowledge or expertise)*

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**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?*

*Yes: Provided 'acceptable' is on the precautionary side of safe.*

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**Question 23**

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

**Yes**

**No**

***If yes, should this apply to:***

***a) Households***

***b) Businesses and Public Sector***

***c) Both***

***Please provide comment:***

c) Both. The problems of sewer blockage remain the same whoever blocks it!

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**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) A monetary fine on discovery of improper use and recovery of any costs – no reason for costs to be borne by other ratepayers

ii) Ditto

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**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?*

Can it be done any quicker; why delay?

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**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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**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:***

**Not sure: we don't have the necessary knowledge to be certain which of the suggested parties is best placed**

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**Question 28**

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

Not likely to affect our organisation directly

## 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*

Yes ..... The plastic bag regulations have been a significant success in our experience. Firstly, we undertake a 100 mile bankside litter clearance annually and the benefits here have been clear and immediate.... Less plastic hanging from trees. Secondly we have received funds from bag sales – a huge and unexpected surprise.

However, in respect of reducing our (Wales') dependence on plastic and plastic containers, this type of regulation could and should be extended. For example please see here: <http://www.splosh.com/#4> This Hay on Wye company is pioneering the reuse of plastic containers for a variety of household products. These arrive in a concentrate and the containers are refilled as needed. Result: less plastic to get rid of, less transport of weight, and as the products are zero or low in Phosphate, three environmental +++ in one system (win, win, win?). The Wye and Usk Foundation has no connection with the company but discovered the system when making enquiries about the ownership of a section of the river

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### 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***

Suggest requiring the provision that recipients are registered charities to reduce risk of scams and although you don't specifically ask, we think the Bags for Life should be included in the charges too

---

**Question 31**

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

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We have been the recipient of a donation that has been used to core fund a WFD improvement project in our two SAC rivers. We know of other rivers trusts who have funded whole projects elsewhere in Wales from the scheme

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

Please see comments by Wales Environment Link

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#### Question 33

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

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



We don't have enough knowledge of amounts involved to comment

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**Question 34**

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

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As 33 above

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**Shellfisheries Management**

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**Question 35**

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

Yes **X**

No

*Please provide comment*

*Please see those from WEL*

---

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**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*

*Please see those from WEL*

---

---

**Question 37**

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

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***Very little concern and attention appears to have been given to Inland Fisheries in this WP as it stands, despite fisheries being a statutory WG responsibility. If this is an indication of a very low priority given to them, then it is received as such. That being the case we would like to submit alternative proposals for the management of them.***

***Thirty five years of management by a series of governmental agencies has reduced Wales' salmonid (salmon trout and sea trout) fisheries from a state of harvestable surplus to borderline or worse conservation target failures. This is not the case across the rest of the UK so there is therefore a compelling need for change.***

***We accept that funding is likely to be even harder to come by in the future and think that there could be useful changes made – a different sort of partnership- that would deliver this ecosystem service in a far better state than at present, with less cost to the tax payer and more benefits to Wales rural economy. We think the option for this should be included in the final bill and would be very pleased to submit more detailed plans.***

***Part 8 of the M&CAA enshrines over 150 years of fisheries legislation and was made following pressure for some action via the England and Wales Freshwater Fisheries Review (Chaired incidentally by a current NRW board member) Time pressure on the legislative resulted in the inclusion of the former Salmon and Freshwater Fisheries Act 1975 in the M&CAA and some useful changes were made but by no means all those agreed in the review.***

***However, given the state of Wales' salmonid fisheries, these laws need reviewing. Essentially, making byelaws to ensure appropriate exploitation take so long to enact and are expensive and are often hostage to exploiters that it is easier to run fisheries down to almost extinction and then act rather than 'intercept' problems with an appropriate byelaw. Clearly current legislation is not in anyone's best interest.***

***The penalties for unsustainable land use activities that damage ecosystem series including fisheries (which incidentally if functioning fully and valued as such should be worth £200 - £250million to Wales) are meagre and vague compared to other wildlife crimes. One of the benefits of having a devolved government is to be able to devise and enforce laws specifically for Wales: we are being dragged down by ancient English fishery laws.***

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

No

*Please provide comment*

Agree

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### **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*

Agree

---

**Question 40**

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

*We anticipate a positive impact particularly if our suggestions are acknowledged*

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**Implementation / Equalities**

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**Question 41**

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

*We don't anticipate an issues as detailed above*

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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?**

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*No other comments*

*Wye and Usk Foundation 15<sup>th</sup> January 2014*



## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

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

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

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

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

Please submit your comments by 15 January 2014.

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

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto: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** MR S. DINGLE – CHAIRMAN  
**Organisation** THE COAL AUTHORITY  
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MANSFIELD  
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NG18 4RG  
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<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input checked="" type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>



## Chapter 2 - Natural Resource Management

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### 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 appears to be positive and will contribute towards achieving the aim of the sustainable management of natural resources in Wales. This is a natural evolution of the creation of Natural Resources Wales and as such the proposals are supported in principle.

Seeking to look at environmental protection at a holistic level based on an ecosystems approach could result in a more clearly defined and strategic approach to environmental protection. It is important however that this is developed within the overarching concept of sustainability to ensure that environmental issues are balanced against relevant economic and social considerations. We would be concerned if any revised approach to natural resource management sought to prioritise environmental considerations over the other two strands of sustainability.

The Coal Authority is a strong supporter of the planning system within Wales and would not support any changes which sought to reduce the role and function of the planning system. The planning system has a long history of successfully operating as the forum through which competing objectives are resolved to determine whether development proposals should come forward. The planning system also enshrines statutory consultation including with local communities and operates in the democratic context. The planning system is somewhat unique in that it is broadly understood by a wide range of stakeholders and it remains the easiest forum through which the widest spectrum of stakeholders, including individuals, have an equal opportunity to make their viewpoint known.

Some elements of the proposed approach may include new concepts with which the general public and other stakeholders, such as businesses are not familiar, e.g. ecosystem services. If a new approach is to be successfully developed then great care will be necessary to ensure that the concept is explained as simply as possible to ensure broad understanding and cooperation.

We would be deeply concerned if any of the proposed changes sought to interfere with legitimate and necessary development including mineral extraction. Many forms of development are already highly controversial, making it difficult and at times impossible to take forward due to the existing environmental protection regime.

Whilst recognising the importance of environmental protection this does need to be balanced against other economic and social objectives to ensure that the broad principles of sustainability can be achieved to ensure a vibrant and prosperous Wales.

Many parts of Wales also have a widespread legacy of mining activity, much of which needs remediation. Sometimes the social need to achieve remediation to ensure public safety can be diametrically opposed to the needs of environmental protection. For example at Merthyr Tydfil there is a site which has the highest concentration of mining legacy in Wales but is also a Site of Special Scientific Interest. Any ecosystems based approach will still need to ensure a degree of flexibility in order to achieve other important spatial objectives.

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**Question 2**

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

Yes

No

*Please provide comment:*

The inclusion of definitions for terminology such as the above will be helpful to all parties involved in the use and management of natural resources in Wales. It will aid clarity and ensure consistent interpretation which is vital to achieving the overall aims of the package of proposals.

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**Question 3**

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

Yes

No

***Please provide comment:***

Climate resilience and climate change mitigation is a cross-cutting issue that should be embedded into all aspects of legislation, policy development and implementation. Therefore it is imperative that these issues are embedded within the proposed approach to integrated natural resource management at both national and local levels.

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**Question 4**

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

Yes

No

***Please provide comment:***

The alignment of timescales for outcomes and actions across the holistic array of complimentary programmes is logical and sensible. The approach to natural resource management is designed to be more closely integrated, therefore not to align national outcomes and priority actions to other similar outcome setting would be a missed opportunity.

Whilst developing the concept of a national and local resource management will provide a strategic approach; this will only be achieved if the number of existing environmental plans and strategies is reduced. This includes national and local level plans.

We would be concerned if this approach saw the introduction of an additional statutory or non-statutory plan operating at the national level, or similar plans at a local level. The merger or replacement of a number of existing plans would be of benefit to business, the public and public bodies. It is noted that the approach appears to involve the continued use of existing plans and strategies, rather than to develop new plans and strategies. However it should be recognised that some EU legislation will not align with this, for example, the 6 year cycles of the Water Framework Directive River Basin Management.

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**Question 5**

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

Yes

No

*Please provide comment:*

In principle the use of an area-based approach to delivery should provide an enhanced level of integration between complementary elements within the natural resources arena. This is a wholly sensible approach, given that many projects or issues raise potential concerns or implications for water, air and land.

For example the Coal Authority is interested in mine water issues, where both water and land management aspects need to be considered. There is an opportunity for improvements to the secondary planning legislation which sets out permitted development rights in order to aid the Coal Authority's ability to deliver the mine water treatment schemes. The Coal Authority would therefore welcome a discussion in relation to this particular issue at an appropriate time.

Eight percent of rivers fail to meet 'good' ecological or chemical status in Wales because of abandoned non-coal mines and over 10% are at risk of failure. The Coal Authority are working closely with NRW (and previously with EA Wales) to address these issues. An area approach will help to focus on significant pressures relevant at a more 'local' level and facilitate a more 'joined up' approach to achieve the most appropriate solution.

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**Question 6**

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

Yes

No

*Please provide comment:*

It is considered that the broad approach provides a thorough enough basis to define the principles, objectives and key outcomes, whilst still allowing flexibility in implementation.

In particular we would welcome any flexibility that may allow for the streamlining of existing regulatory regimes. This could bring positive economic benefits to activities and operations through reducing the number of consents required.

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**Question 7**

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

Yes  No

*Please provide comment:*

In principle we can understand the benefit of other public bodies co-operating in the area-based approach. The White Paper indicates that this will include public bodies 'operating wholly or mainly in Wales.' It is unclear without a list whether a similar expectation would apply to UK wide public bodies such as The Coal Authority and if so what level of co-operation this would entail. If the expectation was that where public bodies were promoting projects or initiatives that these take due cognisance of the area based approach, then this would be of no concern. In pursuing mine water treatment projects in Wales we are already closely co-operating with NRW due to our shared interest in achieving the same objectives. However if the proposed requirement were to place any additional obligation on The Coal Authority generally then we would have to raise concerns about the potential resource implications for us as a UK Government funded public body.

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**Question 8**

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

Yes  No

*Please provide comment:*

This is a sensible suggestion given the role, function and remit of NRW.

The Coal Authority will continue to work in partnership with NRW in respect of coal and non-coal mine water remediation.

It may be likely that a potential discussion over the detail of reporting requirements in relation to water quality aspects may be needed. This discussion could aim to maximise the collection and use of data from NRW and us in respect of water quality; thereby avoiding any potential for duplication of reporting requirements.

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**Question 9**

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

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The Coal Authority supports the principles intended and indeed supported the creation of the single integrated Welsh body, NRW. There are many significant challenges facing the natural environment in Wales. The Coal Authority hopes that there will still be sufficient resources and focus to allow the environmental challenges within our remit, such as treating coal and metal mine water still be delivered within the new approach.

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### Chapter 3 - Natural Resources Wales – new opportunities to deliver

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#### **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:*

Powers to enable NRW to trial innovative approaches to integrated natural resource management in order to achieve the sustainable management of natural resources are welcomed.

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#### **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.

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**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.

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**Question 13**

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

The use of management agreements as a proactive tool to enable integrated natural resource management is consistent with the sustainable management of natural resources. If it is also within and limited to the full range of NRW's functions appears sensible. The only limiting factor should be the objectives which the Body seeks to attain in the exercise of its functions.

NRW has a large number of coal tip sites within their ownership. Forestry Commission Wales (now NRW) have previously considered former coal tips for community woodland schemes; however, former spoil tips need regular on-going inspections and sometimes remedial works. The Coal Authority also retains ownership of tips and as such has the same duties and obligations regarding maintenance and inspection. This appears to represent a potential opportunity to offer joined up services and to streamline government contracts. We would welcome a discussion to explore this topic.



**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?**

General Binding Rules are lower level regulatory functions which do not always require formal licences or consents and can help achieve a more consistent and proportionate approach to regulation. As indicated in many cases, the UK Government and the devolved administrations already have powers to make these rules, for example in the Water Framework Directive. The Environment Bill, and the definition of integrated natural resource management, therefore offers a useful and coherent framework for the application, repackaging and potential extension of these powers.

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**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.

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**Question 16**

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

No comments.

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**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

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#### **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:*

Questions 18 to 31 relate wholly to issues surrounding domestic, commercial and industrial waste which are not of direct interest to the interests of The Coal Authority.

No comment.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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?

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We agree that cost recovery is an important issue for all public bodies.

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**Question 34**

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

No comment.

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**Shellfisheries Management**

---

**Question 35**

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

Yes

No

***Please provide comment***

Questions 35 to 37 relate wholly to issues of shellfisheries which are not of direct interest to the interests of The Coal Authority.

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)?

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Welsh Government – Responding to the consultation

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No comment.

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## 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***

Whilst the Coal Authority has no specific comments to make in relation to this question, it is worth noting that we retain ownership of some former coal spoil tips. Surface water run-off from these tips is part of our management regime operations. We have been invited to join the South West Wales flood resilience committee to raise awareness of how we manage surface-water runoff from the tips, some are of considerable size.

---

---

### **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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No comment.

---



**Question 42**

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

---

One aspect of interest to the Coal Authority is minerals, particularly coal resources. We note that in the definitions section of the White Paper, reference is made to 'geodiversity' (page 16, paragraph 2.13), then also page 18, figure (iii) the phrase 'geologic' is also used as a legal definition and in Appendix 3 'natural capital' includes minerals.

It is noted that from the Appendix 3 clarification is provided that the planning system remains the principal means by which the natural resources are managed through the statutory plan making and determinations of planning applications. It is therefore hoped that the administrative boundaries will be sufficiently clear in order to avoid any temptation for unnecessary duplication of plans, policies, programmes and evidence based research.

We therefore look forward to participating in future consultations which will add more detail to this framework. We have also received the Planning Bill consultation which is currently being reviewed.

---



**Ymddiriedolaeth  
Genedlaethol  
National Trust**

Emily.keenan@nationaltrust.org.uk  
Llinell uniongyrchol / Direct line: 07766820767

# **A National Trust Wales Response to Welsh Government White Paper Consultation on Proposals for an Environment (Wales) Bill**

## **January 2014**

### **Introduction to the National Trust**

The National Trust is the largest conservation organisation in Europe. We are an active partner in protecting, enhancing and providing access to Wales' natural and historic environment. We protect and conserve 50,000 hectares of dramatic Welsh landscapes and 157 miles of coast much of which falls within protected landscapes. National Trust Wales also owns 10% of all the land designated as a Site of Special Scientific Interest (SSSI) in Wales. Within these areas we provide access, recreation, and educational experiences. We have 240 tenant farmers and also farm some land in hand and in partnership with commoners. We also act as a private landlord for 326 properties across Wales, primarily in rural areas and have recently begun to install appropriate renewable technology on our land to demonstrate the sustainable benefits they can bring to rural areas.

### **Summary Overview**

National Trust Wales see ourselves as a key partner for Welsh Government and NRW in the protecting, enhancing and managing our natural and historic environment. We have engaged with both Welsh Government and NRW at every opportunity leading up to this White Paper consultation and hope to be able to continue to engage in the future.

As such we welcome this latest consultation. We would like to state our broad support for the principles outlined with regard to natural resource management. We are pleased and proud to have an Environment Bill which is aiming to establish long term and joined up decision making for protection and management of our natural and historic environment. We are keen to see a future where we look to build resilience of ecosystems in a holistic way in order to confront new and emerging challenges. We are also excited at the prospect of working with Welsh Government, NRW and wider partners to enable targeted investment and positive action on natural resource management.

However, despite supporting the general principles of this consultation we are concerned that this consultation has not moved us on in terms of our thinking or understanding in relation to past consultations. We are concerned that a lack of detail and of clarity in this

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consultation will result in responses which are also lacking in detail and so not helpful in making a real contribution to the future direction of the Environment Bill. We have also been unable to establish how the proposals within the consultation would be taken forward in terms of primary legislation, secondary legislation and guidance which we find disappointing given that this consultation comes at the White Paper stage. For this reason we would appreciate the opportunity to comment further when the contents of the Environment Bill have been established.

While commenting on this consultation we are aware that we cannot fully consider the implications of the Environment Bill in isolation from further knowledge about the contents of the Future Generations Bill. Our understanding is that NRW's decision making process will be closely aligned with the wider Sustainable Development duty which will be developed in the Future Generations Bill. We are also in need of clarity on how the measures of the Environment Bill and the Future Generations Bill in terms of how they will avoid duplication of national and local outcomes for natural resources management.

As a body which has been supportive of natural resource management and an innovative approach to national scale planning we would like to have seen more exploration of how we can join up thinking around the planning system and natural resources management. With a new Planning Bill, and the Environment Bill both being underway in this legislative period we feel that opportunities have been missed for original thinking about how natural resource management planning can inform a planning system which channels development to those areas in which it will be most appropriate and best contribute to a sustainable future.

## **Specific Proposals**

### **NRM 1 Establishment of a Legal Definition for the Bill**

We agree that it is useful to have definitions for the terms which are being used in relation to the Environment Bill. As an organisation that cares for many aspects of our environment including biodiversity, landscape and the historic environment we are pleased to see a definition which goes beyond seeing Natural Resources as only exploitable/ economic resources. We strongly support the inclusion of landscapes in this definition as a distinct aspect of our natural and historic environment with their own intrinsic value.

It is not clear whether these definitions will be written into guidance or included within the Environment Bill itself and we would value clarity on this point.

### **NRM 2 National policy and priorities in relation to the natural resources of Wales**

We agree that there is a strong case for target setting for natural resource management on a local and national basis. We would emphasise that while some targets will be quantifiable, others, such a protection and enhancement of landscapes may have to be maintained and considered as an overarching and ongoing objective.

We would like to see further details about the delineation of responsibility in this new approach. This consultation outlines a vast range of powers being given to NRW in relation to establishing priorities on an area based basis and we would question whether these priorities will remain open to the scrutiny of the Welsh Government once this power

is established.

We would also question how Welsh Government and NRW are going to work together on priority setting with seemingly incompatible timescales for action. NRW are responsible for the area based approach but Welsh Ministers are responsible for the National Plan. Under the timeline provided it would seem that the putting in place of the area based approach will precede the creation of the National Plan. We would question how local area plans can be developed in line with an overarching National Plan which will not yet be in existence given the current timeline.

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

We understand that the area based approach will be based on catchment areas and we support this as being an obvious way to manage the natural environment due to catchments' formation of natural boundaries. We are keen to engage with this process and have begun to do so through NRW Catchment Workshops.

However, we are concerned that if natural resource management is to be a holistic system of resource management on a national scale then there needs to be a means of meaningful interaction with other systems including the planning system. We would have liked to see a thorough consideration of how the natural resource boundaries correspond with current and future administrative boundaries, LDPs and the current single integrated planning areas. In order to achieve holistic management Natural Resource Management Planning should inform all other planning process.

We would like to see more details about who will feed into the area based approach and creation of local delivery plans. As an organisation we are interested in how landowners and managers such as ourselves will be engaged. We are also keen that NRW are aware of the need to engage with the public throughout this process and would value details of how this will be achieved.

We hope that where area based plans are created they take into account the need to meet existing and important national targets around the Water Framework Directive, condition of Protected Sites and 2020 Biodiversity Targets. The need to meet such targets needs to be reflected in actions right down to the lowest level.

We would also like some clarity as to whether and how the NRW catchment based approach will extend to the marine environment. There has been no clarification around how this might work, but extension of management to marine areas would seem necessary to achieve the integrated vision presented in this document.

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

The National Trust Wales agrees that it is challenging yet desirable for a joined up

approach to have national integration and alignment of other plans and actions. We would appreciate learning in more detail about how NRW will achieve this given the complexity of the institutional and regulatory framework in Wales.

### **NRM 7 Powers to enable NRW to trial innovative approaches to integrated natural resource management to achieve sustainable management of natural resources**

As an organisation we support innovative approaches to natural resource management in order to move our knowledge forwards and tackle the new challenges that we face now and into the future. However we also urge that caution is taken with new approaches. There should be full acknowledgement of the importance and potential of existing tools in developing and operationalising new approaches. There should also be a conscious effort to avoid compromising safeguards which have been put in place to protect our environment and the people who rely on it.

### **NRM 8 Furthering the role of NRW to stimulate the use of market mechanisms to pay for ecosystem services**

National Trust Wales has been a constant advocate of the idea that the provision of public goods which benefit the whole of Wales should be rewarded and that policy and regulation can be tools in implementing this. PES is clearly a mechanism through which this could be achieved and it poses exciting opportunities for NGO and private sector participation

We feel there should be an acknowledgement that NRW might need support from Welsh Government and other bodies in some of the many roles that running a PES scheme may require including brokering, information provision, facilitation and regulation.

We note that this is a complex area and that a study has been commissioned. We would appreciate being consulted further in the future once specific proposals have been developed.

We would be open to discussing how a landowner and manager such as ourselves could work with NRW and Welsh Government to develop some clear examples of how PES could work in practice.

### **NRM 9 New powers for NRW to enter into management agreements with land owners and businesses for the sustainable management of natural resources**

National Trust Wales is aware of the value of long-term management agreements and considers the requirement to register obligations under an agreement useful reform measure.

### **NRM 10 Exploring new powers for the implementation of General Binding Rules**

National Trust Wales support the use of General Binding Rules in relation to sustainable management of natural resources through secondary legislation.

**NRM 11 Powers to clarify the alignment of NRW's duties and other primary legislation with the new high level purpose**

National Trust Wales agrees that where possible there should be an alignment of NRW's duties and other primary legislation to create a streamlined and comprehensive legislature.

However we echo the concerns of other bodies around the proposal to allow the use of secondary powers to amend primary legislation. Such a power should be carefully defined and restricted. A more general power sets an unwelcome precedence and would reduce Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and management in Wales. We would support a process in which the areas in need of consolidation were identified, published and consulted on so that Welsh Government might benefit from the expertise and experience available inside and outside the Assembly on the intricacies of environmental protection and management law in Wales.

**ENDS**



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13<sup>th</sup> January 2014.

Response to :

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

Date of issue: 23 October 2013

Action required: Responses by 15 January 2014

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Mechline Developments Ltd –Response to the Welsh Governments Consultation on proposals for an Environment Bill - January 2014.





## A. Introductory statement.

Mechline is grateful for the opportunity to respond to the Welsh Governments Consultation on the Environmental Bill and support the need to reduce landfill of waste and specifically to support programmes that prevent food waste being sent to Landfill or to Incineration, to encourage waste stream separation at source and most importantly to encourage food service and hospitality operators to '**Reduce**' and '**Prevent**' food waste wherever possible.

The main focus in terms of our response centres on Chapter 4 of the Draft Environmental Bill, **Resource Efficiency**.

With specific regard and focus on Food Waste, the draft Bill essentially points to and encourages the introduction and enforcing of a 'Collection' only option in order to facilitate the creation of a Anaerobic Digestion network of processing plants. Additional reinforcement of this draft policy is aided by the desire to prevent food waste entering the sewer network via Food Waste Disposers because of the perceived consequences of such processing activity. It appears that considerable weighting of the draft Bill and policy is based on the reports commissioned by the Welsh Government provided by Eunomia, specifically with regards food waste and the May 2013 document

We are concerned that the consultation and specifically the Eunomia reports do not appear to show a depth of engagement with the foodservice sector that would be expected as there appears to be a lack of awareness of the true cost penalties and problems that will be imposed on businesses involved in the Foodservice sector and other impact areas. In fairness, the consultation document acknowledges this as such – item 4.20

*'The modelling carried out so far does not predict the costs to individual businesses.'* Experience of collection service costs, where such services have become mandatory, are that costs can range from £1,200 PA to £25/35,000 PA for larger establishments. These collection costs exclude commissioning and enablement costs to provide and ensure kitchen segregation activity, equipment requirements, provision of secure set aside area / storage, insect and vermin controls, odour and even temperature control, cross contamination controls and the manpower and administrative requirements the proposed scheme will demand of the businesses.

In addition, certain Foodservice operations, working within secure / hygiene sensitive businesses will not welcome mandatory and frequently scheduled / regular collection services – Prisons, Police, Hospitals, MoD, etc. Frequency of collections would be a very important issue. It is also clear that in many High street areas, there is a fundamental lack of appropriate and safe storage areas, consequently leading to potential nuisance and anti-social holding of waste food outside of properties, leading to mal odour and infestation problems.

There is also a considerable problem with a proposed legislated "one solution" system of collection for AD plant treatment which not only ignores existing and well established market solutions for food waste segregation, recycling and treatment but most importantly provides a barrier to trade and also a barrier to new innovation products or services. This is potentially detrimental to the Welsh economy and those specifically associated with

Foodservice, Hospitality and Tourism, and those businesses associated with Manufacturing of products.

We acknowledge that AD has its place in certain suitable applications. But, there are countless issues and concerns with such plants and process' which the draft report does not appear to duly reflect on. The overriding principle it would seem is to guarantee 'Feedstock' to such a network of operations to justify the financial viability, at the cost of other processes or options, now and in the future and at the cost of the Foodservice, Hospitality and Tourism sector, a considerable employer in Wales.

With the supportive study reports that are available, there would appear to be a great danger that decisions will be made which will be based on non balanced information that has so far been acquired. Critical market data appears to be none referenced or ignored. Many 'assumptions' are made and many references to 'lack' of data exist. This could ultimately impact upon decisions that are made and the outcome preferred by the Welsh Government.

Mechline Developments design and manufacture numerous products dedicated for Foodservice applications. This includes the **Waste-2-0 Bio Digester**. There are now more than 340 sites in the UK, Ireland and recently Europe with such systems installed. There are many benefits to installing such systems.

## B. Key Issues.

Mechline support the diverting of Food Waste from Landfill and Incineration plants as a policy. Mechline support the Key driver of **Reduction** and **Prevention** to fulfil EU waste hierarchy and policy directives – as per the Welsh Governments Policy positioning. Mechline also support the policy directive with regards the **Reduction of Carbon impacts**.

There are risks in following prescriptive legislated measures that embrace only 'one solution' model of collection.

A free market allows innovation to excel and means that the technologies will continue to enhance their environmental credentials, cost effectiveness and flexibility for commercial operators. These developments can also be achieved without the requirement for public funding support and policy guarantees that appears to be necessary to entice merchant AD investment.

AD is not without its problems, which AD consultancies and operators are not so keen to reveal.

- Denmark has recently withdrawn from AD investments, because of insurmountable issues with contamination of feedstock, quality of feedstock and feedstock availability.
- In Germany, there exists much resistance to separate collections systems because of cost implications. This has presented many consequential issues, not least the diversion of valuable Arable farming stock from the food chain to AD feedstock. Food waste imports also make up the lack of domestic feedstock.
- In Sweden, AD plants are commonly co located with Water treatment plants with food waste to drain being actively encouraged as a primary environmentally sound transport mechanism.
- Further developments in the capture of key minerals such as phosphate are also being developed as the waste food is content rich. This is a key European initiative
- In England, it has been reported that certain councils have now withdrawn separate collection services because of budget restraints. More recently the imposition of two weekly collections is considered untenable.

Optionally, on site processing systems that send the waste directly to waste water treatment works can enhance proven opportunities for increasing biogas production, for creating energy from waste and for the production of soil improver. These are proven and currently operational processes which often do not require the large capital investment required for new AD systems nor do they create the carbon footprint that separate collection requires. Specifically, the **Mechline Waste-2-0 Food waste Bio-digester** recovers the 70% water content of typical waste food and returns it to the water company as well as consuming the majority of the food waste on site. The discharge from a Waste-2-0 system meets with Water industry norms and standards and proven not to create risk or blockage issues to the sewer network.

### **C. Foodservice site issues.**

On site treatment of food waste currently plays an essential role in hospitals, MoD and prisons, in terms of health and security. Where disease controls are a crucial concern, where vermin and insect control is of paramount importance, where cross contamination control is significant, where risk management is critical, immediate treatment of the food preparation residues and leftover meals, from plate to separation and treatment, is a significant and established benefit.

The principle of the draft bill, advocating collection services assumes that commercial premises have enough space to adequately store food waste for collection by a prescriptive collection service. The requirements for kitchen segregation activity and equipment requirements, would include but are not limited to : provision of secure set aside area / storage; appropriate external storage vessels ; appropriate internal storage containers and transportation systems ; storage container cleaning equipment ; insect and vermin controls; odour and even temperature control; cross contamination controls and even separate lift / access / transportation of food waste for Kitchens not on a ground floor. Another factor to be considered is the manpower and administrative requirements that recorded collection services will demand of the businesses. WRAPS assertions that additional 'costs' are low [ as per paragraph 4.8 of consultation document ] are unfounded and misplaced.

The space and storage equipment required will be entirely proportionate to the frequency of the collection services together with built in flexibility to cope with potential collection service disruption. Commercial operators currently align their own collection needs with their food waste output to ensure that they effectively manage costs. Evidence exists where missed collections create considerable pressures for operators on sensitive sites, where reliability is essential. This creates additional cost penalties and requires secondary disposal means, likely to be landfill.

Storage of biodegradable food waste at all commercial establishments could cause severe rubbish mountain issues if collection is disrupted by adverse weather or industrial action or poor practice and management. This will attract vermin and scavengers and result in the dispersal of hazardous matter. This can lead to the transfer of pathogens and diseases to people, wild animals and livestock. There is also a danger of increased illegal tipping. Evidence from Scotland shows that food waste stored externally can create nuisance and complaints.

Many smaller high street operations do not have facilities to store food waste safely and hygienically. Food Waste stored in front or to the side of premises is discouraged / prohibited by local councils through issues such as visibility, physical impairment and restriction of pedestrian access, mal odours and vermin / insect infestation risk. Food waste should not be stored internally.

## D. AD solutions.

There are numerous valid reasons to raise general concern with regard to appraisal of problems associated with the design and operation of AD plants and risks associated, the commerciality, as well as the increase in vehicular traffic and therefore carbon emissions and particulate pollution required to service such operations.

Issues and concerns around the construction and operation of AD plants. Namely :

Leachate and pollution problems experienced – Harper Adams – Feb 2013. Numerous others.

Mal odours – numerous problems and complaints. Poplars AD Plant, Cannock. Numerous plants have poor records.

Explosive / unstable plants – *‘There have been seven ‘catastrophic’ failures of anaerobic digestion (AD) plants from March to November 2013, two of which were of an ‘explosive nature’, the Environment Agency has disclosed.’* December 2013.

Increased traffic / road usage – Carbon emissions and particulate pollutants increase as a result. The factoring in of these emissions is in most cases overlooked in any appraisals by Waste agencies and operators.

Diversion of valuable arable food stock to AD plants to act as supplementary feed stock. Negative impact on German agriculture towards food sourcing and security.

Inability to deal with contaminants [ high risk factor from smaller operations – Hospitality and Catering establishment waste ] – as in Denmark, resulting in a withdrawal from AD programmes. The problem of persistent waste contaminants results in 15 - 20% of food waste sent to anaerobic digestion sites, such as Deerdykes in Scotland, being manually separated and ultimately re-directed to landfill. Plastic, even biodegradable bags can form a top layer skin within AD plants that halt the AD process and cause inevitable problems.

New BSi Design and Construction standard is likely to delay new projects and more than certainly increase cost of plants construction and operation.

Digestate disposal. Limited application and in some cases unfit for future use due to contaminants. In addition, it is quoted as being uneconomic to transport digestate further than a 25 mile radius from the AD plant.

Reducing levels of feedstock, in line with commissions and waste hierarchy requirements to **‘Reduce’** waste, means that feedstock levels will reduce in time, questioning viability of AD plants thus creating alternative sourcing of feedstock.

**WRAP** Policy statement – *‘Preventing food waste is better for the environment than any treatment, and can save money for businesses and households’.*

*‘Preventing and Reducing food waste can contribute to improving resource efficiency and food security at a global level’.*

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'If' the overall objective is to **'Reduce'** and **'Prevent'** then any AD infrastructure will face an uncertain future, where feedstock will reduce, therefore pressuring the requirement for feedstock from alternative sources – as in Arable farm stock and processes. This is expensive and creates more pressure on the food chain and security. As per experiences in Germany.

The simple truth is that AD Operators need 'More' not 'Less' of feedstock. They are commercial business operations. This is incompatible with the principle of Reduction and Prevention. It is a dichotomy of the policy and legislation which WRAP recognise. The most important element of the Waste Hierarchy is Prevention and Reduction.

Additional kerbside collection will present compliance challenges for local authorities increasing the need for health inspection and additional provision for enforcement, which equates to on-costs. The major question to ask, is 'Who Pays' for this ?

Recently, DEFRA have also announced reducing financial support for AD schemes. This may also have a net impact.

## **E. Mechline : Waste-2-0 Bio-Digester.**

### **i. Introduction :**

The 'Waste-2-0' is a self-contained on site food waste solution system that uses natural microorganisms to digest up to 180kgs of food waste in a 24-hour period leaving nothing but waste water that can be drained via the building's own drains for foul water. It does not rely on typical composting methods to decompose food nor does it macerate the food.

It leaves no solids [ other than fractional suspended solids ] to manage, except for non-organics [ example cutlery, towels, napkins etc ] which would be trapped inside the digestion chamber, rather than being allowed into the drainage system. Safe for drains, operators can responsibly and economically dispose of soft, organic waste whilst having a positive impact on the environment. Reduced food waste and landfill usage contributes to less food waste disposal costs, saves energy and resources and "future proofs" against disposal cost increases.

The Waste-2-0 by Mechline, has won many industrial and commercial design awards for its innovation. The product was designed and is manufactured in Milton Keynes. It has been upheld for its very low carbon footprint and especially its low running costs and low use of resources – 10 Amp power connection, 600 Litres of Water a day at peak / maximum load processing.

### **ii. Testimonies from Client sites have shown :**

1. Waste 2-0 is an on-site solution that removes the need for transportation of food waste, thus reducing considerable energy costs and emissions [ carbons and particulates – Nitrogen / Sulphur ] and reducing numbers of vehicles on the road. See Broad Street shopping mall testimonial.
2. Waste 2-0 diverts food waste from landfill and incineration – meeting landfill directives.
3. Waste 2-0 delivers food waste volume sensing information to facilitate food waste reduction prevention at source – #1 aim and ambition of the Waste Hierarchy.
4. Waste 2-0 recovers the water content of the food waste (up to 75%) which would otherwise be lost, and returns the water to the treatment network via the sewage system. Key requirement of NI Water.
5. Waste 2-0 returns valuable organic matter to energy recovery plants located at water treatment plants
6. Waste 2-0 ensures proper waste stream separation (packaging etc., separated from food waste) takes place, therefore maximizing recycling levels. See Broad Street shopping mall testimonial.
7. Waste-2-0 delivers low level approved waste water discharge to the sewer network and helps in maintaining clear drains and sewers – See Yorkshire Water testimony.
8. Waste 2-0 removes the requirement for non-recyclable packaging to be used.
9. Waste 2-0 future-proofs the operator from increases in food waste collection charges
10. Waste 2-0 eliminates the problems of cross-contamination, vermin and odours traditionally associated with the storage of food waste awaiting collection.
11. Waste-2-0 does not require the additional enablement costs of an AD system.

12. Waste-2-0 waste water output contains nitrogen and phosphates from the food processed in the Waste-2-0 and this will be recovered by the waste water treatment plants.
13. Waste 2-0 is a very low energy using system.
14. Waste-2-0 is British built via a short supply chain.

iii. Reduction :

Mechlines solution is 100% committed to reduction on 2 principal counts:

- The visualisation and awareness of the food waste being generated is highlighted by the introduction of the clear plastic buckets which allows detailed analysis of exactly what is being generated, allowing real time action by the food service operator to stop it going forward.
- The volume sensor which is to be a standard feature of the Waste-2-0 allows the food service operator to record, appraise, set reductions targets and monitor their progress on-going as evidence to their commitment to meet the targets set over a sustained period. A vital component to the principles of the proposed legislation.

The 70% water recovery and zero transport costs / environmental impact are very compelling, along with clear evidence that our process, unlike other food waste to drain solutions, has no negative impact on the sewer infrastructure. Indeed, the bacteria rich population contained in the waste water discharge helps in keeping sewers clear from organic load build up.

iv. WRC Accreditation :

In April 2013 – Mechline were accredited by the **WRc** [Water research council UK ] for its Waste<sub>2</sub>0 food waste bio-digester. In brief this –

- Demonstrates Mechlines commitment to working with industry bodies and local authorities.
- Proves it complies with legislation and local requirements for equipment connected to water fittings.
- Provides consumers peace-of-mind with equipment fitted to drains and sewers.
- Demonstrates that Waste-2-0 is an acceptable system with environmental benefits for managing foodservice and catering food waste.

Accreditation excerpts -

- **Section 8.1:** [The] water industry identified that [Mechlines food waste digesters] provided an opportunity for food waste to be disposed of in a more acceptable way than was often the case when food service establishments used food chopping/macerating devices prior to disposal to the sewer via the sink.



- **Section 9.3-9.4:** Water samples were tested for BOD, COD, SS, FOG and pH. Concentrations of these elements were found to be within acceptable and normal trade effluent limits when suitable foodstuffs are loaded into the Waste<sub>2</sub>O.

*'Waste2O™ is the only digestion system to gain WRc approval. To gain it, a product must be subjected to a rigorous series of technical tests. In the case of Waste2O™'s certification, WRc independently confirmed that the waste water released from the machine meets with accepted industry norms and is 100% safe for the public sewer systems.'*

Andy Drinkwater – Wrc – Senior Project & Programme manager.

*"the Waste2O™ really does come into its own as a complementary process for sustainable food waste management – you don't have to wait for waste to be collected and driven off-site and it doesn't block the drains, so it seems like the best option."*

v. Economics :

The Eunomia report of May 2013, **Additional Policy Options Analysis for Welsh Government:** includes the following excerpt [ section **4.1.1 Food Waste Macerator Units**, page 44 ], when highlighting the cost of operating Waste disposal units :

**4.1.1** 'Several sources have indicated the operating costs associated with the use of food waste macerators in hospitals, which are here assumed to be representative of the use of the units in commercial use more generally. Bath NHS Trust suggested annual costs of £25,000, whilst Stockport NHS Trust indicated costs of £22,000.<sup>23</sup> Following contact with the project team, the latter provided a more detailed breakdown of these costs, which include the purchase of electricity and water as well as estimates of maintenance costs and removal of localised sewage blockages.<sup>24</sup> The majority of the operating cost, however, is associated with the purchase of water.'

These are two very good case studies to report.

In both cases the relevant authorities and responsible bodies undertook a detailed review of all 'options' of food waste management and treatment / disposal – including collection services for AD processing.

The above costs are fair and indicative of Waste Disposal / Macerator costs, in terms of operations.

Both Trusts, took the decision to invest in systems which they had analysed as being :

The most environmentally effective; the best solution in terms of dealing with Hygiene and Safety; reduced food waste handling / storage; reduced risk; reduced pollution; reduced

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transport / vehicular movement; reduced management; reduced energy and water consumption; and very importantly the most economical solution.

Both Trusts took the decision to purchase and invest in **Waste-2-0** systems, by Mechline.

The average cost of running a Waste-2-0 machine at full capacity for a year, is approximately £1700. This includes water and sewerage charges, electricity used, bacteria fluid replacement. Maximum capacity per machine is 180Kgs a day, or 66 tonnes per year.

Eunomia have not had any contact with Mechline to assess and validate the costs of purchase / rental and operating costs of Waste-2-0's. No referencing exists in their documents to this technology which has had market presence for the last 3 years.

## F. RE5: Disposal of waste food to sewer.

In specific response to the Environment Bill's proposals item 4.30 and 4.31 – Disposal of food waste to sewer, we would state that the Waste-2-0 Bio Digester by Mechline, actually contributes positively to the issues that require 'tackling' :

reinforce above options to increase the recycling and recovery of waste materials - Through use of on-site systems, especially Waste-2-0, sites through proper waste streaming practice can demonstrate increased recovery and recycling of economically viable waste materials. See testimonial from Broad Street Shopping mall.

to create economic development opportunities and jobs by sending more food waste to beneficial treatment and use rather than disposal – Creating an AD network will undoubtedly create jobs. However, consideration should be given to the economic aspects of this draft bill on the hospitality and tourism industry, especially smaller operations who will be facing much higher costs of operation [ enablement / commissioning costs and on-going collection costs ]. There is no credible evidence that the Waste / AD Operators or Water Companies will subsidise Food service operations through economies that they affect or benefit from. These costs can only but negatively affect businesses and therefore naturally threaten jobs. Larger operations, where collection costs could be £20K plus, will similarly have to address the issues of funding and reallocate cost centres accordingly, inevitably creating operational cost reviews and potentially threaten jobs. This policy will also threaten jobs in the existing manufacturing industry associated with Food Service equipment manufacturing companies based in Wales. Directly with regards Waste-2-0, Mechlines Scientific and Biological R&D and manufacturing product partner based in Cardiff and Caerphilly could be naturally affected by bans on equipment/systems sales.

retain the resource value of food waste for treatment via anaerobic digestion which is a vital source of renewable energy and high quality fertiliser – resource value can only be truly calculated subject to AD network provision, logistics, locations, service demands. See *Mechline DEFRA report*. Waste-2-0 does transfer the resource to the WWTP where recovery can take place.

reduce the risk of blockages, sewer flooding, environmental pollution, odours and rodent infestations – not applicable to **Waste-2-0** discharge. See WRC accreditation.

Specifically to the discharge to sewer concern raised and referenced. In the case of food waste Bio-Digester, WRC independently confirmed that *"the waste water released from the machine meets with accepted industry norms and is 100% safe for the public sewer systems"*. So, no risk exists to the sewer network. On the contrary, the nature of the discharge, being rich in class 1 and safe bacteria, will continue to break down organic matter and FOG residue in the sewer network.

*WRC report attached for review.*

*Testimony from Yorkshire water.*

reduce the cost and inconvenience of repairing damage to sewers – not applicable to **Waste-2-0** discharge. Waste-2-0 discharge is 100% safe for the public sewer systems. See WRC accreditation.

reduce additional water use in disposing of food waste to sewer; and – not applicable to **Waste-2-0** discharge. See WRc accreditation. Waste-2-0's use a very small amount of water and energy compared to traditional waste disposers / macerators. In addition the Waste-2-0 process will recover 70% of water than would be otherwise lost in the process.

reduce the risk of the polluter pays principle being flouted –  
AD as a chargeable collections service is essentially recognising that the 'Polluter Pays'.

More than any other process Waste-2-0 meets the requirements of the Polluter Pays principal. The capital investment or the rental of systems requires that the site operator make a financial commitment to dealing with the problem of Food Waste. In addition, Waste discharge to drain, is already a 'costed' service through commercial tariffs of water and sewer charges. It may be a consideration to create a 'Consent to Discharge' license for certain on-site equipment solutions which is fair and proportionate to the discharge content and volume.

## G. Specific Response to Draft Environment Bill White Paper – Consultation Responses

### Consultation questions

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

We are not suitably qualified to provide input / response to this question.

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

Specifically with regards to Hospitality and Catering Food waste, the operators should separate Food Waste from all other streams, either for dedicated and approved on site treatment / disposal solutions, or, set aside for collection.

3. 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.

Keeping Waste stream separate at source, is perhaps not the issue. The Technical, Environmental and Economic arrangements for processing [ on site or collection ] are the major issues.

Technically, with specific regard to food waste, there exist many issues with regards the problems of safe and appropriate storage and logistics.

Environmentally, if operators are forced to accept food waste collection services, the energy required and the pollution generated by vehicular dependent collection systems requires factoring in, relevant especially to sites in rural locations. Add to this, the energy and carbon output of vehicles used to distribute the digestate.

Economically, collection services for food waste are not the most cost effective solution in all cases. Investment in capital equipment food waste systems, or even rental programmes, can be shown to deliver the most viable solution and future proof clients against future cost of collection service increases, which are inevitable.

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

Yes.

5. 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?

We are not suitably qualified to provide input or response to this question.

6. 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?

From a 'Commercial / Public Sector' principle, 'No' – not in all circumstances. Principles of this response are covered in the main body of this document.

Waste-2-0 machines do not damage the sewer infrastructure; they use very little water and can be shown in certain situations to be the most environmentally sensitive option and most economically viable solution for dealing with food waste.

A means of dealing with discharge to drain control would be to create discharge limitations - connections to drains that are fed from food waste treatment systems.

Discharge levels agreed with Water Companies of any effluent connection to a main drain/sewer from a waste food treatment system in line with current agreed standards could be introduced to ensure that any discharge to drain, is only permitted if the discharge levels can be established and proven to be within certain permissible levels. These should include : BOD, COD, Suspended Solids, FOG, PH – in line with Water Industry / WRC standards.

Mechlines **WRC** accreditation for the Waste-2-0 Bio-Digester shows compliance with Water Industry effluent standards.

WRC independently confirmed that "the waste water released from the machine meets with accepted industry norms and is 100% safe for the public sewer systems". So, no risk exists to the sewer network. On the contrary, the nature of the discharge, being rich in class 1 and safe bacteria, will continue to break down organic matter and FOG residue in the sewer network.

*WRC report attached for review.*

*Testimony from Yorkshire water.*

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

Section 4.22 and 4.26 states that the duty to ensure that banned materials do not enter landfill or energy from waste facilities would fall on the operators of such facilities. This onus of responsibility does not apply to operators of AD facilities, which is curious. So, 'who' prohibits or manages the scheme for Food Waste separation from all other waste streams, is

Mechline Developments Ltd –Response to the Welsh Governments Consultation on proposals for an Environment Bill - January 2014.

not clear, other than the overall responsibility falling within the scope of Natural Resources Wales.

Contamination of waste food feedstock to AD operators is a considerable issue and does need managing and policing.

Common contaminants such as cutlery, packaging, glass and napkins, among others, are retained in drum of the Mechline Waste-2-0 Bio-Digester and never enter the waste stream. However, the problem of persistent waste contaminants results in 15 - 20% of food waste sent to anaerobic digestion sites, such as Deerdykes in Scotland, being manually separated and ultimately re-directed to landfill. So severe was the contaminants issue in Denmark that they changed policy from AD systems.

It has been assumed in the past that Environmental Health departments and inspectorate teams could / would be used in the policing of such a policy. From experience and knowledge of very restricted and limited resources in these departments, it would not be a responsibility that could be assumed without additional resource and planning. Water Companies have no rights of access to business premises, as we understand.

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

Specifically with regards to food waste. The enforcement of the proposed food waste collection policy is entirely dependent on a full capacity Anaerobic Digestion network being, planned, financed, approved, constructed and commissioned before January 2017. Details of this have not been seen, so it is difficult to appraise and comment on constructively.

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

We are not suitably qualified to provide input to this question. It will be a resource planning issue.

10. 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.

As relevant a question as 'Who' should be 'How' with regards to food waste from Hospitality and Catering operations ?

Undoubtedly, resources will be needed to regulate and police this policy. There does not appear to have been factored in to the cost modelling, showing 'benefits' and 'savings' by Eunomia or others, any cost of provision for this resource.

It is clear, that if Foodservice operators see themselves as being unfairly penalised through this policy and the result is an expensive collection service, then some operators 'may' be forced to seek alternative means of disposal. These could consist of :

- More liquid / slurry food waste 'forced' through the drainage system – without the use of a approved waste treatment systems
- Food waste discretely disposed of, amongst other waste products
- Fly tipping
- Disposal at sea
- Feeding to animals
- Inappropriate disposal on land

Enforcement will be a prerequisite. This will be resource costly. Whoever funds this, the Local Authorities or the AD operators, the cost will be passed through the system and represent itself to the Foodservice operators. More cost, that will need factoring in.

In England some district councils have now abandoned separate food waste collections due to expense, limited budgets and limited environmental benefit.

So, for consideration is, 'Who' can ensure that the above options are not pursued and 'How' would the appropriate agency regulate / police such a policy.

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

What measures would be envisaged and confirmed to 'control' AD merchant operators increasing the cost of collections ? Given that the consultation really only promotes and considers the option of favouring collection services and investment in an AD infrastructure network the proposal essentially recommends a potential monopoly business. What regulation and control is envisaged ? Who will protect the consumers and rising costs ?

Other issues covered in the main body of the document.

Impacts on organisation. Loss of business, limitation and restrictions to trade, would inevitably require evaluation of Mechlines future investment and business incorporations with business partners based in Wales.



## **H. Key Objectives of the draft Environmental Bill – Resource Efficiency. Objectives, Recommendations & Conclusions.**

The Key objectives identified in the draft Environmental bill proposals, specifically related to Food Waste are :

- Deliver legislation that encourages the Prevention and Reduction of food waste
- Deliver economic solutions to businesses. Maximise employment opportunity
- Maximise recycling levels
- Deliver resource efficiency
- Meet the 2020 Landfill Directive target for biodegradable waste
- To support the green economy
- To reduce carbon and particulate emissions and to reduce energy consumption. To reduce the ecological footprint.

In addition to these, a number of issues / concerns with regards to existing technologies and products associated with disposal of food waste to sewer have been raised. Key aspects to this are :

- Maintaining the sewer network – reduce the cost of maintenance
- Reducing potential risk – sewer blockages, flooding, infestation, impact on WWTP
- Reduce Water usage - maximise Water recovery
- Reducing carbon and particulate emissions
- Reducing energy demands
- To ensure that the Polluter Pays principle is promoted – to create responsibility.

Important reference :

Article 4(2) of the Revised Waste Framework Directive allows member states to depart from the waste hierarchy in order to deliver the best environmental outcome if it can be justified by life cycle thinking giving consideration to impact indicators such as the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources and the overall environmental, human health, economic and social impacts.

### **Proportionality :**

Only 15% of Food Waste is generated by the Catering and Foodservice sector.

85% of Commercial waste is generated by Agriculture and Commercial Food Manufacturers – as per the figures quoted by WRAP.

The true cost of enablement and commissioning to prepare for AD collections services, the on-going costs to all Hospitality and Catering operations, the additional management and

operations of AD plants to deal with contaminants seem inappropriate with regards the feedstock volume they are accountable for and the derived resource benefits.

The numbers and spread out nature of Foodservice and Hospitality operations and sites across Wales would also mean that the collection services costs, the energy used, the emissions [ carbon and particulates ] created as having a truly negative and costly impact with regards the policy implementation. *See Mechline DEFRA report.*

It would therefore seem unsuitable to potentially lever the 'one-system' option of collection services onto the Foodservice and Hospitality trade at large. Only 15% of the available feedstock, the highest enablement and operational costs and potentially the highest impacts on negative environmental, energy and pollution issues, highest potential risk of contaminants to AD plants are relevant to these operations.

### **Mechline Waste-2-0 - The meeting of 'Objectives'**

1. Waste 2-0 is an on-site solution that removes the need for transportation of food waste, thus reducing considerable energy costs and emissions [ carbons and particulates – Nitrogen / Sulphur ] and reducing numbers of vehicles on the road. *See Broad Street shopping mall testimonial.*
2. Waste 2-0 diverts food waste from landfill and incineration – meeting landfill directives.
3. Waste 2-0 delivers food waste volume sensing information to facilitate food waste reduction prevention at source – #1 aim and ambition of the Waste Hierarchy.
4. Waste 2-0 recovers the water content of the food waste (up to 75%) which would otherwise be lost, and returns the water to the treatment network via the sewage system. Key requirement of Water companies.
5. Waste 2-0 returns valuable organic matter to energy recovery plants located at water treatment plants
6. Waste 2-0 ensures proper waste stream separation (packaging etc., separated from food waste) takes place, therefore maximizing recycling levels. *See Broad Street shopping mall testimonial.*
7. Waste-2-0 delivers low level approved waste water discharge to the sewer network and helps in maintaining clear drains and sewers – *See Yorkshire Water testimony and WRC accreditation.*
8. Waste 2-0 removes the requirement for non-recyclable packaging to be used.
9. Waste 2-0 future-proofs the operator from increases in food waste collection charges
10. Waste 2-0 eliminates the problems of cross-contamination, vermin and odours traditionally associated with the storage of food waste awaiting collection.
11. Waste-2-0 does not require the additional enablement costs of an AD system.
12. Waste-2-0 waste water output contains Nitrogen and phosphates from the food processed in the Waste-2-0 and this will be recovered by the waste water treatment plants.
13. Waste-2-0 protects the sewer network from potential blockage materials and AD plants from contaminants.
14. Waste-2-0 ensures that the 'Polluter Pays' principle is upheld.
15. Waste 2-0 is a very low energy using system.
16. Waste-2-0 is British built via a short supply chain, with manufacturing and R&D partners based in Wales.

### **Draft Legislation Recommendations :**

We would on the basis of proportionality, logistics, travel distances, economics, environmental considerations, hygiene and safety, energy and pollution considerations and means to protect AD plants from high level contaminants received from Hospitality and Catering operations, recommend to create a separate category of 'Hospitality and Catering food waste' defined separately from 'Commercial' food waste or 'Agricultural' Waste.

We would encourage the making illegal the sending of food waste to landfill or incineration.

Along with AD collection services, to allow on-site solutions for 'Hospitality and Catering food waste'. Numerous options exist :

Waste Disposal systems with de-waterers [ see below notes ].

IVC – On-Site Composting systems.

Mini AD plants

Bio-Digesters

Wormeries

Discharge limitations - connections to drains – to control solid organic waste discharge.

Discharge levels agreed with relevant Water companies serving Wales for food waste treatment systems connection to a main drain/sewer, in line with current agreed standards, could be enforced [ as per current Water regulations act ] to ensure that any discharge to drain is only permitted if the discharge levels can be established and proven to be within certain permissible levels. These should include : BOD, COD, Suspended Solids, FOG, PH – in line with current Water Industry / WRC standards.

### **Conclusion :**

Article 4(2) of the Revised Waste Framework Directive allows member states to depart from the waste hierarchy in order to deliver the best environmental outcome if it can be justified by life cycle thinking giving consideration to impact indicators such as the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources and the overall environmental, human health, economic and social impacts.

We firmly believe that with the considerations raised, that 'Life Cycle Thinking' should allow the use of Waste-2-0 Bio-Digesters and similar technology in the Welsh Governments review of legislation with regards the management and control of Hospitality and Catering Food Waste.

The **Mechline Waste-2-0** system in principle, can in many situations, be categorically shown to :

Enhance environmental protection principles of precaution and sustainability.

Deliver economic viability.

Improve protection of resources.

Be a simple technical product to introduce.

Reduces health and hygiene risks.

Provide quick return on investment and promotes 'polluter pays' principles.

Promote reduction and prevention.

Be an economical solution with positive social impact.

Promotes Innovation solutions.

Assists with Employment and enhances R&D and business growth in Wales.

Report end.

Attachments :

Annex A. DEFRA summary.

Annex B. DEFRA report.

Annex C. WRC r summary.

Annex D. WRC report.

Annex E. Yorkshire Water Testimony

Annex F : Broad street Shopping Centre Testimony.

Annex G : Liverpool One Testimony

Annex H : Recent reviews concerns raised with regards AD

## **Amgueddfa Cymru's response to the Environment Bill - White Paper consultation**

Amgueddfa Cymru – National Museum Wales expresses its general support for the proposed Environment (Wales) Bill as set out in the Welsh Government's White Paper. Amgueddfa Cymru has monitored progress on the development of this legislation and provided feedback on the 'Sustaining a Living Wales' Green Paper in 2012. Amgueddfa Cymru supports the adoption of an Ecosystems Services approach to management of natural resources in Wales but again wishes to record its concern that a definition of ecosystems should not be restricted to the biota but also include consideration of geology and soils (the 'geodiversity') as these elements underpin and directly influence the biota. The geology and soils are, of course, in themselves key strategic resources for society, and so need careful and sustainable management as for all other elements of the natural environment.

Amgueddfa Cymru believes strongly in the 'area' approach proposed in the White Paper, believing that local knowledge will be imperative in the successful sustainable management of natural resources in the years ahead. Indeed, Amgueddfa Cymru firmly believes that the bringing together of knowledge and data held by the very numerous bodies, public and non-public, across Wales will be a key area for action to ensure successful outcomes from the actions proposed in the Environmental (Wales) Bill.

Amgueddfa Cymru is concerned that marine licensing is already impacting negatively on marine research and believes that licensing should be confined to large scale developments such as channel dredging, oil and gas extraction, aggregate extraction, offshore windfarm development, and building piers, harbours and breakwaters etc. Scientific sampling should either be exempt (except for sensitive or protected areas), or research organisations should be issued with annual licences.

Amgueddfa Cymru has a strong team of research-active natural scientists who have considerable knowledge of the geology, flora and fauna of Wales and who are well-placed to contribute to any pooling of knowledge which is facilitated by the lead reporting authority for natural resources in Wales, which logically is Natural Resources Wales. The White Paper acknowledges the importance of a robust

evidence base upon which management can make decisions on an area basis and we concur with that assessment.

Amgueddfa Cymru looks forward to further, closer collaboration with Natural Resources Wales during implementation of this Bill.

**January 15<sup>th</sup> 2014**

# **Welsh Government White Paper 'Towards the Sustainable Management of Wales' Natural Resources' – Consultation on proposals for an Environment Bill**

## **Response from WRAP Cymru (the Waste & Resources Action Programme in Wales)**

### **Executive Summary**

1. WRAP Cymru welcomes the opportunity to provide a response to the Welsh Government's consultation on proposals for an Environment Bill. WRAP Cymru was established in September 2008 and is the Welsh Government's delivery partner for waste and resource efficiency issues.

2. WRAP Cymru's key priorities are to:

- Work with businesses in Wales to drive down the amount of unnecessary packaging and food waste;
- Support the development of the infrastructure in Wales for recycling by helping businesses and markets to grow; and
- Increase the diversion of biodegradable waste into quality products such as compost and digestate.

3. Our delivery is based on building and understanding the evidence base, then working with partners to address the market failures that prevent the sustainable use of resources. WRAP works efficiently and cost effectively, always seeking to improve the quality of thinking, delivery and outcomes.

4. Further information on WRAP Cymru's role and remit is at Annex 1.

### **Response to the Consultation Paper**

5. WRAP's areas of expertise concern the topic of resource efficiency in chapter four of the consultation paper. We have therefore limited ourselves below to answering the questions in that chapter.

***Q18. 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?***

6. Yes, we agree with the combination of proposals. We support the aim of the proposals to maximise the environmental and economic benefits of driving waste up the hierarchy, on the way towards creating a more circular economy in Wales. Recent research by the Ellen MacArthur Foundation for WRAP Cymru has found that material cost savings of up to £2 billion a year could be achieved by transitioning to circular

processes<sup>1</sup>. In addition, the report suggests that moving to a circular economy would enable a lower dependency on raw materials, making the Welsh economy more resilient to price volatility and supply chain risks. WRAP Cymru is actively engaged in helping Wales to start making this transition.

7. The introduction of landfill and energy from waste (EfW) bans or restrictions will need to be supported by measures to encourage waste to be managed further up the hierarchy, including separating and collecting materials for recycling. We recognise that landfill bans/restrictions alone may not have the desired outcome of promoting increased recycling. We agree that energy from waste (EfW) should be retained as an option for contaminated paper/card and treated wood waste, as recovering energy from this material is environmentally preferable to landfilling it.

8. We would suggest that the restriction on EfW might also be applied only to *uncontaminated* plastics (in a similar way to the distinctions made for paper/card and wood), with contaminated plastic film in particular continuing to be allowed to be sent to *some* types of EfW. However, **the situation here is complicated. WRAP's life cycle analysis of the management options for mixed waste plastics<sup>2</sup>** found that EfW of plastic waste through incineration was worse than landfill from a carbon perspective, but if the EfW option is instead to convert the plastics into a Solid Recovered Fuel (SRF) which is then, for example, used to replace coal as the fuel for a cement kiln, then this is environmentally preferable to landfill. Recycling would still be better, environmentally, but if that is not possible (e.g. with contaminated plastic film) then the SRF route is the next best option.

9. The Waste Prevention Programme for Wales, published on 3 December 2013, identifies opportunities to increase the reuse of a range of products, including household textiles. However, given the existing high degree of separate collection of clothing, additional requirements may not be necessary to support this.

***Q19. Do you agree that the level of segregation asked of individuals/businesses is acceptable? If no, please state why and an alternative.***

10. The range of business types to be covered by the proposed measures is extensive, covering the hospitality, retail, manufacturing, admin, education and health sectors. Businesses in each of these sectors will produce a different range of waste materials and it is unlikely that all businesses will be producing the full range of materials to be separated (i.e. metal and plastic, glass, co-mingled paper/card, food waste, wood and a residual stream); therefore, we believe the proposed level of segregation will be acceptable in most cases. In instances where all material streams

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<sup>1</sup> 'Wales and the Circular Economy', Ellen MacArthur Foundation report for WRAP, 14 November 2013, p.5. Available at [www.wrap.org.uk/walesandce](http://www.wrap.org.uk/walesandce).

<sup>2</sup> 'LCA of Management Options for Mixed Waste Plastics', WRAP, June 2008. Available at [www.wrap.org.uk/sites/files/wrap/LCA%20of%20Management%20Options%20for%20Mixed%20Waste%20Plastics.pdf](http://www.wrap.org.uk/sites/files/wrap/LCA%20of%20Management%20Options%20for%20Mixed%20Waste%20Plastics.pdf).



are produced by individual businesses there may be practical reasons, such as adequate storage space for containers, which would make this level of segregation challenging.

11. We are assisting the Welsh Government with further work to understand the cost implications to businesses. Following completion of this work we will be in a better position to advise on the appropriate levels of segregation.

***Q20. 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.***

12. For some businesses, particularly in the Hospitality and Food Services sector, it could be challenging to keep the seven streams separate; however, as noted in response to Q19, it is unlikely that most businesses will produce all seven waste streams, or if they do, then not in sufficient quantities to warrant separate collection. Whilst potentially difficult to regulate, one option might be to set thresholds below which it may not be TEEP for businesses to separate materials due to them being produced in small quantities.

13. While there is certainly a solid business case for food waste collections from businesses, existing residual waste collection pricing is very competitive. The affordability of new food waste collection services to the average business depends on their residual waste stream reducing sufficiently to cut the cost of collecting it (e.g. by enabling the use of smaller containers or less frequent collections). WRAP research suggests that a dedicated collection of food waste may not be cost effective for an SME producing less than 40kg/week for this reason.

***Q21. 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?***

14. Yes, we agree with the proposals. Typically these are the materials which are more prominent in the waste stream and will bring the greatest carbon benefits from diverting from disposal.

***Q22. 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?***

15. This is an enforcement issue, so outside WRAP's remit.

**Q23. Do you agree that there should be a prohibition on the disposal of food waste to sewer. If yes, should this apply to i) households, ii) businesses and public sector or iii) both, and why?**

16. Yes. Our understanding of the limited evidence available is that disposal of food waste to sewer with subsequent land-spreading is preferable to landfill, but not to other options further up the waste hierarchy (for example, anaerobic digestion, or composting with displacement of fertilisers or peat). In addition, the Welsh Government and Welsh local authorities have invested in collection and processing capacity for food waste. This infrastructure needs to be used efficiently through the maximisation of throughput.

17. We do not have data available on the tonnage of business food waste arisings. However, in November 2013 WRAP published our latest data on UK household food waste arisings. This report found that around one fifth was disposed of via the sewer (1.6 million tonnes sent to the kitchen sink and other drains), with drinks and dairy products making up more than half of this<sup>3</sup>.

18. Our work shows that collecting food waste separately and treating by AD has both cost and environmental benefits, not least because when food waste is collected separately, this tends to focus attention on the amount produced, and the significant financial benefits that can be realised by preventing food waste from arising in the first place. We have recently produced a cost-benefit analysis for the treatment of food waste in hospitals. This suggested that separate collection, followed by AD, was better than disposal to sewer.

19. We would suggest that any restriction should differentiate between food waste and waste from food manufacturing processes. Ideally, it should also include a *de minimis* threshold level (e.g. to avoid washing-up water being caught).

Case study: the Dragon Hotel in Swansea

20. Changing from disposal of food waste to sewer to other ways of dealing with food waste can have economic as well as environmental benefits for businesses. One example of what is possible is the Dragon Hotel in Swansea.

21. The Dragon Hotel is a 4-star, 106 bedroom, privately-owned medium-sized hotel in Swansea City Centre. As part of their 'Room 15' sustainability commitment the Dragon Hotel wanted to find ways to reduce waste and improve its recycling performance. Working with WRAP Cymru, over a six month period they delivered a 25% reduction in purchase and waste of perishable goods and reduced costs by a significant amount. The savings were achieved through a series of zero or low cost measures including enhanced menu designs and customer choice, reviewing the waste being produced, improved recycling, eliminating the use of a food waste macerator and better housekeeping practices.

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<sup>3</sup> 'Household food and drink waste in the United Kingdom 2012', WRAP, 7 November 2013, p.8 (but see also the qualification on the figures on p.50). Available at [www.wrap.org.uk/sites/files/wrap/hhfdw-2012-main.pdf](http://www.wrap.org.uk/sites/files/wrap/hhfdw-2012-main.pdf).

22. A waste management site review, including waste compositional analysis, showed that the overall recycling rate at the hotel was 36%, with 19 tonnes (41%) of the overall waste generated identified as food waste which was being macerated and sent to sewer. With full support from the kitchen staff and the head chef, the Dragon Hotel put in place new working practices for the segregation and storage of food waste to enable collection and recycling by Swansea City Council. This has resulted in the Dragon Hotel taking action to reduce the amount of food waste being produced through better menu design and customer choice and increasing the recycling rate to over 75%.

***Q24. Do you have any comments about how such a prohibition should be enforced i) with businesses and public sector and ii) households?***

23. This is an enforcement issue, so outside WRAP's remit.

***Q25. Do you agree that the lead-in times for the proposals are reasonable? If no, what alternative lead in time would you suggest?***

24. If the Environment Bill is enacted during 2014, this would leave less than three years before the proposed 1 January 2017 implementation date. This seems a relatively short period, compared to the five to seven year lead-in times proposed in previous research into this issue.

***Q26. Do you agree that NRW are the best placed organisation to regulate the duty to source segregate wastes? If no, please give the reason and propose an alternative regulatory body.***

25. This is a regulatory issue, so outside WRAP's remit.

***Q27. 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.***

26. This is a regulatory issue, so outside WRAP's remit.

***Q28. Do you have any comments on the impact of these proposals (for example, impacts on your organisation)?***

27. No.

**Submitted by:**

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15 January 2014

### About WRAP Cymru

28. WRAP (the Waste & Resources Action Programme) is an independent, not-for-profit company, recognised in the UK and internationally for our expertise in resource efficiency and product sustainability, our leading-edge evidence, our skills and knowledge and our ability to bring people together to solve problems.

29. **WRAP's vision is: 'A world where resources are used sustainably.'**

30. We occupy a unique space as a trusted interface between Governments, business, local authorities, communities and organisations working for more sustainable resources.

31. WRAP acts as a catalyst, accelerating change in the behaviour of business and communities in ways that neither governments nor individual companies can do, working on their own.

32. We do this through a combination of:

- Technical knowledge and the ability to apply that knowledge;
- An ability to forge partnerships and build alliances;
- Developing insights into business and consumer attitudes and behaviour;
- Research and a developing evidence base.

33. Our delivery is based on carefully building and understanding the evidence base, then working with partners to address the market failures that prevent the sustainable use of resources. Tackling these, in the right order and cost effectively, is essential to effective market operation and is at the heart of the way WRAP operates.

## **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](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **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.**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Kath McNulty
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<b>Type</b> <i>(please select one from the following)</i>	<b>Professional Bodies and Associations</b>
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### **Question 1**

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

**Yes**

***Please provide comment:***

1. When discussing natural resource management in Wales, we need to consider those natural resources elsewhere which we benefit from but do not manage. For example if we reduce the volume of timber we harvest from Welsh forests (managed sustainably to UK Forest Standard) we will import more timber from abroad from forests which may or may not be sustainably managed. If we reduce the volume of food we produce in Wales, we will need to rely on more imports. For Wales' development to be sustainable, we need our natural resources to provide more of our needs, in a way which does not compromise the future. Woodlands provide jobs, woodland products for construction and heating among others, recreation, shelter and are good for the environment. They store carbon in the trees, the soils and the final products.
  2. The balance between the economic, social and environmental will not always be easy to achieve. Much of the responsibility for achieving this balancing act is vested with NRW. NRW staff have never had to consider economic factors and therefore it will not come naturally to them. Paragraph 2.5. states that NR managers need to understand social and economic needs. Indeed, how will this be achieved?
  3. It is surprising that the policy won't be developed until 2017/18 whereas the reporting will be developed over the next year. It will be difficult to report against policy which hasn't been agreed.
  4. Natural Resource management covers many types of land which require specialisms, forestry requires foresters. Beware of recruiting too many generalists who know nothing.
  5. Paragraph 2.27 states that "sustainable management of NR will improve the resilience to climate change", this is true to a very limited extent. Climate change is happening so fast that changing management will struggle to keep up. Reducing carbon emissions remains paramount.
  6. Local Service Boards are mentioned repeatedly in the consultation document. I have looked for information about these and found very little. There is a colourful map, however the links from both the Gwynedd and Anglesey, Blaenau Gwent, Conwy, Flintshire "local service boards" are all broken. I gave up at this point. Who sits on these? Are they representative of the community? Who are they accountable to? Are you aware how disenfranchised local people are with County Councils?
  7. Paragraph 2.45 implies that the policy will be re-issued every 5 years. There is a risk that the policy is forever being reviewed. Land managers and businesses need policy stability to make investment decisions; 5 years will not be sufficient, for example, to secure bank support. The reviewing timeframes need to be defined and tight, e.g. the policy will be reviewed 6 months before the 5 year deadline. The same applies to the area plans.
  8. The table in paragraph 2.72 mentions Forest Management Plans. This is incorrect, NRW produces Forest Design Plans. (they may be called Forest Resource Plans at present)
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9. Area based management may be appropriate at a high level scale, however forests will still need forest level management plans.

10. The reporting must absolutely also include social and economic reporting. The people of Wales do not want to live in a nature reserve while their standard of living drops.

11. Streamlining and simplifying is good. This cannot be of internal processes alone and must be about the regulations which affect the private sector. Confor would be pleased to work with the Welsh Government to improve the forestry regulations.

12. Welsh Government and NRW need to develop collaborative processes with Welsh industries and affected land owners, not only with public sector bodies and the third sector.

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## **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:***

In terms of the area based approach, given the information provided it is difficult to comment on its appropriateness. However for forestry, a management plan at a forest level is definitely still required.

An area base approach must take account of ecosystem services provided by a particular area to other parts of Wales.

Careful consideration needs to be given to areas which cover England and Wales.

Is the staff resource sufficient? Increasing staff numbers will increase costs to the taxpayer.

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## **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**

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***Please provide comment:***

Clearly climate resilience and climate change mitigation are important however decisions must be based on the best science available and in partnership with businesses and those who depend upon the land to earn a living.

Climate Change actions must be appropriate and practical. E.g. If new tree planting via Glastir is reduced to a proliferation of species planted for no other reason than hedging bets, we will end up with uneconomic scrublands.

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**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**

***Please provide comment:***

Once established a 5 year cycle is sensible. The policy should be developed in the next year rather than in 2017/18. The reporting should be based on the policy rather than developed over the next year.

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**Question 5**

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

**No**

***Please provide comment:***

2.42 You will find a weariness for constant consultation, and therefore a reduction in the efficacy of the process. Was the natural infrastructure in such a bad way pre NRW?

2.49 What is a land based planning system?

The majority of land in Wales is owned by individuals. You are seeking to dictate the way they own/manage their assets. Recent attempts to widen CROW illustrate this attitude.

2.57 The bulk of the land in question is owned by individuals who rely on organisations such as CONFOR/NFU/CLA/FUW.

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**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?**

**No**

***Please provide comment:***

Why would we want to anticipate SIGNIFICANT changes? We know enough about land management to get it nearly right now.

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**Question 7**

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

**Yes**

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***Please provide comment:***

All public bodies must “co-operate” with a legal bill.

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**Question 8**

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

**Yes**

NRW is part of the government, even if “at arm’s length”. NRW will have to respect this bill and deliver sustainable development fully taking into account the social, economic and environmental aspects of land management. Individual members of staff cannot continue to manage their areas for their own pet environmental projects.

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**Question 9**

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

- For years we have lived with the legislative process, noting that as each new government comes to power the bureaucracy rises and efficiency in delivery falls. Consultation blooms and fewer trees are planted. We see this Bill as accelerating this process.
  - We are suffering the delays with Glastir, this Bill seems a repeat of that process. We cannot get on with our business with any certainty on outcomes.
  - The impression given is that the land that the government seeks to legislate over is just one big catchment, and no one in particular owns it.
  - If cost implications are good or bad from NRW, the WG picks up the result. We have yet to see simplification. The statement “ultimately represent a cost saving” must be of grave concern to any Minister.
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## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **Question 10**

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

**No**

#### ***Please provide comment:***

1. Innovation is natural to mankind, evolution takes place because of innovation. However the suggestion that NRW needs legal powers to be innovative is a joke. NRW by its nature (and the nature of the hierarchy) will not be innovative. Confor's experience so far of NRW being innovative is NRW Chairman proposing that Wales should grow tea! The thought that change is always good needs to be examined closely!

2. Paragraph 3.7 needs to read “consult and gain agreement from all relevant parties”. The Welsh Government is good at consulting, not so good at listening or taking consultation responses on board.

3. Paragraph 3.8 Reporting will be essential. It is important that any positive lessons learnt may be rolled out to the whole of Wales without changes to legislation since this will delay. Consent from stakeholders will be essential though.

4. Payments for Ecosystem Services: In California, beekeepers are paid for pollination services rendered to the apple and almond industry. Result: lorry loads of hives transported up and down the country with no consideration for the bees. Beware of the perverse incentives of PES.

The creation of new PES may result in the annulation of other ecosystem services. NRW needs to be aware of the full consequences and impacts on third parties.

5. Confor is wary of more and more legislation being proposed. We discussed in Chapter 2 the need to simplify the regulations and bureaucracy. NRW does not need legislation to develop market mechanisms, no additional powers. Moreover market mechanisms will come from the private sector given an enabling attitude in government.

6. The Water Framework Directive is given as an example of a General Binding Rule. The Water Framework Directive has not been a simple mechanism, it has been an absolute nightmare to interpret and agree on. No to General Binding Rules.

Common sense good practice however is welcome, Confor welcomes simple, sensible, applicable rules, which are easy to understand by all. Breaches of these rules then may be punished.

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### **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 additional powers to NRW to trial innovation.

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

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### **Question 12**

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

Yes

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

But only because the other possible bodies no longer exist!!

We would welcome any progress to PES, but only if it avoids the extensive time lines being put about. Woodlands have been providing free ES forever.

NRW's role should therefore be limited to facilitation and possibly to act as a broker. The development of new market based systems should be left to the private and voluntary sectors. Any decision on these powers for NRW should await the results of the study mentioned in paragraph 3.18

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

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**Question 13**

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

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We welcome any sensible fact based proposals that pay their way as long as the presumption is that management agreements with private land owners relates to the ownership not the land. If linked to the land (potentially in perpetuity) this will seriously limit the willingness of owners to participate.

These agreements cannot be compulsory on the land owner.

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**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?**

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The Water Framework Directive which is given as an example of General Binding Rule has been a nightmare for all involved (public and private sector), it is certainly not based on common sense.

Forestry regulates itself through the UK Forest Standard, this may be a good example of a General Binding Rule?

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**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**

***Please provide comment:***

However it is a general concern that this Bill is likely to be on the statute book, before any consideration is given to how the overarching UK Forestry Act will come into play. This should have been dealt with first as it impacts on a large part of NRW.

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**Question 16**

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

The recent paper on acidification in the uplands and proposals for charges for tests and treatment set alarm bells ringing. Such charges on forestry following the unintended consequences of acid rain fall out on legitimate crops would be unacceptable.

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**Question 17**

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

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The work load imposed by the advent of NRW and the subsequent proposed legislation is onerous, especially for those trying to earn a living from the land.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **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:*

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

Yes

No

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

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**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.*

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**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?*

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**Question 22**

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

Yes

No

*If no, what other approach could we adopt?*

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**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:*

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**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)

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**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?*

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**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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**Question 27**

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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:*

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**Question 28**

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

## Carrier Bags

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### 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*

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### 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*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### 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?**

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**Shellfisheries Management**

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**Question 35**

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

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Yes

No

*Please provide comment*

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**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*

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**Question 37**

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

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

No

*Please provide comment*

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### **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*

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**Question 40**

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

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**Implementation / Equalities**

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**Question 41**

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

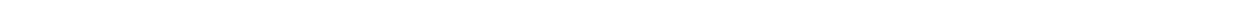
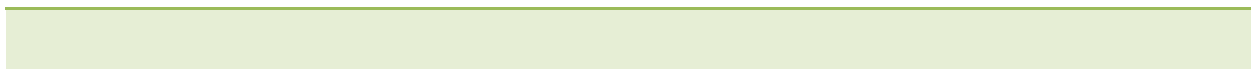
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**Question 42**

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

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## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

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

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

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

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

Please submit your comments by 15 January 2014.

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

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **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.**

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name** Matthew Preston

**Organisation** Resource Association

**Address** Suite One, 2 Boroughgate, Otley, West Yorkshire, LS21 3AL

**E-mail address** matthew.preston@resourceassociation.com

**Type**  
*(please select one  
from the  
following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

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

**Academic bodies**

**Member of the public**

**Other (other groups not listed above)**

## Chapter 2 - Natural Resource Management

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### 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:*

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### 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:*

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### 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

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**both national and local levels?**

Yes

No

*Please provide comment:*

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**Question 4**

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

Yes

No

*Please provide comment:*

---

**Question 5**

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

**Yes**

**No**

*Please provide comment:*

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**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:*

---

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**Question 7**

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

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---

**area-based approach?**

Yes

No

*Please provide comment:*

---

---

---

**Question 8**

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

Yes

No

*Please provide comment:*

---

**Question 9**

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

## Chapter 3 - Natural Resources Wales – new opportunities to deliver

---

### **Question 10**

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

Yes

No

*Please provide comment:*

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### **Question 11**

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

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**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?**

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**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?**

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**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:***

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**Question 16**

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

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**Question 17**

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

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### **Question 18**

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

Yes

No

***Please provide comment:***

The Resource Association warmly welcomes this White Paper. In proposing a range of complimentary measures such as landfill and EfW bans on key materials and separation of wastes by the waste producer, the Welsh Government is proposing some bold measures and sending clear market signals to boost resource capture and recycling. Provided such measures are also complemented by a strong eco-industrial strategic approach to building business that can effectively utilise high quality recovered resources we see the merit in the clarity of these market signals. We are encouraged by the integrated nature of the approach taken in the White Paper and urge that this is maintained across eco-industrial strategy.

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

Yes

No

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

We believe the current waste streams are sufficient enough to increase resource capture and boost recycling. Continued support from programmes such as the WRAP Cymru ARID Recycled Content fund and business support for manufacturers and reprocessors will be an essential ingredient alongside these proposed legislative drivers.

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**Question 19**

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

Yes

No

*If no, please state why and an alternative.*

Yes we believe the level of segregation is acceptable. Capturing more and high quality recycle from households is vital for the health of our UK manufacturing sector that needs these materials. It creates jobs, reduces carbon impacts, minimises landfill and generates environmental action in the public. Public support for recycling has been hard won and not a completed victory, and we would do well to remember that we still need to maintain and generate the confidence of the public that we manage and recycle materials well, know where they are going and can demonstrate the benefits.

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**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, we believe all sectors should keep the waste streams separate at source as long as they are consistent and that small businesses do not face significant financial increases.

---

**Question 21**

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

Yes

No

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

Yes

No

***If yes, what are they?***

The materials specified are sufficient to ensure that valuable recyclable materials/resources are not incinerated.

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**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:*

**c)Both**

---

**Question 24**

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

**i)**

**ii)**

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**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 the lead times are reasonable. The Welsh Government is proposing some bold measures, however this is an important policy development which will effectively result in high quality recovered resources.

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**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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**Question 27**

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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:*

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**Question 28**

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

The Minister for Natural Resources and Food makes it clear in his foreword that he sees the need for a 'modern legislative framework that recognises that our water, land and air are all interlinked and our economy, society and environment are all inter-dependant'. We are encouraged by the integrated nature of the approach taken in the White Paper and urge that this is maintained across the eco-industrial strategy.

## 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)?**

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### 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?
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**Question 34**

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

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Empty response area for Question 34.

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**Shellfisheries Management**

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**Question 35**

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

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**Yes**

**No**

*Please provide comment*

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**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*

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**Question 37**

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

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

No

*Please provide comment*

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### **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*

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**Question 40**

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

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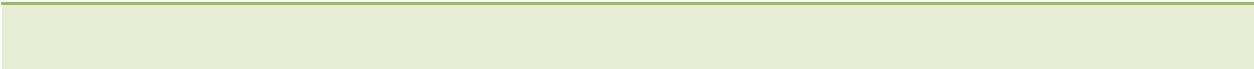
**Implementation / Equalities**

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**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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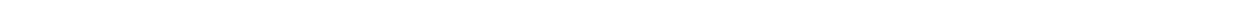
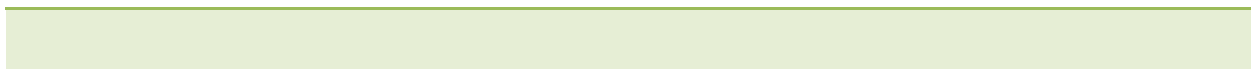


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**Question 42**

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

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## **Towards the Sustainable Management of Wales' Natural Resources**

Consultation on proposals for an Environment Bill

### **Response from RSPB Cymru**

15 January 2014

*RSPB Cymru is part of the RSPB, the country's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.*

#### Introduction

RSPB Cymru welcomes the opportunity to respond to the consultation on proposals for the Environment Bill. We feel that the central proposal – of an area based approach to 'natural resource management' - could represent an excellent opportunity to move to a more proactive and ambitious approach to environmental management (including protection, conservation, enhancement and restoration), with the potential to provide a sound basis for sustainability in Wales. The case for a step change, and greater ambition for our nature, is highlighted for example in the State of Nature report, which we are pleased to see referenced in the White Paper.

However, we consider this opportunity is jeopardised by the overwhelmingly utilitarian approach to the natural environment espoused, and failure to reflect the critical role of nature conservation in achieving the healthy, resilient ecosystems that are sought (which is, of course, integral to the ecosystem approach as developed under the CBD). Furthermore, as it stands, we are not convinced the proposed process will lead to the step change in delivery that is needed; the approach appears to depend upon its benefits being broadly recognised and acted upon without compulsion or identification of resources.

Our key concern about the way in which the new approach is described is that it is presented as a long term *alternative* to the existing framework for environmental management. From our analysis of the challenges facing the natural environment, we contend that the greatest opportunity for the new approach to deliver what the environment needs, in order to support broader societal aspirations, is through working *in combination with* the existing conservation tools. Paragraphs 1.14 and 1.15 are rather dismissive of the value of current tools, criticising their narrow focus (although they have 'served their purpose'). Paragraph 1.16 refers to the progressive Water Framework Directive and Marine Strategy Framework Directive without noting that protected areas are central tools in these instruments. Similarly, paragraph 1.11 cites the Lawton review as supporting the need for a new approach, without mentioning that this Review of England's Wildlife Sites and Ecological Network strongly recommended the continued need for protected areas for biodiversity, and indeed the need for them to be 'more, bigger, better and joined'. We failed to find any reference to Glastir within the White

Paper, another tool whose interaction with the new approach will be absolutely critical. We would therefore strongly advocate building upon the strengths of our existing system of environmental protection and management, and focusing on developing greater understanding of the value of natural resources through better integration between policy areas and understanding of environmental impacts.

Furthermore, in common with previous consultations under the *A Living Wales* banner, the White Paper fails to explore the opportunities to improve outcomes for natural resources through better implementation and enforcement of existing legislation (for example, addressing failure to achieve favourable condition of the majority of protected sites or GES of the majority of water bodies), and how much closer this would bring us to meeting the aspiration of healthy, resilient ecosystems. The opportunity for the new approach to facilitate better implementation of the existing tools, which we consider one of its main potential advantages, is therefore not discussed at all. We are disappointed that a considerable number of contributions to this effect to earlier consultations and stakeholder forums do not appear to have been heard, and we would welcome a clear explanation from the Welsh Government as to why these suggestions have apparently been rejected.

We are also very concerned about the discussion around NRW's statutory purpose in paragraphs 1.25 and 1.26. We agree that the purpose should be acknowledged as recognising that natural resources underpin our economy and the health and wellbeing of our society, as well as the natural environment, and that their true value needs to be properly considered. However, the statement that the intended effect is that NRW, in undertaking its functions, considers social and economic interactions as well as environmental factors doesn't reflect this, and neither does it truly support the Welsh Government's commitment to sustainable development. Demanding that NRW considers social and economic factors in undertaking all its functions could prevent it from delivering what the environment needs in order to deliver the broader benefits aspired to. We remain very concerned that the broad wording and interpretation of the purpose could result in trade-offs between environmental and other objectives being made behind closed doors, rather than the evidence of environmental impacts being placed into the public domain in a timely way, making decisions that truly reflect the value of natural resources less likely.

We challenge the statement in paragraph 1.26 that the "narrow, reactive legislative framework" is not "fully aligned to the core purpose". As later sections of the White Paper highlight, other than integration of the legacy bodies functions, the Welsh Government has yet to produce any clear evidence of where existing legislation is barrier to achieving the objective of ecosystem management. We further note that, during the debate around NRW's statutory purpose, we were assured by the Welsh Government in correspondence with Ministers, that the breadth of the remit and the new purpose would not detract from the delivery of any of NRW's specific functions.

In relation to the comments above we must express our strong opposition to proposal NRM11, which would empower Ministers to amend the legislation that gives NRW its functions without the full scrutiny and engagement afforded to primary legislation. Much of the drafting of the White Paper, including the paragraphs referenced above, indicates to us that the Government may be minded to dismiss certain nature conservation tools as being out of line with the new approach. As expressed above, we thoroughly fail to see the logic of this, and are extremely concerned that shortcuts in proper legislative process and

deliberation could weaken Wales' environmental protection framework, perhaps particularly with respect to our threatened wildlife.

### Summary of key points

- The proposed new process for natural resources management could present a great opportunity to address the very significant environmental challenge we face, but has shortcomings which will prevent it doing so. These include:
  - Failure to adequately reflect the critical role of nature conservation (as expressed in the CBD description of the ecosystem approach) in natural resources management. We believe the Bill should also reflect the intrinsic value of nature.
  - Related to this, the failure to embrace existing delivery tools for conservation and environmental management and explain how the new approach will work in combination with these seriously undermines our confidence in its potential.
  - The absence of an outcome-focused duty with respect to area based natural resource 'plans' means that it is very unclear whether the new process will influence or effect action by bodies other than NRW.
  - The Welsh Government (supported by NRW) should be the reporting authority on natural resources management, and should report to the National Assembly on progress.
- The Bill should include statutory targets for the Welsh Government relating to biodiversity recovery and climate change – two areas that present enormous challenges and which require specific focus within the new approach if they are to be adequately addressed.
- The timetable presented in the White Paper suggests NRW will begin to implement the area based approach in 2017/18; the Government and NRW have statutory targets and international commitments (such as the 2020 biodiversity target) on which significant work will need to be progressed while the groundwork for the new approach is being laid.
- We object very strongly to proposal NRM11, to allow the Welsh Ministers to amend primary environmental legislation via secondary legislation. It would cut the Assembly out of proper scrutiny of what could be fundamental changes. The way in which NRW's purpose is described in the White Paper gives us cause for concern that the Government may be minded to water down wildlife protection and conservation functions.
- NRM11 is one example where policy making has apparently not kept pace with the timetable for publishing legislative proposals. There are other examples in the White Paper, particularly in Chapter 2 (Natural Resource Management) where we consider the proposals are somewhat vague and do not clearly express the Government's intentions for legislation. We therefore believe a further consultation stage, such as a Draft Bill, is necessary.

## Response to Consultation Questions

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

We do not agree that chapter 2 presents an adequate package of proposals. We believe that, with improvement, the proposals could represent an excellent opportunity to move to a more proactive and ambitious approach to environmental management (including protection, conservation, enhancement and restoration), with the potential to provide a sound basis for sustainability in Wales. We consider that they currently fall short of achieving this.

The national/area resource use planning structure is sensible and has logic on its side, with a national Government policy providing the basis for an area based approach, and a regular reporting requirement. However, we have a number of concerns about the proposals:

- The White Paper references the ecosystem approach, as developed under the Convention on Biological Diversity, as the starting point for its proposals; the First Minister confirmed the Welsh Government's commitment to this approach in his address late last year to the Natural Resources Conference in Cardiff. As noted in the Glossary, the ecosystem approach is 'a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way' (emphasis added). We do not feel that conservation is reflected well throughout the discussion in the White Paper; in particular, it is not adequately reflected in the definitions proposed under NRM1. We wish to see the intrinsic value of nature reflected in the Bill, but note that, even if nature is only viewed as a collection of resources, conservation is still vital if sustainability is to be achieved. If this process does not improve understanding of the role of the environment in underpinning wider benefits, it could be seen more as a mechanism to trade off environmental requirements against other objectives.
- As discussed in our introductory section, we are very disappointed by the White Paper's approach to the suite of tools currently available for nature conservation, many (if not all) of which would benefit from improved implementation if the aim of securing healthy, resilient ecosystems is to be realised. We see the potential strength of the area based approach in *adding* to these existing tools, supporting and informing their improved delivery and integration with wider management, in order to support resilient ecosystems throughout Wales. In this way (i.e. *in combination with existing tools*), the area based approach has the potential to enhance nature at a landscape scale. There is no possibility that the area based approach could *replace* existing tools and still deliver. As we have said, we expect a primary aim of the area-based approach to be one of ensuring that NRW and WG deliver better their existing statutory responsibilities (many of which, of course, come directly from Europe or are related to achieving European commitments). It is of concern that only passing (and partial) reference is made to some of these matters and that it is not clear whether Government does indeed see this as a key aim of the new process.

- There is much discussion of NRW taking account of socio-economic aspirations in determining priorities for natural resources management. We consider that NRW's key role must be to set out the needs of the natural environment and opportunities for delivery (including opportunities for habitat restoration, for example). In discussing these with other local partners it should be possible to identify opportunities and benefits arising from environmental management to broader interests, as well as possibly constraints that can be well understood. Through the range of interests coming together we would hope that, where conflicts are identified, creative, sustainable solutions can be reached without compromising statutory requirements or overall environmental objectives. If NRW is required to consider socio-economic priorities as a starting point, we fear the proposed framework will not deliver for the environment in Wales but rather, under the guise of a misrepresented sustainable development, only for socio-economic aspirations.
- It is not clear exactly what product is to result from the area based approach (a plan?; a statement?) and how it is to influence all the bodies that need to act in the right way to ensure outcomes are achieved. While we welcome the proposed duty of co-operation, we believe that an outcome focused duty on bodies to take account of the area based statements or plans is needed if they are to have meaningful influence. It would seem appropriate for the area based 'plans' developed by NRW to be formally adopted by Government to help ensure they have the necessary level of commitment and influence.
- A further concern relates to the timetable proposed for implementation of the natural resources policy, with implementation not getting under way until 2017/18. Before then, we are told that NRW will be developing its overall approach and identifying and establishing management structures and processes at national and area levels. It is intended, therefore, that the process will take up to five years to prepare before implementation can commence. This leaves open the question of what happens in the meantime, about which the White Paper has little to say – but clearly NRW must continue to deliver against the numerous existing targets concerned with providing a healthy environment, such as the 2020 biodiversity target.

Finally, we feel it is unfortunate that the publication of the Future Generations Bill has been delayed and comments on the White Paper must be provided without a full understanding of the provisions of that Bill. We assume that the definition of sustainable development used in *One Wales: One Planet* will provide the basis for the Future Generations Bill, including its commitment to enhance the natural environment, to respect environmental limits and to use only 'our fair share' of the Earth's resources. The Ministerial Foreword to the Paper describes the commonly identified three elements of sustainable development – the environment, economy and society – as 'inter-dependent'. However, and quite fundamentally, while human economy and society are totally dependent on the environment, the environment is not dependent upon the other two, being rather the resource upon which they depend. The principal concern of the Environment Bill should be securing the healthy environment on which we depend and from which we derive numerous benefits; a completely fundamental role in supporting and enabling sustainable development. We feel

the White Paper tends towards interpreting sustainable development as one and the same with sustained economic growth.

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

We accept the need for definitions to provide clarity as to the scope of the Bill, but we believe amendments are needed to the definitions presented.

The RSPB understands and advocates the benefits that humans derive from the natural environment – or ecosystem services. We support the broad aim (that has also been a feature of the previous two consultations under the A Living Wales banner) to develop broader understanding and acceptance of the importance of a healthy natural environment (and thereby of environmental conservation, protection and management) to the economy and society. In addition, the RSPB is strongly motivated by our belief in nature's intrinsic value and humans' ethical responsibility to protect it. We therefore welcome the Welsh Government view expressed in paragraph 2.13 that the definition of natural resources 'should be about more than exploitation for economic gain'. However, we are disappointed that broadly the White Paper does not seem to espouse this view, and more specifically, we are concerned that the draft definitions do not make it explicit.

### Natural resources

Within this definition, RSPB Cymru has a particular interest, of course, in c) 'biomass and biological resources'. We note from the Glossary to the White Paper that these two terms are intended to encompass 'all organic life forms, plants, animals and other living organisms', together with 'biological material' derived from living, or recently living organisms. Ecosystems are then added under d) as a 'catch-all definition'.

It is not clear that the Glossary definitions are to be included in the Bill, and without detailed description the terminology in c) may not be interpreted in the broad sense apparently intended. Nor does the Government's intention, expressed in paragraph 2.13, that a definition of natural resources 'should be about more than exploitation for economic gain', and that biodiversity is included, together with the non-monetised benefits that society derives from it, come across particularly well. We would prefer the definition to be more explicit, and include specific reference to biodiversity, both species and habitats.

In some parts of the world, definitions of nature, even under the resource heading, include a statement about its '**intrinsic value**'. For example, the Natural Resources Management Act in South Australia sets *inter alia* the following Objects for the legislation:

*(a) recognises and protects the intrinsic values of natural resources; and*

*(b) seeks to protect biological diversity and, insofar as is reasonably practicable, to support and encourage the restoration or rehabilitation of ecological systems and processes that have been lost or degraded.*

We would like to see similar wording reflected in the Environment Bill.



We would further note that under part (b) of the proposed natural resources definition, 'geologic' is not a noun that we recognise.

#### Integrated natural resource management

We welcome the reference to long term benefits here, and we recognise the links between the wording of this definition and the statutory purpose of NRW. It will be important for the Bill to note that 'environment' is defined as it is in the context of that purpose ('includes, without limitation, living organisms and ecosystems').

We have already discussed our concerns about NRW's purpose, and in particular the way in which it is interpreted at paragraph 1.25; therefore we believe some amendments are needed:

Although 'maintenance' may be read as 'conservation' and we assume it is intended to cover this, we would prefer to see explicit reference to conservation, which we believe makes good sense due to the origins of this approach (the ecosystem approach) under the CBD. It is vital that the conservation imperative is reflected in these definitions which will set the tone for the Bill.

We would also like the definition to include **restoration** of natural resources. This must be one of the aims of the new approach, recognising the current depleted state; putting back some of the nature we have lost will be key to securing a sustainable natural resource base.

#### Sustainable management

We do not support the focus of this definition on enabling 'people and communities...to provide for their social, economic and environmental well-being'. Unlike the definition of integrated natural resource management, above, this is entirely anthropocentric, with no recognition that delivering benefits to the environment itself is inherent in the approach. It is not clear what is meant by 'maintaining the life-support systems of nature'. Does this reference nature as the life-support mechanism for humans, or for ecosystems of all nature for themselves? The final sentence of the definition repeats a highly anthropocentric concept of sustainable development, suggesting first and foremost life support for humans.

Paragraph 2.18 states that the terminology used (though it is not clear precisely where) is consistent with that in the Future Generations Bill – but we are not aware of any definitions having so far come forward under the FG Bill. More particularly though, we would urge that the focus of the Environment Bill needs to be on securing the healthy environment from which broader benefits flow, and this is better reflected under the definition of integrated natural resource management.

We cannot see why this difference should exist between the two definitions, particularly as the final paragraph states 'sustainable management...is the output of the process of integrated natural resource management'. We therefore strongly urge a revision along these lines:

*Sustainable management means the collective actions (including non-action) required to deliver the conservation (or maintenance), enhancement, restoration and uses of natural resources so that the long term benefits are optimised for the people, environment and economy of Wales in the present and in the future.*

We welcome that collective actions refer to the identified actions of all public authorities, although as we discuss later it is not clear that this process will in fact compel bodies other than NRW to act appropriately.

There should also be a clear reference to 'environmental limits' in this definition, and core application of the precautionary principle, as central to sustainable management.

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

We agree, but we do not see this as sufficient.

The human causes of global climate change, and their likely consequences in Wales, pose a growing challenge both to ourselves and to the natural environment. We strongly agree that climate change, and the need for mitigation and adaptation, should be recognised in the Environment Bill as a policy area of key concern which the area based approach should address. However, given the severity of the threats posed by climate change and the urgency of action needed to tackle it, together with the challenges inherent for any Government in taking this action, we do not consider it sufficient to simply trust the proposed integrated management approach to deliver. These concerns also apply to the ongoing crisis of biodiversity decline.

We therefore call for the Bill to include statutory targets for both emission reduction and the recovery of biodiversity, as well as specific measures on climate change adaptation.

We believe this would increase Government accountability on these matters, and thereby the likelihood of future WG commitment to their delivery, irrespective of day-to-day politics. The UK Climate Change Act of 2008 offers a model that could be followed in the Environment Bill. These targets would in turn need to be reflected in the national policy setting and the area based approach, and the regular reporting process.

We note (para 2.29) that it is proposed for the Environment Bill to 'build in actions to enhance the resilience of the natural environment to the causes and consequences of climate change'. Carbon sequestration from the restoration of degraded peatland is rightly mentioned as one contributory measure, and we would draw attention in this respect to the successful EU LIFE-funded project delivered by the RSPB and partners at Lake Vyrnwy. Appropriately located afforestation, principally with native broadleaf species, is another such sequestration measure, included in the WG Climate Change Strategy. Measures to manage the natural environment for flood control will also grow in importance in the context of climate change – peatland and forest management will, of course, contribute to this objective.

We would draw attention to the work of the Welsh Climate Change Commission, including its Adaptation sub-group, which strangely finds no mention in the White Paper. It is assumed that the Commission will be consulted about possible climate change measures for inclusion in the Bill, especially in the context of the proposed 'refresh' of the Climate Change Strategy and its work to develop Sectoral Adaptation Plans (SAPs).

**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? *We note that there is no separate question about proposal NRM1, and therefore have included some comments about this proposal below,***

It would seem sensible for outcomes and priorities in the national Natural Resources Policy to follow the broader five-year cycle for national outcome setting under the forthcoming Future Generations Bill. However, as noted earlier, we are being invited here to agree to a process before this self-same process has been published. Good operational sense would suggest that the FG Bill should have preceded this White Paper, thus giving meaning to sustainable development as the central organising principle for policy and practice. We do not know what level of detail will be provided for in the FG Bill's outcome setting, how outcomes for other policy sectors will be determined and how policy and practice for the environment will sit within the wider picture.

We reiterate our concern that the Environment Bill must be concerned primarily with securing a healthy natural environment, which will continue to provide the basis for multiple benefits; this is entirely in line with – indeed fundamental to – the goal of sustainable development. Indeed, if the implementation of the Environment Bill, including the National Policy (**NRM1**), fails to focus on the needs of the environment first and foremost it will lessen rather than enhance Wales' chance of attaining that goal.

We note that the national policy is intended to include key opportunities, trends and priorities, as well as setting out actions for a range of bodies. It is imperative that existing environmental outcomes are part of this – from the Wales Environment Strategy as well as under EU Directives and international agreements. The statutory targets relating to biodiversity and climate change, discussed under question 3 above, would need to be described in detail in the national policy.

We are a little confused as to what the product will be (it seems to have elements ranging from high level policy to action plan) and how it will be able to support an area-based approach. We suggest further refinement or better explanation of these proposals is needed. How will the Bill ensure that national policy, and actions if they are proscribed, are appropriately adopted by the relevant bodies?

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

We are not confident that the approach as described will provide a clear, prioritised and focussed approach to delivery, chiefly because delivery is not really dealt with in the White Paper. In particular, we are concerned that no outcome focused duty is proposed for public bodies; this is discussed further under question 7.

An area-based approach to the planning and delivery of natural resources policies and priorities clearly has much to commend it, not the least being its involvement of stakeholders best informed and placed to discuss opportunities and constraints, in the context of national policy and NRW leadership.

As we have discussed, we consider that a key aim of this process should be to help NRW deliver its statutory responsibilities and through doing so, to secure healthy, resilient ecosystems. Identifying opportunities for partnership working, equipping those involved with development (either as proponents or regulators) to understand constraints and opportunities, building understanding of the important role of the natural environment, and delivering for nature on a bigger scale are further advantages against which the success of this approach should be measured.

We are extremely concerned by paragraph 2.33 which states that the coordination of resource use will be organised around ecosystem services and their benefits – something that is not discussed in relation to the definitions. Fostering wider understanding of the benefits arising from the natural environment, as mentioned above, is important; but there are a number of existing drivers for natural resource management (NRW's existing statutory responsibilities including under the EU Nature Directives, for example) that should be delivery priorities. As we repeat often throughout this response, delivering these – which are measures for the health of the environment – should secure wider benefits, or ecosystem services. Where land management decisions are taken on the basis of an identified need to restore particular services, all efforts should be made to ensure they integrate other targets such as those relating to biodiversity, in the interests of long term sustainability and resilience. We further note this paragraph refers to the 'principles of integrated natural resource management', which we cannot find in the White Paper.

It is not clear whether the reference to Local Service Boards in paragraph 2.35 is intended to be explicitly part of the area based process, or whether this is a separate comment about NRW feeding into other local delivery plans, or both.

We are concerned that whilst there is an expectation (Figure (v)) on NRW to show how it will contribute to LSB social and economic outcomes, there is no apparent corresponding expectation on LSB partners to show how their activity will contribute to environmental outcomes. The approach is solely one way, risking that environmental interests will always take second place to economic and social ones, as indeed was often the case in the previous Wales Spatial Plan process. Further, if NRW evidence on risks from economic development to the environment is bounded by the requirement for NRW to weigh these risks against social and economic outcomes, the development control process will be pushed away from sustainable development and towards development that is unsustainable and causes even greater harm potentially to ecosystem services and biodiversity.

Para 2.51 notes in part that 'an understanding [by managers of natural resources] of the social and economic development needs of an area is important, so that natural resources...are not managed in a static way'. It is not clear whether this statement applies to any specific aspects of environmental management, but we wonder whether it may be a reference to the role of protected areas. We would point out the importance of protected areas in providing numerous benefits and in general our areas of highest quality habitat, and the importance of these areas to wildlife even in the context of climate change (e.g. Thomas et al. [www.pnas.org/cgi/content/short/1210251109](http://www.pnas.org/cgi/content/short/1210251109)). We support the process of bringing the range of interests together to identify opportunities and win-win approaches, provided NRW's role is to clearly champion the needs of the environment. Without this, we fear sustainable solutions will not be reached.

It would be helpful to have evidence of how the area-based approach has worked in other parts of the world, for example in the Australian states of New South Wales and South Australia. These states put such structures and processes in place, with legislation, a decade or so ago, and so reports of how they have worked in practice should be sought by the Welsh Government.

The sections outlining the relationship between the new area-based approach and the Land Use Planning system, the Marine Planning system, water management and National Parks and AONB management plans describe the advantages that it is hoped the area-based approach will offer these processes. However they do not provide any answers as to how these processes will reflect area based priorities or plans, and indeed there are no clear proposals to make this happen. The same seems to be true of SIPs (para 2.84). Without this there would seem to be a significant risk that the actions of other authorities will not be influenced – or not adequately so to effect the change needed – by the new approach.

In relation to the marine environment we would further note that, because marine planning is still being developed, there is an opportunity to consider how the two processes (marine planning and natural resource management) can best work together to ensure natural resources are adequately considered and minimise confusion among stakeholders.

On a related matter, where is recognition of the White Paper proposals for area-based natural resource planning in the proposed Planning Bill? We risk having different areas for strategic planning from the areas for which the management of natural resources is planned.

Finally, it seems a major omission that the relationship of the area based approach with the Welsh Government's deployment of agricultural payments, particularly Glastir, is not discussed.

**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 agree. There is flexibility, but it does not follow from this that significant elements of the range of existing plans could be replaced by the new approach in the future.

The proposed approach for determining natural resources policies and priorities certainly appears flexible. As proposed, however, we cannot see that it would meet the statutory requirements around, for example River Basin Management Plans; we assume the same would apply to some of the other statutory plans listed. It would not be possible to bend the purposes of all of these individual plans to directly match that of integrated resource management. In many, if not all, cases it will need to be accepted that individually their purposes do contribute to this overall aim, in spite of focusing on specific elements or objectives within it. On this basis they could be integrated into the new area based approach, rather than replaced by it. We would expect thorough, specific consultation if existing statutory plans are to be replaced.

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

We do not think the proposal is sufficient.

We support the proposal for the Environment Bill to place a legal obligation on public bodies to co-operate with NRW around natural resources management, and the proposed safeguard that would empower Welsh Ministers to direct public bodies to co-operate should they not be doing so already.

It is not clear to us how this will specifically help engagement with LSBs and development of Single Integrated Plans as described in paragraph 2.84.

We disagree with the suggestion in para 2.87 that the co-operative approach will avoid any necessity for a specific 'have regard to' duty. If the priorities set out through the area based process are to be properly delivered we believe public bodies should be made subject to an 'outcome' requirement – whether an obligation to undertake or participate in the actions identified, or at least have regard to them and to justify any decision not to take them.

No specific mention is made in the White Paper of the place of private sector interests – businesses – and of the voluntary sector in the area-based natural resources policy and planning approach, but these too will play a major role in future developments. Where and how is it envisaged that they will be encouraged to participate in the area-based approach?

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

We do not agree with this proposal. The Welsh Government must take ownership of progress in this area and be held accountable.

We agree that NRW will have a key role to play in developing reports on progress towards sustainable management of natural resources. NRW will alone in Wales possess the knowledge and understanding to report upon both natural resources and biodiversity, and upon the effects of national and area-based actions. However, it is unclear what form the reporting process will take, given that it will be set within the – as yet unknown - proposals included in the Future Generations Bill. Presumably, NRW's reports will be set in the context of projected outcomes and priorities in the national policy and area-based documents, and provide a measure of comparative success or failure. As noted in para 2.92, moreover, natural resources reporting will also need to meet the requirements of other bodies and reporting processes.

The Welsh Government is ultimately accountable to the people of Wales for delivering numerous targets that contribute to overall sustainable management, such as biodiversity and climate change. Furthermore, the Welsh Government is in direct control of some of the key tools – deployment of rural development payments being a key example. Therefore the Government must sign off progress reports and present them to the National Assembly for debate and scrutiny. The statutory targets we are calling for relating to biodiversity and climate change would need to be reported on in this way.

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

We are committed to working with NRW to develop the area based approach, and engaging with the process. We will seek to ensure it integrates conservation priorities and identifies new opportunities for nature. We would also anticipate being involved in the action to deliver these priorities and opportunities. Through our Futurescapes programme we are already committed to working in partnership with others, in ways that create such opportunities and demonstrate wider benefits.

We do not find the overview of potential impacts provided in the White Paper to be very convincing. Whatever the long term aspirations for integration, the development of a new process is bound to be resource intensive, and must be undertaken while NRW continues to deliver its existing statutory responsibilities. Furthermore, because the outcome based requirements to be placed on other bodies are very limited, it is clear from the discussion in the White Paper that it is extremely difficult to predict either costs or benefits.

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

Clearly, a key function of the new Environment Bill must be to ensure that NRW has the necessary powers to pursue a more integrated approach to natural resource management, including powers, as appropriate, that will take it beyond what can be done at present. We see nothing controversial in the proposal for NRW to be given 'experimental powers' to test and trial innovative approaches, noting the examples of possibilities listed in para 3.6. Presumably, the requirements set out in para 3.7 for NRW to obtain the formal approval of Welsh Ministers on the terms of any experimental scheme, and to consult with 'relevant parties', will be written into the Bill.

We return to the suggestion of enabling powers for Welsh Ministers to make changes to legislation (para 3.8) in our response to question 15 below, but at this point would express our total opposition to the proposed 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?**

Whatever NRW's innovative approaches might be, they must, of course, comply with all legislation in force at the time, and must not lessen protection of people or the environment. Moreover, it must be clear that what NRW is proposing to do fits with the overall concept of integrated natural resource management, as defined in the Bill. Paragraph 3.7 sets out an approval and consultation process involving both Ministers and 'relevant parties' – by whom and how will the identification of such relevant parties be determined? Such a process should be provided for in the Bill, perhaps to include a Schedule that would name bodies normally to be consulted, but with provision also for a wider involvement of others.

**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?**

NRW would seem to be the best placed and most appropriate body for representing the public interest in relation to PES schemes, in particular having the knowledge and skills to identify opportunities for environmental solutions to problems such as flood prevention, water conservation and carbon storage. However, we would concur with the proviso set out in Figure (vi) to chapter 3, namely that PES schemes should only be developed for the provision of specified ecosystem services ‘over and above what would otherwise be provided in the absence of payment’. This condition might, on occasion, be tricky to interpret and apply: should payments be made by agreement in the future for ecosystem services that, hitherto, have been available without charge? A clear circumstance will apply where, for example, a land manager proposes to take steps that would have the effect of diminishing or ending such a service. Alternatively, payment might be made to enable a new service to be created, eg peat-land restoration or new appropriately located afforestation.

We take the view that PES schemes are a means by which revenue can be generated to develop and enhance the public goods that can be provided from land, marine or natural resource management activities, including for biodiversity. As suggested, NRW could play an important role in this regard, subject to the following two caveats:

- ecosystem service market creation will require particular skills, capabilities and knowledge to get right, which might need to be acquired or accessed by NRW, eg skills in valuation.
- ecosystem service delivery for human utility, and biodiversity conservation, might, on occasion, come into conflict.

It is for consideration whether the Bill should include powers of compulsion in cases where landowners and similar propose to act contrary to an important ecosystem interest affecting the public good, eg to destroy/neglect a functioning peat-land site or woodland, with consequences for carbon loss to the atmosphere.

We note that the Welsh Government has commissioned research in this area and we look forward to further engagement in policy development and consultation on specific proposals, once the research and consultation responses have informed Government thinking, prior to the publication of the Bill.

**13. What should be the extent of NRW’s powers to enter into management agreements?**

We concur with the proposal in para 3.25 to accord NRW new powers through the Bill to enter into management agreements to facilitate delivery of the sustainable management of natural resources. We note, in particular, the intention thereby to enter into long-term arrangements that would ‘run with the land’. A sustainable approach to land management in the long-term public interest demands such an approach.



**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 welcome the proposal to introduce General Binding Rules in relation to the sustainable management of natural resources.

We note that statutory GBRs were introduced in Scotland in 2006, especially in relation to catchment based water management, and that they offer a simple means whereby landowners can be appraised of their responsibilities and of good practice, potentially across a range of land management and resource issues, including we suggest in relation to nature conservation. We would ask that appropriate civil sanctions be provided for in the Bill to encourage compliance, but it is to be hoped that most landowners would comply in the interests of sustainability and the public good.

The provision of GBRs would seem inherent in the SD approach to management of the environment, helping to instil a positive sustainability aware culture. We suggest that their introduction should be preceded by a comprehensive public awareness campaign among the affected stakeholders, and provision of an advisory service through NRW to assist understanding and delivery. Monitoring by NRW would also be a necessary condition of success. We would propose creation of a GBR communications group at the outset to get all interested parties working together, along the lines of the Scottish Diffuse Pollution Management Advisory Group.

General Binding Rules should include the protection and enhancement of biodiversity, with guidelines to stakeholders and advice in relation to the sustainable management of sites and species. Properly thought through and implemented, GBRs could become a major management tool for nature in the countryside; RSPB Cymru would be keen to assist NRW in their development.

**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 reject both proposals.

Proposal NRM11 offers two options: the first is to enable Welsh Ministers to amend primary legislation specifically relating to NRW's functions and powers, using secondary legislation. The second option is to create a broader power for Welsh Ministers to amend environmental legislation. In fact, even the first of these options appears incredibly broad: NRW's functions and powers come from around 230 pieces of primary legislation, and the White Paper is not clear as to how the use of this power would be limited in respect of these.

The stated reason the proposal is included is that the Welsh Government wants to ensure the primary legislation that NRW has responsibility to deliver 'sufficiently takes account of its high level purpose' (para 3.34), or 'where it can be demonstrated that the existing law is contrary to the definition, purpose and objectives of integrated natural resource management' (para 3.35).

We have a number of problems with this: Firstly, at paragraph 1.25 the White Paper provides, in our view, a very poor summary of the purpose of NRW as being intended to 'ensure that NRW, in undertaking its functions, considers social and economic interactions as well as environmental factors'. We consider it fundamental, in relation to many of its functions, that NRW provides environmental expertise to decision makers whose role it is, in turn, to consider the wider interactions. NRW does not have the expertise or capacity to gather and analyse socioeconomic data as this sentence seems to suggest.

During the debate around NRW's statutory purpose we were reassured by the Government that, while the purpose set the broad context, it did not alter the specific functions of NRW and therefore it did not compromise the environmental protection and conservation functions. Unfortunately the White Paper gives us cause for concern that the Government is indeed interested in watering down these functions.

We note that 'it is not currently known when and how Welsh Minister might use [these powers]', which in our view underlines the unacceptability of the proposals. We suggest that, if issues do arise where there appears to be conflict between NRW's functions and the new approach, these could be addressed in the first instance through ministerial guidance. We strongly believe that future changes to this important legislation, including delivery of the aspiration to consolidate legislation, are worthy of open, engaged policy development, full consultation and Assembly debate and scrutiny. This proposal would curtail these.

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

We have previously advised the Welsh Government that there is a need to revise felling licensing to formally allow open ground habitat restoration. Currently this is under Conditional Felling Licences which require replanting within the felled area. In Scotland, this anomaly was addressed in 2004 devolved wildlife legislation by an amendment to the GB Forestry Act 1967, see Schedule 7, Section 2 of the Nature Conservation (Scotland) Act 2004: <http://www.legislation.gov.uk/asp/2004/6/schedule/7>. Such an amendment to the Forestry Act and its wording could be used in Wales.

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

We share the Welsh Government's concern that some retail customers, having purchased plastic supermarket 'bags for life', are subsequently discarding them in the same manner as for single use bags, and thereby potentially impacting on the natural environment. We therefore, agree to the proposal that Ministers be empowered, by regulation, to extend the existing levy to such bags for life, should evidence support the view that the practice has grown to a harmful extent. Moreover, Ministers should be encouraging the public to purchase for repeat use bags made from other, more sustainable materials, such as hemp or cotton.

**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?**

We do not agree that the requirement should be to pass on net proceeds to any good causes. Given that the levy was introduced in the public interest, especially relating to protection of the environment, we take the view that retailers should be compelled by regulation to pass on the net proceeds to environmental causes.

The White Paper recognises the scale of the problem facing our natural environment, and it is clear that under-resourcing of environmental protection and management is a key reason behind this problem, which includes severe biodiversity loss. The White Paper sets out the Welsh Government's desire to align and create drivers for sustainable management of natural resources and the need to try to stimulate a market in Payments for Ecosystem Services, primarily because there are inadequate financial resources to deliver the scale of ambition for the natural environment at present. We are therefore surprised that the Welsh Government would not wish to use this environmental levy to support environmental actions.

There is no question that, operationally, environmental NGOs have a great deal to offer in terms of delivering the solutions – such as land management to enhance nature (and thereby natural resources) and public engagement in environmental issues. The very close relationship that many environmental charities have with the state is indicative of the fact that there are relatively few funds for environmental work (and particularly linked to stewardship of natural resources) outside the public sector.

Increasing the availability of non public sector funds for natural resource management through the bag levy, would allow the third sector to leverage this against other sources of income and thereby assist the Welsh Government/NRW to deliver on the shared objectives. There would also then be the potential to link the levy income to delivery of outputs described in the area-based 'plans' described in part 2 of the White Paper.

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

The funding that RSPB Cymru has received as a result of the levy has brought significant benefits to our conservation work in Wales, which we believe make an important contribution to the Government's aspiration of sustainable management. The Government's decision on how to regulate on this matter could influence the likelihood of our work continuing to be enhanced in this way.

RSPB Cymru currently receives levy net proceeds from Tesco in Wales. Examples of the work that has benefited from this relationship include our landscape scale conservation programme, Futurescapes, as well as vital management of ancient woodland in Mid and West Wales. We have been able to appoint staff to support wider partner and public engagement and strategic conservation planning and delivery, which we believe enhances our ability to support the Government's aim of healthy, resilient ecosystems.

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

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

**i. pre-application costs**

**ii. variation costs**

**iii. costs of transferring licences**

**iv. covering regulatory costs, via subsistence costs?**

RSPB Cymru fully understands and accepts the case made under SM1 for full cost recovery by NRW in the fulfilment of its marine licensing functions. Filling identified gaps in the current charging arrangements will enable NRW to provide a full and efficient service, to the benefit of stakeholders.

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

We would like to see some part of this revenue reinvested in the protection and restoration of the marine environment.

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

**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)?**

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

The amendments to the Sea Fisheries (Shellfish) Act 1967 appear to provide a mechanism for fuller consideration of activities within or outside of European Marine Sites (EMS). The opportunity to amend a submitted management plan at short notice, should the need arise, to remove the risk of damage to an EMS site, appears to embrace the precautionary principle and will help ensure compliance with conservation obligations such as the Habitats Regulations. However, we would highlight that existing Special Nature Conservation Orders under the Habitats Regulations are also an appropriate response to damaging activities within a European Marine Site (EMS).

We welcome the consideration of enforcement powers under the Marine Act to ensure that all fisheries legislation that applies in Welsh waters can be effectively enforced. We hope further details will be provided as to the legislative changes to be made, and that public accountability and transparency will be retained.

Whilst we welcome proposals for greater provision of enforcement to combat non-compliant damaging activities, we are aware that enforcement activities in Wales are at present not widely used. Therefore, in addition to recommending that greater enforcement duties be employed to ensure that Several Orders are compliant with conservation measures adjacent

to or within an EMS, we would welcome better use of existing enforcement measures, as necessary, across all areas of fishing.

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

RSPB Cymru agrees with the proposal in relation to changes to Section 29 of the Land Drainage Act (1991).

We would like to see the Environment Bill used as an opportunity to introduce similar powers in relation to SSSI condition and management of priority habitats.

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

We agree with this proposal, given that it relates specifically to the Water Act and is in line with a similar provision for the Secretary of State in England. It is more clear and specific than the power proposed at NRM11 to which we strongly object.

*RSPB Cymru, January 2014*



## **Welsh Government White Paper: Towards the Sustainable Management of Wales Natural Resources**

### **Consultation on proposals for an Environment Bill**

#### **Response from DS Smith**

DS Smith is pleased to be given the opportunity to respond to the Welsh Government White Paper: Towards the Sustainable Management of Wales Natural Resources. We have only responded to part of the White Paper which relates to our business – Chapter 4: Resource Efficiency.

#### **Questions:**

**18. Do you agree with the proposals and approach of combining the five measures together (RE:1-5), in relation to regulation of waste segregation? Are there any other materials or waste streams which should be included in the requirements to sort and separately collect? If yes, what are they, and why should they be chosen?**

We agree with these proposals. The separate collection of materials will only help to drive quality standards for recyclate, in turn generating a high demand for higher prices. A system of segregated collections reinforces materials as a valuable resource.

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

The level of segregation is an ideal, but consideration may be required for the commingling of some materials that would not adversely affect the quality of the material. There are some materials that may be collected together, that can be easily separated and therefore contamination is not an issue, whereas other materials will be required to be separate. The reason for this is in the practicality of this for some businesses (see the answer to Q20). It maybe for businesses of a certain size, who occupy a certain size premises or who produce over a certain volume of waste, are required to separate all streams and smaller ones can commingle where necessary.

The government does need to be careful not to simplify commercial and industrial wastes along domestic lines. Plastic and metal from households is primarily plastic bottles and cans which are easy to segregate, plastic from business will comprise more film and EPS. However from a value point of view these two streams would probably be kept separate anyway.

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

There may be difficulties with small and medium sized retail premises, such as corner shops and businesses on limited sized premises. Here one 1100 litre bin can be housed or bags

can be stored but to house several different containers, albeit smaller individually is likely to take up more space overall and the space quite simply does not exist on these premises. Consideration is required for the frequency of collections of smaller quantities of waste. Some waste collectors may not collect until there is a certain volume or have more infrequent rounds of some materials.

Those businesses located in rural areas will need to be considered as they have done in Scotland, so that businesses in certain postcodes are classed as rural businesses and do not have to comply as it would not technically or environmentally practicable. Otherwise there would be no carbon benefit to have more trucks visiting rural locations.

Improving the infrastructure is key, ensuring service provision is available and is easy for businesses to use. This includes both collection services and appropriate treatment facilities, currently a concern where the planning and licensing process is difficult and time consuming.

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

Yes we agree with the materials proposed to be banned from landfill or energy from waste facilities. But we would add that textiles should also be considered, as a material that has a high value and good markets.

**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?**

We agree that guidance is required however what that guidance is and how the level is set will require some consultation with the waste industry. The only possible way of practically assessing the waste is a visual assessment and that can leave it open to interpretation. We believe this to be a good first step.

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

We agree this should apply to businesses and the public sector only as it would be extremely difficult to enforce in households.

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

Discharge consents for large producers, could be assessed by SIC code found on WTN documents and suggest all hospitality sites are mandated to have a food waste collection service.



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

Yes we agree with these lead times, certainly no later than 2017.

**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.**

Ye we agree that NRW is placed to regulate the duty to source segregated wastes.

**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.**

We suggest the most appropriate body is the one that can best determine non-compliance.

**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?**

While we agree with setting minimum charges for other types of carrier bags, such as Bags for Life, we would wish to see the charge appropriate to change behaviour. At current prices the charge for a Bag for Life doesn't necessarily encourage people to reuse the bag, but throw them away after one use. We believe a significant price rise, such as 50p per bag, would need to be introduced to make a proper impact.

**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, the revenue generated by the plastic bag charge should solely be used for environmental causes.



## **Welsh Government White Paper**

### **Towards the Sustainable Management of Wales' Natural Resources**

#### **Consultation on proposals for an Environment Bill**

##### **Response of the Welsh Environmental Services Association**

The Welsh Environmental Services Association (“WESA”) is an arm of Environmental Services Association (ESA): the trade association representing the UK’s waste and secondary resource industry, a sector with an annual British turnover of around £11 billion. Driven by EU environmental law, WESA is a leading partner in Wales’s transformation from a disposal to a zero waste society. Our Members recover both value and energy from the Wales’s waste whilst protecting the environment and human health.

WESA supports the ambition of the Welsh Assembly Government (WAG) to move waste management up the waste hierarchy, by minimising and preventing waste at source, and by increasing still further the amount of waste being recycled and recovered. Wales has made considerable progress in reducing the impacts on the environment of its waste arisings, and WESA’s Members provide Welsh local authorities and business with the services and facilities to enable this to take place. Our sector is fully prepared to meet the environmental challenges facing Wales.

WESA therefore supports pragmatic and practicable measures to deliver greater resource efficiency in Wales, but these must be delivered in ways that are both environmentally and economically beneficial. We are concerned that some of the proposals outlined in chapter 4 are likely to increase cost and burden on waste management operators, businesses, Local Authorities and regulators, without the corresponding environmental benefits.

We are concerned that some of the proposals do not reflect market realities. Investment in reprocessing capacity is driven by market forces, energy and labour costs, with recyclates commonly traded as commodities on the global market. Regulatory intervention in this area should not distort markets or hamper the desired increase in domestic reprocessing capacity. Intervention efforts to “promote high quality recycling” should instead focus on working with local authorities to improve the standard of materials collected for sorting at MRFs and should include creating an environment conducive to investment in new technology and infrastructure.

#### **Chapter 4: Resource Efficiency**

**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?**

##### **RE1 – Extending the materials required to be separately collected.**

WESA fully supports efforts by local authorities and private waste management companies to improve the quantity and quality of materials collected and sorted for recycling and composting/AD. WESA also agrees with the principle and understands the benefits of separately collecting food, card and wood waste in some circumstances, but we consider that, within European legislative requirements, this should be left to local decision.

WESA does not take a view that there is one particular type of collection system likely to lead to better environmental outcomes across the whole of Wales. WESA believes that it is important for Local Authorities, in consultation with their communities, to be able to make decisions on waste services locally. Collection and sorting systems need to be tailored in a way that takes account of local circumstances to achieve best results, (e.g. population density, housing stock, transport systems). Our strong preference is for Government to set the overall framework for the achievement of environmental objectives, but to remain 'technology neutral' as to their delivery. For example evidence has shown that kerbside sort does not always achieve the best recycling rates.

The Bill rightly recognises that the separate collection requirement of the Waste Framework Directive only applies where it is technically, environmentally and economically practicable (TEEP). In implementing the separate collection provisions of the WFD the Welsh Government must avoid inadvertently jeopardising the prospect of future increases in recycling through focusing on particular parts of the recycling value chain rather than on the overall environmental and economic outcome.

WESA fully supports efforts to improve the quality and quantity of recyclable materials, and to this end our industry has helped to develop the MRF Code of Practice. Incorporating the principles of quality management systems, registered MRF operators can verify that waste is handled in compliance with the requirements of the Waste Framework Directive; outputs meet market specifications and are recycled; and if exported, demonstrate that waste is recycled and has been accepted by a reprocessing facility which operates in broad compliance with domestic regulations. We believe that an efficient supply chain, where buyers and sellers enter into transactions with full information about what they are buying and selling, will allow investments in new technology and infrastructure to be made wherever they are most effective and deliver the greatest return, promoting high quality recycling at the lowest cost to waste producers.

The Bill states that guidance on TEEP is currently being developed by Defra and the Welsh Government. Our current understanding is that it is far from certain as to whether further guidance will be developed, but we do think that further clarity would be helpful for both Local Authorities and the waste management sector.

#### **RE2: Separation of waste by the waste producer**

WESA agrees with the principle of asking producers to segregate waste streams but foresees practical difficulties for some producers in terms of available space. See question 19 below.

#### **RE3 and RE4 – Energy from Waste Bans and Landfill Bans**

Introducing an inflexible regulatory approach of landfill and EFW bans would be burdensome to both operators and the regulator, posing considerable practical problems for implementation with very limited, if any, additional environmental gain. See questions 21 and 22 below.

#### **RE5 – Disposal of Waste Food to Sewer**

Whilst WESA agrees with the principle of minimising food waste to sewer, we do not think the proposal is practical or enforceable at household level.

#### **Additional issues:**

In addition, a number of the main elements of the proposals are based on questionable assumptions. For example, both 4.7: '*...businesses will not be required to do much more than what many businesses are already doing...*', and 4.8: '*As regards costs to business, research by WRAP in the*

*hospitality sector has indicated that additional costs are likely to be low, depending on the extent to which waste management companies pass the economic benefits back up the supply chain...'*, are subjective assumptions not supported by references, or by additional evidence.

Section 4.3 states that there has not been a commercial waste survey in Wales since the one in 2007 which showed a 38 per cent recycling rate, and then concludes that *'There is no evidence to suggest that these levels have since increased'*. This seems an inappropriate conclusion to make, given that due to the lack of evidence, it is just not clear whether recycling rates have remained the same or indeed increased. However, based on the England C&I waste survey of 2009, which concluded that the C&I recycling rate in England had increased to 52%, it seems more sensible to assume that C&I recycling in Wales is now higher than 38%, largely due to the impact of the Landfill Tax Escalator.

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

WESA agrees with the principle of asking for recyclables to be presented separately by individuals and businesses. However, the Welsh Government may need to consider circumstances where businesses simply do not have the required space to store multiple containers for recycling. Also, in requiring a wider range of materials to be presented separately, other than those required by the Waste Framework Directive, the Welsh Government should have consideration to variances in market conditions, which will invariably change over time. It vital that the Welsh Government maintains a clear focus on the costs imposed on householders and businesses, the demands on their time, and the potential for technological advance to lead to more efficient use of waste resource.

The current drafting of the consultation appears to propose a requirement for businesses to segregate wastes into separate streams which overrides the revised waste framework directive recognition that certain recyclates can be collected comingled, i.e. where TEEP applies. WESA would welcome clarification that TEEP will apply, if the Welsh Government goes ahead with this proposal.

It is also unclear how NRW would enforce the proposals and there is a concern that the requirements could divert NRW resources away from other higher priorities, such as cracking down on waste crime.

**20. Are there any particular types or size 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.**

The key issue to consider will be the availability of space that a business has. On many small sites, the only way to accommodate additional material storage would be via more frequent collection, which could increase cost.

Materials that are already composite/contaminated will continue to present difficulties, as will businesses where confidentiality is an issue. This is where clear, sustained and effective communications from the service provider and other parties is essential, regardless of the collection system employed.

The Welsh Government should therefore consider a threshold below which the segregation requirements would not apply, as is the case in many jurisdictions in Northern Europe that have imposed similar segregation requirements on businesses.

**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?**

No. The Bill is proposing landfill and EFW bans at a time when the economic drivers and policies are already in place to ensure diversion of waste from landfill and the minimisation of recyclables being sent to EFW. The proposals in the Bill could add significant regulatory burden with very limited, if any, additional environmental gain. Introducing an inflexible regulatory approach of landfill and EFW bans would be burdensome to both operators and the regulator, posing considerable practical problems for implementation and enforcement.

Increases in landfill tax and the requirement to follow the waste hierarchy are diverting increasing quantities of waste from landfill and this trend is likely to continue. Introducing the regulatory approach of landfill bans would be burdensome to both operators and the regulator, posing considerable practical problems for implementation and enforcement. They could also severely limit Wales' ability to react flexibly and speedily to unforeseen environmental and other emergencies.

The Bill suggests that an incineration ban of certain specified recyclates would ensure that valuable recyclable materials are not burnt. In practice, the likelihood of this happening must be considered in the regulatory and market context. From 2015, the main dry recyclables must by law be separated out from residual waste at the point of collection. It is extremely unlikely that any waste management company or local authority would then choose to send these recyclables to EFW. Median gate fees for dry recyclables sent to MRFs are £9/t, compared to £70-90/t<sup>1</sup> when sent to EFW so, as might be expected, the economics strongly favour recycling over EFW.

WESA agrees that EFW, in its widest context, should not be used to replace minimisation or recycling of waste, but it can offer secure and sustainable energy from residual wastes that are precluded from recycling for risk, practical or economic reasons.

A ban on these materials from landfill and EFW begs the question of how these materials would be dealt with if issues arose with either recycling facilities or indeed the recycling markets. If, for instance, 'plastics' are banned, this might lead to the stockpiling of those polymers that didn't have a robust market. Stockpiling of such materials when markets are depressed is unhelpful to further market development and stimulation.

In addition the materials list is too simplistic, as there are many different types and grades of paper, plastic, card and wood and the markets, viability and practicability of recycling some grades will of course vary over time.

It is also unclear as to why anaerobic digestion and biomass facilities would not be covered by the same duty. Uncontaminated wood, paper or card, plastic and glass is at least, if not more, undesirable in an AD plant as it is in an EFW facility.

The proposals therefore appear to be largely unnecessary, setting out a position that could discourage investment in infrastructure, and the accompanying jobs and economic and service benefits. We understand that some of our concerns may be addressed by proposed guidance, however we are concerned that notwithstanding this, there will remain a level of ambiguity and uncertainty regarding interpretation, enforceability and implementation.

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<sup>1</sup> Going for Growth: A Practical Route to a Circular Economy

[http://www.esauk.org/esa\\_reports/Circular\\_Economy\\_Report\\_FINAL\\_High\\_Res\\_For\\_Release.pdf](http://www.esauk.org/esa_reports/Circular_Economy_Report_FINAL_High_Res_For_Release.pdf)

**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?**

WESA is concerned that a level of ambiguity and uncertainty is still likely to remain regarding interpretation, enforceability and implementation of guidance by operators, collectors, waste authorities and regulators. RE3 states that the duty would fall on EfW operators and those sending wastes to such facilities, but it is not clear how the guidance would be directed at the latter. It is therefore unclear where the responsibility for compliance is proposed.

The implication is that the ban doesn't just apply to segregated materials but to materials within unsorted residual waste. This would require the EfW operator to provide an additional level of inspection for each load of waste which is delivered, and presumably to either reject a load or to remove offending material or to make judgements on the recyclability and value of materials within mixed waste streams. This is impractical and unrealistic. Requiring manual sampling and testing of residual wastes also poses serious health and safety risk for staff, something not to be treated lightly. If any duty needs to be placed on operators or waste producers it should be to ensure that the waste producer has appropriate measures in place to segregate waste where feasible and practicable to do so, as is the approach in Scotland.

In addition, once they have been delivered to an EFW or landfill, materials which are then identified as theoretically 'recyclable' are likely to be contaminated to the extent that they do not have any value and the cost and environmental disbenefit of dealing with individual loads after this point would far outweigh the theoretical 'benefit'.

**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?**

WESA agrees with the principle of minimising food waste to sewer but we are not clear how a ban could ever be enforced in practice, especially for households. WESA remains unconvinced that a ban is preferable to sustained and effective communications and engagement campaigns on this matter.

**24. Do you have any comments about how such a prohibition should be enforced?**

No

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

If required, yes.

**26. Do you agree the NRW are the best placed organisation to regulate the duty to source segregated wastes?**

NRW is best placed as the appropriate and regulatory authority, although the regulatory and resourcing burden seems disproportionate and we are concerned that it will divert much needed NRW resource from for example cracking down on waste crime.

**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?**

The sewerage undertaker (as with existing power).

**28. Do you have any comments on the impact of these proposals?**

In addition to the comments above, any impact assessments of the economic benefits of these proposals in terms of jobs created needs to take into account decreasing waste arisings and efforts

taken by the Welsh Government to reduce waste, as highlighted in the Waste Prevention Programme for Wales.

The Bill is silent on waste prevention measures, but we note that much of these are contained in the Wales Waste Prevention Programme.

## **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](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **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.**

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#### **Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Organisation** Monmouthshire County Council

<b>Address</b>	PO Box 106, Caldicot, NP26 9AN	
<b>E-mail address</b>	racheljowitt@monmouthshire.gov.uk	
<b>Type</b> (please select one from the following)	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input checked="" type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

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## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

**Please provide comment:**

Monmouthshire County Council welcomes this important step change towards a co-ordinated approach to natural resources in Wales.

Targets are welcomed but there must be recognition that targets already exist e.g. CBD 2020 Biodiversity targets.

Sustainable management of natural resources is vital but there needs to be clarity on the definition of these (see Q2 below) to ensure that socio and economic benefits and the environment work in harmony for mutual benefit.

An Area Based Approach is welcomed as long as it is large enough to be meaningful but 'local' enough to engage communities and broad enough to address wider issues and considers issues relating to cross boundary working e.g. Wye Valley AONB.

Policy wording should ensure that all environmental aspects contribute to our natural resources are addressed. Specific reference should be made to the word "landscape" with a clear understanding and interpretation of it as a valuable resource important to the

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ecosystem service approach as well as its significance in relation to our cultural heritage. The policy should also make specific reference to Green Infrastructure as a useful and integrating delivery mechanism for the ecosystem service approach and be followed up by a TAN (Planning Policy Technical Advice Note) specifically on Green Infrastructure.

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## **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:**

There needs to be more recognition of how these defined elements relate to conservation of biodiversity and the 2020 targets.

Definitions in fig iii) seem robust and place good emphasis on the environment. 'Sustainable' often means different things to different sectors and groups and is often misinterpreted. It should be noted that the environment is equally as important as the socio/economic benefits and one element cannot be at the expense of the other there should be mutual benefit and thereby perceived opportunities

It is welcomed that 'Landscape' will be 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.

Headings in paragraph 1.34 for landscape including cultural heritage, sense of place and natural beauty, help frame how landscape is perceived from a number of separate but related perspectives and will allow 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'.

The White Paper is unclear on whether the ecosystem service approach in the Bill will utilise a landscape approach, or whether it will be based on biodiversity resilience. The latter reads as the primary delivery vehicle for the fulfilment of the ecosystem approach.

Green Infrastructure would provide a logical area based delivery mechanism through which landscape as a valid organisational process would provide a holistic framework to encompass social, economic and environmental issues which can focus on opportunities and benefits for mutual benefit thus protecting the environment whilst also attracting jobs funding and investment for a sustainable future.

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**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 however there needs to be more 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. Many local authorities like us are now developing a Green Infrastructure Policy and in the process of producing SPG in support of this, which when delivered through the development planning process will seek to embrace these wider issues.

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**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

**Please provide comment:**

National outcomes and priorities need to be set and agreed in ways that are locally deliverable. It is essential that there is discussion between the officers of the policy-setting and delivery organisations to ensure that proposals real and achievable. Local authorities will be key delivery organisations for this process. It is logical to relate natural resource management to the Future Generations Bill, however 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 within the time frame proposed.

Five years of stability for delivering national outcomes linked to funding of a similar timescale should allow development of more robust programmes and projects whilst allowing work to be monitored for effectiveness over a reasonable period.

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**Question 5**

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

Yes and No

**Please provide comment:**

Question 4 emphasises the need for national outcomes and priorities that are locally deliverable. Clear guidance and a logical deliverable process ( i.e. Green Infrastructure ) for allocated resources to implement an area-based approach successfully is essential . Guidance should clarify - who will support, regulate and plan delivery?

Clarification is required of how areas will be decided. Ideally areas should be large enough to be meaningful but local enough to engage communities. It is unclear how the natural resources which are not static (water, air, pollution, noise) or have transferable impacts, be organised? And how will this approach and the Local Development Plans work together particularly in relation to Green Infrastructure which we have now introduced as policy into our LDP as indeed are many other LA's? How will this utilise the local partnerships that have already been established e.g. Local Service Boards, Environment Partnership Board, Local Biodiversity Action Plan Partnerships?

As raised in Q1, an Area Based Approach is welcomed as long as this considers issues relating to cross boundary working e.g. Wye Valley AONB and its river catchment and the Severn Estuary. Any meaningful natural resource planning has to be capable of practical delivery, this is particularly crucial in relation to these areas where funding, management planning and delivery partnerships cross national boundaries.

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**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:**

It is a flexible approach which would allow individual components of the ecosystem resource to be overlaid added to or removed within a spatial plan, however not all issues are catchment focused and key local issues may be lost.

New area based plans will need to be robust and considerate of existing designations as well as practically deliverable ( again flagging up cross border issues) before existing plans are replaced.

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**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:**

It is unclear how this will be done, or how it will be funded, particularly in times of local authority cuts.

Replacement of the NERC Duty with something even less effective would be a concern.

Green Infrastructure is a clear delivery mechanism which many local authorities ourselves included are starting to incorporate now as Local Development Plan policy in conjunction with developing Supplementary 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.

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**Question 8**

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

Yes

**Please provide comment:**

No view

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**Question 9**

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

Impacts upon local planning authorities:

In-house expertise across a range of disciplines ( e.g. landscape, biodiversity and countryside access) in local authorities is essential to embed the ecosystems approach within day to day thinking, discussion and action to ensure the delivery of the Bill's objectives at a regional/ local level. 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 strategic decisions will need to be fine tuned to address local circumstances to ensure sustainable decisions. New resources and potential savings therefore seems optimistic however understanding the practical delivery capabilities of LA's will ensure realistic outcomes.

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. Therefore the development of clear policy developing a landscape led Green Infrastructure approach with a supporting TAN would help in focusing delivery in a coordinated way.

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### **Chapter 3 - Natural Resources Wales – new opportunities to deliver**

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#### **Question 10**

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

**Yes and no**

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**Please provide comment:**

Yes but with qualification:

NRW's landscape function needs to be clearly set out and more robustly stated, it cannot be assumed that just because some environmental resources are protected that this is sufficient to ensure the landscape function is being delivered. Landscape embodies a whole range of resources and as such should be given higher priority for the multi-functional opportunities it offers. The White Paper defines landscape as cultural heritage, sense of place and natural beauty (seascapes also needs to be included). These are not just embodied within nationally designated sites, but can be found across a much wider remit in non-statutory and undesignated landscapes and be equally important for sustainable resource management and economic, social and environmental reasons at a regional and local landscape scale. NRW should seek to champion its landscape remit across the full resource spectrum, and not just focus on nationally significant designated landscapes .

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.

More information in relation to PES is needed to make an informed judgement of soundness and it recognised that this will come out of the study which is underway. This could work in principle to secure things that don't currently happen but there is a risk that work that would benefit services that currently occurs would stop without the payment. Where would it end? If funding for this approach was no longer sustainable in the future, would there be a natural resource crisis?

Innovation of new mechanisms is always welcomed but it must be based on sound scientific evidence and consideration of what is appropriate locally e.g. wide scale tree planting may not appropriate for the whole of a catchment area where non-treed habitats are rare/valuable.

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#### **Question 11**

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

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New powers must be robustly consulted on and based on sound scientific evidence.

Powers to enable NRW to enter into management agreements could be a powerful tool for large scale delivery over larger periods of time.

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**Question 12**

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

No

Unless it can be proven otherwise, it is not clear to see how NRW could carry out all of these roles without there being a conflict of interest. It may be appropriate that they can take on multiple roles but not for the same PES 'project'. LPA's, NGO's, universities and private sector organisations could be involved particularly as intermediaries and knowledge providers.

NRW would need to build capacity and expertise in relation to PES and have adequate support systems e.g. IT to support which would require significant funding and investment.

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**Question 13**

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

Agree with broader powers for NRW as set out in 3.23 and 3.24. The powers need to be robust enough for meaningful delivery.

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**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

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**Question 15**

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

**A**

**B**

**Please provide comment:**

We cannot choose between A or B without a greater understanding of the implications.

B) would be more flexible and powerful with potentially more gains particularly in an area based approach but this has more risks in relation to decisions being made without sound scientific advice to support or with appropriate consultation.

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**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.**

Application of existing legislation for EPS is very site and case specific; an area based approach would seem to be much broader in requirement but would need to carefully consider aspects of such as favourable conservation status.

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**Question 17**

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

Potentially significant changes in the way that funding systems are provided to local councils in relation to their countryside grants schemes which will be a positive step if policy is clear and a delivery mechanism established that allows for coordination of service provision.

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## **Chapter 4 - Resource Efficiency**

MCC welcomes the opportunity to comment on the Resource Efficiency element of the Environment Bill. MCC is a high performing recycling authority and is committed to achieving high recycling, minimum landfill and recovering energy from any residual waste that remains.

The main purpose of the Environment Bill is to strategically re-form the role of NRW following its successful creation in 2013 with the merger of CCW, Forestry Commission and EA Wales. We question therefore the role of the Resource Efficiency measures contained within the Bill, as whilst there are implications for NRW, these measures are more about service delivery than strategy and planning which the remainder of the Bill focuses on. Welsh Government already has competence over waste through the LCO in 2008/09. Therefore if a Bill regarding waste is necessary to meet the requirements of Towards Zero Waste and its supporting policies then we would propose it be done outside of the Environment Bill framework. MCC however believes that as drafted, many of the proposals are unworkable and unenforceable, contradict existing legislative regimes and would create such burdens on both businesses and LAs that these proposals should be abandoned.

Consultation Questions

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### **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?**

**No**

**Please provide comment:**

MCC, like all Welsh Local Authorities have a statutory duty to recycle to achieve Statutory Recycling Targets by 2025. To achieve these targets these materials need to be collected in a manner suitable for recycling by reprocessors and therefore we question the need for further regulations that impact on LAs. Potentially a consideration could be that the Bill excludes local authorities? In addition Welsh LAs are required via the Waste Framework Directive and subsequent regulations to separately collect plastics, metals, glass and paper where “technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors”. This duty comes into force on 1<sup>st</sup> Jan 2015. MCC believes that it is premature to introduce further materials, over and above EU/Directive requirements before the impacts of these regulations are fully tested and understood. For example a TEEP collection assessment might conclude that a form of commingled management of recyclates is perfectly feasible yet this would contradict with the requirement on the waste producer to present waste separately. Given the lack of TEEP guidance MCC would like WG to consider whether there could be two sets of legislation which conflict. The WFD regulations that may allow for a form of comingled collection and a WG Measure requiring the presentation of materials separately. The law needs to be consistent as inconsistency in businesses leads to inefficiency and waste and given the fragile nature of Welsh business and public sector finances, this cannot be tolerated.

The Bill is proposing that all parties, excluding householders would have the duty to present waste separately. In the document there is no mention of TEEP assessment by the waste producer to relate to the TEEP assessment undertaken by the collector – there needs to be synergies between the two. This has major implications for LA trade waste services which in MCC’s instance is complimentary to its household service to ensure maximum efficiencies



and effectiveness. MCC has approximately 600 trade waste customers from a business base of c.2,500-3,000. We currently have a trade fleet of 1.2 vehicles as the rest of the time the vehicles are used on domestic rounds. If we have to introduce a separate fleet designed for business separate collection requirements then this could cause two things to happen. Either we would put costs up to such an extent that we price ourselves out of the market, or we allow inefficiencies to be introduced into the system. However given the rurality of some of our businesses they may still need our service as the private sector do not operate in that area. We would not want to do either of these things as MCC, like WG, makes supporting local enterprise a priority to aid economic growth and secondly given the current financial climate in LAs, we do not want to create a system which is cost ineffective from the start. MCC proposes that WG re-examine this proposal particularly on the role of LAs.

It is also not clear why wood, food and card have been selected and we question whether there are other mechanisms, apart from collections that can achieve the same outcomes.

When questioned about wood Welsh Government officers advised that the wood industry are concerned that a lot of waste wood is going for incineration or biomass rather than recycling. Experience from MCC's HWRC (c.1,500tonnes in 2012/13) is that a lot of the wood waste is contaminated and not suitable for recycling. We do however to recycle as much as possible of the wood waste collected. If the requirement for separate collections for wood was introduced this would have a cost impact on LA HWRC's as none of our sites currently have space to offer two wood waste skips, one for clean and one for treated wood. We also believe that if the wood recycling industry want cleaner wood then they too have a responsibility to assist create the environment for this material to be collected. It is not clear whether WG have considered placing producer responsibility obligations on wood rather than requirements on producers and collectors, or even looked at fiscal drivers. We are also concerned that whilst there maybe demand from the wood recycling industry for clean wood, there is not the infrastructure in Wales to manage the waste wood that would be generated. Indeed last year the waste wood industry crashed and there is no mention of how these requirements would or could be amended to take account of market fluctuations. In addition, we have to query whether creation of a new recycling infrastructure for this material actually compliments WG's own Waste Hierarchy guidance published in 2012 where environmentally it is the same to recycle or put wood to energy from waste.

MCC also believes that the development of the food waste treatment infrastructure will assist in the growth of separate food waste collections. We appreciate that again this legislation is primary aimed at the commercial sector so believe that LAs should not be caught by it.

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

No

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

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### **Question 19**

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

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**acceptable?**

**No**

**If no, please state why and an alternative.**

We have experience of running trade waste services and meeting the needs of our local businesses. We know that many of our businesses struggle to accommodate even a small wheelie bin and do not have the space inside their premises to segregate waste. If this duty is to be introduced we believe there should be a de minimis threshold where businesses under a certain size or turnover should be excluded from this requirement.

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**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**

**If yes, please identify them and explain why.**

As above. We know of instances where businesses will find this requirement incredibly difficult and could distort their focus onto waste management rather than running a successful business. We fully appreciate that waste needs to be managed appropriately and in the best possible environmental way. However legislation also needs to be reasonable and proportionate and possibly a proportionality test applied to waste producers to determine thresholds for inclusion within these proposals needs to be considered.

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**Question 21**

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

**No**

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

**No**

As outlined above MCC already has primary legislation driving us towards higher recycling and diversion from either landfill or in the future energy from waste. Indeed the framework which has been set by Welsh Government is that up to 2024/25 a certain amount of recycling will exist within the residual waste stream as recycling services may not achieve 100% participation and capture up to 2025 to achieve 70%. Therefore the proposal for these bans to be introduced from 2017 contradicts with existing legislation set up by WG. Not only does

the legislative regime contradict but WG also approved Project Gwyrdd's (of which MCC is a constituent partner) waste flow model as part of the Final Business Case, and this model never anticipated 100% capture of recyclables believing that to be unrealistic. Therefore there will always be an element of recycling in the residual waste stream.

The way the Bill is drafted is that the ban is outright with burdens placed on waste collectors and providers of such infrastructure and given the above seems unrealistic.

LAs already have powers under the EPA 1990, clause 46 (4) (c) to instruct householders what materials may be placed in which receptacles and have enforcement provisions to support the drive for higher recycling. If this legislation is not to be reviewed through this Bill, MCC proposes that LAs could make use of existing powers and the new guidance state that what then is presented as residual waste, subject to quality control and enforcement by LAs, is residual waste for the purposes of this Bill.

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### **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

**If no, what other approach could we adopt?**

The Bill is not proposing excluding LAs from this element, yet households as producers of waste are excluded. This appears to be a contradiction.

Successful implementation of this proposal will reside in the guidance and secondary legislation that supports it. Devil is always in the detail. We believe that the phrase contamination in residual waste to talk about recyclables present is not a helpful term to use. Also – who determines whether a material is recyclable or not, if it has come into contact or been presented with residual waste. NRW are proposed as the regulator but surely it depends on end markets and contracts of the waste collector.

We also have concerns over the ability of NRW to take on this responsibility. Currently they do not have a strong role or presence in the collections process, yet to do this properly the waste has to be followed from source. Given public finances now and in future years it is unclear how this increase in resource to do justice to the proposals could be funded.

As outlined above we believe that there should be complimentary frameworks between this Bill and the SRT regime.

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?

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 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.

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### **Question 23**

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

No

**If yes, should this apply to:**

**a) Households**

**b) Businesses and Public Sector**

**c) Both**

**Please provide comment:**

Whilst we appreciate the sentiment behind these proposals we believe it would be very difficult to introduce and enforce.

Within the Bill the case study is of a WRAP householder study yet householders are excluded from the proposal. Case studies must relate to proposals. Without the facts behind commercial activity of food waste to sewer an informed view cannot be provided.

The Bill does ask whether households should be included. We believe that this would be unworkable and maybe the aim can be achieved through improved communication and behaviour change rather than legislation.

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### **Question 24**

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

Because we believe this item should be dropped we have no further comments.

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### **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?**

As stated above the Bill has 2017 as implementation date with a contradictory legislative regime leading up to 2024/25 for LAs with the Statutory Recycling targets. The two processes need to be complimentary. If WG are to pursue this we believe that an outright ban from day one is unrealistic and should be phased in like the SRTs. This would allow businesses and infrastructure providers to make reasonable plans and adjust over time.

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**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.**

This is difficult. NRW are the natural regulators of waste infrastructure. However they have not regulated collection activities before to such detail as proposed in the Bill. For example MCC is currently undertaking a service review which will make an assessment of TEEP. This process is led by WG working collaboratively with WLGA and WRAP. NRW are not present in those discussions. Given the potential NRW role MCC has raised this with WG.

However as discussed above we also have concerns over NRW's ability to take on these additional burdens. Funding across public services are being cut and we do not believe that it would be reasonable on businesses to be charged a fee for NRW for them to undertake this task. Either the way NRW undertakes its current regulatory role needs to be reviewed to determine better and more efficient working practices to create capacity for these additional responsibilities or the Bill needs to be reviewed.

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**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:**

Our one point is that if LAs were made responsible then this would lead to additional burdens. At a time of massive financial constraint, and services at full capacity then MCC would look for these new burdens to be funded by WG.

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**Question 28**

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

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As outlined at the beginning MCC believes that these proposals are unworkable and unenforceable, contradict existing legislative regimes and would create such burdens on both businesses and LAs that these proposals should be abandoned. If WG were to proceed with the resource efficiency proposals then more engagement with all sectors would need to be undertaken.

MCC are concerned that WG are trying to achieve their Towards Zero Waste outcomes through a legislative regime that is not appropriate. We would be pleased to work with WG to determine whether other methods can achieve the same outcome.

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**Carrier Bags**

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**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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**Yes in principle.**

Yes

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**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**

It would also be good to require retailers to display to whom and how much has been passed on.

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**Question 31**

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

To date the existing regulations have not had much of an impact and are to a degree 'self-policing'. I therefore cannot envisage any significant impacts. To ensure the actual requirements are being met though would need some proactive work and currently we do not have the resources available to undertake that work

## **Chapter 5 - Smarter Management**

### **Marine Licensing Management**

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#### **Question 32**

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

**Yes in principle.**

We agree that the proposed changes should be considered as part of the Bill and that fixed fees may not cover the costs incurred by NRW in advising, processing and monitoring consents.

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#### **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?

NRW's ability to recover costs associated with marine licensing by charging fees for:

- i. pre-application costs?
- ii. variation costs?
- iii. costs of transferring of licences?
- iv. covering regulatory costs, via subsistence charges?

Changes to the charging regime should retain the flexibility referred to in the text and not be mandatory fees.

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#### **Question 34**

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

The impact on Coastal Local Authorities is a concern as they are responsible for many coastal schemes, improvements and works that are for the benefit of the public and often in joint working with NRW. Often these schemes are grant aided so any increased Marine Licensing fees will affect the costs and where grant aided merely move money from Welsh Government to NRW. It is suggested that some form of exemption be

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granted for Local Authorities carrying out coastal works be considered or at least some limitation on the extent of charges by NRW.

This proposal also highlights the issues Local Authorities have in dealing with Land Drainage Consents where the fees are fixed by Welsh Government and do not reflect the actual costs incurred in the advice, processing and monitoring of Land Drainage Consents. This also needs to be considered as part of the White Paper and Bill

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### Shellfisheries Management

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#### **Question 35**

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

Yes

No

Please provide comment

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#### **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**

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**Question 38**

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

Yes in principle.

This seems to be a sensible amendment

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**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.

This is difficult as at present it is not clear whether it will impact on Local Authorities or not. We note the proposal to assess the impact and seek approval of the National Assembly for Wales on any planned change and accept this provides a form of safeguard. We would not want to see any change that adds to the cost of work for Local Authorities.

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**Question 40**

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

**No comment.**

As for Q39

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**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.**

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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?**

**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 a cost-effective and resilient way to deliver integrated economic, social and environmental outcomes.

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## **Towards the Sustainable Management of Wales' Natural Resources**

### **Environment Bill White Paper – Consultation Responses**

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

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

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

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

Please submit your comments by 15 January 2014.

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

[NaturalResourceManagement@Wales.gsi.gov.uk](mailto:NaturalResourceManagement@Wales.gsi.gov.uk)

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#### **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**

<b>Name</b>	Ken Hobden	
<b>Organisation</b>	Mineral Products Association	
<b>Address</b>	Gillingham House, Gillingham Street, London, SW1V 1HU	
<b>E-mail address</b>	Ken.hobden@mineralproducts.org	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input checked="" type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<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?**

**No**

***Please provide comment:***

The proposals set out in this White Paper appear to stem from a perception on the part of Welsh Government that a new regulatory framework needs to be established if the natural resources of Wales are to be managed sustainably. That is not true; certainly as far as natural resources on land are concerned. There is already such a regulatory framework in place, based principally upon local democratic control through the land use planning system.

The White Paper seems to imply that greater decision-making power should be vested in NRW to ensure that natural resources are managed in a sustainable way.

The Mineral Products Association would oppose such a move. The land use planning system has evolved to make decisions based on a ‘balance of interests’ approach, which is exactly what is required to deliver sustainable land uses. In particular, only planning authorities have the information on the social and economic environment that is necessary to make sound decisions. They also have established channels to obtain further specialist advice where necessary, through both statutory and non-statutory consultees.

Notwithstanding these comments, this is not the time for fundamental changes to the way that land uses are regulated. It will introduce further uncertainty for potential investors in new sustainable activities.

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**Question 2**

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

**No**

***Please provide comment:***

It is not clear if minerals are included within the definition of natural resources for purposes of this White Paper.

In addition, the definition of ‘sustainably’ (1.24(2)) indicates that an activity must deliver benefits to the people, environment and economy of Wales. Excluding proposals that do not meet all three of those targets could be seriously detrimental to the interests of Wales. Determination of what does and what does not constitute sustainable resource management must be done on the basis of a balance of interests approach (see question 1) and so should be delivered principally through the planning system.

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**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 mitigation and resilience is a key consideration that must be taken into account. Further detail on how NRW intend to do this would be welcome before we make further comments.

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**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:***

Wherever possible the proposed cycle should follow other related policy cycles such as those set for the River Basin Management Plans. In this case it may be most suitable to follow the five year cycle as proposed in the Future Generation Bill but in any case the link to other related timescales should be explored.

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**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.

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**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

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**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

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**Question 8**

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

Yes

No

***Please provide comment:***

No Comment

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**Question 9**

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

## Chapter 3 - Natural Resources Wales – new opportunities to deliver

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### **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:*

Please see our response to question 1-2.

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### **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

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**Question 12**

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

Yes

No

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

We believe case studies and trails need to be initiated before we are in a position to support or reject these proposals. We note a consultation on this is due shortly and we will submit our comments at that time.

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**Question 13**

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

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**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?**

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**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:***

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**Question 16**

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

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**Question 17**

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

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **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:*

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

Yes

No

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

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**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.*

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**Question 20**

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

Yes

No

*If yes, please identify them and explain why.*

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**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?*

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**Question 22**

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

Yes

No

*If no, what other approach could we adopt?*

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**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:*

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**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)*

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**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?*

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**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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**Question 27**

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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:*

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**Question 28**

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

## Carrier Bags

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### 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*

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### 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*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### 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?**

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**Shellfisheries Management**

---

**Question 35**

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

**Yes**

**No**

*Please provide comment*

---

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**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*

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---

---

**Question 37**

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

---

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## 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*

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### **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?**

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**Implementation / Equalities**

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**Question 41**

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

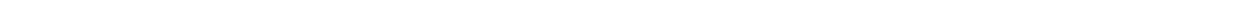
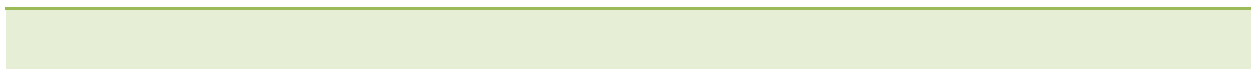
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**Question 42**

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

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YHA (England and Wales)  
Trevelyan House, Dimple Road, Matlock, Derbyshire DE4 3YH  
Registered Charity No 306122

[www.yha.org.uk](http://www.yha.org.uk)



To [NaturalResourceManagement@wales.gsi.gov.uk](mailto:NaturalResourceManagement@wales.gsi.gov.uk)

## **THE ENVIRONMENT BILL**

### **TOWARDS THE SUSTAINABLE MANAGEMENT OF WALES' NATURAL RESOURCES**

#### **Written Consultation Response**

From Youth Hostels Association England and Wales Registered Charity No 306122

National contact Sam Littlechilds, Trevelyan House, Dimple Road, Matlock, Derbyshire DE43YH

Welsh contact Rowland Pittard, 61, Chantal Avenue, Penyfai, Bridgend CF31 4NW

## **YHA**

The Youth Hostel Association is a charity whose object is 'to help all, especially young people of limited means, to a greater knowledge, love and care of the countryside, and an appreciation of the cultural values of towns and cities, particularly by providing Youth Hostels or other accommodation for them in their travels, and thus to promote their health recreation and enjoyment. YHA has a clear vision to inspire all, especially young people to broaden their horizons gaining knowledge and independence through new experiences of adventure and discovery. YHA has a network of diverse hostels throughout Wales- often in exceptional locations. These welcoming and sociable spaces are open to everyone. YHA has strong beliefs and a passion for what it does. By encouraging a spirit of adventure, YHA aims to inspire people of all ages to discover the world around us. Further details are at [www.yha.org.uk](http://www.yha.org.uk).

YHA has provided accommodation and services for visitors to the Welsh countryside, towns and cities for over 80 years. YHA now has 31 Youth Hostels in Wales with many located in the three Welsh National Parks and on the Welsh Coast. The only city hostel is in Cardiff with the remainder located in rural Wales. YHA is one of the largest providers of low cost secure accommodation in Wales. The accommodation is provided for school and youth parties, families, overseas visitors and individuals. Some hostels have specialist facilities for the disabled and most provide family accommodation.



YHA belongs to the International Federation of Youth Hostels IYHF which has over 100 member organisations.

YHA makes a significant contribution to the rural economy in Wales by attracting visitors of all ages, but especially the young, from all parts of the world, by providing local employment, supporting local visitor attractions and businesses. YHA has partnerships with other organisations to provide activity and educational experiences. A large proportion of YHA visitors use public transport to reach the Youth Hostels and YHA is a partner in the flexi pass scheme operated by transport providers in Wales.

YHA provides for sustainable tourism, by providing shared accommodation in buildings that are being made energy efficient as finance becomes available, by using locally sourced building materials, by encouraging the use of public transport and by working in partnership with other organisations such as Wales Environment Link, Council for National Parks, Sustainable Transport Cymru, Welsh Council for Voluntary Action, Ramblers Association, Cyclists Touring Club and Sustrans. Thus YHA participates in the care of the Welsh rural countryside and has initiatives to encourage responsible use of the countryside.

YHA participates in community activities at many of its hostels. Some hostels are run jointly with local communities and others provide facilities for local communities to use.

YHA is able to provide meeting and catering facilities at larger hostels for community use. YHA supports local businesses and contractors where ever possible.

YHA welcomes this opportunity to respond to the Welsh Government's consultation on proposals for the Environment Bill and emphasis being placed on ensuring that Wales' natural resources are managed sustainably for both current and future generations. Our object is aligned with the proposals which must take into account all the important aspects of natural resources of Wales including the use of land and sea for recreation and the associated health and well being aspects. The natural beauty of the Welsh landscape and the cultural heritage of its countryside and settlements are important to the residents in the country and they attract many visitors to Wales. They make a significant contribution to the Welsh economy especially in the three National Parks.

Our response to the consultation questions follows.

## **Chapter 2**

### **1 Do you agree with the overall package of proposals in relation to NRM in Chapter 2?**

Yes. It is important that protected landscapes must be able to deliver their statutory purposes effectively. There is a lack of reference to proposals for seascapes and how they will be incorporated into natural resource management. The relationship of natural resource management and current local authority and National Park management plans must be clearly established. These plans form a useful tool for future planning.

There must be clear responsibility for the NRM plans and a mechanism for the coordination and integration of the plans with regard to national policies. There must also be a smooth transition between adjoining areas and common plans where they have similar characteristics.

## **2 Do you agree with the approach to define natural resources?**

YHA agrees overall with the approach but it is essential to ensure that a high quality landscape is considered as an essential resource for Wales. YHA also considers that the right of way network and open access land including commons is also an important natural resource.

## **3 Do you agree that climate resilience and climate change mitigation should be embedded into the plans?**

Yes this is essential for inclusion. It is important that the whole of the transport network of Wales is resilient to climate change and that the disruption of transport encountered in Wales in the winter of 2013-14 is not repeated in future years. This is also important for the right of way network especially that the all Wales coastal path does not face blockages from cliff falls and flooding. It is important that one organisation coordinates this work which at present is carried out by bodies such as local authorities, landowners, network rail and port authorities.

## **4 Do you agree that the setting of national outcomes and priority actions for NRM should follow a five year cycle?**

Yes provided that there is adequate consultation especially to which outcomes and priority actions are required with stakeholders at the appropriate time. The outcomes set by the Future Generations' Bill must be included in this integrated approach. It is important that the outcomes relating to protected areas especially National Parks are aligned with the policy statement for protected landscapes. The outcomes and actions should be reported as part of the five year cycle.

## **5 Do you agree on the area based approach?**

This approach will have the advantage of involving local communities and stakeholders. However YHA has found it to be labour intensive to engage with 22 local authorities and three national park authorities in Wales and consequently has had to limit its amount of engagement with those authorities. YHA is best placed to operate at a national level within Wales and would expect that there would be national coordination of activities related to the Bill in which it could engage.

The area based approach could be based on water catchment areas or on local authority areas. If there is a future reorganisation of local authority boundaries in Wales it is possible that these could be based on catchment areas. YHA would find it easier to engage with a reduced number of local authorities and also to participate in the area based approach.

The area approach must recognise the importance of the iconic landscapes and seascapes of Wales and ensure their protection

We support the retention of the three National Parks and therefore the integration of their areas in to the area based approach

**6 Do you agree that the approach is flexible enough?**

It is difficult to comment at this stage but if the approach is too flexible it could lead to differences of opinion.

**7 Do you agree that placing a requirement on other public bodies to cooperate?**

Yes but the power should be defined . This should include organisations that are fully financed by government and or European Community funds.

**8 Do you agree that NRW should be the lead reporting body?**

Yes

**9 Any comments**

There is a key role for third sector organisations in both helping to develop MRM plans and in contributing to their delivery. There should be a facility for these organisations to contribute at a national level and well as at a local level. Perhaps a small number of organisations could be financially supported to provide this coordinating role. NRW already supports the national access forum and the meetings of chairs of local access forums and this process could be replicated for other interest groups. Organisations such as Wales Environment Link and the Campaign for National Parks already have a proven record for coordinating groups of kindred organisations.

**Chapter 3**

**10 Do you agree with the proposals set out in the chapter?**

YHA supports the proposals to trail innovative approaches but there must be strong safeguards to the proposal for Welsh Ministers to be able to make changes to primary legislation. There must be a scrutiny process in place. The need for these additional powers must be very limited and the value of this proposal must be reconsidered.

**11 What are the limitations or safeguards on the use of powers?**

New powers when requested must have formal approval in an open and transparent way. There must be a procedure for consultation with stakeholders who may themselves have the capability of suggesting innovative approaches.

**12 Do you agree that NRW is an appropriate body to act as facilitators, brokers and accreditors of Payments?**

YHA has no comment

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

This could be in conflict with the work of local and National Park authorities especially in connection with section 106 agreements. YHA is concerned at certain present and proposed management agreements on land for the production of energy in preference to food production. NRW could have an important role for coordinating activities and also for the responsibility of farm forestry and fishing incentive payments on behalf of Welsh Government

#### **14 Binding rules.**

These could be important to support present day and future regulations.

#### **15 Welsh Ministers' amendment powers**

YHA has reservations on the extension of powers as suggested especially as no examples have been given.

#### **16 Specific evidence of areas of potential conflict**

The wide remit of NRW could lead to potential conflict

#### **17 Any comments on the impact of the proposals**

YHA has none to make at this stage

### **Chapter 4**

#### **18 Do you agree with the proposals and approach to be taken?**

We note the comment that the proposals should have no adverse economic effect on businesses in Wales. The costs of operating a business in Wales should be no higher than operating the same business in other parts of the United Kingdom.

#### **19 Do you agree with level of segregation is acceptable?**

YHA wishes to comment at a later stage

#### **20 Affect on businesses of providing for 7 waste streams**

YHA wishes to comment at a later stage

#### **21 Materials ban for landfill or production of electricity**

YHA supports these proposals.

#### **22 Developing guidance for acceptable levels of contamination**

YHA supports these proposals

#### **23 Prohibition of disposal of food waste to sewers**

YHA wishes to comment at a later stage

## **24 Enforcement of prohibition with businesses and households**

YHA wishes to comment at a later stage

## **25 Lead times**

YHA wishes to comment at a later stage

## **26 Is NRW best placed to act as regulator for waste segregation?**

No comment at present .

## **27 Who is the best regulator for food waste to sewers?**

There should be only one regulator for the disposal of food waste

## **28 Any further comments**

We have none

## **Carrier bags**

### **29 Carrier bag regulations extension.**

YHA supports the extension but it is essential that charities including those that have an associated business activity are able to retain the carrier bag charge. The proceeds of the charge should continue to be directed towards all charities especially those with an educational and environmental remit.

### **30 Enabling powers for Welsh Ministers**

The present arrangements work satisfactory so it is unlikely that additional powers would be needed.

### **31 Any comments**

None

## **Chapter 5**

### **32 Marine licensing**

#### **33 Costs of marine licensing**

#### **34 Any comments**

## **Shellfish**

### **35 Shellfish orders**

### **36 Regulations**

### **37 Any comments**

YHA has no comments for this section 32 to 37

### **Land drainage**

### **38 Proposed changes Land drainage**

### **39 Proposed changes Flood and Water management**

### **40 Any comments**

YHA has no comments on this section 38 to 40

## **Chapter 6**

### **41 Implementation and human rights**

YHA considers that it is important to consider the needs of visitors to Wales to ensure that the tourist industry continues to be supported. YHA is working in partnership with the Campaign for National Parks to encourage disadvantaged persons and ethnic groups to visit the Welsh National Parks. The Mosaic project is well established and should not be disadvantaged but encouraged by the proposals

### **42 Any other comments**

We have no further comments

Rowland Pittard

For YHA Cymru/ Wales

15/01/14

From

YHA (England and Wales)  
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TO

The Environment BILL Team

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