

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

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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

☐

## Environment Bill White Paper

23 October 2013 – 15 January 2014

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<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?**

**Yes X**

**No ☐**

***Please provide comment:***

Concern about area based approach in relation to natural resources and boundaries

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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 X**

**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 both national and local levels?**

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Yes **X**

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 **X**

No

*Please provide comment:*

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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?

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Yes ☐

No ☒

***Please provide comment:***

Concern about this approach with natural resources not keeping to or having boundaries, different natural resources having different 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 ☐

No ☒

***Please provide comment:***

To be determined

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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:***

See previous comments

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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:***

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**Question 9**

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

none

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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 **X**

No ☐

*Please provide comment:*

Agreed, provided that equal consideration is made to all three pillars of sustainability.

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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?

*Regular peer review.*

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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** **X**

**No** ☐

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

Possibly

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**Question 13**

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

There should be an arbitration or conciliation system.

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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:***

These should cover broad environmental legislation

**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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- 1. *concern about bureaucracy***
  - 2. *cross border issues e.g. waste, waste management plans***
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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 ☐

No **X**

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

**Question 19**

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

Yes **X**

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 **X**

*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** **X**

**No** ☐

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

**Yes** **X**

**No** ☐

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

***Sewage sludge***

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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** **X**

**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 ☐

**X**

*If yes, should this apply to:*

**a)  
Sector**

**Households  
c) Both**

**b) Businesses and Public**

***Please provide comment:***

Not practical

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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)not practical*

*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?***

Reconsider food waste disposal to sewers

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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 **X**

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 **X**

No ☐

*Please provide comment*

1. *the system must be accountable*
  2. *must be spent in Wales*
  3. *must be via a registered charity*
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**Question 31**

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

*no*

## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes **X**

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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*agreed*

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**Question 34**

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

*no*

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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*

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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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no

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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 **X**

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 **X**

No ☐

*Please provide comment*

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**Question 40**

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

*no*

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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*

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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*

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☐

## Environment Bill White Paper

<b>23 October 2013 – 15 January 2014</b>		
<b>Name</b>	Dr Ian Thomas	
<b>Organisation</b>	Teifi Rivers Trust	
<b>Address</b>	Glancwerchyr Maesllyn Llandysul Ceredigion SA44 5LD	
<b>E-mail address</b>	docian@btinternet.com	
<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 type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	x <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?**

Yes ☐

No ☐

***Please provide comment:***

Sounds good in principle

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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:***

Sounds good in principle

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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?**

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Yes ☐

No ☐

***Please provide comment:***

Provided we are convinced by the climate change argument

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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:***

Seems good in principle

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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?**

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Yes ☐

No ☐

***Please provide comment:***

With regard to the aquatic environment I believe a catchment based approach is more sensible

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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 area-based approach?**

Yes ☐

No ☐

***Please provide 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:***

***There is no other body.***

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**Question 9**

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

I have been listening and reading repeated plans for environmental improvement in Wales all my adult life, and I am now sixty years old,.However we have seen nothing but decline in the quality of the welsh environment over this time. Producing papers and plans is all very well but it does nothing to gain the results we require. How am I to be convinced that things will be any different this time around?

## 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:*

---

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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?

We would like to see NRW make more use of the powers they already have. In consultation with local stakeholders

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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?***

But with greatly reduced bureaucracy.

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**Question 13**

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

**We believe NRW should be free to put environmental principles before political and financial ones.**

**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?**

**Where there is great environmental need**

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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 y ☐**

***Please provide comment:***

---

**Question 16**

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

The continuing use of cypermethrin by forestry

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**Question 17**

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

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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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?***

**Question 19**

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

**Yes** ☐

**No** ☐

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

---

---

**Question 20**

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

**Yes** ☐

**No** ☐

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

---

### Question 21

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

Yes ☐

**No** ☐

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

**Yes** ☐

**No** ☐

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

### Question 22

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

**Yes** ☐

**No** ☐

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



---

**Question 23**

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

**Yes** ☐

**No** ☐

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

**a)  
Sector**

**Households  
c) Both y**

**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)?**

## 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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**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*

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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*

---

**Question 40**

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

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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.**

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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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## Environment Bill White Paper

23 October 2013 – 15 January 2014

<b>Name</b>	mark Dowling
<b>Organisation</b>	Giraffe Innovation
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<b>E-mail address</b>	m.dowling@giraffeinnovation.com

<b>Type</b> (please select one from the following)	<b>Businesses</b>	<input checked="" type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
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	<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

**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 both national and local levels?**

---

Yes ☐

No ☐

*Please provide comment:*

---

---

#### **Question 4**

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

Yes ☐

No ☐

*Please provide comment:*

---

---

#### **Question 5**

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

---



Yes ☐

No ☐

*Please provide comment:*

---

---

**Question 6**

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

Yes ☐

No ☐

*Please provide comment:*

---

---

**Question 7**

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

Yes ☐

No ☐

***Please provide comment:***

---

---

---

**Question 8**

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

**Yes** ☐

**No** ☐

***Please provide comment:***

---

**Question 9**

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

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

---

### Question 10

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

Yes ☐

No ☐

*Please provide comment:*

---

---

### Question 11

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

---

---

**Question 12**

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

**Yes** ☐

**No** ☐

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

---

**Question 13**

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

---

**Question 14**

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

**Question 15**

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

**A** ☐

**B** ☐

***Please provide comment:***

**Question 16**

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

---

---

**Question 17**

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

---

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### Question 18

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

Yes ☐ **X**

No ☐

*Please provide comment:*

---

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

Yes ☐

No ☐ **X**

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



**Question 19**

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

Yes ☐ **X**

No ☐

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

---

---

**Question 20**

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

Yes ☐ **X**

No ☐

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

*The segregation of the different materials may cause issues for small shops that have limited room to store the segregated materials.*

---

### Question 21

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

Yes ☐

**No** ☐ **X**

**Wood waste would be difficult to segregate into untreated and treated and some untreated wood may not be suitable for reuse.**

**It is not clear if painted wood would be classified as treated wood.**

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

Yes ☐

**No** ☐ **X**

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

### Question 22

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

Yes ☐ **X**

**No** ☐

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

---

---

---

**Question 23**

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

Yes ☐ **X**

No ☐

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

b) Businesses and Public

*Please provide comment:*

---

---

---

**Question 24**

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

i)

---

ii)

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---

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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?*

---

---

---

**Question 26**

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

**Yes** ☐

**No** ☐

**Question 27**

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

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

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

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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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***There needs to be an outlet for the materials recovered otherwise the collected materials will either be stockpiled in Wales or exported.***

***For example In the UK over 60% of the plastic packaging waste is exported and without demand for its use in the UK this will continue to happen.***

***Energy recovery from wood waste should be allowed as there is a limited alternative uses for this material.***

---

## 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*

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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*

---

---

**Question 31**

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

---

Biodegradable plastic bags should not be allowed as these limit the potential for reuse and will cause issues with plastic recyclers.



## Chapter 5 - Smarter Management

## Marine Licensing Management

### Question 32

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

Yes ☐

**No** ☐

**Please provide comment**

### Question 33

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

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

---

**Question 34**

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

---

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**Shellfisheries Management**

---

**Question 35**

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

**Yes** ☐

**No** ☐

*Please provide comment*

---

---

---

**Question 36**

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

Yes ☐

No ☐

*Please provide comment*

---

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---

**Question 37**

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

---

---



## Land Drainage Management / Flood and Water Management

---

### Question 38

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

Yes ☐

No ☐

*Please provide comment*

---

---

### Question 39

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

Yes ☐

No ☐

*Please provide comment*

---

**Question 40**

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

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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.**

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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?**

---



**From:** [kevin](#)  
**To:** [Natural Resource Management](#)  
**Cc:** [Gething, Vaughan](#)  
**Subject:** Consultation on Sustainable Management "of Wales' Natural Resource White Paper  
**Date:** 25 November 2013 09:43:22

---

Dear Sirs, (and AM)

I am shocked that you even continuance the idea of putting an environmental tax on "Bags for Life"  
Considering the amount of packaging waste in supermarkets. (and every thing else shipped from China) bags for life should not be on your radar.

The single use carrier bags should have never included paper bags.  
However it has greatly reduced the use, distribution and waste of single use carrier bags.

I believe the Welsh Assembly is acting in merely in a publicity stunt to achieve greater prominence for itself in coming up with these schemes.

Put up a policy that with get people talking to justify its own existence.

Concentrate on Health and Educational matters which should be the core focus, subjects which by most measures you are failing on.

When can we have a referendum to reduce the powers of the Assembly? or does democracy only work in one direction.

Yours etc.

Mr Kevin O'Sullivan  
13 Sully Terrace  
Penarth  
Vale of Glamorgan



Ask for/Gofynnwch am  
Our Ref/Ein Cyf  
Your Ref/Eich Cyf  
Tel/Ffôn  
Direct Dial/Rhif Union  
DX  
E-Mail/E-Bost

**Carl Touhig**

01633 656656

99463 Newport (Gwent) 3

**Carl.touhig@newport.gov.uk**

**Streetscene**

**Y-Strydynun**



Civic Centre/Canolfan Ddinesig  
Newport/Casnewydd  
South Wales/De Cymru  
NP20 4UR

Mr M Enea  
153 Buttermere Way  
St Julians  
Newport  
NP19 7BL

Dear Mr Enea

REF: Fortnightly Refuse Collections and smaller bins

Thank you for your letter regarding the above.

I will try to focus the response to cover each of the points you have raised.

The move to smaller bins has been trialled over the last 2 years and almost 5000 have been distributed as replacement bins with no major problems.

The Council believes it is achieving the statutory obligations under S.45 EPA 1990 with the provision of weekly recycling and fortnightly refuse collections. S.46 of the same Act allows "The authority can give a householder notice that waste must be disposed of in a specified receptacle, in a specified manner and frequency."

The Council face very challenging waste diversion targets but our priority is to work with residents to recycle. Residents now have more capacity to dispose of waste now than at any other time.

The 1.25 tonnes relates to the total municipal solid waste (MSW) that is produced in Newport and is quantified back to the number of houses as a guide. MSW includes all waste that comes into the authorities ownership and includes, refuse, recycling and garden waste streams as well as waste from the Household Waste Recycling Centre (HWRC), commercial waste, streetsweepings etc.

Actual residual waste collected at the kerbside has been dropping year on year and is closer to 0.415 tonnes per household or just under 16kg per fortnight. Compositional analysis has shown that another 6 to 8kg of this waste is also easily recyclable. Waste at the HWRC also dropped year on year since the introduction of fortnightly collections meaning that people are not having to go there as often.

Although there has been a plethora of more modern and meaningful legislation enacted since the Public Health Act 1875 the weekly collection of food waste in a lockable lidded container would have more than met this legislative duty.

If people have no front or rear gardens then we could remove the garden waste bin and they can still recycle their card with the more manageable polypropylene Bag for Card, these will be delivered early in the New Year. Hopefully this will improve the aesthetic of terraced streets.

The Welsh Government have made it a legal requirement as well as a moral obligation for Welsh Councils to recycle and have provided a Collections Blueprint highlighting how they would like this to be achieved. This is backed up with substantial grant funding and it is this money that is being used to purchase the new bins and bags.

The Council is committed to reducing waste and preserving the valuable resources for future generations and will continue to work with residents to separate their waste to facilitate recycling.

I have attached links to the Council and Welsh Government documents that outline the decisions and rationale for moving to fortnightly residual waste collections and to the slimmer bins.

<http://www.wrapcymru.org.uk/sites/files/wrap/Municipal%20Sector%20Plan%20Wales%20-%20Collections%20Blueprint.pdf>

[http://wales.gov.uk/topics/environmentcountryside/epq/waste\\_recycling/publication/towards\\_zero/?lang=en](http://wales.gov.uk/topics/environmentcountryside/epq/waste_recycling/publication/towards_zero/?lang=en)

<http://www.newport.gov.uk/stellent/groups/public/documents/report/cont711407.pdf>

Yours Sincerely

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carl Touhig', with a stylized, cursive script.

Carl Touhig  
Recycling and Sustainability Manager

**For Head of Streetscene**

## **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>	<a href="#">Simon Morgan</a>	
<b>Organisation</b>	Bron Afon Community Housing	
<b>Address</b>	Ty Bron Afon, William Brown Close, Llantarnam Industrial Park, Llantarnam, Cwmbran. NP44 3AB	
<b>E-mail address</b>	Simon.morgan@bronaon.org.uk	
<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

---

**Question 1**

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

**Yes** ☐

**No** ☐

***Please provide comment:***

---

**Question 2**

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

**Yes** ☐

**No** ☐

***Please provide comment:***

---

**Question 3**

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

---

Yes ☐

No ☐

*Please provide comment:*

---

---

**Question 4**

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

Yes ☐

No ☐

*Please provide comment:*

---

---

**Question 5**

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

---

Yes ☐

No ☐

***Please provide comment:***

Area based regulation / guidance / support with LAs having the responsibility to act locally, demonstrate multi agency working and reporting (possibly exception reporting against certain standards?)

---

---

**Question 6**

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

Yes ☐

No ☐

***Please provide comment:***

---

---

**Question 7**

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

Yes ☐

No ☐

***Please provide comment:***

Actions need to be visible to the public and subject to consultation / explanation (depending on scope).

---

---

**Question 8**

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

**Yes** ☐

**No** ☐

***Please provide comment:***

---



**Question 9**

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

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

---

### **Question 10**

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

Yes ☐

No ☐

*Please provide comment:*

---

---

### **Question 11**

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

---

---

**Question 12**

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

**Yes** ☐

**No** ☐

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

---

**Question 13**

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

To specify standard / certain ground management practices that have long term thinking at their heart. Public bodies / LAs to deliver on these with support.

---

**Question 14**

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

---

---

---

**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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### Waste Segregation and Collection

---

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

Yes ☐

No ☐

*Please provide comment:*

---

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

Yes ☐

No ☐

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

**Question 19**

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

**Yes** ☐

**No** ☐

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

---

---

**Question 20**

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

**Yes** ☐

**No** ☐

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

---

**Question 21**

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

**Yes** ☐

**No** ☐

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

**Yes** ☐

**No** ☐

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

***All rigid plastics, domestic and building types (rain water goods, uPVC frames etc). Not all local authorities collect all food grade plastics as yet so unless required to do so these (currently) would not be recycled in Torfaen for example.***

---

**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**

**b) Businesses and Public**

**c) Both**

*Please provide comment:*

---

**Question 24**

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

*i)*

*ii)*

**Question 25**

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

**Yes** ☐

**No** ☐

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

---

---

**Question 26**

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

**Yes** ☐

**No** ☐

---

**Question 27**

---

---

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

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

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

---

---

**Question 28**

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

## Carrier Bags

---

### Question 29

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

Yes ☐

No ☐

*Please provide comment*

---

---

### Question 30

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

Yes ☐

No ☐

*Please provide comment*

---

---

**Question 31**

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

## Chapter 5 - Smarter Management

## Marine Licensing Management

### Question 32

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

Yes ☐

**No** ☐

**Please provide comment**

### Question 33

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

- **pre-application costs?**
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**Question 34**

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

---

**Shellfisheries Management**

---

**Question 35**

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

**Yes** ☐

**No** ☐

*Please provide comment*

---

---

---

**Question 36**

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

Yes ☐

No ☐

*Please provide comment*

---

---

---

**Question 37**

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

---

---





## Land Drainage Management / Flood and Water Management

---

### Question 38

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

Yes ☐

No ☐

*Please provide comment*

---

---

### Question 39

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

Yes ☐

No ☐

*Please provide comment*

---

**Question 40**

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

---

---

**Implementation / Equalities**

---

**Question 41**

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

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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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**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** Janet Rawlings

**Organisation**

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Church Walk  
Viney Hill  
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Glos.  
GL15 4NY

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

**Businesses**

☐

**Local Authorities/Community & Town Councils**

☐

**Government Agency/Other Public Sector**

☐

**Professional Bodies and Associations**

☐

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

☐

**Academic bodies**

☐

**Member of the public**

☒

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

☐

## Chapter 2 - Natural Resource Management

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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 ☐ **X**

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 ☐ **X**

No ☐

***Please provide comment:***

Climate change is the biggest challenge facing this and future generations. There is no question it is happening and that we need to adapt to it. Those countries and localities which accept these facts, improve their resilience and put mitigation measures in place will fare the best.

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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:***

---

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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:***

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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:*

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**Question 8**

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

Yes ☒ **X**

No ☐

*Please provide 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

---

### 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?***

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**Question 13**

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

---

**Question 14**

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

**Question 15**

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

**A** ☐

**B** ☐

***Please provide comment:***

**Question 16**

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

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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 ☐ **X**

No ☐

***Please provide comment:***

*Ideally recyclable materials should be collected separately from all other materials - not just from non-recyclable material - whenever technically, economically and environmentally practicable (TEEP). Material quality and value is maximised by this source-separated approach, bringing us closer to a truly circular economy.*

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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?***

Foodwaste, card and untreated wood should be collected separately, as suggested.

However, much of the wood waste stream consists of wood veneers or chips mixed with resins in the form of plywood, MDF, chipboard, etc. which make it difficult to recycle and potentially dangerous to burn. This may be an area to focus effort on designing out the contamination or designing for reuse/recycling/recovery.

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**Question 19**

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

Yes ☐ **X**

No ☐

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

---

---

**Question 20**

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

Yes ☐

No ☐ **X**

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

---

### Question 21

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

Yes ☐ ☒

**No** ☐

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

Yes ☐

**No** ☐

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

### Question 22

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

Yes ☐ ☒

No ☐

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

A key disposal route not addressed by the White Paper is export of banned materials. It is very likely banned materials would be “exported” to English landfills and incinerators, if not further afield.

Banning plastics from landfill and incineration is a very good idea but may have problems. Most plastic polymers need to be recycled individually (eg. PET kept separate from PP, HDPE from PVC, etc) so the definition of “contamination” would probably have to include “by non-target polymers” as well as the more standard “by other materials”. There is also the problem of containers being extruded using layered polymers (eg. thin film of LDPE film on a PET tray) which can make even a single container non-recyclable. As a guide, baled plastics are usually expected to contain no more than 5% non-target material although there is a market for bales with up to 15% contamination.

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### **Question 23**

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

Yes ☐ **X**

No ☐

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

**a) Households**

**b) Businesses and Public Sector**

**c) Both**

***Please provide comment:***

A ban for both households, businesses and the public sector would be best but would be hardest to enforce for residential properties.

---

### **Question 24**

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

*i)* The sewerage undertaker, Welsh Water, have the power to limit discharges to sewer for commercial and public sector organisations. Enshrining the ban in law or Welsh Government guidance would make it easier for Welsh Water to insist on this, something which would undoubtedly make it easier for them to manage the Biological Oxygen Demand of sewage at their treatment plants.

*ii)* This is more difficult as there is no routine inspection of homes by the Welsh Water. Planning guidance could be issued banning food macerators in new houses and it could be added to the building control inspections carried out on buildings. This, however, does not help with existing housing stock.

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**Question 25**

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

Yes ☐ **X**

No ☐

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

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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 ☐ **X**

No ☐

**Question 27**

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

- ☐ NRW
- ☐ Local Authorities
- ☒ Sewerage undertaker or
- ☐ Other

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

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**Question 28**

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

It should be noted that most reprocessors source their recyclate feedstock from across the UK and sell their products more widely still. While improving the quality of Welsh recyclate may well attract reprocessors - and reprocessing jobs - to Wales, it may not be realistic to strive for a stand-alone circular economy in Wales. The Welsh economy is too interconnected with that of the rest of the UK and Europe. Perhaps a better focus would be on retaining the maximum value of the recyclable resources in Wales within the Welsh economy.

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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 ☐ **X**

No ☐

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

Wales' Carrier Bag Levy has been very successful and that success should be built on. Dealing with unintended consequences – like increased use of heavy-weight plastic “bags for life” – should be dealt with.

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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 ☐ **X**

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

The real aim of the Levy is to reduce carrier bag use and that implies a reduction in the amount of money collected by it. An unintended consequence of this proposal might be that some shoppers increase their use of single-use carrier bags justifying it with the fact that the money raised was now going to their favourite good cause. Keeping the Levy restricted to environmental charities probably minimises the likelihood of this happening as those who favour environmental charities are most likely to understand the wider issues associated with single-use carrier bags.

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**Question 31**

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

## Chapter 5 - Smarter Management

### Marine Licensing Management

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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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**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*

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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*

---

**Question 40**

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

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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.**

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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:

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☐

## Environment Bill White Paper

23 October 2013 – 15 January 2014

<b>Name</b>	Valerie Steel	
<b>Organisation</b>	Merthyr Tydfil CBC (Waste Management)	
<b>Address</b>	Unit 4, Merthyr Tydfil Industrial Park, Pentrebach, Merthyr Tydfil	
<b>E-mail address</b>	val.steel@merthyr.gov.uk	
<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 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"/>

## 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 both national and local levels?**

---

Yes ☐ ☒

No ☐

*Please provide comment:*

---

---

#### Question 4

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

Yes ☐ ☒

No ☐

*Please provide comment:*

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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?

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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 area-based approach?**

Yes ☐ ☒

No ☐

***Please provide 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:***

---

**Question 9**

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

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

---

### Question 10

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

Yes ☐

No ☐

*Please provide comment:*

---

---

### Question 11

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

---

---

**Question 12**

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

**Yes** ☐

**No** ☐

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

---

**Question 13**

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

---

**Question 14**

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

**Question 15**

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

**A** ☐

**B** ☐

***Please provide comment:***



**Question 16**

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

---

---

**Question 17**

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

---

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### Question 18

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

Yes ☐ ☒

No ☐

*Please provide comment:*

---

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

Yes ☐ ☒

No ☐

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

As Tetra Paks are recyclable and they are made up of a mixture of cardboard, plastic and aluminium they should also be collected separately. They are also a growing commodity and being used more and more for packaging and should be targeted.

However, to achieve the “high quality” recycling that WG are aiming for, **all** recyclable materials should be collected separately.

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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.***

It is acceptable if the required resources/infrastructure are available to manage the requirements

---

**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 SME's do not have sufficient storage space to accommodate separate waste streams. Unless they can be offered varying frequencies for collections it will continue to be a problem. Most local authorities are not able to provide such a service currently.

---

### **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?***

***All recyclable materials should be banned from landfill or energy from waste facilities as long as there are sufficient markets available for treating them otherwise. There may be problems experienced by the local authorities responsible for collecting refuse if the bins/bags contain such banned materials. Consideration must be given to these consequences and guidance provided for dealing with any non compliance.***

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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?***

How/who will determine acceptable levels of contamination? It will need to be defined.

---

**Question 23**

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

Yes ☐ ☒

No ☐

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

**a)**

**Sector**

**Households**

**c) Both** ☒

**b) Businesses and Public**

***Please provide comment:***

---

**Question 24**

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

***i) Introduce a licensing requirement. A complete ban will need to be policed/enforced/regulated.***

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*How will this be practical?*

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?***

Lead in times are reasonable as long as there are alternative treatment facilities/markets available to deal with the banned materials.

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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 ☐

**Question 27**

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

- ☐ NRW
- ☐ Local Authorities
- ☒ Sewerage undertaker or
- ☐ Other

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

---

**Question 28**

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

There will be an impact on local authorities i.e.  
Changes to collection and treatment infrastructure will be required  
Enforcement issues  
Contaminated loads could lead to increased gate fees





## Carrier Bags

---

### Question 29

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

Yes ☐ ☒

No ☐

*Please provide comment*

---

---

### Question 30

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

Yes ☐ ☒

No ☐

*Please provide comment*

---

---

**Question 31**

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

## Chapter 5 - Smarter Management

## Marine Licensing Management

### Question 32

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

Yes ☐

**No** ☐

**Please provide comment**

### Question 33

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

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

---

**Question 34**

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

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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*

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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**

### 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**

---

**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**

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

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☐

## Environment Bill White Paper

**23 October 2013 – 15 January 2014**

<b>Name</b>	Prof. Colin T. Reid & Dr. Walters Nsoh	
<b>Organisation</b>	School of Law, University of Dundee	
<b>Address</b>	School of Law, University of Dundee, Dundee DD1 4HN	
<b>E-mail address</b>	c.t.reid@dundee.ac.uk	
<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 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 checked="" type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

**Comment on Q. 12 only.**

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

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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 interest in payment for ecosystem services is to be welcomed but there are several issues which must be considered before a successful scheme can be introduced. These include:

- What exactly is being paid for?

There must be clarity on what it is for which any payments are being offered. This is likely to be significant as managing one area of “natural” land can provide multiple benefits, e.g. both for biodiversity and as a carbon sink, as well as possibly in relation to water resources. Is each service to be paid for separately, generating several income streams from the one management operation? This can initially seem unduly generous to the land manager, but is perhaps no different from the farmer who in one operation grows a crop of wheat but then sells the grain and the straw separately.

- Who is entitled to receive payments?

This issue arises in several contexts. There are issues between landlord and tenant. There are issues where the interests in land are split between different parties in other ways, most notably in relation to common land but also where there are separate game or mineral rights, or where easements or profits à prendre confer rights that might disrupt management for wildlife. There are issues over time, since work undertaken today may start to produce ecosystem services only in several years’ time. Any scheme must address such issues to ensure clarity and security as rights in land are transferred.

- What is the basis of payment?

A significant design issue is whether payments are to be on an “input” or “output” basis. Are occupiers to be paid for carrying out work which it is intended will deliver services in the future, e.g. planting a hedgerow, or for the actual delivery of the service? Is the scale of payment to be based on the costs of work done or on the actual delivery (e.g. based on the number of birds actually using an area managed for nesting or feeding)? The former is easier, from both a practical and an auditing perspective, but does mean that one is not actually paying for the service itself, and that the “buyer” is bearing the risk that the works undertaken will not in fact be successful.

For further discussion of these points and more, see the attached article:

W. Nsoh & C.T. Reid, Privatisation of Biodiversity: Who can sell ecosystem services?

- (2013) 25 Environmental Law and Management 12-20

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**From:** [vicky moller](#)  
**To:** [Natural Resource Management](#)  
**Subject:** environment bill consultation  
**Date:** 06 January 2014 11:36:48

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First - excellent bill, who wrote it?

Second - can i make comments outside the boxes, will they count?

Third - I speak for a sector as well as a small residents association. The sector is those trying to live sustainably within local resources, without damaging or depleting them.

General comments:

Fantastic

This is exactly the sort of approach we need: treating natural resources as something to live on and within, while protecting and enriching them for their own sake as well as for our long term benefit.

Living within our resources, where does it say this?

There is no mention that I could find of assessing the quantity and type of resources, or of seeking to prevent activity that would cause permanent depletion or damage to them.

Is implicit so it does not need to be spelled out? For example quarrying could be permitted if the product is not destroyed but redeployed eg in buildings, but a case cannot be made for mining substances to destruction eg hydrocarbons, unless their abundance allows as much use by future generations for millennia as by ours.

How effective will the bill be?

I am concerned that the tenor is that NRW will be advisory, and that the planning system will be little changed. From experience, if the same planners and planning system remains there will be no change and the bill may as well not have happened. Witness the non-impact of previous Welsh government planning documents like Planning Wales.

I am concerned that the powerful lobbies may distort the outcome either by insisting that the priority is given to tiny rare species (keeping acid bogs instead of allowing natural succession to forests) or to the view as it is now, preventing human activity in the landscape, however much it fits in and works within our resources.

Scale

Scale should be taken into consideration with all regulations: Everything is poison in large enough quantities, nothing is harmful in small enough quantities.

Regulatory burden and cost should be proportionate to scale. There should be a zero regulation scale to encourage innovation and to allow survival.

Waste

The issue of waste is dealt with in detail unlike any other aspect. This seems a little odd for this overarching bill.

It is wise to start experimentally then roll things out before legislating for the detail. The principle of eliminating waste is great. But avoid expensive commitments which may become redundant (eg as waste feedstock dwindles)

### 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?

**B X**

comment

To ensure this approach takes precedent over business as usual

### Question 16

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

Existing legislation requires landscapes to be unchanged which prevents natural afforestation of high land, and the consequent soil enrichment, carbon sequestration and bio abundance. Instead high land is kept denuded of vegetation, impoverished, acid, thin and unproductive.

People who wish to supply their own renewable energy instead of using climate damaging and future generations robbing fossil fuels are prevented by planning. The process to achieve prevents and well as planning determinations. Where planners fear they may loose at appeal they make it as difficult, expensive and time comsuming as possible to achieve an application that they will accept for consideration.

Planning prevents building homes out of local natural materials or to a shape or size which does not waste materials or energy. While it is right to seek to fit with what is already there, this principle is applied blindly and very inconsistently, eg allowing enormous houses on the footprint of existing cottages but not allowing tiny detailed improvements such as greater roof overhang of the walls.

### Question 17

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

If applied these proposals would allow the Welsh economy to blossom in a way that does not harm natural resources, but could enrich them. It would allow affordable homes in communities, that did not damage existing social infrastructure or increase reliance on public services.

It could enable Wales to become a leading nation rather than a failing one.

Vicky 01239 820971 / 0779 1809810

[www.ecocymru.org](http://www.ecocymru.org)

Date/Dyddiad 19<sup>th</sup> December 2013  
Ask for/Gofynwch am Mr. C S Parish  
Telephone/Rhif ffôn 01446 700111  
Fax/Ffacs  
e-mail/e-bost visible@valeofglamorgan.gov.uk

The Vale of Glamorgan Council  
The Alps, Wenvoe CF5 6AA  
Cyngor Bro Morgannwg  
Yr Alpau, Gwenfô CF5 6AA  
www.valeofglamorgan.gov.uk  
www.bromorgannwg.gov.uk



Your Ref/Eich Cyf

My Ref/Cyf

WM/OM/CSP/CB/BR3/1

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



NaturalResourceManagement@wales.gsi.gov.uk

Dear Sirs

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

I would like to thank the Welsh Government's (WG) for the opportunity for the Vale of Glamorgan Council to comment on the above White Paper consultation document.

The following views on the consultation White Paper are made by myself on behalf of the Vale of Glamorgan Council Visible Services and Housing Department and do not necessarily reflect those of its Executive and Elected Members.

Although the main aspect of the consultation White Paper in respect to my service provision are contained within Chapter 4: Resource Efficiency as it relates to WG proposals for new legislation provision on resource efficiency and specifically opportunities to make proactive changes for the regulation of waste segregation and collection of waste. For completeness, I have also provide comment on the overall consultation White Paper which should not be considered to supersede, but rather support, any other responses received from the Vale of Glamorgan Council in respect to the consultation White Paper as these would relate to any or all of the chapters contained within the consultation White Paper.

Whilst a completed consultation White Paper Appendix 1 response form is attached for your consideration, I have also made the following general observation and comments which should be also considered as part of my submission to WG for consideration when drafting the Bill to be laid before the Assembly.

As with WG's existing waste policies, the legislation and lack of guidance within this consultation White Paper appears to be prescriptive, informing those who produce and managed waste arising in Wales on how it will be done. Once again WG seems to ignore where practitioners are producing high performance collections with massive customer satisfaction and continues to promote a 'do as your told' approach, with a nanny state type threat that should you not do so then you will be punished.

It is of some concern, that irrespective of the strength of opinion and validity of the comments made in responding to the consultation White Paper, that WG will 'carry on

*regardless*’ with their future legalisation proposals which it feels are necessary to ensure that it ultimately gets its own way. This is particularly worrying given that the recent Juridical Review (Defra/WG v Campaign for Real Recycling) where Judge, Mr Justice Hickinbottom, dismissed the claim lodged by the Campaign for Real Recycling and found that WG had properly interpreted the European revised Waste Directive Framework (rWFD) in the Waste Regulations (England and Wales).

Mr Justice Hickinbottom ruled the obligation to establish separate collection of paper, metal, plastic and glass from 2015 applies only where it is technically, environmentally and economically practicable allowing waste collectors to continue to work with their customers to collect their wastes in a way that reflects local circumstances. This was greeted by the waste industry as a victory for common sense and a time for the waste sector to draw a line under the commingled v source segregation debate and let councils get on with the job of providing residents with an efficient, environmentally responsible and value for money waste service. The director general for the Environmental Services Association (ESA) stated at the time: “ESA members can now get on with the challenge of working with their local authority customers to select the most appropriate collection system locally.” WG now appear to be dismissing this ruling and again pursuing the source segregation only option with its proposal within Chapter 4 of the paper.

It is also of interest and worrying that the UK Government are stating that changes to EU targets would be unlikely to improve the current system for waste management and could result in perverse or unintended outcomes. They further say that the UK would only support extending landfill bans or restrictions for certain materials if there were a clear economic and environmental case to do so. Given that I believe Wales to still be part of the UK it would seem to be a major contradiction in Member State policy.

So whilst I would accept that all stakeholders within the recycling chain should aim to maximise the quantity and quality of recyclate available for recycling this can not be pursued in isolation from the need for any service provision to be cost efficient to the community, whilst delivering a well used and locally sustainable collection system that is also deliverable in cost and community buy in and doesn’t by its very nature and complexity result in exclusivity to many of our older or more disadvantaged community members. It is, in my opinion, pointless to chase the ideal where the practical is working and delivering WG’s existing legislative drivers and performance, particular for municipal waste arisings.

In the current climate of austerity, where service delivery is becoming more and more, ‘lean and mean’ to allow its continued provision, the cost to the community is becoming ever more critical. Financial pressure on local authorities can only lead to loss of momentum in performing and the proposal by WG can only add to this pressure adversely.

Recent benchmarking of waste services undertaken at an ‘all Wales’ level as part of the County Surveyors Society (CSS) (2011/12) places the Vale of Glamorgan Council in the top quartile performance for a number of waste related indicators, ranked as 5th lowest cost authority for its overall household waste services in Wales, 2nd lowest for its residual collection and 4th lowest for its food and garden waste collections (WLGA Waste Finance Project 2011/12). This benchmarking of our service has identified that ‘good value’ is offered to Vale citizens when comparing the basket of services provided with other Welsh councils.



This has only been possible with the freedom we presently have to determine our own service operations. It is a particular fear that should the proposals within Chapter 4 of the consultation White Paper be implemented that this will have a significant detrimental effect on our ability to operate these excellent 'value of money' collections to our communities within the Vale of Glamorgan.

Whilst local authorities have been led to believe by WG officials that the proposals within Chapter 4 are targeted at commercial and industrial waste sector carriers and processors, this is not reflected within the consultation White Paper and is a material defect should the WG officials be correct in their assumptions. At best it is a major omission needing correction and formal confirmation to local government and would require a complete redrafting of Chapter 4 or its withdrawal from the White Paper.

The consultation White Paper's proposals for a landfill ban are not new and there has already been consultation on such and I would agree that in principle there would be a fair degree of consensus on the following:

- we need to stop the practice of allowing resources to enter the residual waste stream and end up being landfilled when they could have been reused, recycled, composted or converted to energy;
- allowing biodegradable materials to enter landfill has to be stopped to reduce emissions of methane;
- WG's Towards Zero Waste strategy already sets Wales on a path towards the elimination of landfill, with a maximum level of 5% by 2024/25;
- as a result of the Landfill Allowance Scheme, there is already a considerable amount of work being undertaken in Wales to reduce the amount of municipal biodegradable material going to landfill;
- the amount of municipal waste collected by local authorities that is being recycled has seen a substantial increase, to continue on its upward trajectory: all authorities are working towards the achievement of 70% recycling by 2024/25;
- the landfill tax, which is increasing by £8 per tonne annum, is a significant, existing – and straightforward - incentive to reduce the amount of waste going to landfill;
- household food waste collections in Wales are established and the procurement process for food waste anaerobic digestion (AD) treatment is progressing. This will enable municipal food waste to be diverted for composting;
- work to procure treatment for the residual waste that cannot be recycled or composted is also underway and will, in time, take further waste that would have ended up in landfill.

However, whether legislation, specifically landfill bans, is the appropriate mechanism for achieving sustainable waste management in Wales is not clear cut or supported by the UK Government, WG needs to ensure that more practically deliverable methods higher up the waste hierarchy should be prioritised so that, by reducing consumption of resources, both directly and through ecodesign/reduced use of packaging etc. it should be possible to reduce the need for such a statutory ban, as a landfill ban in itself will not necessarily prevent waste or increase re-use. Such a ban will also come with a significant upfront financial cost and present a considerable challenge in enforcement while generating a significant workload and cost for the waste sector.

More importantly, any ban on waste can only work successfully if alternative facilities are in place (i.e. funded, with planning permission environmental permits obtained) to deal with any banned waste and at this time there is clearly insufficient alternative treatment infrastructure in Wales to be able to provide a viable alternative. Considering the appropriate lead in times for such treatment capacity for controlled waste arisings in Wales, WG needs to ensure that this replacement waste treatment infrastructure is in place prior to considering any waste specific landfill or Energy from Waste (EfW) bans. If it doesn't this would place a heavy financial burden on waste producers, other than the householder who WG are exempting from any legal responsibility, which in itself would appear to go directly against the overarching aims of the consultation White Paper, contradicting the view that the Bill will promote the economic well being of communities, given any additional cost will ultimately need to be borne by the community.

The enforcement of any bans (and how the associated costs would be met) is a major concern and responsibilities need to be clarified between the various statutory bodies before any comfort can be felt, it must be a fear that these proposals could be an undeliverable additional unbudgeted burden on local authorities and the NRW at a time of extreme austerity and efficiency savings. It would therefore appear premature to consider introducing such bans when there are so many uncertainties over their full implications, they would, nothing else, require our Welsh waste industry to stop and re-evaluate their services at a time when they are already fully committed to moving forward to meet existing targets and making good process to meeting WG 'Towards Zero Waste' strategy.

Many of the proposals contained within the consultation as currently written require positive measures either by the waste sector in general. In cases, such as landfill and EfW bans and/or restrictions of certain waste being treated, they require extensive monitoring and enforcement with a significant additional burden on the regulatory arm of NRW and waste collectors and re-processors which could in practice be unenforceable. WG needs to be minded that a law that can't be enforced is a pointless one. It would appear to me, that the proposals to impose a legal duty on the waste sector to ensure compliance with any ban is unreasonable given the measures that they would need to take to ensure they meet their legal duty. Whilst intimately a matter for the Courts, there must be a danger that such a duty could be viewed as 'ultra vires' would the legislation be challenged in the courts.

There is no comfort within the Chapter 4 to eliminate the fear that the proposed EfW ban will adversely affect local authority residual waste treatment contracts such as Prosiest Gwyrdd and possibly make them unmanageable or more expensive to the public purse. Indeed not only does this lack of guidance worry local procurement partnerships it provides fuel to those environmental groups against EfW to further campaign against such technologies. It is also difficult to understand why WG wants to consider any policy which could result in increased grant support for such projects or assist protect against them.

So while not trying to trivialise what is to many local authorities in Wales is a 'life or death' scenario whereby no recycling or composting services could be provided without WG funding, having to provide an efficient and effective public service in these 'sword of Damocles' circumstances is a matter of grave concern to me. Unfortunately, this consultation White Paper completely fails to reassure me this has been in any way

recognised, let alone considered, by those planning, but not actually delivering, our future waste strategies.

While making no formal comment within this response directly relating to future tax raising powers to pay for WG future legislation. It may well be a good thing that WG does see us all paying a rate of income tax set directly by it and that this possibility is now closer following plans announced by David Cameron and Nick Clegg back in November 2013 that will see the WG able to borrow money as well as collecting stamp duty, but most importantly the proposal moving us to a referendum on giving the WG the power to vary income tax rates. WG may well need these powers in the future to pay for the type of idealistic and ecological waste collections this consultation White Paper is proposing.

If WG are serious about promoting local authorities to use their existing powers to become far more prescriptive in the service deliver and adopting less customer focused services with reduced residual waste collections and compulsory household recycling with punitive enforcement. Then it needs to take responsibility for this effectively forced policy changes so that the public is fully aware why local authorities are adopting any changed service delivery attitudes to their residents. The Welsh electorate then can demonstrate whether to support or object with their vote to these policies and legislation.

Whist all stakeholders are invited to respond to the consultation White Paper there appears little encouragement for our citizens to make more informed choices given that the prescribes policies and service deliveries to them that are considered don't appear to give them any choice.

It is also disappointing, that while there is a significant WG drive for joined up thinking and service delivery that there is a clear disconnect between chapters 1, 2 and 3 of the White Paper and chapter 4, whereby the first part of the document seems to ignore the impact of human activities in relation to resource management through the manufacture of goods using materials drawn from the natural environment, their use and subsequent discarding. Because this seems to be absent from the definitions of NRW could potential say that they only manage the impact of these activities on the local environment through the impact of facilities on the air, land and water of Wales and not issues relating to resource efficiency and the management of waste as these do not have an impact on the local environment. This disconnect could cause in the long term to the delivery of WG waste policy as stated within their Waste Strategy. I would therefore suggest that there needs to be a little more joined up thinking within WG to get a consistent approach as there must be a potential risks that this will limit the ability of NRW to regulate or be resourced to address the proposals effectively.

So while supporting it is WG who should set the national strategy and targets, but it should be for local authorities, as sovereign bodies, to determine the means of delivery, taking into account local circumstances and views of residents. Indeed, if WG were to prescribe the means (e.g. source separation) and require authorities to adopt such practices (possibly against residents' wishes and their own judgement) it would now seem more inappropriate for WG to exercise powers as contained within the existing Waste Measures to penalise authorities that fail to achieve the WG targets.

The collection differences and the quality of material collected are by no means 'black and white' though. Some systems of collection (such as twin stream) and some collections that are co-mingled but are then sorted at the kerbside are equally capable

of delivering quality material streams as the systems where waste is separated using different receptacles. In addition local authorities using comingled systems such as Vale of Glamorgan can argue rightfully that their rejection rates for contamination (<6%) are not necessarily higher other more WG preferred collection systems.

Furthermore changes in collection systems, no matter what methodology, can be confusing for residents, require negotiation with unions and can potentially involve substantial costs, especially where long term contracts are in place and/or where there has been heavy investment in facilities, vehicles etc.

Overall I believe the consultation to have been poorly drafted and that chapter 4 is shoehorned into it without any synergy to the other chapter or to other related waste management policies. It is devoid of the necessary guidance and simply does not provide sufficient detail to allow truly informed observations and/comments to be made at this time.

I would therefore have to caveat any comments contained within this response and keep my options open to fully comment when sufficient information is provided to stakeholders.

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Yours sincerely

A handwritten signature in cursive script, reading "Clifford Parish".

Clifford Parish

**Operational Manager Waste Management and Cleansing  
Rheolwr Gwaith Rheoli Gwastraff a Glanhau**

Enclosed: Consultation Response Form



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

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**23 October 2013 – 15 January 2014**

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**Name** Clifford Parish  
**Organisation** Vale of Glamorgan Council  
**Address** Visible and Housing Services  
The Alps  
Wenvoe  
CF5 6AA  
**E-mail address** CSParish@valeofglamorgan.gov.uk

**Type**  
*(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"/>            |
-

## 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:*

I would support any proposal that would help optimise social, economic and environmental benefits for now and in the longer term so whilst I would have some concerns that the proposals in Chapter 2 require additional evidence to fully support them. Overall they appear reasonable, although I would point out that ultimately any legal definitions for the natural resources of Wales will rest with the courts and not necessarily the Assembly.

I can not support the requirements (NRM5) on other bodies on account that there is insufficient detail to fully determine that those requirements are and their impacts will be. I would also have grave concerns that NRW will have sufficient resources to fully deliver the integrated area-based approach, although accepting the WG views stated within the Stakeholder Workshop held on the 2<sup>nd</sup> December 2013, that irrespective of the river catchment example of what an 'area' based approach may be, contained within the consultation White Paper. WG have no predetermine concept of what the 'area-based' approach may be

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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:*

I am unable to support any proposal that considers 'non-monetised benefit' within its approach to defining natural resources, sustainable management and integrated nature resource management in Wales. As ultimately all cost, including non-monetised benefit will need to be met from the public purse and that this should be made clear and transparent within the Environment Bill and cascade to the Welsh public so that they can ultimately decide with their vote whether they should pay the cost.

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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

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management at both national and local levels?

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Yes ☐

No ☒

***Please provide comment:***

Although supporting that we need to address the problem of climate change I have concerns that by embedding this in legislation they become a limiting factor in achievement of the other aspect of delivering sustainability. This is specifically the case given that the impact Wales can make needs to be balanced against the performance of the UK as a whole and by adopting a isolation approach it may act against Welsh business and industry by creating an unlevel playing field which disadvantages them against competitors in other parts of the UK resulting in less economic growth, not more.

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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?**

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Yes ☐

No ☒

***Please provide comment:***

5 year would appear to be a very limited period when considering the life cycle for natural resource management and it may be more appropriate to plan on a longer timescale. Although I would accept that a 5 year review period may be appropriate to monitor and measure progress and shorter term outcomes and does fit into government cycles for Assembly elections.

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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?**

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Yes ☐

No ☒

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***Please provide comment:***

There is insufficient detail within the White Paper and WG's uncertainty as to what comprises an 'area' to be able to provide a valued comment then further detail needs to be provided prior to a worthwhile judgement being made on this proposal and whether an area-based approach will deliver the required objects/outcomes.

I would also be concerned that at a time of regional partnerships, that an area-based approach will provide an appropriate delivery mechanism for regional groups given that an area river catchment approach as suggested in the White Paper will not fit into existing local authority control boundaries, local planning policies or democratic decision making.

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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** ☒

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***Please provide comment:***

While it is pleasing that the White Paper does not overly prescribe any specific process for establishing an area-based approach and that it does propose flexibility for the NRW to develop and adopt the approach. There is still insufficient detail within the White Paper for me to agree with this question. I would however, state my concerns that the White Paper proposes that Welsh Ministers will have the power to give direction to NRW, as this in itself would seem to me to negate any flexibility within the approach.

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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** ☒

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***Please provide comment:***

Joint working and partnership approaches are now common place within public bodies and as long as WG is happy that these arrangements are working and providing the best outcomes then there should be no need to place a requirement to co-operate on any public body.

However, should WG accept that their current policies on shared services and partnering are not acceptable to them then it is a matter for them to address whether by placing such a requirement will address any concerns WG have that co-operation between public bodies and indeed WG is not working.

I would agree with the White Paper's proposal that NRW needs to engage with other public bodies, but not that it would be appropriate to proposals to impose a duty on public bodies. Clearly there is more that NRW could do to interact with other public bodies as their involvement in strategy development in waste is currently not very transparent and could be improved significantly.

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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:***

It would appear to me, given their roles has contained within the White Paper that they are the only public body that could be the leading reporting authority for natural resource. However, I have serious concerns that they are insufficiently resource or experienced to leas without the need to impose additional new burdens on other stakeholders.

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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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It is possible that the White Paper's proposals will fractionalise the Vale of Glamorgan with its proposed area-based policies which may focus on river catchment management boundaries and be detrimental to local authorities such the Vale of Glamorgan where these are not aligned with political boundaries.

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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:***

It is inconceivable that WG will be able to deliver the outcomes contained within the proposed Environment Bill without the NRW adopting these new ways of working.

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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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NRW should be limited to providing guidance and making recommendations only during the trial. They should have no enforcement powers and be required to work closely with all other stakeholders to ensure their consistency and fairness of approach.

It should also be a role of an independent body such as the Welsh Audit Office (WAO) to monitor and report on the approaches adopted prior to evaluating the trial of the proposed innovative approach

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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?***

As with question 10 above, it is difficult to see any alternative body, but I would reiterate my concerns that NRW may not have the necessary competencies to fulfil this role.

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### **Question 13**

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

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This is a matter that requires WG to provide guidance prior to being able to make any comments on.

It appears to me inconceivable that WG would seek views of the possible extend of powers any public body should have without firstly considering the matter themselves and providing options within the consultation White Paper.

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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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As per previous question (13)

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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:***

Given the need for further guidance options to be provided, I can only support option A

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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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The practicalities of aspiration against affordability would appear a significant potential barrier.

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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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*None, other than those provided in previous questions.*

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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:***

It is disappointing that, particularly without the White Paper containing clear clarification that the proposals in chapter 4 do not relate to local authorities for the collection of municipal waste, that WG is again ignoring the practicalities of individual local authority waste management services and the needs of the communities they served and appear to be proceeding with an idealistic and isolational 'one solution fits all' approach to recycling that has already been the subject of considerable disagreement and friction between WG and local authorities.

Clearly there is still a wide gulf of opinion between the parties and very little sign of compromise by WG on the need to ultimately get its own way, irrespective of the views of those who believe that delivery of recycling services are a matter of 'horses for courses' delivery, whatever local solution meets their customers expectation and satisfaction whilst being financially deliverable and meeting all WG's existing legislative drivers and waste strategies is the best value option.

It is also disappointing that that the package of proposals which includes separate collections and prohibition of recycling and organic waste to disposal and recovery facilities proposed to be placed on waste producers, excludes significant waste producers and that WG are only considering a limited business impact. WG are clearly only targeting the elements of the waste sector that it feels does not follow their vision and objectives. It seem inconsistent at best to set a duty on EfW plants to prevent recycling material being treated but fail to do the same of AD and particularly Mechanic Biological Treatment (MBT) where it is my understanding that most of the end product is being made into Waste Derived Fuel (WDF) for EfW feedstock and will have recycling and/or organic material within it. This is surely a major omission from the proposals contained within the White Paper.

It is also difficult to understand where the duty to segregate would or wouldn't apply to businesses to segregate waste from recyclables prior to collection based on how much it would cost to do so. I can only assume that this will also be the case for local authorities as I fail to find any comfort from the White Paper, as it stands, irrespective of the views expressed by WG officials that this duty does not apply to local authorities.

Given the major new monitoring and compliance requirement that the proposed package, it must raise serious doubt that the regulatory authorities, including

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monitoring bodies such as local authorities, will be equipped to effectively monitor and/or enforce any duty proposed on them within the White Paper.

It would seem that within this package of proposals, WG is once again setting policies and legislation targeted in a single idealistic way for Wales, which are prescriptive and out of line with many waste professionals in Wales and the UK.

Surprisingly, WG, following successfully winning a Judicial Review (JR) with Defra on the legal definition of separate collections, now appear to be ignoring the outcome of the JR and the Judge's guidance and forcing through their preferred recycling methodology without recourse to the JR, compliance with European legalisation or possible consequences of increase cost to the communities within significant areas of Wales.

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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?***

Although stating no to the question, I would accept that it would be more sustainable to extend the list of priority wastes, over and above, those stated in the EU revised Waste Framework Directive (rWFD). But before it is possible to suggest any additional waste streams, WG needs to be fully confident that there are sufficient market sources in place prior to Welsh Ministers deploying any power extending the number of waste types and that their recycling is fully technically, economically and environmentally practicable.

As these extended waste types will need to be recycled and recovery will not be an option I believe that although there is some evidence of future EfW and AD infrastructure for Wales, there is still little evidence of future card and/or wood reprocessing capacity. It would therefore be my view, that waste streams should not be included for separate collection until such a time as there is guaranteed recycling capacity available to reprocess it. Anything other than this would be overly optimistic and potentially foolhardy.

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### **Question 19**

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

Yes ☐

No ☒

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

I would not agree that the level of segregation asked of individuals and businesses is acceptable, other than for those individuals and businesses that are exempted from the duty within the White Paper.

But, should WG be serious about obtaining increased separate collection excluding all recycling and organic waste being taken to Landfill and/or EfW then it needs to impose a legal duty on all waste producers irrespective of whether this be the municipal, commercial or industrial waste streams. Although this is not supported by the Vale of Glamorgan Council, given the outcomes that WG are aiming to achieve within the Environment Bill it would appear to me that such outcomes can only be achieved by forcing, by legislation, all sectors of society to segregate their waste.

It would also be necessary to view the proposed WG guidance on acceptable contamination levels before being able to provide a worthwhile response to this question. I would also refer WG back to my answer to question 18 above in respect to the need to extend the segregation and proposed bans to all treatment processes and not simply landfill and EfW to ensure that waste business are treated equably.

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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?**

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Yes ☐ ☒

No ☐

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

Although this question can only be fully answered following the proposed guidance to be provided by WG on what comprises technical, economically and environmentally practicable to collect which may impact on the nature of the businesses falling with the Environment Bill, it is clear that whether due to size, location, physical environment that not all businesses will have the capacity to keep seven waste streams at the point of generation pending collection. Unfortunately this will need to be assessed almost on 'site to-site' bases and will prove to be regulatory nightmare for the NRW.

However, in general, small businesses in shared or terraced premises would seem to fall into the potential 'de minimus' category where it may be impartibly for a number of reasons for them to keep multiple waste streams at source for collection.

The Industrial and Commercial Waste Arising surveys carried out by the EA should assist WG determine whether any sector of business would find it impracticable to comply with any proposed duty. Given the resource and cost of survey all businesses that may fall outside the separate collection test it may be more appropriate to make a judgement call on size and location from, the NRW Commercial & Industrial SIG Classification.

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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?**

Although I would support the White Paper in that all practicably separated recyclable and compostable waste should be removed from the controlled waste stream and accept that there will be future guidance on the degree of contamination allowable for waste delivered to landfill or EfW Plants. I can not agree that an absolute ban is either realistic or necessary and that if such a ban was brought into affect it would become a regulatory disaster and an administrative nightmare of biblical proportion.

Considering the Vale of Glamorgan Council, alone, with a domestic residual collection base of 54,375 individual household collections and assuming a collection quantity of only 2 black bags per property. To ensure that it complied with WG's proposed duty on collectors we would need to open each and every black bag i.e. 54,375 bags per week, given that we operate a alternative week residual collection, to check that the householder, who will have no legal duty to separate their recycling or organic element prior to collection has not included such waste within their bags. Failure to do so would leave it open to enforcement action from the NRW or criticism from WG for failing to take with due diligence in complying with the law.

The additional resources that this would require would be prohibitive and clearly not proportional to any community, economic or environmental benefit. Indeed the whole idea of having to do so is farcical.

Whilst accepting that there will be guidance on contamination levels, this is of little significance given that without measuring every kilogram of residual waste in each bag it wouldn't be possible to assess whether the contamination was within or outside the threshold for compliance, which would be a greater farcical scenario than checking each bag to see if there was any recycling/compostable waste present as previously stated above.

Either way, in the real world, the ban is unenforceable and thence worthless.

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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 ☐

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

As I have already stated within question 21 above the potential practical difficulties of measuring the levels of contamination in residual waste and the potential resource and financial burden of even trying, negate the advantages of having any guidance. It is doubtful in my opinion that neither the collector, carrier, operator or the regulator will be capable of determining contamination in practical terms and that it is not even reasonable to expect them to do so.

However, until the guidance, stated in the White Paper, is available in draft form it is not possible to truly determine its worth and I would not want to jeopardise anything that may prove to be the answer to the corundum offer above. I would stress that this guidance should be consulted closely with all sectors of the waste industry, if not jointly drawn up.

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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 ☐

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

***a)***

***Sector***

***Households***

***c) Both*** ☒

***b) Businesses and Public***

***Please provide comment:***

Given the WG target on local authorities to compost by Anaerobic Digestion (AD) 12% of municipal waste arisings it is critical that WG policy should prohibit the disposal of food other than in the municipal waste stream. While this would relate primarily, which is outside the remit of the current proposals, to householders given that the sewage system is provided for the carriage and treatment of human excrement and body fluids it would seem only proper that it should exclude wastes, such as food, that can be safely collected and treated in more sustainable ways.

The proposal should also reduce sewage running cost, free up capacity and allow efficiency saving to be passed onto Dwr Cymru/Welsh Water customers which would be a true win win scenario.

However, I would have the same concerns in respect to the feasibility of it being in any way practical to regulate and/or control such a ban similarly to the Landfill and EfW bans proposed within the White Paper and have to reiterate that any law that is unenforceable is a pointless law.

I would also suggest that WG have missed a trick in this White Paper by failing to realise that many house builders are activity installing maceration units within new build housing as a luxury feature to the kitchen, so would there be a need for WG to

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include some form of prohibition on the House Building Industry to stop this practice?  
If it is serious about banning food waste to sewers.

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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) See my previous comment in respect to regulating this proposed prohibition at question 23 above.

ii) If WG is determined prevent the food waste being put down the drain, it needs to consider fiscal initiatives that would dissuade householders from using the kitchen sink and instead storing it for local authority collection. Whether this is a 'macerator tax' or positive benefits such as a WG subsidised element of Council tax is a matter for WG to decide. However, without such measures, it is clear that the householder will use the easy option and if they have a kitchen waste disposal unit, use it.

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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?***

Given that I personally disagree with many of the proposals within the White Paper it would be inappropriate for me to suggest any possible lead in time for any aspect of the proposals. I feel that many, if not all, of the proposals within Chapter 4 should simply not be introduced.

Furthermore, whether a statute or other piece of legislation is reasonable, is more a matter for the courts and I fail to see how given that there are still far too many variables: lack of appropriate waste infrastructure in Wales, uncertainty of financial climate, lack of guidance, in respect to the White Paper's proposals that reasonableness in lead in time is the least of WG's least worries when considering the proposed Environment Bill and the package of proposals in this White Paper.

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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 ☐

Although, I would stress my strong reservations that they have they do not have neither the available resources or practical expertise to provide a pragmatic, efficient service provision to provide the necessary regulatory functionality that the White Paper's proposals and the waste industry will demand of them.

My major concern and contention in answering this question is that the proposals are by their very nature, scope and complexity completely impossible for any body to regulate.

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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:**

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- ☐ NRW
- ☐ Local Authorities
- ☒ Sewerage undertaker or
- ☐ Other

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

N/A

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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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These proposals will have a fundament impact of the Vale of Glamorgan Council in carrying out its statutory duties as waste collection and disposal authorities and will require an unaffordable service reorganisation which is likely to result in it failing to meet WG statutory recycling targets, whilst alienating Council tax payers who have embraced the present comingled collection system and would be dissatisfied with what the majority of its customers would see as a retrograde step in moving back to source segregated collections.

Furthermore, the proposal could adversely impact not only on our dry recycling collection and reprocessing contracts, but also on the longer term residual waste treatment procurement that we have spent years working towards with our S E Wales local authorities and WG partners, as the duty to ensure banned waste are not sent to EfW would for reasons given previously not only be impossible for the Council to comply with and could leave it open to enforcement action by NRW and increased

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cost to meet its contractual arrangements with both significant reputational and financial consequences.

At a time of such acute budgetary restrictions and service cut backs, it seems beyond belief, that WG would make proposal that could result in such additional resource and cost to any local authority and I have to concede that there must be an agenda within the proposals to attain WG policy at any all cost mentality, including driving any local authority that does support them into possible bankruptcy.

Although, I will concede that until such time as I have seen the local authority proposed Defra/WG guidance on what is technically, economically practical it is not possible to fully answer this question

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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 ☐ ✓

No ☐

#### *Please provide comment*

Given the success of the existing charge on single use bags in terms of waste reduction and that payment of the charge is an individual choice taxation measure. I would support the extension of powers as stated within the White Paper.

However, it is not possible to provide a full response to the question until the impact assessment, the further research and the monetary value of the proposal are known.

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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?

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Yes ☐

No ☐ ✓

#### *Please provide comment*

As the carrier bag tax was introduced to assist environmental issues such as waste minimisation and local land quality it would be my view that this type of environmental good cause should be the priority recipients of the net proceeds.

However, I see no reason why the retailers should be given the option to pass their proceeds onto any other good causes where failure to do so would have a detrimental impact on that good cause.

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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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Other than impacting on the over prosperity of the communities' within the Vale of Glamorgan, the extension of the charge on all carrier bags will have little impact on the Council. Although, in the case of plastic carrier bags which are used to contain other recyclable by our customers within our collection service, this may reduce the amount of plastic municipal waste arisings in the Vale slightly.

On a positive side I would hope that the impact of this proposal on the Vale of Glamorgan would be:

- (i) less carrier bags in the residual waste stream, although hoping that, as they are generally recyclable in nature, the proposed WG ban to landfill and/or EfW will eliminate them anyway;
  - (ii) cleaner relevant land throughout the Vale of Glamorgan.
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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?

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Yes ☐

No ☐

*Please provide comment*

It would appear appropriate NRW should recover the actual cost in carrying out Marine Licensing.

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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:

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

See above answer to question 32

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#### Question 34

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

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Without details of the proposal actual fees and charges to be levied, it is not possible to comment.

However, as the Vale of Glamorgan Council is a coastal authority I would anticipate additional costs would be incurred both by the authority and local coastal users and businesses.

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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*

I have no comment to make on these proposals

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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)?

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Yes ☐

No ☐

*Please provide comment*

As question 35 above

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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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See answer to question 35 above

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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)?

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Yes ☐

No ☐

*Please provide comment*

The proposed clarification of the law would appear to be reasonable. However there is insufficient detail to allow me to come to a positive response to this question.

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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)?

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Yes ☐

No ☐

*Please provide comment*

See response to question 38 above.

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### Question 40

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

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I am unable to provide any informed comments in respect to this question

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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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If WG wants to ensure that the proposed Bill meets the need of its constituents then it needs to consult directly with them, which it does not appear to be doing as part of the Stakeholder consultation associated with the White Paper.

At a minimum it needs to carry out and publish on WG's webpages an Environmental Impact Assessment (EIA).

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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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Whilst reserving the right to make additional or revised comments on subsequent consultations relating to associated guidance, draft regulation and the Environment Bill itself. Given the limited supporting information within the White Paper it is not possible to provide extensive comment at this time.

This lack of completeness can only be considered to me a material defect which must bring in to question the value of WG consulting on the proposals at this time when so many supporting critical other supporting documents are as yet unavailable to consider in parallel with the White Paper.

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**From:** Graham Morgan <[Graham.Morgan@southwaleschamber.co.uk](mailto:Graham.Morgan@southwaleschamber.co.uk)>  
**Date:** Friday, 3 January 2014 14:38  
**To:** Nigel Keane <[nkeane@wspu.co.uk](mailto:nkeane@wspu.co.uk)>  
**Cc:** Heather Eason <[heason@wspu.co.uk](mailto:heason@wspu.co.uk)>, David Morgan <[dmorgan@rics.org](mailto:dmorgan@rics.org)>  
**Subject:** RE: Environment Wales Bill

Nigel,

Thank you for arranging the session with Andy Rees yesterday and trust he will feed back to Chris Wright. It was good to get the debate going around positioning the proposals around wasteb re-cycling and appreciate what is happening elsewhere around Europe and more specifically Scotland.

Reflecting on our debate I do belive there needs to be a clear approach which:

1. Recognises how the 7 seperate areas of waste identification fits with different business sectors. We talked of a grid which could highlight top 3 areas per sector as simple reference.
2. Appreciate the constitution of businesses across Wales in terms of size and in turn their likely footprint in terms of re-cycling need/activity. Again reference was made to the significant numbe rof businesses that employ less than 2 staff and if their waste could align to domestic collection.
3. Understand approach of respective Local Authorities to Trade waste and understand how local provision can support some businesses.

Across Wales we feel those businesses employing 5 staff and above(around 20,000) are already dealing with waste re-cycling reasonably well but there will undoubtedly be exception and many of these businesses will need to be communicated with. Keeping the message simple is paramount in our opinion and we all need to be mindful of the many other areas which impact on Business owners that is also being communicated.

Specifically you were looking how to approach Construction with some of their challenges and also Tourism & Leisure which has the impact on food, glass and cardboard/plastic.

There was mention of a number of Trade Associations for the waste/re-cycling Industry that have not got the profile perhaps expected in Wales. We could explore how the Chamber could accomodate to be more specific about the needs of Wales.

Trust this helps and very happy to look at mechanisms to get messages out once matters progress.

Please can you pass on to Chris and Andy - I do not have their contact details.

Regards

Graham L Morgan DipFS FCIB  
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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>	Rhodri-Gwynn Jones	
<b>Organisation</b>	Civil Engineering Contractors Association (Wales) Ltd	
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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 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?**

**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 both national and local levels?**

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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:*

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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?**

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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 area-based approach?**

Yes ☐

No ☐

***Please provide 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:***

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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:*

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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?***

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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:***



**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:***

As one representative of the construction industry in Wales, I stand proud in the knowledge that great strides have already been made in reducing waste going to landfill and reusing and recycling of material generated on sites. I'm certain that the industry view would likewise be favourable in terms of continuing and extending the role and remit of responsible contractors in the construction and demolition domain in this way.

However the construction and demolition industry is not a homogenous industry, but rather a disparate industry, overwhelmingly made up of SMEs, who, by their very nature, predominantly carry out small scale operations, very often in restricted sites.

Any additional burden on this end of the sector has to be approached in a practical, measured and proportionate manner to offer it any chance of contributing to the desired end-game as outlined in the consultation document.

- The notion of a “de minimus” quantum of waste produced on a weekly basis could be looked at if exemptions were being considered.
- The availability of “deposit (or bring) sites” along the lines of the householder civic amenity sites could be a feature. These would need to be in relative close proximity to the developments in urban areas to avoid increased carbon emissions from transport, but distance would inevitably be an issue in the rural areas. [However most of the industry in the rural areas would be SMEs, with the emphasis being on the S (and even micro).

Whilst recognising that an initial level of investment would be required to set up such facilities, costs could be recouped over time with the introduction of a charge on the contractor using the facility.

- Utilising the capacity of large construction / development sites as hubs (temporary transfer stations) for the SMEs in a locality.

Again it is recognised that current legislation may have to be amended to accommodate such provision, but if that is deemed to be the “practical” approach, then legislative changes should follow and not be allowed to hinder progress.

The construction industry believes that a further analysis of waste arisings in the construction industry should be undertaken, reviewing and revising the 2005 waste survey, before

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progressing with the introduction of revised arrangements.

The survey should attempt to determine the level of client induced waste in construction projects as part of this work.

This could potentially demonstrate and deliver better returns for the public purse in all its guises, and at the same time ensure compliance with legislative requirements.

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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**

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**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?***

### 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)?**

## 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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**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*

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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**

### 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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**Bryniau Clwyd a  
Dyffryn Dyfrdwy**  
Clwydian Range  
and Dee Valley

Ardal o Harddwch Naturiol Eithriadol  
Area of Outstanding Natural Beauty

Eich cyf/Your ref:

Ein cyf/Our ref

Dyddiad/Date **9 January 2014**

Rhif union/Direct dial **01352 810614**

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

Dear Sir/Madam

**WELSH GOVERNMENT CONSULTATION: TOWARDS THE SUSTAINABLE MANAGEMENT  
OF WALES' NATURAL RESOURCES**

Thank you for seeking the views of the Joint Advisory Committee (JAC) for the Clwydian Range and Dee Valley AONB on this consultation document.

The following observations are submitted on behalf of the committee following discussion at a recent meeting of the JAC.

**“The JAC welcomes and supports the broad approach to planning and management of Wales’ natural resources and recognition of landscape, notably protected landscapes, as a key component of our natural resources, but would emphasise the need to more consistently recognise and include landscape considerations as part of an integrated approach to management. Specific comments follow:**

- The JAC supports the proposed inclusion of landscape within the proposed definition of natural resources which is to be included in the Bill (Proposal NRM1).
- An area based approach to planning and management is supported in principle, although at this stage the JAC reserves judgement on the precise areas which it is recognised are yet to be defined. In this context, the JAC would point out the advantages of the Clwydian Range and Dee Valley AONB being contained within a single area. This will ensure better integration and alignment of frameworks for natural resource planning and management activity, including the preparation of AONB Management Plans and monitoring through such initiatives as State of the AONB reporting (Proposal NRM3)
- Existing AONB partnerships are an established and successful mechanism to deliver the integrated ecosystems approach which the Environment Bill advocates. AONB’s do not have a narrow, single minded focus on landscape and natural beauty, but have sought to deliver an integrated service blending

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environmental, social and economic objectives with conservation and enhancement of the underlying landscape. The JAC would welcome the opportunity to work with other partners and stakeholders in achieving this. (Proposal NRM5)

- The sections described as 'Resource Efficiency' and 'Smarter Management' adopt a very narrow focus on waste management and marine/freshwater issues and appear 'out of sync' with the higher ambitions of the Bill (Proposals RE1–7 and SM1–4)
- The ambition of the proposed Environment Bill is to be applauded, but the JAC would emphasise the need for adequate financial, human and organisational resources to be made available if this is to become reality within a reasonable time frame.

Yours sincerely,

**Tony Hughes**

**For the Clwydian Range and Dee Valley AONB Joint Advisory Committee**

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The Environment Bill Team  
Climate Change and Natural Resource Policy Division  
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7<sup>th</sup> January 2014

**Re: WG19631 Welsh Government White Paper 'Towards the Sustainable Management of Wales' Natural Resources: Consultation on proposals for an Environment Bill'**

Dear Sir/Madam,

Valero Energy Ltd owns and operates the Pembroke Refinery in south west Wales, as well as six terminals across the UK, and the Mainline Pipeline which links Pembroke with the Manchester and Kingsbury terminals. Valero markets fuel in the UK and Ireland under the Texaco brand, with around 800 independently owned and operated Texaco-branded service stations in the UK. In total, Valero employs approximately 820 people in the UK and supports several thousand other jobs at the refinery, terminals and service stations.

We welcome this opportunity to respond this Welsh Government consultation on proposals for an Environment Bill during the term of this Assembly. Our responses to the specific questions outlined in the consultation document can be found below.

**Natural Resource Management (Chapter 2)**

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

Valero's response to the detailed proposals contained in the Environment Bill White Paper on the establishment of a statutory framework for natural resource management will be expanded upon in subsequent sections (Q2-9). Looking more broadly, however, at the overall package of proposals for natural resource management, we consider the following issues to be the most pertinent from an industry stakeholder perspective:

**Legal Definition (NRM1)**

The proposal to establish "a legal definition for natural resource management in Wales"<sup>1</sup> is perhaps the most important aspect of the entire White Paper, as it will determine the subsequent interpretation in law of natural resources policy. Establishing a broad-based acceptance and recognition from all stakeholders in Wales of these key legal definitions is vital if the Welsh Government's flagship environmental policies are to achieve long-term success and credibility.

Valero's overall interpretation of these key norms – "natural resources", "integrated natural resource management", "ecosystem approach" and "sustainable management" – are broadly supportive, however with certain qualifications. Whilst we expand on these issues below (see Q2), the principal theme we consider to be neglected from each of these legal definitions is a more firmly established understanding of the balance between the environmental and socio-economic considerations of

<sup>1</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources: Consultation on proposals for an Environment Bill', 23<sup>rd</sup> October 2013, p. 16

natural resource policy. Legal interpretations of natural resources should allow for an equitable appreciation of these priorities, and must not become a rationale for an overly prescriptive natural resource policy that inhibits economic activity.

### National Policy (NRM2)

Setting a national, high-level direction for natural resources strategy alongside other Welsh Government policy areas – as opposed to operating a fragmented and potentially conflicting set of strategies – is a common sense approach, which in principle Valero supports. The creation of a rationalised and overarching national strategy for environmental regulation has been consistently supported by Valero, such as in our response to the *Sustaining a Living Wales Green Paper*<sup>2</sup>, which stated:

*Valero has long believed that in setting regulations and over-sight mechanisms for complex industries it is unwise to adopt a selective and thus disjointed appraisal of environmental impacts. Valero is therefore pleased to welcome the Welsh Government's intention to adopt an "ecosystem approach" that should hopefully provide a more holistic understanding of environmental relationships and inform more suitable regulatory arrangements.*

We welcome the White Paper's commitment to design a natural resources policy that compliments the Welsh Government's programme across all policy areas. However, we would like to once again stress that any efforts to implement a national natural resources policy must be compatible with the Welsh Government's various business, economic and enterprise policies.

### Area-based Approach (NRM3 and NRM4)

Valero are extremely keen to learn more about the White Paper's proposals concerning the implementation of an area-based approach to natural resource management. In particular, greater clarity would be welcomed on the proposed geographic units the Welsh Government and NRW are minded to apply in this regard. The White Paper's intention to use an area-based approach to "engender a better appreciation of how ecosystems operate"<sup>3</sup> seems to suggest that areas will be decided according to environmental considerations alone. However, Valero feel strongly that if the Welsh Government is to uphold the commitment to sustainable development – of "enhancing the economic, social and environmental wellbeing of people and communities"<sup>4</sup> – then the area-based approach must fully take account of socio-economic considerations as well as merely 'ecosystems'.<sup>5</sup>

We are also interested in the potential role in this strategy of Local Service Boards (LSB), which are mentioned frequently throughout the White Paper. If the area-based approach is to be implemented according to political geography on an LSB basis, Valero believes this raises a number of potential issues: for example, the need for greater understanding of the role played by LSBs in public service delivery in Wales; the lack of key stakeholder representation on LSBs; and, the lack of transparency in LSB decision-making.

The requirements set out for each area in paragraph 2.42 in the White Paper is helpful; however there are again many points that require additional comment, which we will deal with in following questions (see Q3-6).

### Other Bodies (NRM5)

In line with our support for establishing a national, high-level natural resources strategy for Wales, Valero believes it is a common sense approach for all public bodies, not just NRW, to show a consistent approach to natural resources policy. However, again a more detailed response can be found below (see Q7).

<sup>2</sup> WG13943 Welsh Government Consultation Document, 'Sustaining a Living Wales: A Green Paper on a new approach to natural resource management in Wales', 30<sup>th</sup> January 2013

<sup>3</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 22

<sup>4</sup> *Ibid.*, p. 90

<sup>5</sup> "An ecosystem is made up of living organisms (plants, animals and microorganisms) in conjunction with their non-living environment (air, water, minerals and soil) and all the diverse and complex interactions that take place between them." *Ibid.*, p. 86

## Reporting (NRM6)

The proposals to enact new reporting mechanisms for natural resource management on NRW and other public bodies towards achieving national outcomes are broadly welcomed by Valero; however we would like to learn more concerning the potential impact of the "secondary implications on resource requirements"<sup>6</sup> that could affect private sector organisations (see Q8-9).

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

As stated in our response above (Q1), agreement on the legal definition of the various concepts surrounding natural resources proposed in the White Paper is vital for the long-term credibility and success of the Welsh Government's natural resource policies. Valero is broadly supportive of the White Paper's approach to defining the key legal interpretations ('natural resources', 'sustainable management' and 'integrated natural resource management') that will underpin future natural resources strategy. However, there are certain aspects of the White Paper's approach that we feel require additional attention:

#### *Natural Resources*

As we have long argued and supported, the Welsh Government's approach to natural resources policy needs to be more holistic and integrated with other national strategies, particularly support for economic development and growth. Valero feels strongly therefore that any definition of natural resources must take into account the contribution those natural resources and their use makes to the social and economic fabric of Wales, as well as its direct environmental character.

We agree that the common English language definition of natural resources used in the White Paper ("materials or substances occurring in nature which can be exploited for economic gain"<sup>7</sup>) is not suitable for the intended purpose of the Environment Bill and the setting out of a national natural resources management policy. This definition is too narrowly focused and would inhibit the construction of a holistic national policy, which incorporates non-economic as well as economic considerations when understanding the role of Wales' natural resources.

A new definition of natural resources must adequately describe the basic environmental characteristics that we understand to mean natural resources. This the White Paper does in its proposed definition<sup>8</sup>, focusing on air, water, soil, geologic characteristics, landscapes, biomass, biological resources and ecosystems. However, whilst this description does outline the major environmental aspects we must consider, Valero believes that such a bald statement similarly fails, like the common English language definition, to anticipate the necessary balance between environmental, social and economic factors.

As one of the stated aims of the White Paper is to set intended outcomes for the natural resources policy enacted by the National Assembly, it would be appropriate and consistent for the agreed definition of natural resources to include some statement that acknowledges the tripartite role that natural resources play in modern life. If natural resources policy is to fully capture the aim of supporting Wales' environment, society and economy, Valero believes that any definition of natural resources, the Environment Bill would more usefully serve its purpose by making this distinction clear in its legal definition of natural resources. A possible suggestion would be to utilise aspects of both the common English language understanding and the proposal in the White Paper, with the addition of an explicit reference to environmental, social and economic factors, such as:

"Materials or substances occurring in nature (relating to air, water, soil, geological resources, landscapes, biomass, biological resources and ecosystems) that supports, enhances and provides environmental, social and economic benefits for communities and individuals."

#### *Sustainable Management*

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<sup>6</sup> *Ibid.*, p. 36

<sup>7</sup> *Ibid.*, p. 16

<sup>8</sup> *Ibid.*, p. 88



Valero agrees with the inclusion of a clear description of the balance needed between social, economic and environmental well-being in the definition of 'sustainable management of natural resources' included in the White Paper<sup>9</sup>.

#### *Integrated Natural Resource Management*

Similarly, we welcome the reference to environmental, social *and* economic factors in the White Paper's proposed legal definition of 'integrated natural resource management'.<sup>10</sup> However, we are concerned that many of the sentiments expressed in the White Paper that underpin this definition – for example that the consideration of "ecosystem services" enables wider social and economic benefits provided by natural resources to be considered"<sup>11</sup> – represents a weighted interpretation of the balance needed between these three key factors.

We agree that the environment and environmental services can provide value to Wales' economy and society, and that a system must be in place to recognise those benefits. However, we feel the White Paper provides no corresponding approach that might allow for circumstances where economic development or actions to secure or maintain employment and other social benefits are prioritised over the consideration of environmental considerations. The White Paper's glossary definition of 'ecosystem services' seemingly prioritises environmental conservation – for example, the maintenance, enhancement and, "where they have been lost or degraded", restoration of those services<sup>12</sup> – regardless of economic or social priorities that might be considered beneficial. For the White Paper to receive broad support from all key stakeholders, including industry, it would be preferential for the Environment Bill to utilise language that indicates a neutral approach to integrated natural resource 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?**

The commitments in the White Paper to improve Wales' resilience and mitigation approaches to the impacts of climate change are noteworthy, yet lack significant detail beyond broad statements such as improving the "diversity, extent, condition and connectedness of ecosystems" or providing help to "reduce the concentration of greenhouse gases".<sup>13</sup> Whilst Valero are always willing to work with the Welsh Government on these extremely important issues, we would like to acknowledge the many existing layers of climate change legislation that the oil refining sector in the UK already complies with at an international and EU level. Further to this, we would caution all national regulators that in their eagerness to tackle climate change they should avoid imposing additional requirements that would exceed those internationally agreed measures and therefore disadvantage Wales-based industry against other Member State competitors.

Also, as we similarly responded to the proposed climate change measures in the consultation on Natural Resources Wales' Corporate Plan<sup>14</sup>, Valero is interested to learn what practical impact these commitments in the White Paper will have on the regulation of heavy industries, such as oil refining, in Wales. For example, the NRW Corporate Plan consultation included a commitment to ensure "that the reduction of greenhouse gas emissions is taken into account in [NRW's] land management, advisory and regulatory decisions."<sup>15</sup> The question posed by Valero to NRW, which we repeat here in the context of the White Paper's own statements on climate change resilience and mitigation, is how these commitments will affect, or in any way alter, NRW's key sector objectives for oil refining, such

<sup>9</sup> "For the purposes of the Environment Bill White Paper, *Sustainable management* means the collective actions required for managing the maintenance, enhancement and use of natural resources in a way, or at a rate, which enables people and communities to provide for their social, economic and environmental well-being, while maintaining the life-support systems of nature and ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations." *Ibid.*, p. 90

<sup>10</sup> "Integrated natural resource management means a planning and priority setting process that coordinates the maintenance, enhancement and use of natural resources – taking into account all ecosystem services – so that the long term benefits are optimised for the people, environment and economy of Wales in the present and the future." *Ibid.*, p. 87

<sup>11</sup> *Ibid.*, p. 16

<sup>12</sup> *Ibid.*, p. 86

<sup>13</sup> *Ibid.*, p. 22

<sup>14</sup> Professor Peter Matthew and Dr Emyr Roberts, Natural Resources Wales, 'Planning our future: a consultation', [<http://naturalresourceswales.gov.uk/content/docs/pdfs/consultation-pdfs/planning-our-future-consultation.pdf?lan=eng>], 4<sup>th</sup> November 2013

<sup>15</sup> *Ibid.*, p. 12

as the prominent commitment to prioritise reducing Sulphur Dioxide (SO<sub>2</sub>) in refining operations, which Valero has been working closely and productively on in conjunction with the regulator.

**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?**

Valero agrees that setting national outcomes and priority actions for natural resources management on a five-year cycle, which coincides with elections to the National Assembly and the subsequent publication of a Programme for Government, are commonsense and ensures democratic legitimacy for natural resources policy within a stable medium-term framework. We do, however, believe that any statutory requirement to publish a natural resources management timetable on a five-yearly basis should allow legislative and executive flexibility to enable the National Assembly, Welsh Government, NRW and other delivery bodies to respond to any changing circumstances and priorities.

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

The innovation of the area-based approach for integrated natural resource management delivery is an interesting proposal that requires significant analysis. Potentially, such an approach could satisfy the dual requirement to coordinate national strategies with localised priorities. However, much of the success for the implementation of such an area-based approach will depend on the geographical units designed to accommodate the approach, and whether or not these units will take account of a broader range of characteristics than simply environmental qualities, and include consideration of an area's social and economic character as well.

The White Paper describes the area-based approach as a "planning and priority setting process with the aim of coordinating resource use" and that the coordination of resource use will be "organised around ecosystem services and their benefits."<sup>16</sup> Valero believes that deciding area-based boundaries solely according to ecosystem services, without also taking an area's socio-economic geography into account, could result in area units that do not correspond to the way in which both present and future communities and individuals experience and utilise the existing environment. For example, an area-based approach that includes the Milford Haven Waterway which does not recognise the significant role and impact that the energy sector based on the Waterway has on the environment, society and economy of the area might inhibit the emergence of a truly integrated approach to natural resource management.

We note the White Paper's proposal that the "Environment Bill will not prescribe a specific process for the area-based approach on the face of the legislation" and that the intention is to provide NRW with "sufficient flexibility... to develop and adapt the approach effectively."<sup>17</sup> We recommend that the flexibility afforded to NRW in deciding the area-based approach include such a broader definition that includes socio-economic characteristics, and that the Environment Bill makes such a remit – as opposed to one solely based on ecosystem services – explicitly clear.

Valero does, however, strongly welcome the White Paper's commitment to include "an appropriate range of stakeholders... to identify opportunities to deliver the actions outlined in the natural resources policies and other natural resources considerations relevant to the area, at the appropriate spatial scales and in the appropriate locations."<sup>18</sup> We hope and anticipate that this will include energy sector representatives, such as the oil refining industry, which plays such a key environmental, social and economic role in Wales.

The aim of the area-based approach to provide a clear, prioritised and focused approach to natural resource management delivery will of course depend significantly on the Welsh Government's ability to ensure natural resource policy is coordinated across a range of different public bodies, most notably NRW, with varying cultures and practices. Whilst our response to this specific point is dealt with more substantially below (see Q7), Valero are nevertheless intrigued to learn more from the Welsh Government on the key role that will be played in the delivery and implementation of this policy by

<sup>16</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 23

<sup>17</sup> *Ibid.*, p. 24

<sup>18</sup> *Ibid.*, p. 23



Local Service Boards (LSBs), which are mentioned frequently throughout the White Paper. At present, we feel stakeholders lack a formal input mechanism into LSB decision-making and discussions, and would appreciate a clarification in the Environment Bill on what the exact role LSBs will play in the delivery of natural resources policy alongside public bodies like NRW.

**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 future?**

The White Paper's proposals to enable future significant amendments to the natural resource management plans is a recognition that many of the new procedures, tools and bodies to be included in the Environment Bill – not least the recent creation of NRW following the merger of three separate organisations – will require time and space to be embedded into the environmental regulatory structure in Wales. It seems sensible, therefore, to outline a process to rationalise and eventually streamline parts of the natural resource management infrastructure as those new elements in the White Paper mature and those older processes and procedures become increasingly obsolete, to avoid unnecessary duplication.

However, whilst maintaining a flexible approach is important, it is also essential that the proposed methods of amending existing plans for natural resource management in Wales achieve a broad level of support from key stakeholders. The main proposal in the current draft of the White Paper recommends additional powers for Welsh Ministers to “eliminate differences between the current legislation and the purpose of sustainable management of natural resources” which includes “removing or merging aspects of the legislation to streamline elements of the current range of plans and processes.”<sup>19</sup> Valero believes that greater detail is needed, however, before these additional powers for Welsh Ministers are agreed upon.

Whilst the White Paper broadly identifies “constraints to these powers”<sup>20</sup>, additional information – not least the role of the National Assembly in scrutinising and approving of any legislative changes, or the requirements on Welsh Ministers to consult the public and key stakeholders – is necessary to instil a high level of confidence in the credibility of natural resources policy. We note the statement that any “future proposals would be fully consulted on, as set out in NRM11”<sup>21</sup>, but nevertheless Valero feel greater clarity is required, particularly considering the White Paper's justified recognition of the importance of careful consideration of any impacts that such amendments might have where there are specific obligations to comply with EU Directives.

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

Valero agrees with the proposal to place a requirement on other public bodies to cooperate with NRW in the delivery of the area-based approach, so as to ensure a truly integrated and holistic national natural resources strategy. However, we once again reiterate our call that public bodies – as we have already stated in our response to the NRW Corporate Plan consultation – must interpret their understanding of natural resources management to include consideration of environmental, social and economic factors. This emphasis supports Valero's consistent belief that efforts to embed sustainable development as a central organising principle for public bodies in Wales need to focus strongly on the socio-economic, as well as environmental context.

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

Yes.

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

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<sup>19</sup> *Ibid.*, p. 33

<sup>20</sup> “It is envisaged that there would be constraints to these powers, which would only be used if it could be clearly demonstrated that the main purpose and functions of those plans, strategies and duties could be delivered through the area-based approach and it was conducive to delivering a clearer legal framework.” *Ibid.*

<sup>21</sup> *Ibid.*

One of the greatest challenges facing the oil refining industry in Wales is the increasing regulatory and legislative burden being imposed on the sector at an international, EU and Member State level. A recently published report by industry consultants Purvin & Gertz, prepared for the UK Petroleum Industry Association (UKPIA), has set out many of the concerns within the refining sector. They concluded that there "is the prospect of significant increases in capital expenditure and operating costs for UK refiners as a result of proposed UK, EU and in some cases Global legislation"<sup>22</sup>, with an increased risk of further plant closures and threats to energy security. This sentiment has been echoed by UK Energy Minister Michael Fallon, who stressed recently to the UK Energy & Climate Change Select Committee, that the "obvious thing Government must not do is to burden them [oil refineries] with unnecessary new regulatory costs that increase the capital budget and will not be affordable."<sup>23</sup>

The proposals outlined in Chapter 2 of the Environment Bill White Paper – most prominently those to set out legal definitions and those that outline the area-based approach to natural resource management – are therefore viewed by Valero through a prism of ensuring that no additional regulatory or legislative requirements be imposed at a devolved government level that might place our operations in Wales at a further economic disadvantage in comparison to both our EU and UK competitors. Reassurance from the Welsh Government for the oil refining sector that the current statutory proposals contained in the White Paper would not have such a negative effect on Welsh-based refining operations would be extremely welcome.

### **Natural Resources Wales – New Opportunities to Deliver (Chapter 3)**

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

Valero's response to the detailed proposals contained in the Environment Bill White Paper on the provision of new statutory functions and duties for Natural Resources Wales to support the delivery of its core purpose will be expanded upon in subsequent sections (Q11-17). Looking more broadly, however, at the overall package of proposals for Natural Resources Wales, we consider the following issues to be the most pertinent from an industry stakeholder perspective:

#### **Innovative Approaches (NRM7)**

The White Paper's proposal to provide NRW with "experimental powers to test and trial new innovative approaches"<sup>24</sup> to natural resource management is an interesting concept for the development of environmental policy in Wales; however the potential changes it envisions raise some significant questions for Valero.

In particular, the proposals that elicit the most concern for industry stakeholders are those surrounding the potential for experimental changes to environmental permitting and the design of new permitting schemes. Valero would like reassurances from the Welsh Government that the ability to trial experimental approaches to permitting are not interpreted as an opportunity to impose increasingly stringent requirements on industrial operators based in Wales. The proposal to test the "regulatory impact of distinctive new Welsh approaches"<sup>25</sup>, for example, should not be interpreted as requiring Welsh industry to comply with a 'gold-plated' regulatory framework that places it at a competitive disadvantage with other UK, EU or international operators.

Valero would instead encourage the Welsh Government to use the Environment Bill to utilise these proposed experimental powers to enable greater flexibility for Welsh industry when implementing new regulatory requirements, such as EU Directives. We endorse the White Paper's recognition that any new innovative schemes must be "carefully designed to ensure no breach of any EU legal requirements or other international obligations."<sup>26</sup> However, where possible, we would recommend

<sup>22</sup> Purvin & Gertz, 'The Role and Future of the UK Refining Sector in the Supply of Petroleum Products and its Value to the UK Economy', [<http://www.ukpia.com/files/pdf/therolefutureoftheukrefiningsector.pdf>], 10<sup>th</sup> May 2013 [accessed 20<sup>th</sup> November 2013], p. 3

<sup>23</sup> House of Commons Energy and Climate Change Committee, *UK oil refining: Third Report of Session 2013-14: Volume I*, 26<sup>th</sup> July 2013, paragraph 25

<sup>24</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 40

<sup>25</sup> *Ibid.*, p. 41

<sup>26</sup> *Ibid.*

NRW explore every opportunity to utilise derogations from EU Directives when it can benefit Wales' economy and environment.

Valero would particularly draw attention to the White Paper's pertinent reference, in the context of trialling new "technical approaches to permitting to allow for technological innovation"<sup>27</sup>, to the Industrial Emissions Directive (IED). It seems that adopting such innovative approaches to technological innovation could provide Wales with the opportunity to take a leading role – following further discussions and agreement at an EU level in 2014 – in applying derogations to IED. Specifically, we would encourage Welsh Ministers and NRW to adopt the 'bubble approach'<sup>28</sup>, which would provide a flexible, cost-effective approach that nonetheless leads to reduced emissions and improved environmental performance.

#### Payment for Ecosystem Services (NRM8)

Whilst the principal focus of the Payment for ecosystem services (PES) proposals in the White Paper seems to be aimed at land management schemes, Valero would nonetheless like to learn more about the potential for PES schemes in Wales and NRW's role in promoting and developing them. In particular, we would like to learn of what impact the Welsh Government anticipates PES schemes might have on existing market-based facilities for environmental improvement, such as the European Union's Emissions Trading Scheme (EU ETS). We would strongly recommend that any development of PES schemes focused on carbon emission reduction should avoid unnecessarily duplicating existing mechanisms, such as EU ETS.

#### Management Agreements (NRM9)

The White Paper's proposal to give NRW new powers to enter into management agreements with landowners or businesses seems primarily aimed at the agricultural sector. However, Valero would nonetheless like further details from the Welsh Government of any intended consequences these proposals might have for other sectors, such as oil refining.

#### General Binding Rules (NRM10)

The proposals for expanding the use of General Binding Rules for the sustainable management of natural resources is a potentially significant development, recognised in the White Paper as having the "potential to affect a large number of organisations and people."<sup>29</sup> Valero believes further debate with substantially greater detail on the specifics of how and when General Binding Rules will be used needs to occur before agreement on their wider use for the sustainable management of natural resources can be assumed.

Noting their use currently for pollution offences as a "lower level regulatory function which do not always require formal licenses or consents"<sup>30</sup>, we are interested to learn the extent which the Welsh Government expect General Binding Rules to be utilised by NRW, and what their relationship to existing regulatory oversight of the industrial sector in Wales will be. In particular, the effect that expanding the powers surrounding General Binding Rules might have on the permitting process is a key area of concern that requires greater understanding.

We also detect a discrepancy between the White Paper's suggestions that increased use of General Binding Rules could "help reduce bureaucracy", yet nonetheless will require a full legislative procedure to be enacted as it will "still require the establishment of a statutory instrument".<sup>31</sup> Valero welcomes the commitment in the White Paper that any future changes to the powers surrounding the use of General Binding Rules will require the Welsh Government to "consult more widely on both the scope of the powers that would establish General Binding Rules in Wales and the draft regulations themselves".<sup>32</sup>

<sup>27</sup> *Ibid.*, pp. 40-41

<sup>28</sup> The 'bubble approach' aggregates individual emission sources at refinery site level to one virtual emission source. The benefit of this approach is that it results in improved environmental performance cost-effectively compared to controlling all individual emission sources separately.

<sup>29</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 47

<sup>30</sup> *Ibid.*, p. 46

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, p. 47

## Future Legislative Change (NRM11)

As we noted above (Q6), proposals to give Welsh Ministers new powers to significantly amend provisions included in the Environment Bill – in this instance as part of a “tidying up”<sup>33</sup> clause to consolidate and rationalise existing regulations – is a seemingly sensible approach to streamlining parts of the natural resource management infrastructure, in an effort to avoid unnecessary legislative or regulatory duplication. However, we repeat our belief that whilst maintaining a flexible approach is important, it is also essential that the proposed methods of amending existing plans for natural resource management in Wales achieve a broad level of support from key stakeholders.

We welcome the White Paper's requirement that any amendments by Welsh Ministers will not be made “unless a draft, accompanied by an explanation of the effect of any changes made and how they will make any future consolidation easier, has been subject to public consultation and laid before the National Assembly for Wales.”<sup>34</sup> Valero nonetheless believes that greater detail is needed, however, before these additional powers for Welsh Ministers are fully agreed to.

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

The proposal to allow NRW to use experimental powers to trial and test new innovative schemes for integrated natural resource management, as laid out in NRM7, is a potentially significant development for the regulation and management of natural resources in Wales. Ensuring the appropriate mechanisms for the interpretation and use of such new powers is therefore incredibly important. Valero agrees fully with the White Paper's three main requirements on NRW that before it can use these experimental powers it must:

- “obtain formal approval from the Welsh Ministers who will agree the terms of the scheme”;
- “consult with relevant parties on the design of the scheme”; and
- “report fully on the outcomes and conclusions of the scheme”.<sup>35</sup>

However, whilst we feel that these requirements should form the core checks for limiting the use of NRW's proposed new experimental powers, there nonetheless needs to be firmer details on the particular form they will take in designing, analysing and measuring the effects of any new innovative scheme. Specifically, arrangements should be made to ensure full stakeholder interaction to ensure broad levels of support for any new introductions to the regulatory architecture.

### **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?**

See Question 10 (Payment for Ecosystem Services).

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

See Question 10 (Management Agreements).

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

Valero believes further evidence is needed before a strong case for expanding the existing scope of General Binding Rules can be made. See Question 10 (General Binding Rules).

### **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, and why?**

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<sup>33</sup> *Ibid.*, p. 48

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, p. 41

Valero believes that the proposal to increase Welsh Ministers' powers to amend existing legislation should be limited initially to NRW, rather than expanded to cover broader environmental legislation. As stated above in our response to Q6, it should be recognised that many of the new procedures, tools and bodies to be included in the Environment Bill will require time and space to be embedded into the environmental regulatory structure in Wales. The creation of NRW in April 2013 from its three predecessor organisations – Environment Agency Wales, the Countryside Council for Wales and Forestry Commission Wales – has been a particularly significant reform, which entailed the merger of three separate corporate cultures and agendas.

The additional proposal in the White Paper to provide Welsh Ministers with amendment powers in relation to NRW is yet another major enlargement in responsibility for an organisation still in its earliest stages of development. Valero recommends that the Welsh Government proceed deliberately therefore, and recognises the importance of embedding these reforms – particularly those involving NRW – steadily and successfully, yet less rapidly than previously planned.

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

As we have noted above, many of the proposals in the White Paper offer legislative and regulatory changes to natural resource management in Wales that could potentially exceed or 'gold-plate' existing international and EU legislation on environmental protection and emissions reduction. Whilst many of the proposals contained in the White Paper might not directly conflict with EU or international agreements, we nonetheless believe it is important to reiterate that where such Directives and legislation exists, it should be recognised by the Welsh Government that enacting legislation that does exceed those regulatory requirements could have negative consequences for the future of Welsh-based industry. This outcome should be avoided if the aim of an integrated natural resources policy is to support the economic and social well-being of Wales, as well as its environment well-being.

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

As mentioned in our response to Q9, one of the greatest challenges facing the oil refining industry in Wales is the increasing regulatory and legislative burden being imposed on the sector at an international, EU and Member State level. The recently published Purvin & Gertz report, prepared by UKPIA, has set out many of the concerns within the refining sector. They concluded that there "is the prospect of significant increases in capital expenditure and operating costs for UK refiners as a result of proposed UK, EU and in some cases Global legislation"<sup>36</sup>, with an increased risk of further plant closures and threats to energy security. This sentiment has been echoed by UK Energy Minister Michael Fallon, who stressed recently to the UK Energy & Climate Change Select Committee, that the "obvious thing Government must not do is to burden them [oil refineries] with unnecessary new regulatory costs that increase the capital budget and will not be affordable."<sup>37</sup>

The proposals outlined in Chapter 3 of the Environment Bill White Paper – most prominently those to introduce new powers to trial innovative approaches to natural resource management and set out proposals for future amendments to environmental legislation – are therefore viewed by Valero through a prism of ensuring that no additional regulatory or legislative requirements be imposed at a devolved government level that might place our operations in Wales at a further economic disadvantage in comparison to both our EU and UK competitors. Reassurance from the Welsh Government for the oil refining sector that the current statutory proposals contained in the White Paper would not have such a negative effect on Welsh-based refining operations would be extremely welcome.

#### **Resource Efficiency (Chapter 4)**

##### **Regulation of Waste Segregation and Collection**

<sup>36</sup> Purvin & Gertz, 'The Role and Future of the UK Refining Sector', p. 3

<sup>37</sup> House of Commons Energy and Climate Change Committee, *UK oil refining*, paragraph 25

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

The proposals in regard to the regulation of waste segregation are designed, according to the White Paper, with full understanding that "there should not be additional burdens on businesses at a time when conditions in the UK economy are putting businesses under severe trading pressure."<sup>38</sup> This was one of Valero's key messages to the Welsh Government when we responded to the recent 'Towards Zero Waste' Industrial and Commercial Sector Plan<sup>39</sup>, where we stated:

At a time of great economic uncertainty, and when the refining industry in particular is facing the prospect of significant additional legislative costs at an international, EU and UK level, we believe it would be wholly negative for the Welsh Government to impose any policies that might increase any additional burdens on industry at this time without a detailed cost-benefit analysis having been completed to assess the economic impact.<sup>40</sup>

However, in spite of the White Paper's assertions to the contrary, Valero believes that the Welsh Government needs to expand further on the potential costs to industry that these proposals would entail. For example, the White Paper's expectation that "additional costs are likely to be low" is based on an analysis of the hospitality sector alone, and admits that a low cost outcome is entirely dependent on "the extent to which waste management companies pass the economic benefits back up the supply chain in pricing their services."<sup>41</sup>

Valero feels that the introduction of these five measures – either individually or combined – need a further and more detailed assessment of the cost impact on businesses in Wales before these proposals can be welcomed, especially the proposal to implement a new statutory duty on waste producers (RE2).

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

N/A.

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

N/A.

- 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?**

N/A.

- 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?**

N/A.

- 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) household, ii) businesses and public sector or iii) both?**

<sup>38</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 53

<sup>39</sup> WG18015 'Towards Zero Waste: One Wales: One Planet: Draft Industrial and Commercial Sector Plan', 28<sup>th</sup> March 2013

<sup>40</sup> WG19853 'Towards Zero Waste: One Wales: One Planet: Summary of consultation responses to the Draft Industrial and Commercial Sector Plan', December 2013, p. 19

<sup>41</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 53

N/A.

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

N/A.

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

Yes.

**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.**

N/A.

**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.**

N/A.

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

As mentioned in our response to Q9 and Q17, one of the greatest challenges facing the oil refining industry in Wales is the increasing regulatory and legislative burden being imposed on the sector at an international, EU and Member State level. The recently published Purvin & Gertz report, prepared by UKPIA, has set out many of the concerns within the refining sector. They concluded that there "is the prospect of significant increases in capital expenditure and operating costs for UK refiners as a result of proposed UK, EU and in some cases Global legislation"<sup>42</sup>, with an increased risk of further plant closures and threats to energy security. This sentiment has been echoed by UK Energy Minister Michael Fallon, who stressed recently to the UK Energy & Climate Change Select Committee, that the "obvious thing Government must not do is to burden them [oil refineries] with unnecessary new regulatory costs that increase the capital budget and will not be affordable."<sup>43</sup>

The proposals outlined in Chapter 4 of the Environment Bill White Paper – most prominently those to introduce new statutory measures for the collection and separation of waste from industry in Wales – are therefore viewed by Valero through a prism of ensuring that no additional regulatory or legislative requirements be imposed at a devolved government level that might place our operations in Wales at a further economic disadvantage in comparison to both our EU and UK competitors. Reassurance from the Welsh Government for the oil refining sector that the current statutory proposals contained in the White Paper would not have such a negative effect on Welsh-based refining operations would be extremely welcome.

#### Carrier Bags

**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?**

N/A.

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<sup>42</sup> Purvin & Gertz, 'The Role and Future of the UK Refining Sector', p. 3

<sup>43</sup> House of Commons Energy and Climate Change Committee, *UK oil refining*, paragraph 25

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

N/A.

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

N/A.

### **Smarter Management (Chapter 5)**

#### **Marine Licensing Management**

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

Valero notes the White Paper's intention to make changes to Marine Licensing charges and fees that will "improve the efficiency of service and provide greater certainty for industry of the delivery of a timely and robust licensing process."<sup>44</sup> We welcome all efforts to provide efficient services for industry and amendments to existing rules that will create greater confidence in the Marine Licensing system.

However, it is not clear that the changes proposed in the White Paper in relation to Marine Licensing are best suited by inclusion in the Environment Bill. Alterations to Marine Licensing now, to correct unforeseen outcomes in the original legislative drafting of the Marine and Coastal Act 2009 and the Marine Licensing (Delegation of Functions) (Wales) Order 2013, are specific amendments that would benefit from separate technical discussion and consideration.

Further consultation and clarification to the full range of anticipated impacts to Marine Licensing procedures are needed to enable key stakeholders to be completely satisfied with the cost effects on Welsh industry. Valero would recommend that a separate public consultation – perhaps conducted by NRW – would be better suited to deal with these matters separately from the Environment Bill, to allow all stakeholders the time to consider and reflect on the potential impacts of these proposals on their organisations.

**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?**

N/A.

**ii. Variation costs?**

N/A.

**iii. Costs of transferring of licenses?**

N/A.

**iv. Covering regulatory costs, via subsistence charges?**

N/A.

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

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<sup>44</sup> WG19631 Welsh Government White Paper, 'Towards the Sustainable Management of Wales' Natural Resources', p. 67



Marine Licensing is incredibly important to Valero. With between 80 and 90 per cent of Pembroke Refinery's products imported and exported via our jetty operations, we are reliant on a Marine Licensing system that provides an efficient, reliable and cost-effective structure that is agreed upon and accepted by all key stakeholders. As we have already mentioned in response to Q9, Q17 and Q28, ensuring that the oil refining industry in Wales remains competitive and vibrant is incredibly important. Therefore, any proposals that seek to alter Marine Licensing fees – even with the anticipated benefits of promoting "business growth and competitiveness"<sup>45</sup> outlined in the White Paper – need to be carefully considered.

Valero would be greatly reassured if further discussions were to be had with stakeholders prior to any legislative amendments (see response to Q32) and we look forward to the Welsh Government expanding on the meaning of its commitment to "be fully engaged"<sup>46</sup> with stakeholders in its approach to establishing a revised fees and charging regime for Marine Licensing.

#### Shellfisheries Management

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

N/A.

**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)?**

N/A.

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

N/A.

#### Land Drainage, Flood and Water Management

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

N/A.

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

N/A.

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

N/A.

#### Implementation (Chapter 6)

**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 or Maternity; and, disability.**

N/A.

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<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

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

N/A.

As always, Valero is grateful for the opportunity to discuss these issues with you, and we look forward to further developments with great interest.

Yours faithfully,



Stephen Thornton  
Public Affairs Manager