

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name** David Anning

**Organisation**

**Address** Gwynfa, Ceinws, Machynlleth, Powys, SY20 9EX

**E-mail address** anning.ecology@tiscali.co.uk

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

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

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

**Academic bodies**

**Member of the public**

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

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**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:***

Chapter 2 outlines how Natural Resources play an important role in economic and social well being of Wales. This is of course true. I am concerned that little room is set aside in the bill to consider how the regional natural resource plans will adequately safeguard aspects of the natural environment, such as much of the biodiversity interest that may not have a clear economic value or anthropogenic use.

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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:***

***This is dependant on how this is done. If the group designing a regional plan is charged with creating economic, social and environmental outcomes, How can they resolve conflicts, i.e. between local economic drivers and say international biodiversity protection, without a body who has an overarching view dictating what their priorities should be.***

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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  **X**

***Please provide comment:***

***I am uncomfortable with the idea of SAC and National Park management plans being replaced by regional plans that are more focused on economic and social development. It is a fear that plans written by experienced ecologists and planners to protect special areas will be re-written to satisfy a wider regional priority.***

***Such resource planning over such a wide scale could undermine smaller plans such as those written for SSSIs.***

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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)?**

***I am concerned. The SSSI network has for many years protected many special places. To have an overarching Environment Bill that seems not to even acknowledge their existence is worrying.***

***It is vital that trained ecologists within NRW are still making the key decisions about the protection and use of our protected areas: SAC, SPA and SSSI.***

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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:*

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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:***

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**Question 16**

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

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**Question 17**

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

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

Yes

No

*Please provide comment:*

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

Yes

No

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

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**Question 19**

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

Yes

No

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

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**Question 20**

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

Yes

No

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

---

**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

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**Question 22**

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

Yes

No

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

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**Question 23**

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

Yes

No

*If yes, should this apply to:*

**a)**

**Sector**

**Households**

**c) Both**

**b) Businesses and Public**

*Please provide comment:*

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**Question 24**

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

*i)*

*ii)*

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**Question 25**

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

**Yes**

**No**

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

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**Question 26**

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

**Yes**

**No**

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**Question 27**

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

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

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

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**Question 28**

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

## Carrier Bags

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### Question 29

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

Yes

No

*Please provide comment*

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### Question 30

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

Yes

No

*Please provide comment*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

#### *Please provide comment*

The failure to adequately protect key marine areas as protected areas means that I have little confidence that the Environment Bill will be able to address this now it has to consider yet a wider economic and social remit.

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#### Question 33

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

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

**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*

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**Question 40**

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

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**Implementation / Equalities**

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**Question 41**

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

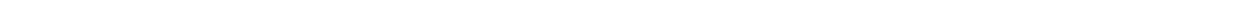
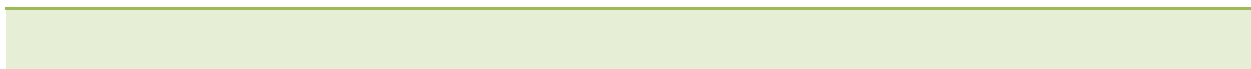
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**Question 42**

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

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

**Name** Vic Warren, C Eng, C Env

**Organisation** Personal

**Address** Court Bleddyn Farm, Folly Lane, Pontypool, Torfaen NP48TS

**E-mail address** [vic.warren@hotmail.com](mailto:vic.warren@hotmail.com)

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

<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"/> Yes
<b>Academic bodies</b>	<input type="checkbox"/>
<b>Member of the public</b>	<input type="checkbox"/> Yes
<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

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## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

No

***Please provide comment:***

Whereas I agree with much of Chap 2, particularly 2.13, 2.17, 2.27-2.29, 2.99, it is full of mixed messages. I expected the White Paper to be close to a Bill, but I find this unclear, repetitive, waffly, inconsistent, and most important does not appear to be committed to the Welsh environment. In my view this document is nowhere near a draft Bill. Examples: - 2.10 is entirely contrary to 2.13 – which will prevail in the Bill? Surely not 2.10.

2.15 – why only ‘users’, whoever they are?

2.21 / 2.22 – as elsewhere, mention of Future Gen Bill as if Env Bill will be a subsidiary document. This is a serious and major criticism; does WG actually want to set out an env policy that majors on the Natural Resources of Wales within an Env Bill? If so, the Env Bill should stand by itself as just that, seeking the best outcome for the Welsh env, not something that constantly has to refer back and defer to another policy, and no doubt compromise its environmental aims. If there is to be a worthwhile national env strategy in an Env Bill (and there should be), it should concentrate on the Welsh env, and in the view of many residents in Welsh env and conservation organisations, that means focusing on its long-term conservation and enhancement, not its use and destruction for short-term economic growth for this generation.

Ecosystem approach – insufficient mention of this very important, some would say all-important, and proper realisation (at last) of the unquantified value of some benefits provided by the natural environment

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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:***

Probably ‘yes’ overall, but I am suspicious of your definition of Sustainable Development to start with – it is mentioned but not satisfactorily spelt out in the White Paper as far as I can see. To me we should always refer back to the Brundtland Definition: -

*‘Development which meets the needs of current generations without compromising the ability of future generations to meet their own needs’* (my emphasis in bold)

From that would flow sustainable management of natural resources, with all measures and actions proposed checked against Brundtland

The definition of natural resources in 2.13 is excellent in my view, but why insert a completely unsatisfactory and un-sourced definition at 2.10? Which do you favour? It is not clear.

‘Integrated NR management’ is a woolly phrase you repeat ad nauseam, without again defining it; yes, of course, teams of differing professionals singing from the same hymn sheet is a comforting picture. But the way WG is prioritising unsustainable growth, there will be inevitable and serious differences at every turn – so exactly what is meant by ‘integrated’?

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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  Yes

No

***Please provide comment:***

I believe with Tony Juniper that the planetary ecosystem is the most important single consideration for the survival of our future generations, our children and grandchildren, and we are tampering with it and endangering human survival. So – social justice, economic growth – ok if they do not harm the management of our environment, but THAT HAS TO UNDERPIN EVERYTHING. If the environment degrades, we can forget about social justice, we'll be fighting water wars or some such.

Climate change is very important, but it may be partly due to factors outside our control; the planetary ecosystem is the main thing that we must try to maintain, and the changes we are causing to that may be affecting the climate as well as other vital ecoservices – pollination is now well established as a human-induced problem, there may well be others that we do not yet recognise. WE MUST DO EVERYTHING WE CAN TO RESTORE EQUILIBRIUM, AND THAT MEANS NOT JUST CONCENTRATING ON UNSUSTAINABLE GROWTH

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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:***

Five- year plans have always been popular since the Soviet Union, although not always achieved. Given my opinion, with other environmentalists and grandparents, that we should also be thinking long-term (not only in the political short-term until the next election), and that this Paper does refer to long-term planning here and there, I strongly suggest that there should also be a longer strategic framework for some environmental aspects. Woodland establishment, for example, takes considerably longer – I am sure some of the ex-Forestry Commission people will be pointing this out. And LDPs are longer than 5 years, but with 5-year re-assessments,

So, 5-year plans by all means, but set within a 20, 40 or 50-year framework, which will be revised at each 5-year plan point.

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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:***

Certainly not clear to me. It is entirely unclear to me how this will work, and in fact if it is workable for many ecological issues – some projects will require quite different areas to others, some will want regional approaches, and in the case of Larch Dieback for instance, a whole Wales approach. And how would it work across catchments and local authority boundaries?

There would be obvious advantages in utilising our nationally and globally respected National Parks and AONPs as base areas for defining some area-based approaches

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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:***

Too flexible to some extent, it looks too easy to change course and not explain why targets are not being achieved

---

**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:***

There must obviously be requirements on all public bodies to comply with an Act, and if the area-based approach is there, it will have to be complied with. I would hope that all public bodies, including WG, will have to embrace the need to deal with nature and natural resources better than we have to date.

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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:***

If NRW is there for anything, it must be for this

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**Question 9**

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

I am not optimistic that an Act out of this flawed White Paper will do what I and many want it to do for the environment of Wales and its natural resources. Mostly because the WG cares about and prioritises a mythical growth that needs the environment to be used (destroyed) when growth demands it.

THE ENV BILL SHOULD BE THE WELSH LEAD DOCUMENT FOR SAFEGUARDING THE WELSH NATURAL HERITAGE. THIS WG WILL NOT BE FORGIVEN BY HISTORY IF IT DOES NOT PRODUCE SUCH. THIS PAPER IS NOT GOOD ENOUGH

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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:***

I do not feel I have enough information to take a view.

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---

**Question 11**

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

No comments

---

---

**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?***

Cannot think of a better idea  
(And grammatically in the question, NRW is, not are ...)

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**Question 13**

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

No comments

---

---

**Question 14**

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

No comments

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**Question 15**

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

A

B

***Please provide comment:***

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**Question 16**

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

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Not sure if this is an answer to the above question, but my main concern in respect of this chapter is the influence on the planning process, There are always conflicts between strategic planning (particularly LDPs driven by irrational and unsustainable growth policies) and conserving natural resources, and it is far from clear how these arguments will be resolved differently in the future. If in fact the NRW conservation officers within NRW are allowed to state their case.

One lack is that public decision-making input is apparently limited to public bodies within this Paper. Bearing in mind that community or social benefit is usually included in the 'triple bottom line', then consultation should be much wider, including other non-public expert bodies such as wildlife trusts.

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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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No comments

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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:***

No comments

---

**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?***

Everything possible to recycle, even if it is expensive to collect and process; because waste should be recycled to the maximum for sustainability. I do not consider EfW to be sustainable. (I have experience of setting up and managing a large kerbside recycling operation)

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**Question 19**

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

Yes

No

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

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**Question 20**

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

Yes

No

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

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

Yes

No

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

Yes

No

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

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**Question 22**

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

Yes

No

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

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

Yes

No

*If yes, should this apply to:*

a) Households

b) Businesses and Public Sector

c) Both

*Please provide comment:*

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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)

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ii)

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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

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

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**Carrier Bags**

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

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*Please provide comment*

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Yes  No

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*Please provide comment*

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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

Yes  No

*Please provide comment*

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**Shellfisheries Management**

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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*

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**Question 40**

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

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## Implementation / Equalities

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### Question 41

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

I consider that the Env Bill should deal with the env. It should of course comply with other legislation, but should not expend resources making a huge effort to look for any possible problems – deal with them as they arise in the normal course of monitoring and revising.

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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?**

There were no questions on the sections before Chapter 2, not sure why not, and I would like to comment on these as well as on the White Paper in general.

#### Foreword

A mixture of conflicting aims, starting out with ‘... economic growth that is our priority’. Ambiguous, but appears to be setting out the Minister’s stance that the env is not the main priority, even in an Env Bill. Repeated throughout.

#### Introduction

Again, initial statements about ‘sustainable management’, ‘efficiency’, ‘streamline’. Use of the word ‘sustainable’ is spin, since the definition is in doubt. If it was a real Env Bill WP it would state from the top that the prevention of further deterioration, and then enhancement, of the environment must underpin all other policies, for the survival of our planet.

#### Chapter 1

A badly written and depressing treatise, for the most part, with several authors I guess, The ‘triple bottom line’ is used several times, just once, I think, with env in first place. The not-so-hidden agenda is that everything is subservient to growth, there is no real intention to prioritise protection of the environment, even in an Env Bill. For example, para 1.6 states work is for ‘... delivery of policies and services to achieve long-term sustainable economic growth and wellbeing’. If this part of the WP prevails, this Env WP is about easing the route for development. Paras 1.10 – 1.17 are a slight relief, no doubt a different author. **T** There is an almost complete lack of appreciation of eco-service benefits, biodiversity, wildlife, health benefits, Welsh landscape heritage, tourism. The box summarising the proposed Planning Reform Bill in three bullets continues the exclusion of real environmental issues by explaining that is intended for ‘Making the planning application process more efficient to support other key areas such as stimulating the economy and providing more homes’. No mention of conserving / providing green spaces for human health, biodiversity, heritage etc What a failure.

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Paras 1.30 – 1.33 all have a depressing concentration on development, not conservation and enhancement of the natural environment. At least 1.34 recognises the term 'landscape'.

Para 1.35 repeats WG is prioritising economic growth, then hopes '... to bring about significant improvements to our natural environment ...' No recognition of the inherent conflict there. But it then does list an excellent series of points for '... significant improvements to our natural environment'. Difficult to reconcile this with other statements – the WP is all over the place, certainly not focussed on the env.

The continual use of the word 'integrated' in respect of NRW and WG policies is disingenuous; there are bound to be tensions and disagreements, and it is clear in most of Chap 1 that env is a junior partner, and those brave ex-CCW officers (if there are any left) trying to promote Nature will never prevail – as in the original CCW objections to B Gwent Motor Racing Circuit, which was withdrawn as soon as NRW was established.

So my main points are

- As an Environment Bill White Paper this is a dog's dinner with mixed messages
  - It does not fulfil its title – it is not committed to the Welsh environment
  - It does not indicate appreciation of the value to humanity of the natural env benefits including biodiversity, wildlife, health benefits, Welsh landscape heritage, and .....
  - It does not sufficiently acknowledge and value the natural environment's life support services (eco-services)
  - There is no mention I believe of the close link between the natural environment of Wales and the Welsh tourist industry – a mainstay of Welsh national revenue
  - There is little or no mention of agriculture, the main user of the environment, and the attempts (largely ineffective) at agri-environment subsidies
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[www.geoconservation.org](http://www.geoconservation.org)

## **Response to Welsh Government Environment Bill White Paper: Towards the Sustainable Management of Wales' Natural Resources.**

We agree with the concept of an integrated management approach to achieve integrated approaches to natural resources. However, we are concerned that the thrust of the White Paper concentrates too much on the use of natural resources and not enough on protecting the range of habitats, species, geology, and landscapes. It is vital to maintain, enhance and enlarge our protected areas through legislation. They must not get lost in the seeming "government speak" of the White Paper, nor in any rush to sustainable manage and exploit the resources of Wales.

The lead body must be NRW, but the suggestion that other public bodies will become involved in joint planning may be overly optimistic as they are likely to have agendas of their own. It is also most probably that Unitary Authorities will not have the manpower or the financial resources following the recent round of spending cuts. So it would not be a good use of NRW's time to produce detailed plans that would be simply bureaucratic exercises with little chance of them reaching fruition. It should not be forgotten that there is an enormous amount of knowledge and expertise in the National Museum of Wales, the Universities, and even more so in the Wildlife Trusts and the British Institute for Geological Conservation who own and manage many valuable biological and geological sites in Wales.

Specifically we would prefer there to be more emphasis on geology and landscapes and any definition of natural resources should include reference to geology (geodiversity) and both physical and cultural landscapes.

The geology (not "geolog") of Wales is remarkable, with rocks of most ages, fossils from the earliest sea animals and the first land plants to the well-known dinosaur footprints on the Glamorgan coast. After all, the Cambrian, Ordovician and Silurian Periods were first described in Wales, the coal of the South Wales coalfield powered the industrial revolution, kept the British Navy going and heated our homes, while slate from North Wales covered the nation's roofs. Copper, silver and lead have all been mined in Wales and added to the nation's wealth and the mines are now tourist sites. Wales also has superb glacial features from the Brecon Beacons to the U-shaped and hanging valleys of Snowdonia, all of which are very accessible to visitors.

The landscape reflects the underlying geology and subsequent geological processes but it has also contributed so much to the history of the Welsh Nation. It has great influence on pastoral and agricultural advances, the development of villages, towns and country estates, mineral exploitation, transport links, or power generation. The much visited Iron Age and Roman forts and Welsh, Norman and English castles in Wales were positioned at strategic points that were controlled by the landscape. The Register of Historic Landscapes gives details of many of these varied landscapes and could form the basis for area-based approaches.

While the emphasis is quite rightly on the people of Wales, the value of the environment and the landscape brings in large numbers of tourists. Tourism in Wales is a mixture of pleasure seekers and those who come for the physical and cultural aspects of our countryside.

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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

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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 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 checked="" type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

## Chapter 1 – Introduction

There are no questions relating to Chapter 1 but there are a few points which are worthy of comment:

The Bill is apparently intended to provide NRW with the powers it needs to ‘embed sustainable development in the delivery of its functions’ (para 1.17). Para 1.24 shows that these functions are to ‘ensure that the environment and natural resources of Wales are (a) sustainably maintained, (b) sustainably enhanced and (c) sustainably used’. Although NRW is charged with oversight of this it is not the *only* actor which has responsibility for the management and use of NR. The Bill needs to provide a broad framework to support positive action by a wide range of actors and stakeholders and not just the provision of narrow powers to be exercised by a single government sponsored body.

Communities (the people who own and use the land) are key actors in environmental and NR management and are barely mentioned in the consultation document. Para 1.27 accepts that there should be ‘transparent processes and communities are involved in the decisions that affect them’ and Para 1.33 reveals that the White

Paper supports the government priority of ‘a strong and accessible public service’. Both of these commitments to transparent, accessible and involved communities are laudable but unfortunately there is little mention of provision for support for this in the remainder of the document. Indeed – as will be detailed later, there is much in the Paper which actively undermines these aspirations and disempowers local communities and representation. To protect these priorities it may be necessary to consider putting duties on NRW (and other environmental managers?) to consult communities who will be affected by plans and to ensure that the plans are drawn up using transparent and equitable processes.

Accountability is also something which could be strengthened in the Bill – there needs to be robust, accessible and transparent appeals procedures and a means to call NRW to account for the delivery of its purpose. When this point has been raised the response has been that the democratic process with appeal through AM’s should be sufficient. However, there should perhaps be some debate on whether this is indeed sufficient when challenges through the AMs depends upon the vagaries of the appreciation of the issues on the part of AMs and their ability to obtain responses from the Minister which are more than platitudes prepared for him/her by the body you may be seeking to challenge and which he/she in any case instructs. The Future Generations Bill provides for a ‘Commissioner for Sustainable Futures’ – perhaps there is a need to consider similar provision on the environment and NR or to add these to the remit of the Commissioner for Sustainable Futures? Should not an active democracy should allow more than one channel for people to engage with their government and to be able to challenge it outside the quinquennial elections?

## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

No

***Please provide comment:***

The principles are OK but the application of them lacks coherence, integrity and humanity.

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## **Question 2**

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

Yes

No

***Please provide comment:***

The definitions as they stand are sensible in that they are based in common English. However, having said this the common English definition of natural resources given in para 2.10 is surely unsatisfactory as it refers only to ‘exploited for economic gain’ this would leave out all resources which yield non-market benefits which would be completely counter to the spirit of the ecosystem services approach. The CBD Decision V/6 on the ecosystem approach contains:

*Principle 4: Recognizing potential gains from management, there is usually a need to understand and manage the ecosystem in an economic context. Any such ecosystem-management programme should:*

- a. reduce those market distortions that adversely affect biological diversity;*
- b. align incentives to promote biodiversity conservation and sustainable use;*
- c. internalize costs and benefits in the given ecosystem to the extent feasible.*

*Rationale: The greatest threat to biological diversity lies in its replacement by alternative systems of land use. This often arises through market distortions, which undervalue natural systems and populations and provide perverse incentives and subsidies to favour the conversion of land to less diverse systems.*

(from <http://www.fao.org/docrep/006/y4810e/y4810e0f.htm>)

Aligning NR with only economic benefits rather undermines the application of Principle 4. A better definition is needed to properly value natural systems and populations and not exclude resources which do not have a commercial value. The definition provided in Figure (iii) rather avoids this issue and is a list of living and non-living materials and a process (ecosystems). It seems rather dry and groups all living things as ‘biological resources’ with resources still having the common English definition of ‘a means of supplying a deficiency; a stock or reserve which can be drawn on when necessary’ (SOED) which still has connotations of practical utility.

The definition of ‘Integrated natural resource management’ is difficult to grasp as it is not clear what is being co-ordinated with what. Integration usually means ‘the making up or composition of whole by adding together or combining separate parts’ (SOED) the separate parts should be the NR listed and the co-ordination should be with plans for delivery of social and economic plans.

Sustainable management as defined is impossible to achieve as the list of resources include geology which is non-renewable so use now will diminish the potential to meet the needs of future generations.

The powers granted to the Minister in para 2.20 could be used at any time to undermine the Bill given the significance of the definitions outlined in para 2.19.

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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**  with caveats

**No**

***Please provide comment:***

Change is and will always happen – singling out one may not be the best way to go. Is it the highest priority change to address? Might it be better to have an approach which can recognise and accommodate change without having to assign its cause to global warming before action on it can be taken?

Resilience is a desirable feature of ecosystems and NR management regardless of what it is hedging against.

Nevertheless, an approach which recognises the existence of change is desirable especially in the light of the preservationist approach favoured by the Habitats Directive. It is not possible to both adapt to change and keep everything the same at species or habitat level. Hard decisions on what needs to be allowed to change will need to be taken.

Reducing dependency on fossil fuels should be promoted but there should be more attention paid to reducing use of non-renewable energy as well as the generation of renewable energy. Present policies seem to be attempting to replace non-renewable energy with renewables which is probably not possible. More should be done to encourage simple measures such as turning off street lights and turning down the heating in public buildings etc.

Climate change is the current environmental ‘bogey man’ we’ve had others in the past e.g. population increase, acid rain etc. all of which haven’t gone away and are still there. Good management is needed for many reasons and shouldn’t be linked to just one dynamic which may get dated. Climate change is a consequence of poor environmental management in the past – we need to do better in the future.

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### **Question 4**

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

**Yes**

**No**

***Please provide comment:***

As stated in para 1.35 ‘ a more effective and integrated approach to NR management’ requires ‘long-term and holistic decision making’. Five years is not long-term – the Woodlands for Wales plan is for 50 years while forestry management plans are for 20 years. The plans should be long-term with five years perhaps the appropriate period for action plans which will trigger progress reviews on a five yearly cycle which could be synchronised with that of the Future Generations Bill if it is advantageous to do so. Changing outcomes every five years would be counterproductive as it would barely be time to measure the delivery of the outcome.

The CBD makes much of the use of the *adaptive management* cycle. This cyclical system which is formed of periodic evidence-based revisions of management actions (or interventions, prescriptions etc.) is perhaps something which should be more in evidence in the Paper. Indeed the CBD Decision V/6: points out that the ecosystem approach *requires* adaptive management.

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**Question 5**

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

Yes

No  Not as proposed in the Paper

***Please provide comment:***

An area based approach to NR is sensible – it is hardly possible to envisage how it could be done except with reference to a specific place.

Catchments are a natural unit in which water, soils, ecosystems and communities are integrated.

However, the proposals in the Paper are vague, stretched over a long time period and do not include clear proposals for on-the-ground engagement with landowners, local enterprises or communities.

Catchments are natural units for social organisation as well as water and biodiversity. Villages tend to look towards the downstream town in the same catchment and the watersheds are often the boundaries between villages. But for this to be evident the catchments have to be relatively small e.g. in my local area there is a strong association with Dyffryn Ogwen which is the catchment of the Afon Ogwen. It is conceivable to envisage communities and landowners within Dyffryn Ogwen working together to ensure a sustainable future for the valley and to some extent this is naturally happening. However, if the catchment to be used as the basis for the area plans are the 15 areas under discussion by NRW then these are barely modified from the Unitary Authority maps and are at too large a scale to connect with the sense of place inherent in the ‘real’ catchments based around single rivers in my locality identified as the Ogwen, Seiont, Leddyr, Gwynant etc.. These catchments can sometimes (but not always) be made up of one or more community council areas or Council wards and would probably require new mapping. If the 15 catchments are to be used it is strongly suggested that these are broken down into smaller, natural units to provide a scale which local people including

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landowners can appreciate, already identify with and can perhaps be more easily motivated to contribute to. Having NRW staff on the ground and accessible at this scale is perhaps the most fundamental part of making these aspirations work. These staff need to be well supported, motivated, given training and time to work with local communities and empowered to make decisions at local level and to be listened to when issues have to be referred up to higher levels. In the past local engagement with forestry officers has been good but much of this good will and links have been lost in the change from FCW to NRW. The law perhaps the most appropriate pace to make a commitment to area-based staff but there should be a duty to provide for community engagement in area planning and management.

Sticking to a reading of the Paper – para 2.42 gives an outline of the process of preparing an area plan. This includes the distinct impression that the areas have not yet been defined and are at the approval of the Welsh Ministers – why? Surely NRW can handle this as the competent agency? There are mixed messages concerning involvement of people in the process which includes participation, engagement with *appropriate* stakeholders and a fixed period of formal consultation. Who decides which stakeholders are appropriate? Is it only community groups that can be included? How will the 12-week consultation be conducted – will it seek further engagement with civil society? How will conflict between stakeholders on proposals be handled? Presumably NRW will have a casting vote? It is not clear what form the plan will take and what it comprises. It looks like a plan prepared by NRW which outlines what it will do to encourage others to implement the plan. NRW should perhaps lead by example and commit to adapting its own plans (e.g. for the WGWE) to conform to the area plan and to work in a co-production framework with other landowners and actors. Handing down recommendations which will need to include actions on private land is unlikely to engage people and achieve the desired result.

Para 2.43 – if the identification of area and preparation of plans is to be piecemeal at the beginning then maybe a deadline should be set for full coverage so ensure that problematic areas are not quietly left out.

Table (i) seems to suggest that outcomes for the area plans need to be agreed locally through the Local Service Boards. It is agreed that NRW contribution to the LSBs would be beneficial but it is much less evident that these are the appropriate body to act as the local broker for agreement on the prioritisation of actions or agreement of outcomes. The LSBs are made up of senior members of health boards etc. and they will not have the time or competency to advise and far less oversee NR plans. They may have a contribution to make to the plans e.g. use of forest for mental health programmes but more thought needs to be given to the identification of the body who will act as the facilitator or arbitrator of local contributions to the plans. NRW could take on the role of facilitator i.e. host community level workshops etc. but this could also be done by other public, private or third sector bodies. The issue will be who would pay for it. What would be the role of locally elected representatives such as councillors at Unitary authority and Community Council levels? They obviously should have some role but how will this work if the catchment includes more than one UA or catchment boundaries do not align with administrative ones.

Para 2.64 Integrated water management is fine but surely it should be further integrated with land use management especially forestry (through the Forest and Water Guidelines) and farm management e.g. cross-compliance?

Para 2.65 ‘The proposed area-based approach should be designed to capture the activity and action of taken at a community level that contributes to the management of water at a catchment level’ – great! Can we have this for woodlands and nature conservation too please.

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**Question 6**

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

Yes

No

***Please provide comment:***

It is actually too flexible – is it desirable to allow significant elements of agreed plans to be replaced? What safeguards will there be that these changes will only be made if they can be demonstrated (publically) to have the effect of enhancing the quality of environmental management rather than undermining it?

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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:***

But the cost and staffing implications of this need to be worked out. Does this mean co-operate in the provision of participation in planning, provision of data or significant changes to existing plans?

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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:***

But not as the sole source of evidence related to NR management and use. It should also seek to engage with other bodies which collect relevant information including citizen science.

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**Question 9**

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

As a member of Coetir Mynydd a community woodland group in my village we have been working towards the management of woodland within our micro-catchment (Afon Galedffrwd). This has included ownership of a strip of riverine woodland under BWW funding, running local biodiversity awareness events and controlling invasive species. We have been working on community consultation on the design plan for our patch of WGWE with FCW and now NRW. Pulling all of this together in an area plan for the catchment would be a natural continuation of our work and we can see the benefits that could accrue from this. However, it appears that the catchment areas will be too large, the local decision makers (LSB) too remote and recommendations handed down. There is a concern that done in this way that we will find it even harder to achieve our current aspirations than at present.

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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:***

Difficult to say what needs changing to facilitate new ways of working when NRW does not yet have a corporate plan in place and has not yet had a chance to propose what 'new ways' of working are envisaged.

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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?**

NRM7 – not sure these powers are needed for forestry. Surely NRW is free to apply innovative management to the WGWE without needing new powers?

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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?***

NRW is better placed to be a seller and perhaps an agent for the WG as a buyer of PES than as a broker or facilitator. To be both the broker and seller would be a significant conflict of interest that could undermine confidence in the marketplace. Perhaps best to leave this to an independent third party.

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**Question 13**

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

Management agreements already possible for conservation and community benefits on WGWE. Agreements do sometimes need to run with the land so NRW will need this power but there should be flexibility in arrangements.

Could we add a 'community right to manage' on the land and assets belonging to WG that are managed by NRW? See <http://popse.wordpress.com/2011/05/10/a-%E2%80%98community-right-to-manage%E2%80%99-%E2%80%93-the-missing-link-in-the-localism-bill/> This would provide opportunities for social and private enterprise to access WGWE land and assets.

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**Question 14**

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

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**Question 15**

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

**A**

**B**

***Please provide comment:***

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**Question 16**

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

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**Question 17**

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

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

Yes

No

*Please provide comment:*

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

Yes

No

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

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**Question 19**

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

Yes

No

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

Untreated wood would be difficult to separate domestically and very little is likely to be produced.

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**Question 20**

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

Yes

No

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

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**Question 21**

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

Yes

No

RE3 – Why should untreated wood be banned from energy from waste facilities? What is planned for this wood? Will it still be possible to burn it in other ways e.g. domestic stoves? Some of this presently goes into domestic renewable heat generation and more could be used in this way if it could go into **local** firewood supply chains.

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

Yes

No

*If yes, what are they?*

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**Question 22**

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

Yes

No

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

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**Question 23**

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

Yes

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

b) Businesses and Public

***Please provide comment:***

Everyone. Food waste should be composted.

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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?**

Prohibit sales of food macerators

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*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

**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)?**





## 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*

But it **MUST** not be allowed to morph into a general tax on shopping bags

How about lower prices for biodegradable non-plastic bags (e.g. from corn starch or paper) as a disposal alternative?

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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*

But retaining a presumption for environmental causes since this was introduced to create environmental benefits.

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### Question 33

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

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



*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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The consultation document is difficult to follow and low on examples that are intelligible to someone without any prior background in the areas covered. There needed to be a clearer link between the relevant section in the Paper and the consultation questions.

Much more is needed on the significance of woodlands to the Welsh environment and NR use and on the value of unsolicited actions of community groups and the value of citizen engagement in local environment as volunteers, gardeners, feeding birds etc..

---

Hi,

Please find below comments from Greenstream Flooring CIC regarding elements of the Environment Bill. We are a social enterprise based in the Rhondda Valleys, we take back carpet tiles from commercial buildings and these are then reused. We have developed relationships with housing associations to provide affordable flooring to tenants. On the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> of January we ran a warehouse clearance event and gave away approximately 8500m<sup>2</sup> of carpet tiles that would have otherwise been landfilled.

The board of directors have discussed the proposals and there are some particular areas we would like to comment on;

- We feel that reuse is missing and not given any serious consideration. The waste hierarchy regards waste minimisation and reuse higher than recycling and yet there is little if any reference to this. The focus remains on recycling.
- Whilst we welcome higher levels of recycling and encouraging waste producers and collectors being responsible for recycling and separation we do not believe that this will encourage a cultural change towards resource efficiency. It suggest that it is ok to use as much as you like as long as it can be recycled.
- We also note that textiles is not included in the list of materials banned from landfill and energy from waste. There are many collection methods and facilities in place to manage textiles, and frequently this type of material can be reused and recycled with ease whilst providing employment. It is also an material easily recognised as having value, often textiles are a material people throw out because of a change of colour scheme or personal preference.

Thank you,

Regards,

**Becky Lythgoe**  
**Director**  
**Greenstream Flooring CIC**

Office: 01443 683123

Mobile: 07595 731980

Web: [www.findcarpettiles.co.uk](http://www.findcarpettiles.co.uk)

Address: Unit 3 Rheola Industrial Estate, Porth Rhondda Cynon Taff CF39 0AD

Find us on:   

# **DVW RESPONSE TO WELSH GOVERNMENT CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL**

## **1. INTRODUCTION**

Dee Valley Water is a small water company, based in Wrexham in north-east Wales. We supply water only to approximately 120,000 customers in Wrexham, Chester and Llangollen. In our response below we have responded to the points raised in the consultation that are relevant to our areas of interest, namely the management of water supply and water quality.

## **2. NATURAL RESOURCE MANAGEMENT**

In general, we support the concept of an integrated approach to the management of natural resources. As Dee Valley Water relies on the environment for its principal raw material all approaches to improve the raw water by implementing an integrated catchment management or area-based approach would seem to be the appropriate method to deliver this desired outcome.

In relation to climate change, we agree that the sustainable management of natural resources will improve the resilience of society to the effects of climate change. In the period 2015-2020 we are planning to reduce our greenhouse gas emissions by introducing hydro-power generation at one of our operational sites and are pleased to see that this aligns with the aims of the consultation.

We think it would be appropriate to include within the section on natural resources management an outcome to educate Welsh Citizens to use resources efficiently and perhaps even set a national outcome or target to be achieved. We would strongly support a national Government-led campaign to promote the efficient use of water.

## **3. LAND DRAINAGE/FLOOD AND WATER MANAGEMENT**

The proposal to amend Section 47 of the Flood and Water Management Act (2010) seems a sensible approach, which will enable Welsh Ministers to make amendments that eliminate differences between the current legislation and the purpose of sustainable management of natural resources. We would be supportive of the amendment.

**Dee Valley Water**  
**January 2014**

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

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

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

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

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

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

Please submit your comments by 15 January 2014.

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

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

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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>	Wayne Burnett	
<b>Organisation</b>	Cwm Taf University Health Board	
<b>Address</b>	Facilities Department, Prince Charles Hospital, Merthyr Tydfil CF47 9DT	
<b>E-mail address</b>	Wayne.Burnett@wales.nhs.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

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### Question 1

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

Yes

No

*Please provide comment:*

---

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### Question 2

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

Yes

No

*Please provide comment:*

---

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### Question 3

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

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**both national and local levels?**

Yes

No

*Please provide comment:*

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**Question 4**

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

Yes

No

*Please provide comment:*

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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

No

*Please provide comment:*

---

**Question 9**

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

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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:*

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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**

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

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**Question 15**

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

**A**

**B**

***Please provide comment:***

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**Question 16**

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

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**Question 17**

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

## 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:***

Separate collection requires clarification.

Food and wood wastes by their nature and operational management lend themselves to separate collection although food waste still presents operational management challenges "on the ground" in collection and storage at the site of production.

The separate collections (by a waste contractor) of plastics and metal separately from paper and card requires clarification as to whether these wastes if separated at the point of production (about which see comment at 19 below) can be consigned for processing within the same container/skip/bin.

In all cases the issue here is the available space at healthcare premises to both collect and store the various waste streams "separately" prior to collection. Some like food and wood will both require and lend themselves to separate collection given that the waste will at ward level be returned to one or a small number of central locations for disposal in the case of food or have limited points of production in the case of timber. Heavier gauge cardboard is also commonly segregated where space allows. Where space is an issue bagged plastics & metals and paper/card could be consigned jointly with minimum risk of significant contamination particularly of the more valuable plastics/metals.

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

Yes

No



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

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**Question 19**

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

Yes

No  X

If no, please state why and an alternative.

The option quoted to collect plastics and metals separately from paper/card is a common practice at present within household waste collections. Although glass is commonly co-mingled with plastic and metals.

In the healthcare environment a number of factors mitigate against being able to achieve this segregation at ward/department level and where such segregation is attempted control over cross contamination is an issue. The factors are : -

- Healthcare consumables can have composite packaging comprising a plastic primary packaging and a secondary outer packaging of card (i.e. a box);
  - Any requirement to segregate plastics/metals from card particularly in the form of small packaging waste will be problematic and may not be practicable given space constraints for additional bins;
  - In clinical areas there is a requirement for bins to comply with the segregation requirements for infectious and offensive hygiene waste.
  - This impacts on available space to locate additional bins at all points of production;
  - What staff perceives to be a plethora of different bins can also be an issue. In clinic areas one would be looking at bins for infectious waste, offensive hygiene waste, plastics/metals, paper/card and landfill waste;
  - The public access nature of healthcare premises and staff attitudes also affect the ability to control cross contamination of waste streams;
-

**Question 20**

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

Yes  **X**

No

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

I have identified the practical issues around source segregation of some of the waste streams within the NHS setting.

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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

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

No

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

Whilst an imposed maximum level of contamination has some appeal it is difficult to see how landfill operators, incineration operators or the regulator would be in a position to police contamination levels in practice in day to day operations. It is therefore likely that some form of pre-acceptance auditing would need to be imposed similar to that which is imposed on clinical waste treatment contractors. In practice this requirement is cascaded down to the waste producer with attendant costs and is not a desirable option.

The year on year increases in landfill tax is more likely drive improved recycling levels for I C wastes.

---

**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:***

***Households***

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

***c) Both***

***Please provide comment:***

There is no logic in advocating a ban for business and public sector and then excluding households.

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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) Enforcement could form part of the environmental health inspection of food premises.

ii) Household enforcement is problematic. Banning food waste to sewer would one assumes by implication prevent the sales promotion of food waste disposal equipment and in time restrict access to such equipment. The amount and type of food waste that could be disposed directly to sewer would be restricted to that that would flush down the kitchen sink. Promotion and ease of use of kerbside collections for food waste would divert the most food waste from landfill. Although not all.

---

**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?***

Notwithstanding the preceding comments the timescale for implementation as far as waste producers are concerned are reasonable. However, consideration will need to be given in particular cases where tendered contracts have been entered into for a period of years on the basis of a collection regime that might differ from that envisaged in the White Paper. In such cases a provision to allow such contracts to run their full term before any new regulatory requirement is imposed would be required. Without such a provision waste producers could face cost variations that they are not able to market test.

I am not in a position to comment on the proposed time scales in respect of waste collection and treatment companies.

**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:

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

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

My view is that both the above indicated bodies would have an enforcement role given their differing areas of environmental inspection responsibilities.

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**Question 28**

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

The potential operational impacts on my organisation and I believe on the NHS in Wales are set out in the preceding sections.

---

## 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***

It is difficult given the range of multiple usage bags to see how these could be defined such that minimum charges could be applied. Bags other than single use bags already carry a price premium and have to be purchased. Many will provide years of useful service and one wonders what form of bag construction and predicted useful life would be required for a bag to avoid the bag tax. There is a danger that the imposition of further charges will be seen as a money making exercise given the public scepticism as to how the money for carrier bag charges is allocated.

---

### **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***

To the extent that charges are already in place the option to pass the proceeds on to any good cause is a good one. This would be particularly so if this were to be local causes within the stores catchment areas.

---

**Question 31**

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

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None

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### **Question 32**

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

Yes

No

*Please provide comment*

---

---

#### **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*

---

**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)?

---

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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?

---

---

## 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?

---



## Towards the Sustainable Management of Wales' Natural Resources

### Environment Bill White Paper – Consultation Responses

**This is Natural Resources Wales' response to the consultation questions. See also the covering letter dated 15 January 2014 from Emyr Roberts, Chief Executive.**

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

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In line with Natural Resources Wales' standard practice, we intend to publish our response in full on our website.

## Environment Bill White Paper

23 October 2013 – 15 January 2014

<b>Name</b>	Emyr Roberts	
<b>Organisation</b>	Natural Resources Wales	
<b>Address</b>	Ty Cambria 29 Newport Road Cardiff CF24 0PT	
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<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input checked="" type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>



## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes ✓

No

***Please provide comment:***

We welcome the intention to develop a new integrated approach to the planning and management of natural resources. Taken together with proposals set out in the Welsh Government's consultation *Positive Planning - Proposals to reform the planning system in Wales*, the draft Planning (Wales) Bill, the thinking on a Future Generations (Wales) Bill and the *Wales Marine and Fisheries Strategic Action Plan*, it provides a legislative platform to integrate the planning and management of terrestrial and marine natural resources with the frameworks for ensuring the economic, social and environmental well being of Wales.

There is clearly much work to be done in developing the practical arrangements for the proposed integrated area-based approach, including its relationship with existing planning processes for the management of land, water and other natural resources, and in particular the town and country planning system and proposed Welsh National Marine Planning process. It will also be necessary to address the resource implications, particularly for Natural Resources Wales in the short to medium term, while we develop the new approach alongside continuing to deliver our existing functions.

We agree that natural resource management should be underpinned by a statutory framework. However, we suggest that the legislation should set out only the high level statutory framework under which the best approach can then be developed. This would allow the opportunity for the detail to be informed by practical experience of pilots and early efforts at implementation. If necessary, the details could be set out in statutory guidance or secondary legislation at a later date. It is also likely that the capability of Natural Resources Wales and others to develop and apply this new approach and new thinking will need to develop over time.

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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:***

We agree with the principle of developing definitions for these terms, which need very careful consideration. We recommend that the definition of the term ‘natural resources’ should be as short and broad as possible, encompassing the whole of the physical and living environments and all the resources and ecosystem services they provide. We make this recommendation because the ecosystem approach is only compatible with the consideration of all classes of natural resource. The alternative approach of defining natural resources by listing what is included runs the risk of missing items from the list, which could undermine efforts to apply the ecosystems approach. We would be happy to assist with the development of a suitable definition.

A broad definition would also recognise that a truly integrated approach is the collective responsibility of all those who manage or impact on any natural resources in Wales. The different roles of Natural Resources Wales and other bodies in relation to different types of natural resources, and the fact that some matters (such as energy and ports) are not devolved to Welsh Ministers, could then be addressed through the various ways in which an all-encompassing definition would have legal and practical effect, rather than attempting to reflect such complexities in the definition itself.

If however the intention remains to identify specific categories of natural resources in the definition, we have some detailed comments on the proposition in the White Paper:

- We suggest that ‘geology and geomorphology’ should be used in place of ‘geologic’ in order to include the full range of geological resources, landforms and geomorphological processes. This is because ‘geologic’ is an unfamiliar term and arguably does not represent the wide-range of geo-resources. Alternatively ‘geodiversity’ could be used as a catch-all term which would also include soils. We also consider that there need to be greater recognition of the importance of geodiversity and the ecosystem services that it provides, both directly (for example rock aggregate, building material, metal ores), and indirectly (through pollution control, flood regulation, landscapes and cultural values).
- It needs to be clear what the term ‘biomass’ refers to, and how it is distinguished from ‘biological resources’. Does it for example include waste materials (of biological origin)?
- It needs to be clear why ecosystems could be considered a class of natural resource. Under the ecosystem approach, ecosystems are more properly thought of as the source of all natural resources.
- The discussion in Chapter 2 of the White Paper makes clear the links between natural resources, green growth, sustainable use of resources, and sustainable management of waste, but it is not clear whether resources from waste fall clearly within the proposed definition of ‘natural resources’ and ‘natural resource management’. We suggest that the role of materials management should be recognised as a key component of the sustainable and integrated

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management of natural resources in Wales.

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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:***

We agree that measures to promote resilience (environmental, economic and social) to the effects of climate change should be embedded into natural resource management at both national and local scales.

The UK Climate Change Act and Wales' Climate Change Strategy set the legislative and policy aspirations for climate change mitigation and carbon reduction in Wales. The land-use sector is one of the sectors of devolved competence for Wales and as such is a key means of delivering the 3% per annum emissions reduction target. Success will depend on systematic effort involving a multitude of both large and small scale projects such as large scale renewables, community scale biomass projects, cycle-to-work initiatives and so on. These projects all have environmental synergies and trade-offs that mean that their deployment needs to be considered within the integrated natural resource management framework, in order to minimise conflicts and maximise emissions reduction and complementarity with other policy priorities. The proposals in Chapter 2 of the White Paper represent a key opportunity to deliver a coordinated approach to climate change mitigation that will help ensure that the right solutions are deployed in the right places. The proposed national natural resource policy should set out the links to the Sectoral Adaptation Plans (SAPs) and the Welsh Government's emission reduction targets, while the delivery of most adaptation measures will be at a local scale and should be reflected in the proposed area based approach.

Embedding climate change resilience should not be seen as a one-off, fixed term process of 'climate proofing', but other complementary climate change adaptation responses should also be developed. In particular, these should include monitoring and adaptive management, where management goals are reviewed in the light of monitoring data and emerging climatic information. We suggest that such review would be an important part of the review process for the national natural resources policy and the area based natural resource approach.

Climate change is a cross-cutting theme, requiring coordinated action across all sectors of society and Government. It is important that natural resource management is not perceived as the sole vehicle for delivering actions for climate change resilience,

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adaptation and mitigation: climate change is not an issue ‘owned’ by the environment sector and is not only a natural resource management issue. However, embedding climate change resilience and adaptation within the natural resource management process should largely deliver for the Natural Environment SAP, one of five SAPs (Natural Environment, Business & Tourism, Infrastructure, Communities and Health) proposed to address the breadth of adaptation measures.

Finally, the relationship between the Environment Bill, the Future Generations Bill, the Planning (Wales) Bill and the development of marine planning under the Marine & Coastal Access Act is also critical, so that action on emissions reduction occurs as a result of carefully designed synergy between these pieces of legislation and the measures taken under them.

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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 ✓, subject to the following comments      No

***Please provide comment:***

We agree that this is sensible. However it does raise the question of the anticipated review cycle for the area based statements prepared by Natural Resources Wales (proposals NRM3 and NRM4). We recommend that the timetabling aspect of the proposals needs further consideration in terms of alignment with other processes and look forward to working with Welsh Government on this.

The timetable for the area based approach should align closely with the national policy statement. This would suggest that a review of the area based statements follows the review of the national policy statement. However it could also be desirable for the review cycle for the area based statements to tie with the six yearly timescale for the review of River Basin Management Plans under the Water Framework Directive particularly if, as seems likely, the area based approach in relation to Wales’ land area is to be developed primarily on a river catchment basis. Meanwhile the reporting and review cycle for marine plans under the Marine & Coastal Access Act is three years and the anticipated review period for the proposed National Development Framework for Wales is five years. This issue needs further consideration to make sure that the timetables work together as effectively and efficiently as possible.

We would also welcome clarity about the timescale over which Welsh Government would expect the new framework to become fully embedded and ‘operational’. This will help avoid unrealistic expectations in view of the amount of practical detail that has still to be worked out. This is also a key area where alignment is needed between the provisions of the Environment Bill, the Future Generations Bill, the Planning (Wales) Bill and the marine planning framework. For example, the proposed National

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Development Framework under the Planning (Wales) Bill will set out proposals for how to proactively accommodate change for the benefit of the nation over a minimum period of 20 years. Notwithstanding the need for periodic reviews on a shorter timescales, it will be important for the national natural resources policy and the area based approach to adopt a similarly long term perspective.

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### **Question 5**

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

Yes ✓

No

***Please provide comment:***

The ultimate outcome for the area based approach must be a clear, prioritised and focussed approach to delivery leading to tangible change ‘on the ground’. The over-riding requirement must also be to maximise the added value of the new framework and to increase the efficiency and integration of decision making. The approach will have failed if it simply adds another ‘layer’ of complexity or another set of ‘plans’. We have already started to consider, therefore, whether any current plans that we are responsible for might be stopped or subsumed within the area based approach.

The national natural resources policy (proposal NRM2) will be the key driver for the new approach. We believe that it must include a clear statement that all public sector bodies who make decisions that affect natural resources deliver their obligations in a way that delivers the policy aspiration for change ‘on the ground’.

We therefore welcome the intention that the national natural resources policy will be ‘owned’ by the Welsh Ministers collectively, as it will be essential to ensure that all Departments and existing and developing legislation across Welsh Government deliver the objectives of the natural resources policy. The White Paper does not address this issue in practical terms but we suggest, for example, that there should be a requirement for strategic delivery mechanisms such as the Rural Development Plan, the Wales Marine Plan and the National Development Framework proposed under the Planning (Wales) Bill, to have regard to, or be in accordance with, the national natural resources policy. The *Positive Planning* consultation document accompanying the Planning (Wales) Bill indicates that the proposed National Development Framework and Strategic Development Plans should be informed by the national natural resources policy and the area based approach for natural resource management. However the draft Planning (Wales) Bill does not make the necessary legislative provision. The interaction between the measures in the Environment Bill and the proposals in the Planning Reform Bill and Future Generations Bill is critical and will need to be considered as these separate pieces of legislation take shape. It is essential that these three pieces of legislation, together with the Rural Development Plan and the Marine Plan, are mutually supportive.

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It will be essential to establish an appropriate geographic framework for the proposed area-based approach. We would recommend using river catchment boundaries as the starting point for internal delivery of the area-based approach for the land area of Wales. This would allow us to build on existing planning processes, in particular River Basin Management Planning under the EU Water Framework Directive. However, the information from the approach must be readily accessible to those who will use it in decision making. For example, some partners will be comfortable with catchment boundaries but others will be more receptive to information organised around political boundaries or at a landscape scale. It will also be necessary to address cross-border relationships, where catchment land uses in England have impacts in Wales, and vice versa.

In practice therefore, while moving towards organising our internal work around catchments, Natural Resources Wales will also need to further develop our capability to work flexibly across a number of different ecosystem, landscape and political/administrative boundaries, in ways that best meet the needs of key stakeholders and fosters their participation. It is particularly important to recognise that key delivery mechanisms such as land use planning are organised and delivered around political/administrative boundaries. Furthermore different types of evidence about environmental, economic and social factors are currently collected and interpreted at a range of geographical scales. Therefore developing the evidence base and the tools for using that evidence will be a challenging but essential part of the development of the proposed new framework.

The governance and consultation arrangements for the area based approach to natural resource management will need to be carefully designed, particularly to coordinate and align stakeholder engagement across the range of existing and proposed plans and processes.

In relation to the marine environment, we welcome the White Paper's reference to the achievement of Good Environmental Status under the Marine Strategy Framework Directive and we see this as a key focus for natural resource policy in the marine area. However, we would welcome further clarity on the added value that the proposed area-based approach to natural resource management will provide, over and above marine planning as currently being developed. The Welsh Government's intentions in relation to the development of marine spatial planning were recently published in the Wales Marine and Fisheries Strategic Action Plan (November 2013). In that statement, Marine Plans are clearly intended to provide the over-arching planning and management framework for the marine environment, and as such should deliver integrated natural resource planning for the marine environment. However, it would be useful to clarify and confirm that the national natural resources policy proposed in the White Paper will cover both marine and terrestrial Wales, and that the proposed marine planning framework will be a delivery mechanism for the national natural resources policy in relation to the marine environment. We look forward to working closely with Welsh Government to ensure that the two processes for the marine and land areas of Wales are well aligned and add value to the planning and management of the marine area.

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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 ✓, subject to the following comments      No

*Please provide comment:*

We agree with the long term aspiration that existing planning processes should be streamlined and / or reduced in complexity. The details of the proposed area based approach need to be further developed and tested in order to inform decisions about replacing existing natural resource-related plans.

We are doing some work to consider whether any plans for which Natural Resources Wales is currently responsible might be stopped or subsumed within the area based approach, whilst also continuing to meet current legal requirements. In the first instance, it seems likely that the process of setting out priorities and opportunities for natural resources on an area basis would be substantially informed by the content of existing plans and the evidence underpinning them. Therefore, it may be preferable in the short term for us and others to explore options for integrating the contents of existing plans with one another and/or with the new area based framework, with a longer term objective of reducing the complexity of natural resource related planning processes. For example there may be scope for integrating stakeholder engagement, evidence gathering and reporting across different plans. Should it be the case that any existing plans contain objectives, evidence, prescriptions or guidance that are unnecessary or redundant, we will seek to rationalise them, and make Welsh Government aware so they can consider any legislative change that might be necessary.

Proposals to repeal or revoke existing plans will need to be considered in the context of the Strategic Environmental Assessment (SEA) Directive and European Court Case C-567/10 ('the Bruxelles case'), and also the Habitats and Species Directive. In many cases, major modifications to a plan, such as revocation or repeal, may only be approved or adopted subject to the undertaking of the assessment processes required under these Directives. The possible need to undertake SEA of the revocation of plans or programmes could have significant resource implications and is likely to affect the timescale of efforts to rationalise natural resource, land use and spatial plans.

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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:***

We consider this is essential, and would refer to our comments under Question 5 above.

A truly integrated approach requires new thinking and new ways of working by all those whose actions, decisions or funding mechanisms impact on natural resources. Natural Resources Wales will clearly be a key player and can support the process as far as our evidence and influence allows, but others will also need to develop their thinking and ways of working. Government will need to ensure that the other public bodies whose activities and decisions impact on natural resources management are also required to deliver the national natural resources policy objectives.

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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:***

In practice Natural Resources Wales would appear to be the most appropriate body to bring together information across the range of Wales' natural resources. The technical challenges and resource implications - for us and for other providers of data and information - will need careful consideration and we would welcome further discussions on this aspect.

For example, a broad definition of natural resources – which we believe is necessary for the reasons outlined in our response to Question 2 above - would have significant implications for the proposed duty on Natural Resources Wales' to report on the state of natural resources. We would be heavily reliant on others to provide relevant data and carry out the necessary assessments for some types of natural resources (for example minerals, energy resources, marine fisheries). In theory, the definition of natural resources could be qualified specifically in relation to this reporting duty. However, we believe the desired output is comprehensive reporting on the state of natural resources and this objective will not be achieved if natural resource reporting is constrained to areas in which Natural Resources Wales currently has expertise and evidence gathering responsibilities. Further thinking will be needed on the best way to achieve other organisations' co-operation in this proposed reporting duty, including where data gathering and management is organised at an England and Wales or UK level.

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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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These proposals have potentially significant resource implications for Natural Resources Wales, which in our view should be seen as a very worthwhile investment.

We accept that the intention is for the new integrated framework and approach to natural resource management to be cost neutral to us, and even to deliver savings where investment in integrated planning leads to more efficient operation of planning and regulatory mechanisms overall. However, we believe that this is a long term aspiration and that until the new framework is in place and delivering at least as well as or better than current systems, Natural Resources Wales must continue to deliver its existing functions. We therefore believe that there will be significant additional resource implications for Natural Resources Wales in the short to medium term, in developing the new framework to the point where we and Welsh Government can be confident in it.

Areas where we would expect to incur significant additional costs include: working with partners to develop the evidence base for integrated planning and management, including the systems for gathering and processing spatial and other data in an integrated way and at appropriate scales; investing in a high level of effective stakeholder engagement in the planning process; developing and embedding new ways of working across all our functions; and the costs of legal support for the process of rationalising, merging or removing existing planning processes.

In the first instance, we would look to absorb these additional costs from the efficiency savings and synergies generated by the creation of Natural Resources Wales as set out in the business case. However, it is likely to be some time before the full resource implications of the proposals can be assessed and the full efficiencies and synergies achieved, so we look forward to continuing dialogue with the Welsh Government to develop our shared understanding of how the transition to the new framework can best be made.

In particular, in relation to the discussion under proposals NRM5 and NRM6, the development and use of a common evidence base for natural resources will be critical but presents some technical challenges, which will need to be properly addressed and resourced. For example, we believe that there are significant gaps in the evidence base, particularly relating to social and economic impacts and drivers. Consideration will need to be given how to resolve this, since focussing on economic and social interactions, as well as environmental factors, is essential in taking forward an integrated approach. It is also likely that data on the environment, and associated social and economic considerations, will be organised on different geographic boundaries across Wales and that this will not necessarily match the geographic boundaries for the area based approach. There will need to be considerable investment in technical systems capable of storing data on different scales and then presenting and using it according to different geographical boundaries.

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In relation to the impact on Natural Resources Wales of proposal NRM6 (reporting on natural resources), we would refer back to our comments under question 8 above.

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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:***

We support these proposals, which aim to provide Natural Resources Wales with access to additional tools which can be used towards the delivery of integrated natural resource management.

We suggest that there should be strong synergy between the proposals in Chapter 3 and how these tools are developed and applied, and the aims of the proposals in Chapter 2 for integrated natural resource management.

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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 support the proposal to enable Natural Resources Wales to trial innovative approaches to natural resource management. We already have a range of powers in this area, and we would look to optimise our use of these existing powers. This will, in turn, help to identify where innovative approaches and new powers may be needed. We suggest that any exercise of experimental powers is subject to safeguards to ensure that trialled approaches do not become established practice by default or by 'accident', and to ensure continued compliance with EU legal obligations.

We agree with paragraph 3.7 of the White Paper that formal approval from the Welsh Ministers should be obtained for any trial of innovative approaches. We propose that the approval process should include consideration of whether the innovative approach proposed to be trialled is sufficiently aligned with the delivery of the priorities set out in the national natural resources policy and the area based natural resource statements.

We believe that any experimental schemes should have clearly defined objectives, limits, evaluation processes and end points, and it should be clear how and on what basis decisions would be made on whether or not to adopt the trialled approach more widely. Managing the expectations of participants in trial schemes and other stakeholders will be essential in this respect. For example, it will be important to

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ensure that stakeholders are clear that decisions about adopting a trialled approach more widely will include robust and objective assessment of its environmental outcomes.

Specific limitations may be appropriate in relation to the length of time a scheme is run, so that a definite conclusion as to the effectiveness of the innovative approach can be reached. Safeguards may include a role for those affected by the innovative approaches and opportunities for wider community input. In the interests of transparency, we would expect that Natural Resources Wales would ensure that its reports on the outcomes and conclusions of such schemes were made publicly available.

The White Paper rightly identified the need for experimental schemes to respect EU legal requirements and other international obligations, and be consistent with EU State Aid rules including, but not limited to, the agricultural sector. However, it needs to be recognised that this may limit the scope for experimental approaches. Some EU directives impose prescriptive conditions or limits which must be complied with on a site-specific or activity-specific basis. For example, under the Industrial Emissions Directive, the use of prescribed emission limits associated with “Best Available Technique” (BAT), may limit the scope for offsetting of emissions at one site through achieving reductions elsewhere, or other approaches to weighing local impacts against wider net ecosystem benefits. We recognise that there cannot be any lessening of requirements to comply with EU legislation, but there may be scope to explore different approaches to transposition. However, we would like to see encouragement of experimental approaches that could provide evidence to inform future EU policy development and associated legislative reform, with regard to the ecosystem approach, while maintaining standards of environmental protection and complying with legal obligations.

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### **Question 12**

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

Yes

No

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

We support the development of Payment for Ecosystem Services (PES) schemes. We also believe that development of markets for PES should not simply be a ‘re-packaging’ of existing initiatives, but should stimulate innovation and new opportunities, bringing new types of ecosystem services and new participants into the market.

We agree that Natural Resources Wales has an important role in the development of markets for ecosystem services and we look forward to working with Welsh Government to clarify the roles of facilitator, broker and accreditor. In addition, the White Paper does not mention market regulation. We suggest therefore that further consideration is given to whether there should be market regulator and, if so, who would be appropriately placed to take this role.

It will be important to clarify these roles and to develop the structures and institutions needed to support and stimulate the development of PES markets that operate efficiently and in which buyers, sellers and the general public can have confidence and trust. Given that experience of PES is generally limited, it will also be important to look to other UK and international experience in this area to inform the future development of the framework in Wales.

One option might be to use the innovative approaches referred to in proposal NRM7 (Natural Resources Wales’ powers to carry out experimental schemes) in order to gain real experience of PES scheme operation, to help define the roles of facilitator, broker, accreditor and potentially market regulator. Natural Resources Wales would welcome involvement in any such schemes

It may be that Natural Resources Wales may not be the most appropriate body to undertake these roles, due to potential conflicts of interest resulting from our desire to be active participants in the PES market itself. If Welsh Government is minded to vest any of these roles in Natural Resources Wales, there would need to be governance structures within Natural Resources Wales to ensure that conflicts of interest are avoided, if necessary backed by appropriate legislation. The critical need is to avoid creating the perception of a conflict of interest that would undermine public confidence in the PES market. This is especially so given the important role that PES could play in funding the provision and maintenance of ecosystem services in future.

Thinking and practice on PES is still largely in its infancy, so any roles that Natural Resources Wales – or indeed any other body - might take on in relation to PES markets will have resource implications in terms of both capacity and capability for the organisation(s) concerned. We would welcome further discussions with Welsh Government about any roles they are minded NRW should take.

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### **Question 13**

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

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We support the proposal to ensure that Natural Resources Wales has the ability to use management agreements with owners or occupiers of land, to support delivery across the full range of our functions. As noted in the White Paper, Natural Resources Wales already has powers to conclude management agreements for a broad range of purposes, but we welcome the intention to remove some of the remaining limitations on the use of this power.

We particularly welcome the proposal to enable management agreements to be registered as local land charges and to bind successors in title, since sustainable development and the integrated management of natural resources are inherently long term aspirations. In many cases, the objectives that Natural Resources Wales would pursue through management agreements are long term ones, and the costs of management agreements should be seen as a long term investment. The value of such expenditure can be undermined if the agreement would cease to have effect as soon as land changes ownership and where the benefits from work carried out by the previous landowner could be lost. Whilst it may be possible to renegotiate management agreements with new owners, that takes time and resources which could ultimately go to waste if an agreement cannot be reached.

While welcoming this proposed legislative measure, its use depends on the availability of resources. Therefore, it will be necessary to consider the relative priority that Natural Resources Wales should attach to using management agreements, alongside other incentive based and regulatory tools at our disposal, in deciding how best to deploy our finite resources. We agree that the improvement of the legal framework for management agreements is cost neutral for Natural Resources Wales, but the availability of funding for management agreements, especially funding which is sufficiently secure in the long term, will remain a constraint irrespective of improvements in the legal framework.

The use of large scale land management agreements to manage flood risk may be less costly than capital flood defence schemes in terms of start up costs, but is likely to incur higher monitoring and enforcement costs than management agreements used to deliver other land management objectives. This is because where management agreements are used as an alternative to traditional flood defences, non-compliance with the terms of an agreement, or where the prescribed land management is being carried out but is not delivering the anticipated flood risk management benefits, could present a risk to life and property that would need to be quickly addressed. This example also highlights the need to consider the whole-life costs of management agreements, including monitoring and enforcement, when weighing up costs and benefits in comparison with other types of intervention, for example traditional flood defences.

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There may also be opportunities for Natural Resources Wales to examine other alternatives which are available but have historically been little used, such as long term covenants on land, although these may be less effective and less ‘tried and tested’ than management agreements, hence their limited use to date. We note in this context that Natural Resources Wales is broadly supportive of the proposals in the recent consultation by the Law Commission for England and Wales on ‘conservation covenants’.

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#### **Question 14**

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

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The introduction of General Binding Rules (GBRs) would fill a gap in sector - based regulatory frameworks allowing a more proportionate approach to be taken to lower risk activities. When used appropriately, GBRs can reduce the regulatory burden placed on businesses and individuals without reducing standards of environmental protection. We already have some experience of GBRs across a number of regulatory regimes: standard rules permits under the Environmental Permitting Regulations are an example. We would wish to see powers for GBR implementation extended to a wide range of environmental media and sectors, since we believe that the regulation of many different types of activity could benefit from this approach both in terms of improving environmental protection and decreasing regulatory burden.

Natural Resources Wales has data showing that the scale of poor land management practices in Wales has resulted in significant numbers of water bodies failing to achieve the standards required by the Water Framework Directive. We believe that the introduction of GBRs that address observed poor practice would require land managers to adopt more sustainable land management practices, and help meet key environmental outcomes.

In order for GBRs to be both successful at delivering environmental outcomes and to support land managers in adopting good practice, each GBR should be complemented by comprehensive guidance that is easily accessible. GBRs would also need to recognise or utilise established best practice frameworks to avoid undermining these and causing conflict or confusion.

Natural Resources Wales would also look to use GBRs alongside and to complement and support other mechanisms such management agreements, payment for ecosystem services, partnership agreements and cross compliance regulations (where receipt of Single Farm Payments is contingent on compliance with specified standards including in relation to environmental protection), as well as more traditional permitting and consenting.

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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 , subject to the following comments

***Please provide comment:***

The rationale for this proposal is to provide a legislative mechanism to resolve any situation where Natural Resources Wales has responsibility to deliver primary legislation that does not sufficiently take account of its high level purpose set out in Article 4 of the Natural Resources Body for Wales (Establishment) Order 2012.

The White Paper proposes the exercise of this power would only be 'where it can be demonstrated that the current law is contrary to the definition, purpose and objectives of integrated natural resource management' (paragraph 3.35). The appropriate framing of this power therefore relies on being able to include in the Environment Bill a robust and unambiguous definition of 'integrated natural resource management' and having an objective and transparent means for being able to demonstrate whether current legislation is contrary to that definition.

The definitions and the practical delivery of integrated natural resources management will be new and will take time to be widely accepted. Particularly in the early years of Natural Resources Wales, any proposed changes to primary legislation should therefore be carefully considered in order to ensure there are no unintended or unforeseen consequential impacts. Having a legal framework that is flexible can be helpful, for example enabling statutory decision takers to be more responsive to new issues and changing circumstances. However, in order to foster public understanding and support, it is essential to have in place robust scrutiny and democratic accountability for any proposals to change primary legislation. It may therefore be appropriate to include provisions to ensure that any changes to primary legislation proposed to be introduced through this power cannot become law unless they are passed by the National Assembly for Wales. Paragraph 3.41 of the White Paper suggests that this may be the intention.

In addition, an alternative approach, particularly in Natural Resources Wales' early years of operation, would be for us to develop internal guidance, with input from Welsh Government, on how we would discharge our purpose when exercising our various functions. We are already intending to develop such guidance on how we should weigh social, economic and environmental considerations, focussing initially on our role in town and country planning. Scottish Natural Heritage (SNH) has adopted guidance along these lines and although their remit is much narrower than ours, we feel that this general approach is a potentially useful one. Having developed such guidance, the experiences of applying it would be expected to help identify real

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legislative barriers to the application of the ecosystem approach and integrated natural resource management, or tensions between different pieces of legislation. That evidence could then inform the development of specific proposals for legislative change.

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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.**

We do not currently have evidence of conflict between existing legislation and the objectives of integrated natural resource management that would support amendment to primary environmental legislation at this time. We refer to our comments under question 15 above, and in particular our expectation that our experience in developing an applying guidance on how Natural Resources Wales should weigh social, environmental and economic factors, should help identify such conflicts or barriers to application of the ecosystem approach.

However it may be appropriate to review Natural Resources Wales' duty under the Forestry Act 1967 to promote the development of afforestation, particularly in the context of the transition to more integrated planning and management of natural resources based on the ecosystem approach. The expansion and enhancement of woodlands and woodland habitat, and the sustainable development of timber production in Wales, are clearly very important in social, economic and environmental terms, not least in relation to their role in helping tackle climate change and in the wide range of other ecosystem services that woodlands provide. However, it may be more appropriate to consider the contribution that afforestation - better described as woodland creation - can make alongside other land uses, towards the objective of making best use of Wales' natural resources, rather than to continue with the development of afforestation as a stand alone duty for Natural Resources Wales.

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### **Question 17**

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

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The potential resource implications of some of these proposals are significant, particularly for Natural Resources Wales, since creating the right enabling legislation, which is largely cost neutral to us, is only part of the solution. Working with Welsh Government and through our corporate planning process, we will need to look at the full range of powers and tools at our disposal and consider how to achieve the most effective and resource efficient balance between, for example, our use of different types of regulatory approach (permitting, or General Binding Rules for example) and non-regulatory incentive based mechanisms. These kinds of discussions will be an essential part of our evolution as a new organisation over the coming years.

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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:***

We are very supportive of the intent of these proposals to reduce the amount of waste going to landfill, increase recycling and improve the quality of recyclates. These proposals to further improve resource efficiency, with particular emphasis on the management of waste and recycling, aim to create enduring and high quality business opportunities and jobs which support enterprise and promotion of the circular economy and 'green growth'.

The discussion in Chapter 2 of the proposed national natural resource policy makes clear the links between natural resources, green growth, sustainable use of resources, and sustainable management of waste, but it is not clear whether resources from waste fall clearly within the proposed definition of 'natural resources' and 'natural resource management'. As we have noted in our response to Question 2, materials management should be recognised as a component of the natural resource management.

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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?***

N/A

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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.*

Consideration should also be given to what level of co-mingling of dry recyclables might be acceptable as this could make waste collection rounds more efficient and economic whilst not compromising the quality of recycle.

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**Question 20**

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

Yes ✓

No

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

Some small businesses may have difficulty with space for keeping separate bins for all the waste streams. Also, if only small quantities of some waste categories are produced, small businesses may have difficulty in obtaining a waste contractor at an economic rate.

Early feedback from companies surveyed as part of the 2012 waste arisings survey has indicated that companies are already recycling and segregating where it is economic to do so, whereas small businesses find this more challenging.

Street-level recycling schemes for small businesses, as seen in parts of Europe, could also provide a possible solution.

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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

We particularly welcome an increased focus on encouraging food waste segregation because this should further encourage development of anaerobic digestion and composting within Wales. Management of food wastes by these methods delivers significant benefits to the environment in terms of availability of nutrients back to land as well as reducing the environmental impact from landfill disposal. In addition, preventing contamination of dry recyclates by separately collecting food waste would enhance the quality of recyclables in Wales.

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

Yes

No

*If yes, what are they?*

N/A

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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?*

There are already a number of landfill bans in place (for example tyres, liquids) with guidance in place for what is expected from site operators. As the regulator for these further bans, Natural Resources Wales would anticipate working with Welsh Government officials and with industry on developing the detailed definitions and guidance relating to these measures.

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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

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

***a) Households***

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

***c) Both***

***Please provide comment:***

Aside from the problems created by sewer blockages, especially from fats and oils, there are additional benefits from increasing food waste collection, as outlined in our response to question 21 above.

In relation to business premises, food manufacturers (in the main) would already be disincentivised from disposing of food waste to sewer by their water company trade effluent consent to discharge to sewer. However, smaller businesses, such as restaurants and takeaways, are currently less likely to make such a consideration and it is in this sector where the most benefit could be gained by increasing food waste collection.

The White Paper proposes only to apply a prohibition to business premises (and we assume that this would include public sector bodies). We agree with this and we would not support a similar prohibition applying to households, mainly because it would be very difficult and expensive to enforce.

We recognise that disposal of food waste, particularly fats and oils, to sewers from domestic premises is a significant problem and should be strongly discouraged. Alternatives to statutory prohibition applying to households could include restrictions or disincentives on the installation of in-sink macerators. This might include, for example, the licensing or statutory notification of the sale or installation of in-sink macerators, to enable the sewerage undertaker to apply an additional charge to anyone wishing to use one. We would also advocate increased awareness campaigns, including for alternative food waste collection and the problems that disposal to sewer can cause. We are not aware of any specific studies which consider how much food waste is put to sewer by households or any assessment of householders' level of awareness of the issues arising and the alternatives for disposal.

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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?**

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We recognise that differing approaches to enforcing such a prohibition would be necessary for different sectors.

(i) For industrial premises, regulation of disposal of food waste to sewer is already covered by the sewerage undertakers through the trade effluent consents to discharge to sewer. This regime already accounts for the pollutant loading in the discharge and is therefore the appropriate mechanism to provide a disincentive for disposal of food waste to sewer.

For commercial premises, if the charges levied by sewerage undertakers are not providing sufficient disincentive, it may be worthwhile for the water companies to review such charges, along with an education campaign (jointly with the waste industry) to promote food waste segregation and separate food waste collection services. For example, commercial bodies such as food retailers may choose to dispose to sewer food which has passed its sell by date, as this is effectively a free means of disposal as opposed to the cost of waste collection.

In relation to public sector premises, it may also be worth exploring a number of other options to control or discourage food waste disposal to sewer, for example through the body's environmental accreditation scheme or through its remit letter where applicable. It is also worth noting in this context that the application of a sustainable development duty on public bodies under the Future Generations Bill could provide a strong legislative basis for more sustainable waste management practices by the public sector, who should 'lead by example' in any case. Another possibility would be to encourage the exchange of good practice in waste management through the Welsh Government's Sustainable Development Charter scheme.

(ii) For households, a prohibition is not proposed in the White Paper and as we have suggested in our response to Question 23 above, a ban would be difficult and expensive to enforce against households and therefore alternatives should be explored effectively, such as those we have suggested above.

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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?***

The proposed lead in times seem appropriate. However, during this period, we would like to see the potential consequences of these regulatory interventions explored further.

We support the ambition to improve recyclate quality and to maximise the value of waste resources by ensuring they are not landfilled or burnt. However, the infrastructure and markets in Wales and beyond are not yet sufficiently mature to cope with additional availability of certain materials. This could result in these new regulations having perverse outcomes and unintended consequences which should be further explored to assess whether there are other (non-regulatory) interventions that should be introduced first, or as an alternative. For example, for many of the waste streams, there are few if any economic drivers demanding the use of waste derived materials. Without an increase in demand in the market (possibly with incentives for the incorporation of recyclate), further waste segregation and landfill or incineration bans could result in increased effort on collection with no proposed end use or where the end use does not provide a better environmental solution. Whilst it might be thought that further bans could provide a legislative driver for markets to develop, the market for recycled materials is a global one, and we suggest that the ability of legislative measures taken in Wales to influence that market is negligible. Similarly fluctuations in demand (for example due to recyclate market value) could drive inappropriate stockpiling (creating fire, pollution and amenity risks) or illegal export/disposal activities. We suggest that there is a need to further explore the potential consequences of these proposed regulatory interventions.

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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

We note the proposal for Natural Resources Wales to have a regulatory enforcement role in relation to segregation of wastes. We anticipate working with Welsh Government officials in developing the detail and guidance for any proposed arrangements. In particular, we welcome further discussion about Welsh Government's expectations for how these regulations should be enforced. As an example, the 'Duty of Care' provisions relating to the movement of waste give us the power to enforce a duty on a producer, although we do not have a strong regulatory locus to inspect premises. They then provide further tools for us as regulators to apply if there are other environmental concerns at a site.



We would wish to see any duty on Natural Resources Wales considered in the context of a wider discussion about the respective roles of those collecting waste from premises, be they private or public sector bodies.

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### **Question 27**

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

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

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

Nearly all sewers (both domestic and commercial) in Wales are owned and operated by the statutory sewerage undertakers. If disposal of food waste to sewer were to be banned, the impact of any unlawful activity would in most cases be a matter for in the day to day management of the company's own assets. On that basis, we do not believe that Natural Resources Wales is well placed to regulate this activity.

We suggest that industrial premises are already adequately covered by trade effluent discharges, which are regulated by the water companies.

We also propose that the relevant water companies are the most appropriate regulators for commercial premises. They may wish to discharge this role in partnership with local authorities who could undertake inspection checks on behalf of water companies and provide information on alternative disposal options, perhaps alongside their existing food hygiene inspection regimes for commercial premises.

In relation to the public sector, there is no distinction between private and public sectors in terms of the regulation of trade effluent by the water companies. As noted in our comments under Question 24 above, there may be additional means by which public sector waste disposal practices can become more sustainable.

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### **Question 28**

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

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As the potential regulator for these proposed measures, Natural Resources Wales would acquire a significant new enforcement burden. There is no indication in the White Paper whether this would be expected to be funded from within the current Environmental Permitting fees (specifically in relation to landfills and energy from waste facilities) at the expense of other aspects of site regulation, whether we would receive any additional Grant-in Aid or whether we could look to increase charges in future charging scheme years to cover the costs of additional regulatory effort. Equally there is no indication of any mechanism to cover the costs of any new duty on Natural Resources Wales to regulate source segregation of wastes.

We also recognise impacts on the waste industry and other businesses who will need to modify a number of the services they currently provide. Some of these changes are already being considered with the current progress on Technically, Economically and Environmentally Practicable guidance and the Materials Recycling Facility (MRF) Code of Practice.

In addition, when considering Local Authority Recovery Targets, Landfill Allowances Scheme and landfill tax, it is not yet clear that further regulatory interventions are necessary. We would like to see further voluntary measures to increase participation in recycling (for businesses) and by the waste industry to prevent recyclables being landfilled or burnt, considered alongside proposals for regulation and enforcement. All these measures are aiming to change behaviour and so there is also a need for education and campaigns by Welsh Government, waste service providers (private sector and local authorities), and other appropriate bodies, including Natural Resources Wales.

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## Carrier Bags

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### **Question 29**

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

Yes ✓

No

***Please provide comment***

We support this proposal.

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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***

We support this proposal, and of the Welsh Government's policy preference for environmental good causes to benefit from the proceeds. We also recognise a possible role for Natural Resources Wales to work with environmental charities to help inform how such monies could be put to best use to maximise the benefits for the environment and people of Wales.

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**Question 31**

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

We have no further comments on these proposals.

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### **Question 32**

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

Yes ✓

No

***Please provide comment***

We welcome this proposal and we are currently working closely with Welsh Government to assist with the inclusion of additional charging powers for marine licensing in the Bill. We are also liaising with other regulators to inform a fees review.

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#### **Question 33**

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

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

We support the creation of powers to enable us to charge fees in all these areas of work, and we would like to move towards full cost recovery for the licensing process.

Proposal SM1 would enable us to provide a better service to applicants in several ways:

- The power to recover the costs of post consent monitoring will enable Natural Resources Wales to grant longer licences through the inclusion of conditions to monitor the environmental impacts and removing the need to re-submit licence applications more regularly.
  - Having the powers to recover costs for variations benefits the licence holder by removing the need to resubmit a new application whenever changes that are
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not within the scope of the original application are required.

- By charging for pre-application advice, we will be able to dedicate more time to helping the customer at the crucial front end of the process by enabling us to resource the team appropriately.

In addition, in the interests of providing a better service overall, we may need to consider the question of whether Natural Resources Wales should develop a charging scheme for marine licence pre-application advice in the wider sense. This could cover charging for advice provided by specialist teams within the organisation, as distinct from recovering the costs of pre-application advice provided by the Marine Licensing Team specifically connected with the preparation of licence applications. Early dialogue with potential applicants for marine licensing is hugely beneficial in terms of the early identification of key issues and avoidance of problems later on. Being able to charge for such advice should enable us to provide a better quality of service and on a more sustainable basis.

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#### **Question 34**

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

Our response to this question is covered under question 33.

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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***

We support these proposals. In particular, the proposal to introduce enforceable management plans alongside the fishery orders themselves, should bring greater robustness and transparency to the Several and Regulating Order application process and facilitate the making of fishery orders in compliance with EU environmental legislation.

Under current arrangements applicants generally provide an Environmental Statement and a management plan, but neither of these documents are legally integral to the Several/Regulating Order itself. If the grantee acts in a way contrary to the

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management plan then the only legal avenue for enforcement that is open to Welsh Government is under section 5 of the Sea Fisheries (Shellfish) Act 1967. Section 5 requires a grantee to 'properly cultivate the ground'. However, the phrase 'properly cultivate' does not give Welsh Government the scope to enforce measures that are ancillary to the 'cultivation of the ground' but which are potentially damaging to protected sites or wildlife; for example, disturbance to birds or impacts to habitat features caused by gaining access to the fishery. The proposal to establish a legal link between the management plan and the Order could include conditions that seek to control such impacts and how the grantee should operate to avoid them. Under an amended regime to include legally integral management plans, Welsh Government will be able to use their enforcement powers if required in a transparent manner.

We believe that it is appropriate that Welsh Government enforcement officers have full Marine Enforcement Officer powers under the Marine and Coastal Access Act 2009 to enforce the 1967 Act if a grantee is acting outside the limits of their Order.

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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***

We believe that there are some complementary changes to the application process that could be adopted that would not require changes to 1967 Act, but could streamline the Several and Regulating Order application regime. This could include detailed guidance for applicants on the completion of application forms and the development of proforma type documents to encourage consistency and standardisation in the applications received. Examples could include site specific documents to be populated by the applicant to inform the relevant environmental assessment, and a standard proforma for management plans. Natural Resources Wales would welcome the opportunity to work with Welsh Government to develop such documents.

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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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We would expect this proposal to have a positive impact on Natural Resources Wales in terms of our engagement with Welsh Government and with fishery order applicants. It will provide a clearer legal and procedural framework for addressing the potential environmental impacts of proposed fishery orders, and how they can be mitigated and managed.

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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***

We support this proposal, which addresses a legal gap in the ability for all sources of flooding to be managed appropriately. It seems entirely sensible for Welsh Government or their agents to have powers of entry to determine compliance with an order made by an Agricultural Land Tribunal in relation to land drainage.

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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***

We support this proposal, which seeks to remove anomalies and make it easier to consolidate legislation.

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### **Question 40**

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

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In relation to proposal SM3, paragraphs 5.35 and 5.39 of the White Paper refer to the inspection role potentially being given to an agent or delegated drainage body. However, it is not clear whether Welsh Government is contemplating delegating this function to Natural Resources Wales. If this is the case, then we suggest that our delegated role should only relate to inspection rather than enforcement, and that the additional resource implications would need to be addressed.

## 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.**

We have no comments in relation to this question.

### Question 42

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

We refer you to the overarching comments on the White Paper that we have provided in the letter accompanying our responses to these consultation questions.

In addition we would like to make the following points:

#### **(i) Natural Resources Wales' Fishery enforcement powers**

In relation to paragraph 5.26 of the White Paper, we note and welcome the current review of fisheries enforcement powers under Part 8 of the Marine and Coastal Access Act 2009, and the intention to include additional enforcement provisions in relation to Several/Regulating Orders if existing powers are found to be lacking. In addition to this, we would like to take this opportunity to suggest that the Environment Bill should also include the necessary provisions for Natural Resources Wales fishery officers to have powers of arrest in relation to cockle fisheries. This is currently a



significant gap in our fishery enforcement functions, and undermines our ability to effectively regulate high profile cockle fisheries such as in the Dee Estuary and Burry Inlet. We would welcome the opportunity to discuss this further with Welsh Government officials.

## **(ii) Natural Resources Wales forestry functions**

Under the Forestry Act 1967, Natural Resources Wales is required to maintain a Regional Advisory Committee to advise on the management by Natural Resources Wales of the Welsh Government's forest estate and on the exercise of Natural Resources Wales' functions concerning the regulation of tree felling and re-stocking under Part II of the Act.

The 1967 Act also requires Welsh Ministers to appoint a committee of reference to consider appeals against decisions by Natural Resources Wales in relation to felling or re-stocking under Part II of Act, and report to the Welsh Ministers before the Ministers determine an appeal. Our long term aspiration is for all appeals against Natural Resources Wales decisions, including in relation to forestry matters, to be made to Welsh Ministers, and possibly handled through a central Tribunals process.

Natural Resources Wales and Welsh Government officials have had some initial discussions about whether a number of existing mechanisms could be modified to fulfil the above requirements under the Forestry Act, including in relation to appeals until such time as the appeal process is established. We have agreed a number of options worthy of further consideration. If these further investigations identify any legal obstacles to the modification of existing mechanisms, or if it is established that modification of existing mechanisms would not be an adequate means of fulfilling the requirements of the Act, we would wish to explore whether the Environment Bill might be used to remove those obstacles or to establish new mechanisms.

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## Environment Bill White Paper

23 October 2013 – 15 January 2014

Name

Organisation

Address

E-mail address

Type

*(please select one from the following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

## Chapter 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:***

We support increased segregation and collection of waste materials in order to avoid landfilling and encourage more productive uses. We would include the generation of renewable electricity as a productive use of waste wood (see answer to Question 21 on benefits of energy from wood).

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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 21**

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

Yes

No

Untreated Wood should not be banned from Energy from Waste facilities. We are concerned that the definition of Untreated Wood could include wood derived from forestry and arboreal operations (including logs, branches, stumps and ground brash), clean demolition wood, by-products from sawmill operations and offcuts from wood-based manufacture (such as furniture manufacture). All of these materials are used as feedstock to the WBE Bioenergy plant (near Port Talbot) – see answer to Question 28 for the impact of this definition on plant.

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

Yes

No

*If yes, what are they?*

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### **Question 22**

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

Yes

No

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

The proposal for ‘acceptable levels of contamination’ is not workable. Setting any minimum level of contamination for Untreated Wood will exclude the burning of Untreated Wood in biomass plants that are not Waste Incineration Directive compliant. Excluded wood would be likely to include clean demolition wood, by-products from sawmill operations and offcuts from wood-based manufacture.

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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:***

***c) Both***

***Please provide comment:***

The owners of the plant also invest in Anaerobic Digestion plants. Their existing investments include the use of food waste as a feedstock and they are therefore supportive of measures that increase the overall supply of feedstock.

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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?***

The timelines for compliance by Waste to Energy plants must exclude existing facilities. Investments into these facilities were made on the basis of the prevailing legislation and any change now would have a devastating impact on these existing facilities. Joined up policies must recognise not just current legislation but also existing legislation.

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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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### **About the Western Bioenergy Plant**

The WBE plant is a 'clean wood' plant as it is not certified under the Waste Incineration Directive (WID) to burn contaminated (including 'treated') wood. The plant burns around 150,000 tonnes per annum of 'clean wood', which is a mixture of logs, brash (from ground clearance), slab wood (offcuts from sawmill operations) and currently around 10-15% clean recycled wood (wood that has been mechanically altered but not chemically treated).

The WBE facility was built in 2008 with £12m of funding from the Welsh Government and the (then) Department of Trade & Industry. The plant also has a long-term wood supply agreement with NRW for over half of the plant's virgin wood requirements.

The Facility was recently bought by a group of investors that include the Government-backed Green Investment Bank. The investors bought the plant with the aim of investing in upgrading the facility to ensure its long-term viability, including an increase in the plant's capability to utilise waste wood feedstocks (up to 50%).

### **Impacts of Proposals**

If implemented, the proposed ban on using Untreated Wood in Energy-from-Waste facilities would lead to the closure of the Western Bioenergy (WBE) biomass power plant in Margam, Port Talbot. As a 'clean wood' plant the plant is not able to burn 'treated wood' as it is not WID-certified and cannot economically be converted to being a WID-certified plant.

There are a number of direct economic and environmental impacts of this potential closure:

- **Local economic impacts.** The plant directly employs 25 staff, as well as supporting a network of suppliers in the local forestry and engineering industries. The total jobs supported by the plant (both direct and indirect) is estimated at 133 (based on power industry multipliers in E&Y/Energy UK report: *Powering the UK 2013 Empowering UK growth, jobs and energy users through continued investment*, November 2013).  
The plant spends over £5 million per annum on wood supplies with NRW and other local suppliers and pays £300,000 in rates to the local council.
  - **Reducing CO2 emissions.** The WBE plant reduces Welsh greenhouse gas emissions by over 40,000 tCO<sub>2</sub>e per annum and by over 600,000 tCO<sub>2</sub>e over the remaining 15 years plant life.
  - **Renewable electricity production.** The plant generates over 120GWh per annum of renewable electricity that is sent to the Welsh grid – sufficient to meet the electricity needs of 30,000 homes each year.
-

- **Addressing larch dieback.** The plant is an important part of the NRW's efforts to limit the spread of 'Larch dieback' (*Phytophthora ramorum*) in South Wales and thereby the serious potential impact on the Welsh Forestry Industry. The WBE plant is certified to accept and burn infected trees.
- **Stimulation of the Welsh waste wood supply chain.** The WBE site burns around 150,000 tonnes of wood per year. Following planned upgrades the plant will meet up to 50% of this demand, around 75,000 tonnes, from waste wood sources. Today around 10% of the feedstock, 15,000 tonnes, is clean recycled wood. A WRAP report (Realising the value of recovered wood, Market Situation Report, Summer 2011) estimated that waste wood arisings in Wales are around 200,000 tonnes per annum and total 700,000 tonnes per annum in the neighbouring English regions (South West and West Midlands). Therefore, the WBE plant's recycled wood feedstock requirement (following enhancements to burn 50%) represents around 10% of arisings from Wales and the adjoining regions. Under these circumstances – with WBE accounting for a small proportion of the potential supply of waste wood – the plant has an important economic function in generating demand-pull and stimulating development of the waste wood supply chain.

We note that some concerns have been raised (although not in this consultation) over competition for scarce waste wood feedstocks from alternative end-uses. Our assessment suggests that such conditions are not apparent in the Welsh or UK market today. Bioenergy plants use only around 20% of UK waste wood arising. The major user of waste wood is panelboard manufacture, which uses around 45%. With regard to the local market affecting Western Bioenergy, we note that our plant is over 140 miles from both of the nearest panelboard manufactures in Chirk (North Wales) and South Moulton (North Devon).

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Helen Murray
<b>Organisation</b>	Pembrokeshire Local Action Network for Enterprise & Development (PLANED)
<b>Address</b>	The Old School, Station Road, Narberth, Pembrokeshire, SA67 7DU

<b>E-mail address</b>	helenm@planed.org.uk
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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 type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input checked="" type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

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## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes ✓

No

***Please provide comment:***

Proposals are good in principle, as long as they can be delivered.

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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:***

We appreciate that definitions will always be open to interpretation, so clarity and brevity will be important. We would be keen to emphasise the importance of the environment for its own sake (rather than wholly seeing it as a resource to exploit). We would like to see a strong connection to sustainable development i.e. that while it is a resource it is important that depletion is not allowed to happen and actually the focus should be on building up the resource (good husbandry).

A further observation would be that integration is much more than co-ordination, if it is to have the required effect. Facilitation of discussion / further 'working through' areas of contention will be required to arrive at consensus over and above simply bringing organisations / departments together if true integration is to be achieved.

It is not clear how the balance / hierarchy will be determined in terms of the varying principles. We would suggest the less room for 'interpretation' the better.

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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:***

We would support this proposal, but have concerns that there will be knowledge and understanding gaps that will impact on how this approach should be implemented. From our experience (without wishing to 'name names') there is a wide difference of opinion, and level of knowledge (as opposed to that gleaned from hearsay) both at national and local levels which in turn will impact on the delivery of the approach.

---

**Question 4**

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

Yes

No

***Please provide comment:***

In theory, the longer the timing of plans, the more sustainable they should be (allowing for adaptation and change).

---

**Question 5**

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

Yes

No

***Please provide comment:***

The approach in principle would be a positive step for the environment. However what is not clear is how these areas would be defined, and if so what priority would be given (i.e. habitat based, region based, policy / geography based). There seems to heavy reliance on catchment areas and in terms of management this may not be the most appropriate area based approach for instance where an area of habitat covers more than one catchment area. There will also need to be a removing of perceived 'barriers' across administrative boundaries etc. In order for all relevant bodies to be represented and come together, there will be the potential for a funding capacity issue in the community & voluntary sector i.e. the funds required for an officer or volunteer to attend would require the permission of a funder and therefore could be a barrier to full participation.

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**Question 6**

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

Yes

No

***Please provide comment:***

No opinion – our concern would be that it would lead to more layers of bureaucracy, rather than reduce them.

---

**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:*

Their co-operation is key – our concern would be whether individuals are sufficiently informed, or have regard for the wider role they might play in the approach.

---

**Question 8**

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

Yes

No

*Please provide comment:*

No comment – would mean that there would an opportunity for the independence of the reports to be questioned.

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**Question 9**

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

Although the joined up approach should be efficient in the long term, we see a capacity and training resource need for this new way of working. In addition for there to be true partnership working, non-public bodies will incur costs, often for no direct benefit. Also the nature of grant funding secured by these types of bodies may mean that although willing, time cannot be freed to undertake work outside that secured for the original grant proposal.

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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:*

---

**Question 11**

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

No comment

---

**Question 12**

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

Yes

No

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

No opinion

Our observation would be that to carry out the three roles might bring confusion. Therefore it would need to be transparent and each of the stages linked (e.g. would be very frustrating to get mixed messages from different stages of the scheme – would suggest that try the system first and then adapt if issues are identified).

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**Question 13**

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

Our view is that current powers should not be increased at present, but reviewed and adapted if there is an identified need (rather than perceived).

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**Question 14**

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

---

No direct comment, but our plea would be for clarity and brevity.

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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:***

Would always advise the 'try first and adapt later' approach.

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**Question 16**

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

No evidence to provide

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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:***

Generally yes, but would have some concerns over plastic, and the markets/uses for the lower grades.

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

Yes

No

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

No comment.

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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.***

Our concern would be that storage / holding of the waste may be difficult where premises do not have the space required for a variety of bins etc.

---



**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.*

As above, our concern would not necessarily be regarding the size or type of business, but rather where they are located and the availability of space for the various containers.

---

**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

No additional knowledge to comment.

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**Question 22**

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

Yes

No

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

Clarification is always welcome, but there is also a balance to be struck around information overload and associated bureaucracy.

---

**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:*

*Households*

*b) Businesses and Public Sector*

*c) Both*

***Please provide comment:***

In principle we would agree with this. However we foresee an issue with liquid food waste (particularly from households), e.g. milk, drinks where current collection does accommodate these types of food. Our view is that the aspiration should be for both – but there would need to be an additional commitment to raise awareness and facilitate the implementation of this

---

**Question 24**

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

As above we foresee potential difficulties in proving the source of contamination. Where enforcement is required, there ought to be support (information, guidance) available to encourage / implement a change of behaviour, alongside any penalties

*i)*

*ii)*

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**Question 25**

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

Yes

No

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

No comment

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**Question 26**

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

Yes

No

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**Question 27**

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

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

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**Question 28**

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

It seems to us that there should be further dialogue with the waste industry, to ensure that the suggested changes are workable / enforceable.

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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***

Our comment would be that in the 'bigger picture' what impact will this change actually deliver (compared to the administration etc. required to bring it to bear)

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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***

We have mixed views – we already know this happens, but the intention was to apply it directly to environmental benefit. Who will check?

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**Question 31**

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

Our view is as stated above – the focus of this seems at odds with the much bigger issues being discussed in the rest of the bill and so while it is fine to undertake, is it really a priority in face of other much larger concerns? (i.e. for resources to be put into what potentially will have little impact on the 'bigger picture').

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## **Chapter 5 - Smarter Management**

### **Marine Licensing Management**

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**Question 32**

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

Yes

No

***Please provide comment***

No experience to base comment on.

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**Question 33**

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

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

No comment, but would suggest that the marine industry must be involved in these decisions.

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**Question 34**

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

How will the proposals be assessed?

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**Shellfisheries Management**

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**Question 35**

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

Yes

No

***Please provide comment***

No comment

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**Question 36**

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

Yes

No

*Please provide comment*

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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*

The proposal seems on the surface to be very directed and with a 'non-ecosystem' approach (bearing in mind previous elements of the bill).

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**Question 39**

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

Yes

No

*Please provide comment*

No comment

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**Question 40**

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

It is unclear how land drainage orders and the ecosystem approach will interplay.

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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.**

**Question 42**

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

Our plea would be that proper consideration is given to local delivery and enabling local organisations to help implement this bill, rather than relying always on the 'easy' approach of a single national organisation delivery, who sometimes duplicate or override current local provision which then is to the detriment of what often is a more sustainable approach in the long term.

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

15 January 2014

Dear Sir / Madam,

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

Thank you for the opportunity to comment on the proposals in this White Paper.

### **The Institute for Archaeologists**

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 3,000 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors. IfA's Wales / Cymru Group has over 300 members, many of whom practise in the public, private and voluntary sector in Wales.

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

#### **General**

IfA welcomes the recognition in the White Paper that *'the natural and historic environments are inextricably intertwined and shape the character of the Welsh landscape. Management and interpretation of the natural heritage and the historic environment often have common needs and continuing to integrate approaches to their management will contribute to the well-being of the people of Wales through the delivery of social, environmental and economic benefits.'* (White Paper, paragraph 1.34).

However, the emphasis on 'natural resources' in that paragraph and elsewhere in the White Paper, risks marginalising the historic environment. Although the historic environment is an important part of 'landscape', heritage interests cannot be confined to a landscape scale and have a far wider relevance. Consequently, the touchstone for any Environment Bill should be a definition of 'environment' which fully and expressly encompasses both the natural and historic environment.

Furthermore, the Environment Bill needs to be part of a coordinated legislative programme in which statutory provision for planning, sustainability and the environment (including the natural and the historic environment) is connected, consistent and complementary. In this regard, IfA notes



(and welcomes) the references in the White Paper to integration with other legislation, but would like to see stronger and more overt links with the emerging Heritage Bill. The approach to ecosystems services will also need to be adapted more clearly to embrace the management and regulation of the historic environment.

The need for '*clear and consistent evidence*' in relation to the environment (White Paper, paragraph 1.33) is endorsed by IfA. Such evidence should include evidence with regard to the historic environment and, to this end, Welsh Government should provide statutory support for Historic Environment Records (HERs) maintained by expert staff.

In answering the specific questions below, IfA confines its responses to matters relating to the historic environment.

## **Specific Questions**

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

1.1 No. For the reasons outlined above IfA would like to see management of the historic environment more firmly embedded in the package of proposals.

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

2.1 No. IfA would prefer to see an approach which seeks to define and manage 'environmental resources' encompassing both the natural and historic environment. If the approach suggested in the White Paper is to be adopted it should proceed on the basis of a definition of 'the environment' which expressly includes the natural and historic environment and the proposed definitions should fully reflect that holistic approach. IfA welcomes the recognition (in the text box at page 18 of the White Paper) that 'natural resources' extend to 'landscapes' and thence to the historic environment. However, we would like to see an approach which recognises the natural and historic environment as equal partners rather than the latter being regarded as just one facet of the former.

### **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?**

3.1 Yes.

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

4.1 Yes, provided that such outcomes and actions include outcomes and actions for the historic environment.

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

5.1 Yes, provided that there remains adequate overview at a national level.

### **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?**

6.1 No comment.

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

7.1 Yes, provided that this includes co-operation in relation to the historic environment.

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

8.1 Yes, subject to the concerns expressed above.

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

9.1 No comment.

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

10.1 IfA agrees that NRW should seek ways of working that ensure that the environment is '*sustainably maintained, sustainably enhanced and sustainably used*' (White Paper, page 1). This should include working closely with Cadw and other stakeholders in relation to the historic environment.

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

32.1 IfA recognises the financial burden of administering the marine licensing system and the benefits of recouping at least some of the cost from 'users'. However, there should be latitude to exempt (or apply reduced rates to) small and medium-sized organisations and individuals (and, in particular, those involved in research and activities of a non-commercial nature). Many such licensees carry out marine conservation and other related work in the public interest and the imposition of significant charges may inhibit or preclude such work.

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

**i. pre-application costs?**

**ii. variation costs?**

**iii. costs of transferring of licences?**

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

33.1 See under paragraph 32.1 above.

**42. 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.**

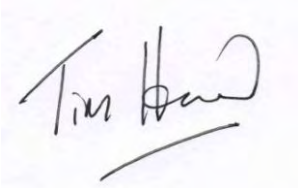
42.1 We are not aware of any such impacts.

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

43.1 No comment.

The Institute would be delighted further to contribute to the formulation of an Environment Bill for Wales. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read "Tim Howard".

Tim Howard LLB, Dip Prof Arch  
Policy Advisor

## **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**

**Name**

**Organisation**

**Address**

**E-mail address**

**Type**

*(please select one from the following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

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

**Academic bodies**

**Member of the public**

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

## Chapter 2 - Natural Resource Management

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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:*

South Hook LNG Terminal is a significant energy provider and an important customer of NRW, which should be recognised. We seek clarity, consistency, certainty, proportionality and fairness in how we are regulated.

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### Question 2

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

Yes

No

*Please provide comment:*

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### Question 3

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

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**both national and local levels?**

Yes

No

***Please provide comment:***

We support the crucial role of natural gas in securing long-term solutions to the energy mix. We aim to provide a sustainable, reliable operation and do not want our business investment or the basis on which we are permitted to carry out our business, compromised. We support climate resilience but it has to be balanced and proportionate with running a sustainable business.

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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:***

Whilst this might support short term prioritised management, this needs to be part of a longer term global strategy and outlook which needs to consider and sustain the requirements of business and encourage the business sector to invest and wider economic growth.

---

**Question 5**

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

Yes

No

***Please provide comment:***

The approach should be part of a risk-based, proportionate regulatory approach. It is important that it encompasses a balance between the strategic national importance of our business and the Haven energy sector in West Wales where a multi-million pound expansion within the energy sector has been experienced in the recent years. It should also take an appropriate, proportionate approach to regulation that takes into account the local area based sensitivity and give encouragement and support for businesses to invest and remain in this jurisdiction.

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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:***

As a strategic template, this approach should be refined based on site-specific risk assessments.

We support the role that the Welsh Government, through NRW has in promoting economic growth and development in Wales – the importance of which should not be underestimated, but could be best achieved through coherent and regular discussions between industry and regulator.

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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

No

*Please provide comment:*

We agree that NRW could be the lead reporting authority for natural resources in Wales.

**Question 9**

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

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South Hook LNG Terminal is a significant energy provider and an important customer of NRW, which should be recognised. We seek clarity, consistency, certainty proportionality and fairness in how we are regulated, with clear unambiguous communication of the legal requirements and what is expected. We welcome and support the continuation of recent initiatives by Government to consolidate and simplify regulation and legislation and to cut unhelpful red tape and bureaucracy which can hinder business.

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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:***

Innovative approaches are welcomed but should not alter the basis on which existing businesses are permitted to operate, or future business investment. Derogation should be provided for existing businesses to ensure no detrimental effect on commercial viability or the wider local economy, with a transitional approach to the implementation of new initiatives and innovative approaches to new developments only

New initiatives and approaches and ways of working need to be based upon sound science and the subject of formal prior environmental, economic and business impact risk assessments with individual formal cost: benefit analysis undertaken and approved by government before implementation. The same applies to other schemes including the proposed 'Payments for Ecosystem Services Schemes' and catchment based offsetting schemes. The effectiveness and success of the measures implemented under such (innovative) schemes must be proven retrospectively by periodic formal scientific monitoring and review, based on sound science. The monitoring and review programmes should be built in to the approaches at implementation stage and the review reports and findings published in the public domain. The efficiency of such schemes can thus be proven (or otherwise) and any continuation/ discontinuation justified.

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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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Derogation should be provided for existing businesses to ensure no detrimental effect on commercial viability or the wider local economy, with a transitional approach to the implementation of new initiatives and innovative approaches to new developments only

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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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We suggest that there needs to be an independent process of arbitration and appeal, to ensure fair and equitable implementation.

New initiatives and approaches and ways of working need to be based upon sound science and the subject of formal prior environmental, economic and business impact risk assessments with individual formal cost: benefit analysis undertaken and approved by government before implementation. The same applies to other schemes including the proposed 'Payments for Ecosystem Services Schemes' and catchment based offsetting schemes. The effectiveness and success of the measures implemented under such (innovative) schemes must be proven retrospectively by periodic formal scientific monitoring and review, based on sound science. The monitoring and review programmes should be built in to the approaches at implementation stage and the review reports and findings published in the public domain. The efficiency of such schemes can thus be proven (or otherwise) and any continuation/ discontinuation justified.

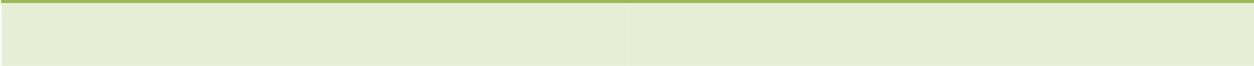
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#### **Question 14**

**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:***

In terms of the legislation and NRW functions we will support any clearly defined amendment process that takes into account the full realisation of South Hook LNG's criticality in the national infrastructure and the long term time horizons and global market that investors of these types of businesses operate within.

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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.**

There must not be an overly bureaucratic or complicated system and the legislation should be of a nature that is proportionate for industry, from both regulatory and financial perspectives. The response to question 15 should also be considered here

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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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Resource Management must not alter the basis on which existing industry is permitted to operate, or the investment strategies and commitments that companies have already implemented.

Whilst South Hook LNG is broadly supportive of the transition to the new proposals of integrated natural resources management, it may be beneficial to transition via application to new developments only and for established businesses to benefit from a derogation to minimise any detrimental economic impact or restrictions to existing operations.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### **Question 18**

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

Yes

No

***Please provide comment:***

Due to the rural location of our facility, we support the maintenance of the status-quo of co-mingled mixed dry recyclables and support the DEFRA interpretation that this 'is a legitimate separate, single collection stream'. This will promote and enable continued sustainable waste management in rural areas.

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

Yes

No

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

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**Question 19**

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

Yes

No

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

In rural areas, allowances must be made for the large transportation distances, comparative lack of facilities and cost implications which mean that bulking up and co-mingling of waste streams are an essential element of sustainable waste management.

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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.***

For South Hook LNG, recycling of food waste is not readily available and is therefore, not financially viable.

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**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

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**Question 22**

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

Yes

No

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

Supported, if developed on principles of sound science and impact assessment.

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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?*

We would suggest transitional arrangements and trial periods before full implementation.

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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**

**We would suggest a collective collaborative approach in keeping with the philosophy of open and transparent partnership working by the Regulators.**

*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)?**

We are based within a rural community and so the availability and financial viability of options must be considered.

## Carrier Bags

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### **Question 29**

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

Yes

No

*Please provide comment*

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### **Question 30**

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

Yes

No

*Please provide comment*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

No 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?
  - covering regulatory costs, via subsistence changes?
-



No comment

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**Question 34**

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

No comment

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**Shellfisheries Management**

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**Question 35**

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

Yes

No

***Please provide comment***

No comment

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**Question 36**

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

**Yes**

**No**

***Please provide comment***

No comment

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**Question 37**

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

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We would seek clarification and reassurance that such proposals would not have a detrimental effect on our existing and future Marine Shipping activities.

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

No

*Please provide comment*

No comment

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### **Question 39**

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

Yes

No

*Please provide comment*

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**Question 40**

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

We would expect a prior economic Impact Risk Assessment to be undertaken to ensure the legislative changes proposed are economically viable and will not introduce unreasonable economic or financial burdens.

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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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The role of natural gas in securing a long-term solution to the energy mix is crucial to sustaining existing and future economic health.

Whilst we align with the policies outlined, we aim to provide a sustainable, reliable energy supply and would not want our existing business investment or the basis on which we are permitted to carry out our business, compromised.

Regulation via existing and/or new approaches should be part of a risk-based, proportionate regulatory approach based on economic risk assessment and sound science and proven by ongoing monitoring and review. It is important that they encompass a balance between the strategic national importance of our business and the local Haven energy sector. They should also take appropriate, proportionate approaches to regulation that take into account the local area based sensitivity.

Please see our answers to questions 1, 3, 10, & 13 above.

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**Welsh Government White Paper:**

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

**Submission from ACS (the Association of Convenience Stores)**

**Introduction**

1. ACS welcomes the opportunity to respond to the Welsh Government's consultation. ACS is a trade association, which represents over 33,500 stores across the UK, including Spar UK, Nisa Retail, Costcutter and thousands of independent stores.
2. Our submission to the white paper consultation will focus on questions relating to RE6 and RE7 on enabling Welsh Ministers to provide for minimum charges on other types of carrier bag and to require sellers to apply the net proceeds of the charge to any good causes. Our evidence for the submission is taken from the ACS Voice of Local Shops Survey<sup>1</sup> and a member survey undertaken among members in November 2013. Both surveys are UK-wide but also provide Wales-specific information.
3. Convenience stores regularly dispense single-use carrier bags to the public; a number of our members already charge for single-use carrier bags, particularly in Wales and Northern Ireland where it is already mandatory, and some on a voluntary basis in England and Scotland where the levy is yet to be introduced.
4. Figures from our Voice of Local Shops Survey from August 2013 found that 62% of British convenience store owners support a single-use carrier bag levy, which includes Welsh retailers where the scheme is already in place, and in England and Scotland. In Wales, 82% of retailers cited their support for the carrier bag levy.

**RE6 - Enable the Welsh Ministers, by regulations, to provide for minimum charges to be set for other types of carrier bags in addition to the minimum charge currently set on single use carrier bags**

**Q29. 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?**

5. ACS does not agree that the enabling powers should be extended to provide for minimum charges to be set for other types of carrier bags, such as bags for life (low density polyethylene reusable bags).
6. According to ACS' UK-wide member survey of carrier bag use, 56% of the respondents representing more than 2300 stores sell bags for life, though in relatively low numbers.

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<sup>1</sup> <http://www.acs.org.uk/en/research/voice-of-local-shops-survey/index.cfm>

7. All members who responded to the survey answered that they charge at least 10 pence for bags for life, and typically ranged between 10-20 pence; this would suggest that the price is sufficiently high so as to avoid customers substituting single-use bags to bags for life once the charge is introduced. This would also indicate that retailers are not dispensing bags for life for free, apart from when customers are replacing their worn out bag for life.
8. As for the suggestion that extending the levy to include bags for life to ensure that these bags are not oversold and only used once, evidence from Wales shows that the levy on single-use carrier bags in fact encourages customers to re-use bags for life:
9. *“The numbers of Welsh consumers that were observed to re-use bags for life for all types of shopping (44%) was double that of Scottish shoppers (21%). Welsh consumers were also more likely to be taking their re-used bags for life in non-food shops (18%) and at independent stores<sup>2</sup>”*
10. Given the higher charge that retailers already operate for bags for life in their stores and consumers’ growing inclination towards re-using bags for life, it would appear that there is no need for other kinds of bags to be included within the scope of the levy within the regulations. Instead, efforts should be made to ensure that consumers are continuing the trend of reusing bags for life.
11. Some retailers also offer at cost other kinds of reusable bags to their customers, including hessian bags and cotton tote bags. It would be confusing both to retailers and consumers alike if certain bags (such as bags for life) were included in the levy and others were not included, or then included at a later stage. It is therefore preferable to retain the current system whereby single-use carrier bags are the only bags implicated under the charge.
12. In addition, if other kinds of carrier bag were also included within the levy, further administrative burdens for businesses would be created when having to report back their proceeds to Welsh Government. Given that consumers are already beginning to make more use of bags for life when they are purchased, this would be an unnecessary burden on business.

## **RE7 – Extending the scope of the application net proceeds**

### **Q30. 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?**

13. ACS does not agree that the enabling powers of the Welsh Ministers to require retailers to pass on their net proceeds to any good causes.
14. One of the largest benefits that Welsh convenience store retailers have seen since the introduction of the levy in 2011 is the increase in the funds that they are able to donate to charities and their local communities.

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<sup>2</sup> Zero Waste Scotland – Consumer behavioural study on the use and re-use of carrier bags 2012, pg. 5



15. ACS' Voice of Local Shops survey from August 2013 found that 76% of retailers across Britain are currently collecting money for charity (with an average of 74% across the English regions<sup>3</sup>) and that almost a quarter (22%) of British retailers are already charging for carrier bags (with an average of 16% in the English regions and Scotland where a mandatory charge has not yet been introduced). This large number of shops which are already donating money to charities and those stores already having introduced a carrier bag charge without a mandatory levy would suggest a levy would complement existing business practices.
16. The survey also shows that shops in Wales are most likely to raise money for charity, with 90% stating that they give money to good causes, in comparison with an average of 76% across Britain. Arguably, there is a strong correlation between this high percentage and the introduction of the carrier bag levy in 2011.
17. These results show that there is already a high compliance in Wales among convenience store retailers, despite the fact that a large number do not have to report back their proceeds to the Welsh Government as they have ten or fewer members of staff working in their stores. This would therefore suggest that the Welsh Government does not need to intervene further to encourage retailers to donate their proceeds to good causes.
18. It is interesting to note that in Scotland, where a charge for carrier bags is due to be introduced in October, small retailers that do not have to report their proceeds to charity are encouraged to display a poster in the shop window stating what charity they support. Consumers should also be encouraged to ask retailers where their proceeds are sent.
19. In addition to charities, convenience stores have also reported that they donate the proceeds made from carrier bag charging to other kinds of good causes such as local schools, including initiatives such as after school clubs. Other examples given by retailers have included donations to street parties to celebrate the Diamond Jubilee. These examples show that while a large number of retailers choose to support local charities, they are also supporting other kinds of initiatives and establishments that directly benefit the local community who then benefit directly from the proceeds made from carrier bag charging.
20. Given the pre-existing relationships that retailers already have with local charities and good causes and the fact that there is a high compliance among retailers that are donating to good causes, ACS believes it is unnecessary to extend the enabling powers, as it would create further burdens for retailers and could be detrimental to these positive relationships that exist between stores and the wider community.

## **Conclusion**

21. In conclusion, ACS members have been very supportive of the carrier bag charging scheme in place in Wales to date, as it has enabled them to save costs on dispensing carrier bags to the public and to strengthen ties with local communities through increased charitable giving through the proceeds made.

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<sup>3</sup> See Annex 1

22. However, ACS does not agree that Welsh Ministers should be enabled by regulations to include other types of bag within the scope of the levy or to require retailers to pass on their net costs to good causes as the current scheme is proving to be highly successful among retailers and the changes proposed would incur additional burdens on retailers.

***For further information, please contact: [Mair.Roberts@acs.org.uk](mailto:Mair.Roberts@acs.org.uk) / 01252 515001***

## **Welsh Government White Paper**

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

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

#### **Viridor Response**

**(Contact: Dan Cooke, Director of External Affairs. [dcooke@viridor.co.uk](mailto:dcooke@viridor.co.uk))**

#### **Introduction:**

##### **Viridor: Transforming Waste**

Viridor is one of the UK's leading recycling, renewable energy and waste management companies. Part of the FTSE 250 Pennon Group, the company provides essential recycling and waste management services in Wales and is currently investing £223 million in the Trident Park energy from waste facility in Cardiff. The project has created 270 jobs. It will help Welsh local authorities and businesses improve their resource efficiency and, with intended substantial combined heat and power output, will contribute to energy security in the Capital.

Viridor's full range of services includes: recycling and waste advice and auditing; advanced materials recycling; glass and plastics reprocessing; composting; mechanical & biological treatment; anaerobic digestion; waste to energy; transport; collection; landfill disposal; and habitat restoration and management.

Employing over 3,100 people, Viridor strives to be an environmentally, socially and economically sustainable business.

Viridor won two important titles (Health and Safety Best Practice and Best Communications Campaign) at the 2012 Chartered Institution of Wastes Management Awards for Environmental Excellence. Previously, Viridor's Lakeside energy from waste joint venture has won the CIWM Peel People's Cup for the best run facility in the UK, and Viridor is a recent 'Recycling and Waste Management Business of the Year' winner at the National Recycling Awards.

[www.viridor.co.uk](http://www.viridor.co.uk)

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

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

Whilst Viridor is supportive of pragmatic and practicable measures that will deliver greater resource efficiency in Wales, these must be delivered in ways that avoid unnecessary

additional cost and bureaucracy on Welsh businesses and the regulator, i.e. that are both economically and environmentally beneficial.

Unfortunately Viridor is unable to agree with the main elements of the proposals as the modelled premise and assumptions on which these proposals are based seem questionable, at least in part. For example, both 4.7: ‘...businesses will not be required to do much more than what many businesses are already doing...’, and 4.8: ‘As regards costs to business, research by WRAP in the hospitality sector has indicated that additional costs are likely to be low, depending on the extent to which waste management companies pass the economic benefits back up the supply chain...’, seem subjective assumptions not supported by the references laid out, or by wider evidence.

Recyclates are secondary commodities exposed to relatively volatile supply/demand/price fluctuations. The proposals should reflect this and be grounded to reflect market realities. There is clear risk of political reputational damage for Welsh Government in looking not only to increase cost and burden on businesses, local authorities and regulators, but also by proposing what could well prove to be largely redundant and impracticable legislation, i.e. landfill bans at a time when the economic drivers in place are ensuring that landfill diversion is in full train and that landfill disposal becomes a contingency option only.

With regard to combining the 5 measures, for the purposes of regulation and practicability it would seem sensible to combine the measures that are taken forward.

However, with regard to other materials or waste streams being included to sort or segregate separately, market conditions should primarily dictate what materials are separately collected and this can of course change over time. Such measures should therefore not be set by such arbitrary rules but should reflect what is economically, environmentally and socially viable given local infrastructure and reprocessing capacities. The acknowledgement that TEEP should apply partly recognises this.

It should also be noted in this context that commingled collections for dry mixed recyclables (excluding organics) – for both domestic and business properties – often offer the greatest flexibility (logistically and economically) to accommodate additional materials when markets become established, without compromising quality of secondary materials produced.

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

Whilst the principle of asking for recyclables to be presented separately by individuals and businesses is sound, it is certainly not appropriate for an increased range of materials to be presented and collected in a pre-segregated manner by all parties. A ‘one size fits all’ approach would be unnecessarily costly and cumbersome on collectors and businesses alike, and certainly should not be demanded of all councils, businesses, commercial operators and industry regardless of circumstances. Consideration and flexibility should instead be given to local arrangements aligned to available reprocessing infrastructure and services.

The proposals put forward under RE1 have significant potential to disincentivise the collections market whilst they remain unaligned to available markets and infrastructure. It is unclear as to why these proposals are so prescriptive as this is counter to economic/market realities and could incur significant burden, cost and environmental disbenefit, for example where markets for particular materials become depressed or are non-existent.

The proposal of regulation by NRW is also unclear with regard to how enforceable the proposals would be. They would also deliver additional functions, cost and burden on the regulator. Viridor is concerned that this diversion of resources could be to the detriment of NRW's focusing on dealing with and preventing real waste crime in the form of blatantly illegal and environmentally damaging activity which is still widespread (with a high risk maintained by current economic and legal drivers). This waste crime should continue to be the priority of waste regulation.

The proposals under RE2 appear to be unnecessarily prescriptive and again detached from market realities. The greatest levels of participation in recycling are achieved when collection systems are straightforward, easy and convenient for people and businesses. Much independent and valid research, along with market experience, bears this out<sup>1</sup>. Urban (and other) households and SMEs especially often do not have the space or storage ability for multiple containers for fully source segregated systems. This, along with the additional complication and media/community/political resistance, can result in lower participation rates.

The additional cost and bureaucracy imposed does not appear to have any corresponding economic, environmental or social benefit.

A choice of systems should be available for local authorities and businesses to identify and procure the most appropriate and cost-effective systems for their local conditions, needs and circumstances, rather than choice being restricted.

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

Consideration of business types or size should not be the defining division, but consideration of the available space and accessibility within the business, and the quantities and quality of each material stream that particular services or operations on any given site generate, is essential. On many small sites, the only way to accommodate additional material storage would be via more frequent collection, which again will increase cost.

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

Again it is unclear as to the enforceability of such proposals without putting undue resourcing (cost) onto the regulator.

1. WRAP Kerbside Collections Options: Wales. 2011 & WYG Review of Kerbside Recycling Collection Schemes in the UK 2010/11.

The potential political impact of enforcement action against businesses for non-compliance, where wider public benefit is unclear, also needs to be considered as a specific factor.

**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?**

Whilst measures to ensure that viably recyclable materials are not landfilled or used as fuel are laudable, the approach here is overly onerous on those parties with little or no influence on the presentation of material for landfilling or recovery. This approach could therefore cause unwarranted market distortion, reduced investment in facilities in Wales and reduced levels of renewable energy generated.

The proposals under RE3 are based on a stated purpose which is premature and unnecessary. The stated purpose to: 'Ensure that valuable recyclable materials/resources are not burnt' is not aligned to market realities, i.e. it assumes that listed materials always hold market value, which is naïve and inaccurate. It is also premature in that such materials are unlikely to be sent to EfW given other economic and policy measures in place.

It should also be noted that provisions within the Environmental Permitting regime make more than adequately provision for the practicable prevention of recyclable materials being sent for energy recovery (a real time example can be seen in the permit for Trident Park EfW in Cardiff).

Thus the proposals appear to be largely unnecessary, setting out a position that could discourage investment in infrastructure, and the accompanying jobs and economic and service benefits.

With regard to the materials list, if such materials arrived at an EfW facility, they would be highly unlikely to have any real value, and would likely be contaminated anyway.

This specific proposal appears to be lacking in pragmatism, carrying a risk of reputational damage to Welsh Government. Such proposals show a lack of faith and/or impact assessment in existent policy measures. They are certainly premature as there are currently only two EfW facilities in Wales, one being a low capacity plant using novel technology with a chequered history of operational efficiency, the other utilising robust technology but not yet operational. The proposals introduce additional cost, bureaucratic burden and uncertainty at a delicate investment point for vital infrastructure in Wales and the delivery of the Wales Waste Strategy itself.

Banning materials from landfill and EfW would leave them nowhere to go if there were problems with recycling facilities or markets, or if they were contaminated and there was no available EfW capacity. The materials list is too simplistic. There are many different types and grades of paper, plastic, card and wood. The markets, viability and practicability of recycling some grades will of course vary over time. If for instance, 'plastics' are banned, what would happen to those polymers that currently don't have a robust market? Stockpiling of such materials when markets are depressed is also unhelpful to further market development and stimulation.

It is unclear as to the proposed level of risk and responsibility that would fall on operators and waste carriers/collection authorities and companies sending waste to EfW facilities.

If implemented, the proposals as they stand would also distort the market. Anaerobic digestion and biomass facilities do not seem to be covered by the same duty, even though uncontaminated wood, paper or card is as, if not more, undesirable in an AD plant as it is in an EfW facility. Indeed previous studies have shown that energy recovery is the best environmental outcome for low grade paper and card and this is far more efficient via EfW than AD. In addition, uncontaminated wood is a key fuel of biomass facilities.

It is understood that some of these points could be clarified via the proposed guidance, but a level of ambiguity and uncertainty is still likely to remain regarding interpretation, enforceability and implementation. Guidance for operators, collectors, waste authorities and regulators may not prevent unnecessary cost and bureaucracy for little or unproven environmental, social or economic benefit.

Whilst many of the above mentioned points are also valid for the proposed landfill bans for certain materials under RE4, there is even greater risk of potential political reputational damage from this proposal. To introduce or consolidate effectively redundant legislation at the very time that landfill is becoming economically unviable, (it will certainly be so by the introduction date of 2017), seems naïve and unwarranted. This is further underlined by the forthcoming delegation to the Welsh Government of Landfill Tax controls and powers.

The fact that Welsh Ministers already have banning powers under existing legislation also serves to underline the over-the-top nature of these proposals.

As a real example, Viridor currently envisages that it will reduce its operational landfills across the UK from its current 21 to between three and five in the next three years. Landfill will only be required as a contingency outlet and for the disposal of truly residual materials of low or no calorific value and that cannot be physically reused or recycled. Proposed bans will therefore only serve to complicate already successful waste policy in action.

**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?**

As stated above, it is recognised that some of the key points could be clarified via proposed guidance. However, the level of ambiguity and uncertainty that is still likely to remain regarding interpretation, enforceability and implementation of guidance by operators, collectors, waste authorities and regulators, indicates unnecessary cost and bureaucracy for little or unproven environmental, social or economic benefit. RE3 states that the duty would fall on EfW operators and those sending wastes to such facilities, but it is not clear how the guidance would be directed at the latter. It is unclear where the responsibility for compliance is proposed.

The implication of the question is that the ban doesn't just apply to segregated materials but to materials within unsorted residual waste. This would require the EfW operator to provide an additional level of inspection for each load of waste which is delivered, and presumably to either reject a load or to remove offending material or to make judgements on the recyclability and value of materials within mixed waste streams. This is impractical and

unrealistic. If any duty needs to be placed on operators or waste producers it should be to ensure that the waste producer has appropriate measures in place to segregate waste where feasible and practicable to do so, as is the approach in Scotland.

Current Duty of Care legislation, and forthcoming e-DoC improvements should be workable measures enough. Any materials that are mixed and identified as theoretically 'recyclable' once delivered to an EfW or landfill are unlikely to have any value and the cost and environmental disbenefit of dealing with individual loads after this point far outweigh the theoretical 'benefit'.

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

Viridor is largely neutral on this proposal. Viridor remains unconvinced that a ban is preferable to sustained and effective communications and engagement campaigns on this matter, resourced and coordinated by the Water Industry and Welsh Government and local authorities.

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

No

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

If required, yes.

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

NRW is best placed as the appropriate and regulatory authority, although the regulatory and resourcing burden seems disproportionate.

**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?**

Probably the sewerage undertaker (as with existing power).

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

i. Wales, as with the rest of the UK, has identified the scope for increased amounts of renewable energy generation from waste sources, utilizing a combination of viable technologies. (Viridor calculates that up to 6% of total electricity could come from waste sources). The potential to deliver combined heat and power schemes at waste to energy projects could also significantly add to overall energy efficiency and Wales could develop best practice examples if these are encouraged.



ii. It is unclear as to how these proposals would affect the current and growing issue of the export of waste (as 'Refuse Derived Fuel' or Solid Recovered Fuel) for energy recovery. Welsh Government may wish to clarify this, particularly as these proposals seem designed to discourage investment in EfW infrastructure in Wales, counter to the Wales Waste Strategy, and to actively encourage waste export which is not subject to these provisions.

iii. The recycling, resource and waste management sector is a service sector providing solutions for dealing with society's secondary material streams and wastes. Outright bans often restrict capabilities to react to changes in market conditions, which ultimately dictate how society's resources are used. Overly prescriptive bans on generic material streams and prescriptive additional burdens on business are unhelpful to the sector and to Welsh businesses in this respect.

It would be unfortunate if government policy had the effect of reducing the appetite for private sector investment in Wales, whilst potentially limiting energy security and reducing the generation of renewable energy. Wales needs business choice, investment, jobs and energy.

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



10<sup>th</sup> January 2014

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

The National Association for Areas of Outstanding Natural Beauty (NAAONB) is a voluntary body whose membership includes all but one of the AONB partnerships<sup>1</sup> in England and Wales, as well as many of the local authorities with statutory responsibility for AONBs, a Trust which manages AONBs in Northern Ireland, and a number of voluntary bodies and individuals with an interest in the future of our iconic landscapes.

The NAAONB's work programme and governance structure reflects fully the devolved nature of government in Wales and it works closely with the Areas of Outstanding Natural Beauty (AONB) Partnerships of Wales to ensure that they remain well placed to deliver their purpose and statutory duties set out under Sections 85 and 89 of the Countryside and Rights of Way Act 2000.

The NAAONB welcomes the opportunity to respond to this consultation. Our comments are intended to be helpful and supportive. We would welcome the opportunity to expand on any of the points made in this response.

A handwritten signature in blue ink that reads 'Howard Davies'.

Howard Davies  
Chief Executive

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<sup>1</sup> AONB partnerships, with a lower case p, is the generic term used by the NAAONB to refer to AONB Partnerships, Conservation Boards and any other organisation recognised as the lead governance body for an AONB.

**The National Association for  
Areas of Outstanding Natural Beauty**

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## **1.0 General comments**

- 1.1 Whilst the main body of our response relates to the questions posed in Chapters 2 and 3 these wider comments, as well as picking up on broad principles or concerns, reflect our response to the content of Chapter 1.
- 1.2 The NAAONB welcomes the intention to frame economic, environmental, and social decision making within the wider context of achieving a more sustainable way of living. We welcome particularly recognition of the value of Wales' natural resources and the interdependent nature of their relationships with each other and with social and economic factors.
- 1.3 The NAAONB also welcomes the intention to simplify processes and plans, albeit with the important caveat that environmental processes and plans exist to help manage the often complex, poorly understood, nuanced relationships between nature and human interaction with natural processes.

## **2.0 The Case for Change**

- 2.1 The NAAONB strongly supports the intention, set out in the Case for Change, to address the issue of market failure around some environmental goods and services.
- 2.2 Building on the above point, the NAAONB would have expected to see some recognition that provisioning and regulating services can be managed through interplay of market forces, regulation, and incentivisation, whereas cultural services cannot. Protected landscapes deliver a disproportionately high level of cultural services but mechanisms to value them, pay for them, and manage them are not discussed. They do, however, represent a significant natural resource for Wales with important social and economic impacts. Greater emphasis should therefore be placed on these services currently subject to the impact of market failure, particularly if Wales is to utilise fully its natural resource capital effectively.
- 2.3 However, there is scope for Welsh Government to articulate better the relationship, and difference, between the natural resources of Wales and the services they provide. The current proposal (see 1.8) conflates the resource with the service and this conflation will impact negatively on future discussions around environmental limits unless properly addressed.

- 2.4 The NAAONB welcomes the important recognition that our biodiversity remains in decline, despite efforts to address this, and fully supports further development of a national approach, based on integrated management at a meaningful scale, to rectify this.
- 2.5 The NAAONB welcomes particularly the general point made in 1.13 on the need for a regulatory framework that allows for the integration of environmental, economic, and social considerations but has some concern that the underpinning role played by the natural environment in supporting the economy and society is missing from this paragraph. This leads to the impression that the proposals for regulation do not fully reflect the case for change set out earlier in the chapter.
- 2.6 The NAAONB is concerned with paragraph 1.14. Accepting that the current environmental legislative framework has evolved gradually over many decades, it is disingenuous to cite this evolution, in the case of AONBs, as being a response solely to environmental problems. The founding legislation for Areas of Outstanding Natural Beauty (AONBs) and National Parks was the *National Parks and Access to the Countryside Act of 1949* but this has been updated and consolidated in relation to AONBs through, primarily, the *Countryside and Rights of Way Act 2000 (CRoW2000)*. The *1949 Act* was a clear response to social need, and its intention to improve opportunities for recreation and access was, and still is, a positive economic driver. Whilst the term ‘special qualities’ exists in relation to the National Parks’ second purpose, it does not exist in relation to AONB designation and the phrase ‘preservation’ was replaced with ‘conservation’ through an amendment of the *1949 Act* by the *Countryside Act 1968*. Citing an erroneous and out of date reference to the legislative framework for AONBs in a case for change is unhelpful, notwithstanding the support that the NAAONB gives to furthering a progressive, more fully integrated approach to natural resource management. This, however, should be developed on the basis of a clear understanding of the benefits provided by the AONB designation and the existing application of the landscape approach to environmental management, itself an established mechanism to achieve integrated natural resource management.
- 2.7 The NAAONB is extremely disappointed that this error, despite being highlighted in our response to the *Sustaining a Living Wales consultation paper (May 2012)* remains integral to this consultation.

### **3.0 The Role and Functions of Natural Resources Wales**

- 3.1 *Article 4 of The Natural Resources Body for Wales (Establishment) Order 2012* ascribed the statutory purpose to NRW as set out in paragraph 1.24. The NAAONB is concerned that the purpose of Natural Resources Wales is open to interpretation and potentially inconsistent with the stated commitment to achieving sustainability.
- 3.2 The adverb 'sustainably' as used in 1.24 (1) relates to the verbs 'maintain', 'enhance', and 'use' rather than the condition of the object; the natural resources of Wales. The fact that one might enhance, use, or maintain the environment sustainably 'with a view to benefitting the people, environment and economy' says nothing about sustainable development. It is simply a purpose to ensure that the body 'benefits the people, environment, and economy' now and in the future through the maintenance, enhancement, and use of Wales' natural resources in ways that can be sustained. As the limits of sustainability in this sense are often political and financial rather than environmental or ecological, this is of serious concern.
- 3.3 Point 2(ii) does little to bring it back on course as it would be perfectly feasible to opencast all of Wales' coal, ration the coal such that it lasts for the next 100 years, landscape the opencast sites such that they provide some valuable, wildlife rich, amenity areas and do all of this comfortably within the definition of 'sustainable' as set out in (ii).

### **4.0 Legislative and Policy Context**

- 4.1 The NAAONB is pleased to see a clear link made between the *Environment Bill*, the *Future Generations Bill*, and the *Planning Reform Bill*. We would, however, welcome greater clarification of how these bills will interact and how delivery of the long term outcomes of the *Future Generations Bill* will be supported by the *Environment Bill* and the *Planning Reform Bill*, accepting that Town and Country planning is one of the main regulatory and decision-making mechanisms available to effect environmental change.
- 4.2 The NAAONB is delighted to see, in paragraph 1.34, the relationship between the natural and historic environment so clearly articulated, particularly in relation to the term 'landscape'. We are keen, however, to stress the importance of retaining the term 'landscape' within the draft definition of natural resources in order to fully reflect the suite of Wales' natural resources. We support fully the consideration of landscape in an integrated approach to natural resource

management. In particular we are pleased to see reference to the term 'natural beauty'.

- 4.3 The NAAONB supports the proposal for a 'natural resource evidence base' and stresses the importance of ensuring this includes those services that do not have a market value; those services and, predominantly, public goods that currently fall outside the market.

## **5.0 Chapter 2 – Natural Resource Management**

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

- 5.2 The NAAONB welcomes many of the proposals set out in Chapter 2. We support an area-based approach to integrated natural resource management and agree that establishing a legal definition for natural resource management should be the first step. In particular we agree that any definition should clearly highlight the fact that natural resource management is more than exploitation for economic gain.
- 5.3 We would value clarity on the relationship between statutory AONB management plans and natural resource management plans, and hope that this would encompass the valuable role that the State of the AONB reports would make in providing a sound evidence base.
- 5.4 The NAAONB supports the definition of sustainable management set out in 2.17 but is not convinced that the statutory purpose ascribed to NRW set out 1.24 is aligned with this definition. This is a fundamental issue that needs to be addressed at this stage.
- 5.5 The NAAONB agrees that the current system to protect, regulate, and manage the environment is complex but in outlining the complexity of the current system the paper fails to recognise that AONBs and National Parks are essentially enabling designations that recognise environmental constraints and approach them in an integrating way. Essentially the landscape approach is an effective mechanism to achieve integrated natural resource management. This is a significant omission and serves to reinforce misunderstanding, particularly when coupled with the erroneous assertion of paragraph 1.14.

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

- 5.6 Yes, the NAAONB agrees with this approach. The definition of natural resources could usefully make reference to seascape as this is currently missing and forms an important component of Wales' natural resource capital.

**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?**

- 5.7 Yes.

**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?**

- 5.8 Yes, because we believe that there need to be close links between the priorities for natural resource management and the outcomes set by the Future Generations Bill. Additionally it is essential that these outcomes are aligned with those in the policy statement for protected landscapes.

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

- 5.9 Yes. The NAAONB has long supported the notion that natural resource management, in particular ecosystem intervention, should be prioritised on the basis of risk and draw attention to the work of Land Use Consultants<sup>2</sup> in relation to this issue. This report makes a clear case that there is a striking correlation between ecosystem service delivery, pressure, and risk (effectively ecosystem hotspots) and the network of protected landscapes (Areas of Outstanding Natural Beauty and National Parks). We are surprised therefore that not more is made of the potential value of the protected landscape management plan in informing an area based approach to natural resource management.
- 5.10 Building on the above point, accepting that there is a correlation between the AONB designation and a richness of ecosystem service provision, it is incumbent upon us to identify the role that the designation, and all that it brings i.e.

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<sup>2</sup> *Land Use and Environmental Services, Final Report to the Environment Agency, Project no. SC080014, July 2009*

management planning, partnership governance, the duty to have regard, management teams, has in relation to maintaining/restoring/improving the functionality of ecosystems. The NAAONB would therefore expect to see explicit reference to the relationship between AONB management plans and any area based approach to natural resource management.

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

- 5.11 No. Cooperation and collaboration comes about as a result of an agreed shared direction, not compliance with a duty. The requirement for a duty of compliance highlights an immaturity of relationship and addressing this should be the focus of attention rather than the enforcement and monitoring of a duty. True cooperation requires behavioural change, cross sectoral understanding, and an environment within which collaborative systems and processes can flourish. The AONB Family has worked hard to instil a culture of co-operation and collaboration across its network, and continues to grow this area of work, expanding across the public, private and third sectors. This collective experience would make a valuable contribution to this area of thinking. Additionally, it is hard to see how this duty might apply to the private and third sectors; key players in achieving the desired outcomes.

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

- 5.12 Yes.

**6.0 Chapter 3: Natural Resources Wales – New opportunities to deliver**

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

- 6.1 The NAAONB does not support the proposal to enable Welsh Ministers to make changes to primary legislation through secondary legislation where this is needed to align NRW's duties with primary legislation. We do not believe that these powers are needed and we are concerned at the precedent being set for amending primary legislation without adequate scrutiny. This is not good practice. Furthermore, the NAAONB does not support an approach to legislative change that is not underpinned with a sound evidence base. The NAAONB, however, would be pleased to support the development of an evidence base to inform decision making.



- 6.2 In relation to the above the NAAONB is unclear how this proposal reflects the recommendations set out in The Welsh Government's Constitutional Affairs Committee Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years, February 2011. This would benefit from significant elaboration.
- 6.3 Specifically, the NAAONB does not support the proposal to enable Welsh Ministers to make specific changes to existing primary legislation, where it can be demonstrated that the current law is contrary to the definition, purpose and objectives of integrated natural resource management, and where all other means of addressing those issues have been exhausted. Currently there is no agreed definition for integrated natural resource management so it is not possible to support a proposal that is currently ambiguous.

**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?**

- 6.4 The NAAONB welcomes a PES system and agrees that NRW should have a major role as the facilitator of any scheme. We would be concerned, however, if NRW's role extended beyond facilitation and regulation without further insight into any mechanism for brokerage and accreditation. This does not mean we consider this role inappropriate in principle.

**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?**

- 6.5 We support neither option for the reasons outlined above.

**NAAONB  
January 2014**