

## 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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published.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>	X <input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>

	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>
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## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

No x

***Please provide comment:***

Whilst the Union has no objection in principal to the package of proposals outlined in Chapter 2, respondents to the FUW’s internal consultation highlighted the lack of clarity and detail in the document and believed that the strategy is already becoming bogged down in process rather than tangible outcomes which will have a real impact on the future sustainability of natural resources in Wales.

In engaging members on the proposals outlined within Chapter 2, it is clear that there is little understanding on the ground as to the implications of the Environment Bill and this should be of concern to Welsh Government if it wants to have buy in from landowners and farmers in terms of the ecosystem approach and its aspirations in terms of delivery and outcomes in the future.

The Definitions used in Figure (iii) need to be expanded so that people are aware that food is an ecosystem service as is energy production and wood for example. Currently the definition has no relevance for many people and this needs to be addressed if there is to be a wider acceptance of the concept from the wider public.

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**Question 2**

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

Yes  **X**

No

***Please provide comment:***

The FUW welcomes the inherent flexibility within the definitions as they stand, but is concerned that Welsh Government may seek to ‘tighten up’ elements of the wording before they are enshrined in statute, which could have unintended consequences for the sustainability of Wales both economically and socially further down the line.

It is also important to ensure that the definitions adopted as part of the common legal framework also reflects the displacement costs of having to import goods and services into Wales if disproportionate restrictions on businesses in Wales reduces their ability to remain competitive.

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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:***

Whilst the FUW is not opposed to this approach, the lack of detail on how climate resilience and climate change mitigation would be embedded into integrated resource management within Chapter 2, means that it is unclear how it would be slotted into a general legal framework.

The FUW believes that there needs to be a more focussed debate on how this would work in practise.

For example, much of the available methodology for Methane production and mitigation is based on crude ‘standards’ which are not reflective of the type of livestock or types of husbandry practised in Wales.

Available figures tend to be a crude representation of actual values in Wales, but are used to justify the reduction of livestock numbers without having to calculate the real costs in terms of carbon etc of having to import these products back into Wales.

If climate change mitigation measures are to have any real effects, Wales has to work at a UK level at the very minimum to ensure that any measures have realistic outcomes to benefit from the holistic approach that the Welsh Government aspires to.

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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 the FUW believes that 5 years allows insufficient time for natural resource management outcomes to be assessed, it accepts that Public sector organisations are embedded in process and that the reviews are required to justify this obsession.

In reality, providing there is sufficient flexibility within the approach to allow for change to be adopted swiftly should conditions dictate, a periodic review of outcomes should be sufficient.

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**Question 5**

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

Yes  **X**

No

Please provide comment:

The success or otherwise of an area based approach will of course be dependent on the areas chosen.

The use of unitary or regional boundaries is unlikely to have any real advantages although there is merit in taking a catchment approach which would allow the current river basin approach for Water Framework Directive purposes to be used to avoid duplication and to utilise some of the community regional and national networks which are already in place as part of this process.

From current reading of the consultation paper however the area-based approach envisaged seems, on the surface at least, to be far more complicated and there is real concern that creating additional levels or 'areas' will merely add to bureaucracy, create even more confusion on the ground and achieve very little bar 'jobs for the boys'.

Whatever system is agreed upon, it must be simple, realistic and be implemented with a robust communication plan to ensure that people at all levels get engaged with it.

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### **Question 6**

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

Yes  **X**

No

***Please provide comment:***

This approach is likely to take a great deal of time and resources to become mainstream and whilst there would seem to be an obvious path towards streamlining natural resource management plans in the future, the FUW believes that this should be an organic process which develops over time.

In the Unions own internal consultation on the White Paper, many respondents failed to get engaged with the document believing it to be ‘too big, too confusing and difficult to contemplate’.

If that is reflective of the wider public who seek to read these proposals, the Welsh Government will have its work cut out to ensure that people buy in to the strategy and get engaged with the process itself before looking at replacing existing structures.

The FUW is also concerned that there is no reference to farming or food production within the document and whilst it accepts that the Bill is directed at Environmental protection, given that farming is the predominant land use in Wales, its role within an ecosystem services approach needs to be acknowledged.

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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  **X**

***Please provide comment:***

The FUW believes that the Welsh Government should not use legislation as an unwieldy tool to force the public sector to fit into an area based approach, but should encourage them to co-operate in co-ordinating resources and or information and data as and when required.

The Union is genuinely concerned that Welsh Government seeks to micro manage everything through regulation and statute and believes that seeking voluntary co-working and sharing of information will have far greater long term benefits.

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**Question 8**

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

Yes  **X**

No

Please provide comment:

The FUW agrees that the NRW is best placed to be the lead reporting authority for natural resources.

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**Question 9**

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

Whilst the FUW supports in principle the move to a more collaborative approach to managing natural resources it believes that there will inevitably be a cost implication to this approach. In order to ensure adequate stakeholder representation and engagement across all levels envisaged by the proposals, consideration must be given to the financial and resource implications this will have on organisations such as the FUW.

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

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### **Question 10**

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

Yes

No

***Please provide comment:***

The FUW concur in principle with a number of the proposals set out in Chapter 3 in relation to new ways of working for NRW, although it cannot support the assumption outlined under 3.25 that legislation will underpin management agreements which would be laid as a charge under the Local Land Charges Act 1975.

The FUW is concerned that if landowners enter into management agreements with NRW, which involve financial compensation for some element of management, if, as has happened in recent years, the financial element is removed or eroded, under this proposal the charge would remain on the land irrespective of whether the actions are paid for or not.

The Union is also totally opposed to increased legislation and this would include the imposition of general binding rules.

The document believes that increasing legislation and regulation will reduce red tape and bureaucracy, however, the FUW believes that the Environment Act has the capacity to make farming totally uncompetitive in Wales through the introduction of additional sanctions.

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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**

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management?

The FUW believe there needs to be greater consultation and detail on this element of the proposals before it can comment fully .

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**Question 12**

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

Yes  **X**

No

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

The FUW supports this proposal in principle, although it would require far more detail before considering what if any, new powers might be required to help further opportunities for PES

### **Question 13**

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

The FUW has major reservations about this proposal and would need further details and safeguards before it could consider supporting any increase in NRW powers with regard to management agreements.

Management agreements should always be voluntary and the Union can not support any increased powers which could either coerce people into them or devalue land through an entry on the land register.

The UK has a statutory SSSI system which designates land based on scientific principles, whilst these designations can be registered as a charge on the land title, a management agreement should not.

Concern has also been expressed at the inferences in paragraphs 3.24 and 3.26 where inferences about organised flooding of farmland to manage flood risks has been flagged up.

The FUW believes this could have significant implications for farming in terms of damage to land, loss of grazing and crop land in addition to the devaluation of the land as an agricultural asset.

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### **Question 14**

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

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As outlined above, the Union has reservations about the introduction of General Binding rules and would require far more detail and reassurance about their use before it could support any such moves.

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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**  **X**

**B**

***Please provide comment:***

The FUW believes that the Welsh Government should curb its enthusiasm for regulation until it is required. The NRW has only recently been established and it is important to let it bed in effectively before assessing whether it requires any additional powers.

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**Question 16**

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

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The lack of any real detail within the document makes it difficult to judge whether there are areas of potential conflict, although on the face of it the presumption to increase the level of regulation is likely to increase conflict and bureaucracy on the ground.

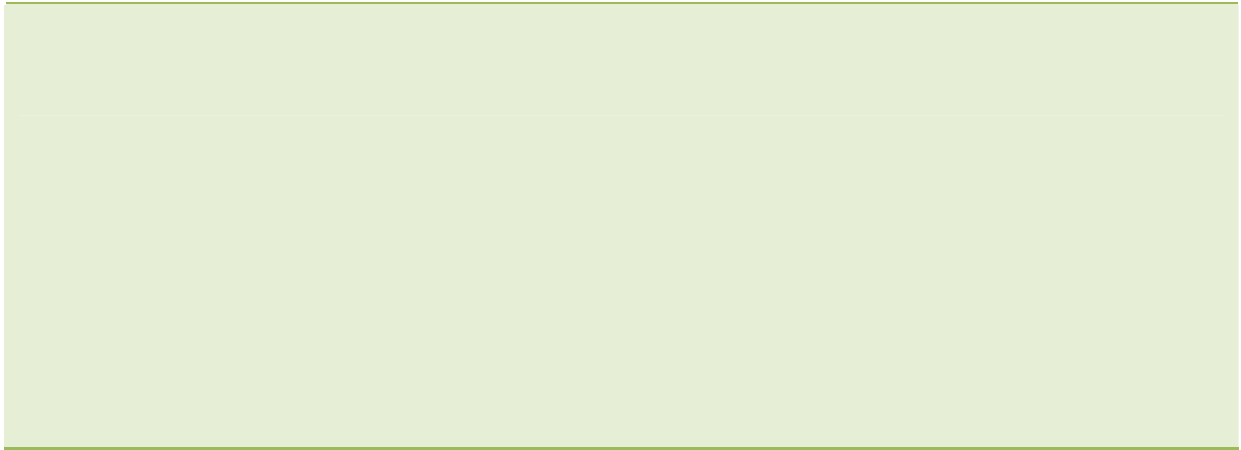
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**Question 17**

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

The proposals have the potential to greatly increase the level of regulation and bureaucracy on landowners and there is a need to ensure that there is a presumption in favour of collaboration rather than coercion if the NRW and Welsh Government is to realise its aspirations in terms of the environment and wider sustainable development.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

Yes  **X**

No

***Please provide comment:***

The FUW supports in principle the package of proposals in Chapter 4 and the Welsh Governments recognition under this Chapter of the need for businesses to remain competitive and not unduly Impacted by increased regulation.

Most of the proposals seem to have been subject to a cost benefit analysis and the results show minimum impacts on businesses which is to be welcomed.

Concern has been expressed that much of the current recyclate is exported abroad for treatment and it is extremely important that the impact of this, in terms of carbon footprint and social effects this practise has on developing nations is incorporated into the strategy.

The document highlights potential employment opportunities for recycling and waste recovery, but it must also ensure that domestic businesses are not suffocated by over zealous regulation and permitting requirements which are not being required by competitors from outside Wales.

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

Yes

No  **X**



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***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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As outlined in the document, there is a need to evaluate the cost benefits of requiring individuals/businesses to segregate all recyclable waste and the impact this will have on SME's and micro businesses.

If the impact is small and the level of segregation not too onerous then it could be a useful method of maximising recycling, providing the benefits are accrued to Wales.

The suggestion that recycling could be incentivised by lower costs to those that actively clean and segregate waste should be considered.

**Question 20**

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

Yes  **X**

No

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

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Maybe.

As outlined above, there is need for the cost benefit analysis work to be done before there can be any informed comment on this question.

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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  **X**

No

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

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**Question 23**

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

Yes  **X**

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both x

b) Businesses and Public

*Please provide comment:*

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There is a need to promote the problems associated with the release of food waste to sewers at both business and public sector level and a household level where there is likely to be a cumulatively greater impact due to genuine ignorance of the effects these practises have on the sewer networks.

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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?**

*All sectors would need to be targeted by high profile communication strategies. Current known dischargers can be stopped and monitored, but the costs of testing every domestic or even public and business sector premises is unlikely to be cost effective.*

*i)*

*ii)*

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**Question 25**

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

Yes  **X**

No

***If no, what alternative lead in time would you suggest? Although these lead times would be subject to change pending public information strategies and putting in place realistic monitoring regimes.***

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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**

The FUW believes that local authorities should also be part of the regulatory framework as the NRW is unlikely to have sufficient resources to effectively manage every aspect of the proposed new approach.

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**Question 27**

**In your opinion, who is the most appropriate body to regulate the bans on**

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**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)?**

Until a cost benefit analysis of the impacts can be evaluated, the FUW is not in a position to comment on the impacts of these proposals on the land based sector.

## 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*

Whilst the FUW supported the concept of the introduction of a minimum charge for carrier bags, it believes that the current proposals to extend the enabling powers of Welsh Ministers to set minimum charges for other types of carrier bags to be pedantic and bureaucratic.

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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***

As it is clear that the majority of the public believe that there is already an obligation on retailers to use the net proceeds raised from the sale of single use carrier bags to give to good causes in Wales.

Whilst the FUW does not believe that the monies should be limited to environmental good causes, it agrees that powers may be needed to ensure that those retailers not currently passing on the net proceeds of the charge to any good causes are required to do so in the future.

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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 FUW has no comments on this proposal*

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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?



***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  **X**

No

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

The FUW concurs that clarifying the law with regard to creating a right of entry to land to enable Welsh Government agents to investigate compliance with an Agricultural Land Tribunal Order, will be of benefit to landowners.

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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  **X**

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

Whilst the Union accepts there may be benefits in being able to consolidate on or more Water Acts, in terms of streamlining and perhaps the reduction of red tape.

There is concern that until there is a demonstrable need for such powers and there has been an adequate cost benefit exercise undertaken to assess the impacts of any such changes, merely conveying power to Welsh Ministers is premature.

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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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FSB Wales

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Environment  
Bill White Paper

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15<sup>th</sup> January 2014

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## **Environment (Wales) Bill White Paper**

### **The Federation of Small Businesses Wales**

The Federation of Small Businesses Wales welcomes the opportunity to present its views to the Welsh Government on the proposed Environment (Wales) Bill White Paper. FSB Wales is the authoritative voice of small businesses in Wales. With 10,000 members, a Welsh Policy Unit, two regional committees and twelve branch committees; FSB Wales is in constant contact with small businesses at a grassroots level. It undertakes a monthly online survey of its members as well as an annual membership survey on a wide range of issues and concerns facing small business.

#### **Introduction**

The Environment (Wales) Bill will provide the Welsh Government with its first opportunity to change the landscape of environmental regulation in Wales and FSB Wales welcomes the opportunity to input into this process. Businesses across Wales frequently come into contact with the new environment body Natural Resources Wales, it is therefore vital that in its role as a regulator it is acutely aware of the sensitivities of the business community. We hope the Welsh Government will take the opportunity to ensure this sensitivity is delivered in practice and uses the Environment (Wales) Bill as a means of delivering this.

#### **Framework Bill**

The White Paper confers a number of additional regulatory powers on bodies such as Natural Resources Wales and the Welsh Government. FSB Wales is concerned that a framework Bill of this nature does not provide sufficient detail on the proposals that it is meant to implement. For instance, there is very little detail on how regulatory powers in relation to waste are going to be exercised by Welsh Government. This information is vital in responding to the impact of the Bill to SMEs in Wales.

The nature of the proposals suggests that the detailed policy and implementation will be devised and consulted upon via subsequent regulatory powers. FSB Wales believes this approach, while necessary in some instances, is not beneficial in the current context. There are potentially significant increases in regulatory burdens from the Environment (Wales) Bill that will not be subject to detailed scrutiny. Regulation in the National Assembly is usually subject to scrutiny via the negative or affirmative procedures and both command lower levels of scrutiny than primary legislation.

FSB Wales therefore calls on the Welsh Government to ensure that the regulatory powers conferred on Welsh Ministers are narrowly focused on policy objectives and that the accompanying detail is debated during the passage of the Environment (Wales) Bill. Regulations in relation to waste collection should be made by the affirmative procedure to ensure a level of scrutiny in the National Assembly for Wales. There should also be consultation on the regulations in the drafting process.

#### **Area-based approach**

FSB Wales has some concerns regarding the 'area-based approach' and the proposal not to prescribe a specific process for the area-based approach on the face of the legislation. While we appreciate the need for flexibility, at present, there is not enough detail on how this might work in practice,



other than the example given of river catchment areas. There is considerable detail on how resource management will be addressed once areas have been identified but it is difficult to see how areas can work coherently across Wales (2.43, consultation document) without any kind of guiding principle, especially with no initial requirement for full coverage across Wales. There is no indication of the number of areas envisaged or even a minimum size. Rather than proposing a power for Welsh Ministers to give further direction in relation to the process, location and scope, and matters to be considered for the area-based approach by secondary legislation, clarification should be provided.

### **Natural Resources Wales – Regulatory Powers**

A significant portion of the Environment Bill White Paper relates to the granting of regulatory powers to Natural Resources Wales. FSB Wales is concerned that regulatory bodies in Wales pay little regard to Better Regulation principles established elsewhere in Europe. Significant work has been undertaken by both the Scottish and UK Governments to promote efficient and equitable delivery of regulation that has not been replicated in Wales.

For instance, there is no requirement for Welsh regulators to comply with the Regulators Compliance Code that applies in England. This code enshrines elements of the Hampton principles that seek to deliver risk-based and proportionate regulation on businesses<sup>1</sup>. The Scottish Parliament is currently debating the Regulatory Reform (Scotland) Bill that will allow the Scottish Government to set up a similar code<sup>2</sup>. FSB Wales believes a similar approach should be undertaken in Wales, particularly following the referendum on further devolution in March 2011 that conferred extensive primary legislative powers on the National Assembly for Wales.

While there is no regulators compliance code in existence at present in Wales, the Environment Bill should endeavour to place compliance with Better Regulation principles as set out by BIS on a statutory basis. Therefore, this section of the Bill should include a statement in favour of Better Regulation in delivery of NRW's regulatory functions as well as a mechanism for regular reporting on performance.

### **Resource efficiency**

#### **1) Separate collection (network effects)**

FSB Wales believes small firms in Wales are ready and willing to play their part in increasing recycling rates in Wales in line with the Waste Framework Directive. While many of the details are absent from the current consultation, it is envisaged that the Welsh Government would use the powers obtained via the Environment (Wales) Bill to place a requirement for waste producers to sort an

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<sup>1</sup>The Hampton Principles are quoted on page 16 of the report - Welsh Government. 2009. *Inspection, Audit and Regulation in Wales: Policy Statement* [Online]. Available at:

<http://wales.gov.uk/docs/dpsp/publications/inspectionpolicystatement/090930inspstatemenen.pdf>

(accessed 18th September 2013).

UK Government. 2013. *Regulators Compliance Code* [Online]. Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/262915/13-1016-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262915/13-1016-regulators-code.pdf) (accessed 9th January 2014).

<sup>2</sup> Scottish Parliament. *Regulatory Reform (Scotland) Bill* [Online]. Available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/61582.aspx> (accessed 9th January 2014).



additional three types of waste as well as food waste. The current White Paper also suggests powers would be given to the Welsh Ministers to regulate the market for waste collection.

FSB has previously voiced concerns on the issue of the waste collection market in response to the Waste (England and Wales) Regulations 2011<sup>3</sup>. This issue has also been discussed by the Eunomia reports commissioned by the Welsh Government in November 2011 and May 2013 under the auspices of 'network effects'<sup>4</sup>. In relation to a duty to sort, without intervention in the collection market, the 2011 Eunomia report states that:

*“As this option does not make any significant change to the collection market, collection densities will improve somewhat as a result of the additional take-up of services but are assumed not to change substantially... in some areas this will make it difficult for the potential financial savings from recycling to be realised by businesses if bins are collected before they are full.”<sup>5</sup>*

The report further states that placing a duty to sort without intervening in the collection market could result in additional costs where customers are unable to realise savings from reduced residual waste collections<sup>6</sup>. Furthermore, evidence provided in both the November 2011 and May 2013 Eunomia reports suggested that proper intervention in the market could increase densities and lead to a reduction in collection costs for waste producers of around 25 per cent<sup>7</sup>.

This was based on the assumption that local authorities would be able to regulate the nature of competition in local areas and specify the number of operators who can operate in order to promote transparency of cost (potentially via weight based charging mechanisms) and increase collection densities. Given the scope of materials included in the proposals, moving towards a weight based charging mechanism could be required to ensure those firms who produce very little of certain waste categories aren't being charged punitively by collection arrangements. This would also allow for greater flexibility in relation to size of firm.

FSB Wales is concerned that this aspect has been neglected in the current White Paper proposals. This is particularly important as the impact of the duty to sort on waste producers is at present uncertain and will depend largely on the nature of local waste collection markets. The third Eunomia report commissioned by the Welsh Government in September 2013 to inform the White Paper

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<sup>3</sup> FSB. 2012. FSB response to consultation on amending the Waste Regulations 2011 on the separate collection of recycling.

<sup>4</sup> Eunomia. 2011. *Options for the Segregation and Collection of Welsh I & C Waste: Report to the Welsh Government* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131014options-for-segregation-of-industrial-and-construction-waste-en.pdf> (accessed 9th January 2014).

Eunomia. May 2013. *Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131021additional-waste-policy-options-en.pdf> (accessed 9th January 2014).

<sup>5</sup> Eunomia. 2011. *Options for the Segregation and Collection of Welsh I & C Waste: Report to the Welsh Government* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131014options-for-segregation-of-industrial-and-construction-waste-en.pdf> (accessed 9th January 2014). p.47

<sup>6</sup> Ibid. P.48

<sup>7</sup> Ibid. P. 56



states that regulatory activity, combined with a marketing programme, would be enough to ensure the duty to sort is adequately enforced. The document further states:

*“Achievement of this performance in the absence of an accreditation scheme for waste collectors will be highly dependent upon the success of the communications campaigns aimed at businesses and on the visibility of the regulatory regime”<sup>8</sup>.*

Given the concerns raised previously around the method, approach and delivery of regulatory functions by bodies in Wales, FSB Wales is not convinced that reliance on a communication campaign alone will produce the desired results. As such, FSB Wales believes the Welsh Government should give more detailed consideration to this aspect of reform to accompany the Environment (Wales) Bill. This could reduce costs on businesses as identified in previous research (see Figure 1) and reduce the costs on businesses as highlighted in the most recent Welsh Government proposals (see Figure 2).

**Figure 1**

OPTION DESCRIPTION		Requirement to introduce separate collections for green waste	Restriction on material landfilled enforced at landfill	Restriction on material landfilled enforced at incinerator	Requirement to sort on waste producer. No intervention in collection market	Requirement to sort on waste producer. Single collection contract per area (2-3 per LA)
Environment	Damage costs (air emissions)	-£3,933	- £4,596	- £4,596	- £8,165	- £8,165
Waste management business	Collection & treatment costs	-£4,810	- £5,622	- £5,622	- £9,987	- £11,816
	Risk of stranded assets	Minor	Minor	Minor	Minor	Potentially more significant
	Admin costs	£151	£1,178	£1	£695	£2,175
Business Waste customer	Regulatory costs	£277	£277	£277	£277	£277
	Cost of waste services	May result in cost reduction; depends on local circumstances and collection arrangements. May result in additional costs where customers are unable to realise the savings from reduced residual waste collections				Annual costs expected to be reduced by at least 25%
Welsh Government	Regulatory costs; communications; contracting costs	£ - -	£ - -	£90	£94	£89
Local authority	Contracting process	£ - -	£ - -	£ - -	£ - -	£3,236
Environment Agency	Regulatory costs	£79	£98	£70	£1,178	£1,178
Accreditation body	Regulatory and admin costs	£ - -	£ - -	£ - -	£285	£ - -
Third Sector	Anticipated impact	Uncertain, probably minimal impact	Uncertain, probably minimal impact	Uncertain, probably minimal impact	Uncertain, probably minimal impact	Uncertain
<b>TOTAL OPTION COSTS</b>		<b>£1,588</b>	<b>£2,817</b>	<b>£1,702</b>	<b>£4,772</b>	<b>£7,370</b>
<b>Notes:</b> 1. Negative number represents a benefit to society. 2. Separately identified costs include some overlap with regard to the benefits obtained through avoided landfill – this is included under both environmental impacts and benefits to waste management businesses (the latter relating to cost savings through avoided landfill tax). This overlap is removed in the total option cost. Totals also do not consider the cost to Welsh businesses but this is included to a large extent in the financial cost of collection and treatment to						

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<sup>8</sup> Eunomia. September 2013. *Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer Aggregated Outputs for Welsh Government White Paper*. [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131021additional-waste-policy-options-aggregated-outputs-en.pdf> (accessed 9th January 2013). P.5.

<sup>9</sup> Eunomia. May 2013. *Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131021additional-waste-policy-options-en.pdf> (accessed 9th January 2014). P. 17

The potential for network effects to have a disproportionate impact on certain localities and sectors is recognised in the consultation document and FSB Wales welcomes the willingness to further research the implications of the proposals on small firms. The results of research into this matter must now be seriously considered before the Environment (Wales) Bill is laid before the National Assembly and should feed into a detailed and rigorous impact assessment. If this issue is not examined further and resolved, there is a real danger that the costs of additional sorting and collection will be shouldered only by the firms producing waste, while the financial benefits would accrue at later stages of the recycling process.

**Figure 2**

		Total costs, £ 000					
		rWFD	Landfill restriction	Incineration restriction	Requirement to Sort	Food waste disposal to sewer	All options combined
No SWMP	Environmental	-£12,486	-£47,552	-£47,552	-£143,209	£221	-£151,959
	Waste businesses	-£12,576	-£31,559	-£31,559	-£82,345	£2,465	-£84,939
	Admin cost to business	£496	£1,783	£0	£2,690		£4,961
	Water treatment costs					-£11,663	-£11,663
	Welsh Government		£45	£45	£227		£144
	Local authority						
	NRW		£98	£70	£1,216		£1,359
SWMP	Environmental	-£12,463	-£47,129	-£47,129	-£141,196	£221	-£150,090
	Waste businesses	-£12,589	-£31,553	-£31,553	-£82,274	£2,465	-£87,328
	Admin cost to business	£496	£1,783	£0	£2,690		£4,961
	Water treatment costs					-£11,663	-£11,663
	Welsh Government		£45	£45	£227		£144
	Local authority						
	NRW		£98	£70	£1,216		£1,359
Notes							
Separately identified costs include some overlap with regard to the benefits obtained through avoided landfill – this is included under both environmental impacts and benefits to waste management businesses (the latter relating to cost savings through avoided landfill tax). This overlap is removed in the total option cost (shown in Table 2). Totals also do not consider the cost to Welsh businesses but this is included to a large extent in the financial cost of collection and treatment to waste management businesses. Similarly, changes in household waste management costs may also be passed on to local authorities (not shown in the table).							

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## 2) Separation of waste by producers

The White Paper suggests powers would be given to the Welsh Ministers to regulate both waste collection companies (as discussed above) and waste producers. FSB Wales believes that any duty must take into account the size of firm and their capacity to respond to the duty's requirements. For instance, the additional space required to store recyclable materials before collection could place significant strain on businesses operating from small premises. A result could be that firms seek larger premises that would inevitably incur increased costs in rent and non-domestic rates.

A duty already exists to some extent under the Duty of Care, however the proposals would extend this to include additional materials. This issue was considered in detail in all three Eunomia reports.

<sup>10</sup> Eunomia. September 2013. *Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer Aggregated Outputs for Welsh Government White Paper*. [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131021additional-waste-policy-options-aggregated-outputs-en.pdf> (accessed 9th January 2013). Table 3.





The original proposals suggested regulating the accreditation scheme for collection companies would in effect increase the obligation of commercial and industrial organisations by nature of the Duty of care.

This idea has now been abandoned in favour of a direct duty on both collection companies and waste producers. FSB Wales has concerns about the implications in relation to the regulatory burden for small firms in Wales.

The November 2011 Eunomia report suggested placing the regulatory burden on collection companies via an accreditation scheme would have numerous benefits, including embedding practical obligations at all stages of the chain between waste producers and final disposal facilities<sup>11</sup>. Furthermore the document states that:

*“Critically, this approach makes it practical and affordable to regulate the new arrangements with the focus being largely on ensuring that a few hundred waste collection companies are providing services in such a way as to maintain their accreditation. Regulatory authorities do not need to attempt the much more difficult task of checking the approach taken to waste presentation by each of the many thousands of Welsh businesses, although a regular sample should continue to be inspected.”<sup>12</sup>*

In the revised report in September 2013 to inform the White Paper, the suite of interventions were modified to remove intervention in the collection market. The result is a greater onus of regulation on the requirement for waste producers to sort, with the document stating that:

*“In the current version of the analysis it is assumed that the accreditation scheme is not required. Regulatory activity is deemed sufficient – along with additional marketing activity – to regulate the requirement to sort as the model continues to assume that 10% of businesses will be inspected by Natural Resources Wales staff... We have modelled the effects of the policies on the assumption that the inspection regime modelled in this analysis is to be actively regulated. Effective regulation will be a key determinant in ensuring Wales achieves the recycling rates of business waste assumed in this model where the requirement to sort is implemented.”<sup>13</sup>*

FSB Wales believes it is vital that the burden of regulation is placed in a way that minimises the impact on businesses. Clearly, the statement in the report in favour for an ‘actively regulated’ duty suggests individual firms will be more onerously regulated by Natural Resources Wales. This approach, essentially placing much of the enforcement burden on waste producers, should be reconsidered. Failing that, FSB Wales feels that it is essential the White Paper contains a statement

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<sup>11</sup> Eunomia. 2011. *Options for the Segregation and Collection of Welsh I & C Waste: Report to the Welsh Government* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131014options-for-segregation-of-industrial-and-construction-waste-en.pdf> (accessed 9th January 2014). P.46.

<sup>12</sup> Eunomia. 2011. *Options for the Segregation and Collection of Welsh I & C Waste: Report to the Welsh Government* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131014options-for-segregation-of-industrial-and-construction-waste-en.pdf> (accessed 9th January 2014).. P.46

<sup>13</sup> Eunomia. May 2013. *Additional Policy Options Analysis for Welsh Government: Costs and Benefits of Extending Waste Framework Directive requirements, Waste Treatment Restrictions, Requirement to Sort and a Ban on the Disposal of Food Waste to Sewer* [Online]. Available at: <http://wales.gov.uk/docs/desh/publications/131021additional-waste-policy-options-en.pdf> (accessed 9th January 2014). P. 2



in favour of Better Regulation, reflected by the Hampton principles. This should mean regulation is enforced in a proportionate, risk-based way and does not adversely impact on those businesses that habitually comply.

Furthermore, the Regulatory Impact Assessment for the Environment (Wales) Bill should include a section devoted to the resource implications for Natural Resources Wales in enforcing the additional regulatory burden, akin to the Practicability and Enforcement Statements used in the legislative process in the Netherlands.

Finally, consideration should be given to the advice and support provide by business from Business Wales and Natural Resources Wales. The current Business Wales website displays information largely copied from the previous Business Link service. Much of the content in this area relates to regulation appertaining to England and directs businesses to services of the now defunct (in Wales) Environment Agency. This needs to be rectified if more regulation is to be placed on small firms in Wales to comply with the Welsh Government's towards zero waste ambitions. Clearly, there will be a need for additional support for small firms in transition to the new regulatory regime.

### **3) Other waste proposals**

The proposed ban on landfill and energy from waste will be dependent on the success of interventions upstream to promote the separation of waste by the waste producer and their collection. FSB Wales therefore reiterates the need to ensure small firms are able to find collection services at reasonable costs. One unintended consequence of failing to do so could be an increase in the illegal disposal of certain categories of waste.

In relation to food waste disposal to sewers, FSB Wales is broadly supportive of a prohibition of disposal into the sewer system. Given the ban on landfill and waste to energy disposal, FSB Wales believes it is vital that the Welsh Government allows for additional capacity in environmentally friendly disposal techniques. For instance, FSB Wales member experiences show the difficulty in setting up and operating anaerobic digesting facilities in Wales. The Welsh Government should be clear in expectations for waste disposal in this area.

### **4) Carrier bag levy**

The proposed Environment (Wales) Bill provides an opportunity to re-evaluate the nature and bureaucracy of the Welsh Government's carrier bag charge. The Welsh Government will be aware that proposals in England relate to firms with more than 250 employees. While FSB Wales does not advocate adopting the English proposals, the Welsh Government could re-examine the regulatory burden associated with the carrier bag charge and consider extending the current opt-out for firms with fewer than 10 employees to all SMEs. This would ensure the charge continues but relieve SMEs of the accounting burden associated with the charge.



## **Conclusion**

FSB Wales broadly welcomes the Welsh Government Environment (Wales) Bill White Paper and hopes the comments made above will provide a valuable contribution to the final Bill. It is crucial at a time of economic uncertainty that any opportunity to reduce costs on businesses is taken, to ensure Wales' small firms are able to capitalise on future growth and create employment in communities across Wales.



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**The Federation of Small Businesses**

The FSB is non-profit making and non-party political. The Federation of Small Businesses is the UK's **largest campaigning pressure group** promoting and protecting the interests of the self-employed and owners of small firms. Formed in 1974, it now has **200,000 members across 33 regions and 194 branches**.

**Lobbying**

Our lobbying arm - led by the Westminster Press and Parliamentary office - applies pressure on MPs, Government and Whitehall and puts the FSB viewpoint over to the media. The FSB also has Press and Parliamentary Offices in Glasgow, Cardiff and Belfast to lobby the devolved assemblies. Development Managers work alongside members in our regions to further FSB influence at a regional level.

**Member Benefits**

In addition, Member Services is committed to delivering a wide range of high quality, good value business services to members of the FSB. These services will be subject to continuing review and will represent a positive enhancement to the benefit of membership of the Leading Business Organisation in the UK.

**Vision**

A community that recognises, values and adequately rewards the endeavours of those who are self employed and small business owners within the UK

The Federation of Small Businesses is the trading name of the National Federation of Self Employed and Small Businesses Limited. Our registered office is Sir Frank Whittle Way, Blackpool Business Park, Blackpool, Lancashire, FY4 2FE. Our company number is 1263540 and our Data Protection Act registration number is Z7356876. We are a non-profit making organisation and we have registered with the Information Commissioner on a voluntary basis.

**Associate Companies**

We have two associated companies, FSB (Member Services) Limited (company number 02875304 and Data Protection Act registration number Z7356601) and NFSE Sales Limited (company number 01222258 and Data Protection Act registration number Z7315310).



# Consultation Response

FROM THE EXTERNAL AFFAIRS WALES DEPARTMENT

## Consultation on proposals for revised curriculum and assessment arrangements

RSPCA Cymru welcomes the opportunity to respond to the White Paper consultation on the Welsh Government's Environment Bill.

The mission of the Society is to prevent cruelty, promote kindness to and alleviate suffering of all animals. As such, we approach all such discussions with this focus and, therefore, note that much of this consultation is not relevant to the RSPCA's sphere of work, and little of the proposals contained relate directly to animal welfare.

Certain proposals, however, included within the White Paper are of interest and have the potential to impact upon the welfare of animals, including through – though not limited to - the Society's retail operations, which play a key role in funding the Society's frontline work.

### WASTE SEGREGATION

**QUESTION 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?**

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

Proposals of interest, notably, include those in relation to boosting recycling rates. The RSPCA is keen to promote the numerous avenues through which the public can recycle unwanted items by donating them to the Society, when they otherwise may have ended up in landfill. At a national and branch level, efforts are also made to ensure social obligations are met by recycling items appropriately.

The second proposal made by the Welsh Government for waste segregation places significant emphasis on the waste producer, by proposing to place a duty on all those other than households to present their recyclable wastes separately for collection. This would impact upon RSPCA offices, shops, clinics and animal centres

Whilst seven separate waste streams is identified as a present consideration, the White Paper does not offer significant information as to the extent and scope of the waste segregation which producers will be expected to undertake. Further information on this is importance in determining whether any proposed changes would impact upon the Society's resources.

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

We note - and welcome - that work is being undertaken this year by the Welsh Government concerning the impact this proposal may have on businesses. As part of this work, we would urge the Welsh Government to ensure that a specific assessment is made of the impact on third sector organisations and those which

are heavily reliant on volunteers as part of their day-to-day activities; and whether - in these circumstances - this is the most appropriate avenue to boosting recycling rates.

## 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 set for other types of carrier bags in addition to single use carrier bags?**

The negative impact which discarded carrier bags can have on wildlife has been acknowledged. The International Coastal Clean-Up Report<sup>1</sup> stated, for example, as part of its 2004 survey that 2.2 per cent of animals found dead had been entangled in a plastic bag. Thus, the impact which the implementation of the single-use carrier bag charge has had on reducing their usage is a very positive development. However, as a consequence of this, the increased uptake of bags-for-life, often discarded prematurely by consumers, cannot be ignored.

It seems prudent, therefore, for the Welsh Government to have the ability to extend the charge to include other types of carrier bag, should consumer behaviour dictate.

**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?**

Under existing arrangements, the animal welfare sector has the potential to receive a significant financial boost from retailers donating revenues raised accordingly. At both a national and branch level, the RSPCA runs a plethora of projects which would benefit immensely from receiving the proceeds of the carrier bag charge, and we remain eager to discuss opportunities with retailers across Wales.

Under current legislative provision, however, should the Welsh Government opt to make regulations that require sellers to use the net proceeds in a particular way, they may only do this for environmental good causes, which may preclude many, if not all, of the aforementioned animal welfare projects. Equally, it would seem very unfair for existing relationships between retailers and the third sector to be barred should the Welsh Government opt to utilise its enabling powers under the Climate Change Act 2008.

RSPCA Cymru is, therefore, supportive of enabling powers being extended so the Welsh Government could, by regulations, require retailers to donate net proceeds to *any* good cause, which could then include all animal welfare projects undertaken by the RSPCA at a branch and national level.

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

Presently, it must be noted, single-use carrier bags donated to charity shops will not incur a charge as these have already been used and the tax paid on them. We would urge the Welsh Government to confirm its on-going commitment to this principle and ensure it extends to include any bags other than single-use carrier bags which it may add to the scope of the present legislative arrangements in the future, as a consequence of the powers proposed by the White Paper.

## FUTURE ENGAGEMENT

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

RSPCA Cymru understands that there may originally have been an intention to undertake a significant review of wildlife legislation as part of the Environment Bill, but that any such undertaking is now

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<sup>1</sup> International Coastal Clean-up, 2005. The International Coastal Clean up 2005 Report. Ocean Conservancy. See <http://wales.gov.uk/docs/desh/publications/091016wastebagreporten.pdf>

anticipated as a separate legislative development. A comprehensive review of wildlife legislation in Wales is necessary, and RSPCA Cymru looks forward to engaging closely with the Welsh Government as part of that process.

We note the White Paper also refers to the Welsh Government's broader legislative programme, such as the Planning Bill, with many future Bills likely to broadly impact upon the management of Wales' natural resources. RSPCA Cymru looks forward to offering significant input as part of the consultation and debate surrounding these Bills, including the need for the planning system in Wales to be reformed to recognise animal welfare as a material matter.



# CCWater response to: Towards the Sustainable Management of Wales' Natural Resources

A Welsh Government Consultation

Consumer Council for Water Response

15 January 2014

# Consultation on: Towards the Sustainable Management of Wales' Natural Resources.

## 1 Introduction

- 1.1 The Consumer Council for Water (CCWater) is the statutory body representing the interests of water and sewerage consumers across Wales and England. CCWater has a committee for Wales and four regional committees in England. This response reflects CCWater's view of the issues that affect water consumers in Wales.
- 1.2 We welcome the opportunity to comment on the consultation but as we have a specific remit, we felt it would only be appropriate to comment on those issues where we felt that the impacts on water and sewerage companies and their consumers should be taken into consideration. On this basis, we have answered specific questions.
- 1.3 In general we agree with the approach set out by Welsh Government. However, we have some concerns that the proposals may add an unnecessary burden to water companies and their customers, which we have detailed below. Where appropriate, we would also like the Welsh Government to provide clear regulatory impact assessments of the proposals and cost benefit analyses.

## 2 Response to specific questions

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

- 2.1 Broadly speaking, we agree with the Welsh Government's aims, including its proposals to introduce area-based management. For example, we are pleased to see that the White Paper focuses on sustainable solutions and is setting out how Welsh Government will encourage flexibility and innovation. We think that area-based management could be beneficial if it improves the evidence base and contributes towards streamlining existing processes, including regulatory processes, since this could to help water companies operate more efficiently.
- 2.2 However, we have some concerns about Welsh Government's approach and its potential effect on water customers. We said in our response to 'Sustaining a Living Wales' in May 2012 that we would support a shift to the integrated approach but would be concerned if the processes added unnecessary bureaucracy, especially if this increased the burden of costs on water companies and their customers. We are not clear that the White Paper wholly

addresses these concerns.

- 2.3 It is not clear to us from the consultation how the proposed area-based management links to and overlaps with existing development, planning and resource management processes. We feel that Welsh Government needs to clarify its proposals in this area, especially in relation to how these proposals will affect water customers.
- 2.4 In addition, we could see very little within the consultation about encouraging public engagement. We feel this is a crucial gap since water customers will need to understand and accept why and how obligations placed on water companies have an impact on bills.

**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 in the Future Generations Bill?**

- 2.5 We agree that this could be an effective way to proceed. To achieve this Welsh Government would need to have regard to the timescales of existing regulatory and planning regimes. There could be synergies if cycles were aligned. However, we would want to understand the benefits that water customers will see from the proposal and there is also the potential to clash with existing regimes and significantly increase the administrative and cost burden on water companies, which could then be passed on to customers.
- 2.6 For example, water companies have to engage with the Water Resource Management Plan (WRMP) planning process and the Price Review process, both of which are five-year cycles. Some water industry processes, however, are already out of synch with the main planning timelines. River basin management planning, for example, follows a six yearly timescale that is fixed by European legislation. Welsh Government will need to consider carefully how to fit any new cycle into the existing processes in the most efficient and cost effective way.

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

- 2.7 Yes, we agree that an area-based approach will help in this way. However, it will be important to ensure that the approach adopted in Wales is consistent with the catchment-based approach followed in England insofar as this would help water companies to deliver their objectives on both sides of the border.
- 2.8 With this in mind, we consider that Welsh Government's approach will be more effective if it encourages Natural Resources Wales (NRW) to actively

engage with relevant stakeholders over cross-border issues. We note that the Welsh Government says that NRW will consult with relevant bodies and that cross-border Memoranda of Understanding have already been created. However, we consider that there is also a need to actively share information and engage with these stakeholders and we ask Welsh Government to make this clear.

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

- 2.9 We feel that this could be a useful tool but only if there is no significant increase in the administrative or financial burden on water companies as a result. There is already evidence that local authorities, because of their own financial constraints, are looking to other organisations, including water companies, to pick up a disproportionate share of the costs of flood defence schemes. Ultimately, it is customers who pay for these additional costs through their water and sewerage bills.

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

- 2.10 Yes.

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

- 2.11 As stated before, we would be concerned if any the proposals add unnecessarily to the administrative or financial burden on water companies, and, hence, their customers. Simplified processes would better enable the water industry to focus on providing affordable and sustainable water and sewerage services in Wales.

**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?**

- 2.12 We support the Welsh Government's aim of being as flexible as possible. Indeed, we have encouraged water and sewerage companies over many years to develop innovative solutions to ongoing problems. We have been particularly supportive of the catchment management approach pioneered by United Utilities but now taken up by many water companies. This approach has multiple benefits and can improve raw water quality, land use and habitats, as well as increasing biodiversity and amenity value, for a cost often substantially lower than a hard engineering solution. Similarly, we have



supported companies' introduction of sustainable drainage systems, including Dŵr Cymru's RainScape/Glaw Lif solutions in Llanelli and Gowerton.

- 2.13 In considering each of the water companies' proposals we have weighed up the short, medium and long term outcomes and set these against the costs. We would expect a similar cost benefit analysis to be undertaken for all water industry investment proposals to protect water customers from unacceptable increases in water bills.
- 2.14 In general, if water companies are to be encouraged to implement innovative solutions to managing the water environment, we would expect any investment to be made only where there is certainty that the water company is responsible for the problems that it is addressing. Furthermore, we would expect there to be a high degree of certainty that the proposed solutions would deliver necessary outcomes. To do otherwise could lead to ineffective investment and customers bearing unacceptable costs.

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

- 2.15 As this is an emerging market, we feel that NRW are probably best placed to help to facilitate it but their role may need reviewing later on. We would welcome more detail on the proposals to deliver PES, including, where appropriate, regulatory impact assessments and cost benefit analyses.

**Question 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?**

- 2.16 We agree with the principle of reduce, reuse, recycle which is at the heart of your waste segregation proposals. Nevertheless, we have some concerns with one specific aspect of your proposal, which is covered in detail in response to Questions 23 and 24.

**Question 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?**

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

- 2.17 We are not clear about the practicality and efficacy of a prohibition on the disposal of food waste to sewers from business and public sector premises although we agree that there is a significant problem that needs addressing. The cost of removing the build up of fats, oils and greases from sewers costs the water industry £15m annually across England and Wales. Dwr Cymru estimate that 30% of all blockages are from food waste, fats oils and grease particularly. Catering establishments are often the primary cause of blockages in sewers, with sewerage companies employing a proactive sewer cleaning and maintenance programme in areas where there is a high number of such establishments.
- 2.18 With this in mind, we think it is a good idea in principle to encourage customers to take responsibility for what they put into the sewerage system. This could help to prevent blockages and contribute towards minimising the risk of sewer flooding.
- 2.19 However, we have concerns about how the proposed prohibition would be enforced on businesses and public sector premises. Our reservations are threefold:
- it could create an administrative and financial burden for sewerage companies; logging, monitoring, investigating and reporting on customer habits;
  - it could be viewed as intrusive by customers; and
  - It could require Welsh Government to prohibit the sale or distribution of food macerators built into, or subsequently added to, sink units within Wales.
- 2.20 These concerns apply to households to an even greater extent, and are likely to make it even harder to enforce a prohibition on domestic customers.
- 2.21 Given these difficulties, therefore, we welcome moves to encourage businesses and households to dispose of food waste by other means. We consider that the most effective course of action would be for Welsh Government, working with sewerage companies, local authorities, consumer groups and others, to focus on strategies to encourage the general public not to use the sewer as a means of disposing of food waste. There are already campaigns that can spread the message, such as Dwr Cymru Welsh Water's ongoing campaign to raise awareness on how to stop sewer blockages<sup>1</sup>. For example, before Christmas 2013 we issued a press notice reminding the general public that disposing of fats via the kitchen sink could cause 'a pain in the drain', which was picked up by many media outlets. Consumer and wider

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<sup>1</sup> <http://www.dwrcymru.com/en/News-Summary/2013/12/Dont-let-blocked-sewers-ruin-your-Christmas.aspx>.

public education about appropriate and minimised use of macerators could be an alternative where particular problems have been identified with a targeting risk-based approach.

- 2.22 This was part of the wider water industry message about not using the sewer to dispose of fats, oils and grease to sewers. The sewerage companies also provide useful advice about the capture, storage and disposal of fats and general food waste. In some cases they provide fat traps free of charge. An extension of this programme of messaging would, we believe, be helpful in achieving Welsh Government's goals.

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

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

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

- 2.23 Our main concern in relation to these proposals, is that water companies should retain any functions which already relate to their statutory duties and obligations and any new processes or ways of working should not interfere or be detrimental to this.

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

- 2.24 We are also considering how to respond to the forthcoming Water Strategy consultation in 2014, as well as the draft Planning (Wales) Bill and supporting paper 'Positive Planning'. We ask that, where appropriate, the outcomes of these consultations are also considered in the development of the Environment Bill.

## **Enquiries**

Enquiries about this consultation response and requests for further information should be addressed to:

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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.

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

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**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>	x <input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

**Chapter 2 - Natural Resource Management**

### **Question 1**

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

Yes

No

***Please provide comment:***

We agree with the principles set out in the consultation which support sustainable development and proportionate regulation. These are key objectives of SUDG members who agree that the environment needs protecting and that this is possible through sustainable development by working with environment bodies and understanding the needs of the environment. This approach has been a significant driver in the work that SUDG and members have taken to the development and subsequent implementation of the Marine and Coastal Access Act, which has had a profound effect on marine management and marine planning. Consequently, marine industries have a central role in achieving sustainable growth accompanied by environmental protection and SUDG is emphatic that any new legislation needs to support and assist in practice as well as in principle. SUDG therefore also agrees with the proposals set out in Chapter 2, page 14, but would strongly urge that the outcomes are practical and measurable and supported by clear guidance to developers and regulators. As much of what we have been working towards with Government is enshrined in the M and CAA we are not overly concerned that this Bill does not have a major emphasis on the marine environment but we would urge that the principles are applied comprehensively and that there is a recognition that marine industries have the potential to make significant contribution to the well being of the Welsh marine environment and economy.

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### **Question 2**

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

Yes

No

***Please provide comment:***

***As legislation becomes more comprehensive it is essential that it is accompanied by good definitions and good guidance. This is particularly important in the marine environment which has received relatively little attention until recently.***

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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:*

*Many marine industries are closely linked to the potential to deliver climate change mitigation (eg turbines) and all responsible industry is signed up to the process of good environmental management and resource usage.*

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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:*

*Yes – but in line with comments above, there should be clear goals and targets so that any impacts of the Bill can be measured and used to monitor whether there are more effective ways of working.*

---



**Question 5**

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

Yes

No

*Please provide comment:*

*It will depend what an area based approach means in the context of the marine environment, but ideally an area based approach could make for more appropriate and local decision making*

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**Question 6**

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

Yes

No

*Please provide comment:*

It depends on how well progress is monitored to know whether the approach is appropriate

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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:*

Not sure

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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)?**

**Hard to say at this stage**

## 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:***

Not sure as this will depend on how well NRW meets obligations to work with developers to promote sustainable development and the timescales taken to achieve this. There is also some need for clarity on the roles for decision makers in the marine environment.

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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?**

SUDG will always welcome new initiatives to better ways of working but there will need to be clear controls to make sure that any new approaches also meet the needs of better regulation as well as being proportionate

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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?***

This is a very difficult area as the 'science' behind PES is only emerging. SUDG would prefer see better development of an acceptable approach to PES before agreeing that a relatively new and inexperienced body should take a lead in this area. It will also be important that any approach subsequently adopted by NRW is done so in a balanced way and this may need to be drafted into any legislation to ensure that it is a legal duty

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**Question 13**

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

**Not sure – but our view would be cautious at this stage for the reasons given above**

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**Question 14**

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

No comment

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**Question 15**

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

**A**

**B**

***Please provide comment:***

**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 are not sure how NRW will align its duties as conservation adviser (ex CCW) with any wider duties to ensure 'integration'.

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**Question 17**

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

*Not sure at this stage*

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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:***

Many of these activities are required already in waste management. RE6 and RE7 are new and ideally RE7 should require net proceeds to go to environmental projects.

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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.*

Care needs to be taken over the source of different sorts of waste – for example ports receive waste from ships as part of the EU ships waste directive and more may need to be done to ensure that ships land the waste in appropriate containers rather than the port being enforced to do it prior to onward movement.

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**Question 21**

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

Yes

No

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

Yes

No

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

No comment

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**Question 22**

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

Yes

No

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

No comment

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**Question 23**

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

Yes

No

*If yes, should this apply to:*

**a)  
Sector**

**Households  
c) Both**

**b) Businesses and Public**

*Please provide comment:*

No comment

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**Question 24**

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

*i)*

*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*

SUDG welcomes any flexibility in regulation that will accommodate the needs of business as well as the environment and SUDG has worked closely with the MMO in England looking to the impacts of new regulation and its implementation. While industry is largely reconciled to the principle of fees for licensing, experience shows that there are a number of very important caveats which must be adhered to if the approach is to be successful:

- The work associated with licensing must be proportionate to the scale of the development. Data demands must be proportionate and so must the time taken on examining the resulting information.
  - There must be clear and agreed processes which the regulator applies to determining licenses and these must be developed on the basis of the principles set out in the document and be cost effective to all.
  - There must be sufficient resources and expertise to make sure that the developer gets value for money and that developments are not delayed by lack of staff or experience
  - Fees must be reviewed on a regular basis with feedback from developers
  - Greater flexibility in licences
  - Acceptance that industry has learnt much over the years about mitigation environmental impacts and regulators should increasingly use this knowledge to allow mitigation to be built into designs and accept that this reduces the potential scale of impact and therefore reduces the time taken and the scale of the work for licensing decisions to be made.
- 

#### 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?

*Agreed subject to the points made in Q32 being applied comprehensively.*

*However, as in England, there will need to be clear guidance on what pre-application advice entails and the need to use it should be discretionary. Would pre-application advice be binding – if not there is a cost to the developer with no liability on the regulator.*

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### **Question 34**

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

Scale is a critical aspect here and there is real potential for major problems if scale is not taken into account in regulation – it is therefore suggested that NRW should follow the MMO actions in developing fast track and accelerated licences for low risk activities

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## **Shellfisheries Management**

### **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*

*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?**

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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 – Consultation Response from NWRWTP.**

**January 2014**

NWRWTP welcome the opportunity to respond to the Environment Bill White Paper published in draft on Friday 23<sup>th</sup> October 2013.

NWRWTP's have some concerns about some matters contained in the Bill which they would wish the Welsh Government to clarify. These concerns relate solely to Chapter 4 of the Bill and specifically to the proposals to give powers to Welsh Government Ministers to introduce bans preventing specified waste materials from being treated at Energy from Waste (EfW) facilities. We do not believe that it is the WG's intention that the contracts to treat residual waste in Wales currently in procurement should be adversely affected by the proposed legislation nor that the power to introduce these material bans are intended to be applied where the Waste Collection Authorities (WCAs) and the Waste Disposal Authorities (WDAs) are working diligently towards achieving the WG recycling targets. However, NWRWTP believe that, dependent on the precise nature of the proposal outlined in the Bill, the proposed ban could potentially and inadvertently destabilise those residual waste contracts predicated on treatment using EfW technologies.

The WG has identified, in para 4.1 of the Bill, that it considers it has set ambitious targets for the recycling of waste. One such ambitious target is that to achieve the 70 per cent recycling by 2025 for waste from households as well as commercial and industrial businesses. Para 4.4 makes clear that new legislation in the Environment Bill is intended to work with other policy instruments such as the landfill tax, to help achieve the Wales recycling targets.

The NWRWTP partnership Councils, in common with other councils in Wales, are working towards achieving the WG's ambitious target for recycling household waste. The contract currently in procurement to treat the Authorities' residual waste assumes that each of the Councils will achieve this target within the WG's timescales. However, even after achieving 70% recycling, the proposed banned materials would still account for a significant proportion of household residual waste. These are wastes that the householder has placed in the residual waste bin having assessed these items to be contaminated or incapable of separation for recycling. The clarification that NWRWTP request is to the effect that, where councils are on target to achieve the WG's household waste recycling targets, no bans will be applied to the contaminated waste that the householder places in the residual waste bin.

The second concern relates to commercial and industrial wastes arising in England but which the contractor proposes to treat at the EfW facility. We presume that the Environment Bill is intended to apply only to that waste which arises in Wales. It is understood that the Government in England has given consideration to similar material bans to those proposed in Wales and they will doubtless consider that issue again in the future. NWRWTP's current sole bidder has developed his waste treatment solution on the assumption that the commercial and industrial



# NWRWTP

North Wales Residual Waste Treatment Project

third party waste could be sourced from either Wales or England. Indeed, the EfW's proposed location is so close to the border between Wales and England that, in order to satisfy the proximity principle, it will be the most appropriate facility to treat such waste arising in some parts of the North West of England.

The WG has indicated that it will only be prepared to provide contributory funding for the treatment of the Councils' household waste if the facility operates at an efficiency level which enables it to be classified as a Recovery Facility and NWRWTP also wish to meet this efficiency level. The remaining bidder has indicated that he requires the flexibility to bring in the appropriate commercial and industrial waste that, blended with the Councils' own household waste, will achieve this efficiency level. NWRWTP, therefore, seek clarification that the proposals to be introduced in the Environment Bill will not be applied to waste arising outside Wales and treated at facilities in Wales.



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

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---

## Environment Bill White Paper

23 October 2013 – 15 January 2014

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<b>Type</b> (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"/>
	<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"/>

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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?

No

***Please provide comment:***

**2:10.** Not all 'natural resources' can, or are meant to be, *exploited*. A farm pond, redundant as an agricultural feature, is still a natural resource to be maintained whether or not any commercial or economic exploitation is perceived.

**2:12.** The term 'ecosystem services' is an inappropriate and disingenuous term. Himalayan Balsam (*Impatiens glandulifera*) can legitimately be considered as providing ecosystem services in this context as it provides nectar for bees – but it is a pernicious alien. The danger in coining jargon is that its definition is not something one can look up in a dictionary, and consequently it can create confusion.

**2:13.** First paragraph is poor grammar. '*The Welsh Government considers that a definition of natural resources should be about that more than exploitation for economic gain*'. I would not normally pick up on this, but where the issue is so important, and when this is an official document, then grammar becomes significant. What *does* this mean?

**2:15.** ...all to be monitored by audit so that the outcomes are available for scrutiny.

**Question 2**

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

Yes

***Please provide comment:***

**2.23** Table (i) sets out the natural resources policy, concluding with NRW's production of a 'State of Natural Resources' report. Given the fact that the 2012 'Rio' targets were not achieved, and the clock was simply reset, I think the 'indicative' timing of the policy is rather limp. If this is a target, then say it is a target.

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**Question 3**

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

Yes

*Please provide comment:*

---

---

**Question 4**

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

Yes

*Please provide comment:*

---

---

**Question 5**

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

No

***Please provide comment:***

**Para 2.32:** 'bringing an appropriate range of stakeholders together, at the relevant time...' **Para 2.35:** 'on-going dialogue happens at a number of levels...' I am not convinced by the vague-ness of some of the commitments – who are the appropriate stakeholders? It only says 'appropriate bodies' elsewhere. This is certainly not clear

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**Question 6**

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

Yes

***Please provide comment:***

One might say a little too flexible. Too much wriggle room, too few fixed targets with milestones and no suggestion of penalty for failure to achieve the goals

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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

*Please provide comment:*

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---

---

**Question 8**

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

Yes

*Please provide comment:*

---

**Question 9**

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

I only have time to comment this far. Partly because the changes inherent in initiating NRW have caused chaos in works to protect the environment of Wales: 40% of staff redundancies occurred in conservation (the former CCW suffered the majority of losses in the cuts), and that trickles down to the private and charitable sector. These are well-intentioned proposals but weasely words that don't match the reality on the ground. The lack of firm targets and any self-imposed penalties for failure mean they can only be regarded in the context of the 2012 Rio failures (and the deafening silence about them) how can we really be assured that the environment is safe in the Assemblies hands?

---

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

---

### **Question 10**

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

Yes

No

*Please provide comment:*

---

---

### **Question 11**

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

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**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?*

---

**Question 19**

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

Yes

No

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

---

---

**Question 20**

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

Yes

No

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

---

**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

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**Question 22**

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

Yes

No

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

---

**Question 23**

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

Yes

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

b) *Businesses and Public*

*Please provide comment:*

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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

---

### Question 29

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

Yes

No

*Please provide comment*

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### Question 30

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

Yes

No

*Please provide comment*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### Question 33

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

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

---

### **Question 38**

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

Yes

No

*Please provide comment*

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### **Question 39**

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

Yes

No

*Please provide comment*

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**Question 40**

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

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**Implementation / Equalities**

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**Question 41**

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

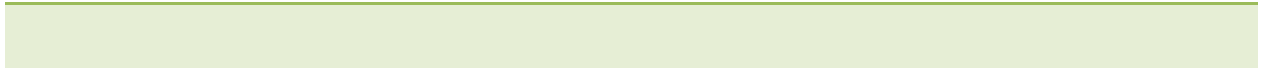
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**Question 42**

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

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

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

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

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

Please submit your comments by 15 January 2014.

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

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

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

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

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

**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Stuart Patterson	
<b>Organisation</b>	Biological Preparations Ltd	
<b>Address</b>	Beaufort Studios Atlantic Wharf Cardiff CF10 4HG	
<b>E-mail address</b>	spatterson@biologicalpreparations.com	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input checked="" type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

**Chapter 2 - Natural Resource Management**

**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:*

N C

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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:*

NC

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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:*

NC

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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:*

NC

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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:*

NC

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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:*

NC

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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:***

NC

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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:***

NC

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**Question 9**

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

NC

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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:*

NC

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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?

NC

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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?*

NC

---

---

**Question 13**

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

NC

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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?**

NC

---

**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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NC

**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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---

NC

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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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NC

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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:*

Good in principle, difficult in practice

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

Yes

No  **X**

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

---

**Question 19**

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

Yes  **X**

No

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

---

---

**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.*

Small businesses where some streams will be economically feasible, others not so BUT this will need to be cross referenced with small companies that may have a lot of one waste stream and no others to speak of

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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?**

*NC*

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:*

<b>a)</b>	<b>Households</b>	<b>b) Businesses and Public</b>
<b>Sector</b>	<b>c) Both</b>	

**Please provide comment:**

As pointed out above, legislation already exists to prevent serious abuse of this problem and most hospitality businesses canteens and public sector have the bulk of their food waste dealt with separately anyway. There are two distinct sectors

Household.

Here it would be virtually impossible to police any legislative requirements and any intrusive attempts run the risk of generating much public ill will and being counter productive. Much better would be to focus on educating the public as to how to minimise food waste eg reducing at source by better purchasing/management of food, better meal planning etc. Similarly working with suppliers to reduce 2 for 1 offers etc and restaurant portion sizes if possible. I live in a block of 30 apartments and an early effort to use food waste bins led to huge problems in the communal bin room with flies, rats, smells etc and the attempt was abandoned

*Business/public*

*Here the situation is different as although enforcement would be difficult due to identification problems, various “inspectors” visit these premises and this could be included as per of their remit so at least the systems could be checked*

My problem is that my company operates in this sector providing microbial solutions to the fats oils and greases (FOG) problems and these don't necessarily arise from disposing of food per se into the sewage system. The bulk of waste food is disposed of separately, going mainly to composting and AD. The rest is fed into food grinders and then disposed of. This latter method should be prohibited as it causes problems. However, much of the problem identified by the water companies arises from the residual food contamination of plates, pans, cooking trays, rotisseries etc which is inevitably left after the bulk food has been removed and this is going to be difficult if not impossible to legislate against.

A more practical and effective route would be to, as proposed, legislate for bulk waste food removal and the removal of food macerators but encourage /insist on the treatment of the residual waste in each establishment by the introduction of microbial FOG degraders into the drainage systems These prevent blockages, facilitate the final degradation in the downstream sewage treatment plants and minimise BOD and COD in the waste waters.

These products can be introduced manually, automatically or via inhouse treatment units ( Waste-2-0) and is a well established method of treating FOG problems.

**Question 24**

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

*i) See above in Q23*

*ii)*

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**Question 25**

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

Yes  **X**

No

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

---

**Question 26**

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

Yes  **X**

No

---

**Question 27**

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

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

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

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**Question 28**

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

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Biological Preparations is a Welsh company operating from Cardiff and Caerphilly employing 52 people and is the leading UK company in the supply of microbial products for the treatment of FOGs in drainage systems. We chair the FOG Forum, established by British Water to effectively establish a British Standard in this area and are working with Cranfield University to this end.

We are expanding rapidly and are in the process of a large fundraising exercise to continue this growth as have just entered into a venture with a €2 billion conglomerate to develop this system further. Action by our own Government running counter to the work being done in the UK generally would undoubtedly have an adverse effect on our business as well as closing off a local market for us and losing us sales and therefore jobs. While we agree with the overall objective of reducing the loading on our sewage services, this legislation, which would be difficult if not impossible to police, would close off Wales to alternative/future developments which would help achieve this objective.

We have a cutting edge technology in Wales which is being used throughout the UK and many export markets which the Welsh Govt should be looking to use as part of a coordinated multi pronged attack on this problem

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## 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*

NC

---

---

### 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*

NC

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**Question 31**

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

NC

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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*

NC

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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?
-

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NC

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**Question 34**

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

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NC

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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*

NC

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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*

NC

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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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---

---

**NC**

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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*

NC

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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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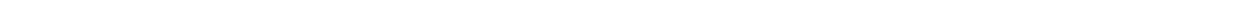
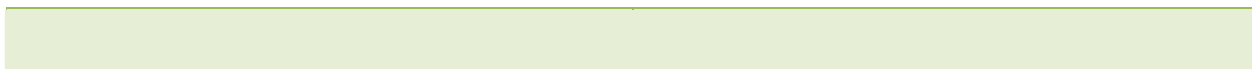
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**Question 42**

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

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

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Florence Bullough	
<b>Organisation</b>	The Geological Society	
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<b>E-mail address</b>	florence.bullough@geolsoc.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input checked="" type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

### **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 broadly agree with the overall package of proposals and in particular we welcome the focus on integrated natural resource management. We are pleased to see the Welsh Government intends to take a thoroughgoing approach to natural resources management but are concerned that some of the concepts used in the document are defined and referred to inconsistently.**

**As we said in our earlier response to the Green Paper on the environment, a truly holistic approach to the environment is the key to sustainable environmental management. The subsurface plays an active role in environmental processes, providing key resources and services, and supporting others. It is fundamental to a holistic understanding of the environment and so its inclusion in the document must be consistent throughout.**

**The geosphere acts as a first-order control on ecosystem services and is inextricably linked to the atmosphere, biosphere and hydrosphere. We are concerned that abiotic elements of ecosystems are undervalued in comparison with biotic elements; and that the significance of the geosphere within the wider Earth system, and its interactions with the atmosphere, biosphere and hydrosphere, are not fully recognised. These aspects are not made explicit in the definition of ecosystem services and need to be.**

**The Welsh Government is not alone in this shortcoming in attempting to implement an ‘ecosystems services’ approach. For example, DEFRA’s June 2011 White Paper on environmental policy for England, ‘The Natural Choice: securing the value of nature’, espoused an ecosystem services approach, but neglected abiotic aspects of ecosystems and entirely omitted any reference to the geosphere. The Geological Society wholeheartedly supports the ecosystems services approach. However, we believe that its efficacy is significantly diminished if the contribution of the geosphere to ecosystem service delivery and its interactions with other elements of the system are neglected or ignored.**

**It is important that all aspects of the environment are covered and considered in high-level policy documents such as the White Paper, to ensure they are fully integrated into subsequent policy implementation. These fundamental principles are always harder to shape in later implementation if the foundations are not right, especially as the geoscience community has limited influence and capacity to address such shortcomings at the implementation stage. We raise these concerns not to promote the interests of professional geoscientists, but because it is vital that there is recognition of the underpinning and dynamic role of the geosphere in providing**

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**ecosystem services, discovering and producing the energy and mineral resources on which contemporary society depends, understanding and mitigating natural hazards and understanding environmental change.**

**We also support the move to an area-based approach in line with EU policy as a more effective and sustainable way to manage the environment and ecosystem services. It will allow for engagement with local stakeholders who are likely to have the most relevant knowledge as well as an interest in improving the surrounding area.**

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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 are pleased to see the inclusion of ‘geologic and landscapes’ in the definition of ‘Natural resources, in relation to Wales’. The inclusion of the term ‘geodiversity’ in point 2.13 also helps to close the loop regarding the range of areas that together contribute to the supporting, provisional and active role of geology within ‘natural resources’. However, consideration of the geosphere is inconsistent in the document. Indeed in the opening sentence in the ministerial foreword natural resources are referred to as ‘land, air and water’ which omits both the biosphere and the geosphere. The term ‘geologic’ is included in the definition of natural resources but its links with other spheres in the environment is not made clear. Additionally, there is no mention of geology in 1.11 regarding the ecosystems approach. In terms of ecosystem services, in 2.12 there is again only the mention of ‘land air and water’. In the more comprehensive description of ecosystem services in Figure (vi) there is no explicit mention of geology and the geosphere, nor does it refer explicitly to the earlier outlined definition of natural resources.

What is not explicitly included is consideration of the importance of the subsurface and the geosphere as a fundamental basis to ecosystem services. The definition of ecosystems mentioned in 2.12 includes ‘land, air and water’ and in the glossary refers to ‘underlying functions such as soil formation and nutrient cycling’. These terms may imply the role of the subsurface but a more explicit inclusion is needed to prevent incomplete or inconsistent implementation in the future of the policy principles set out in the consultation document. A definition of ecosystem services that does not consider the subsurface is incomplete as understanding and characterisation of the subsurface and wider geosphere and their impact on the atmosphere, biosphere and hydrosphere play a crucial role in underpinning the processes in the environment that create educational, economic, and other opportunities.

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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 with this approach.

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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:*

**An area-based approach provides the opportunity to generate a more focussed and integrated environmental management plan. As an example, heterogeneity within the environment in terms of water catchment, groundwater systems, geodiversity and localised climate and pollution can be very significant. A more area-based approach can incorporate this local heterogeneity to inform a more sustainable and informed environmental management plan.**

**Area-based approaches also offer the opportunity to engage local communities, as well as active local environmental groups, to collate observations or data they may have collected, and also work together to improve the area for everyone. This knowledge is a valuable resource.**

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**Question 6**

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

Yes

No

*Please provide comment:*

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**Question 7**

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

Yes

No

*Please provide comment:*

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**Question 8**

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

Yes

No

***Please provide comment:***

**The proposal to make NRW the lead reporting authority for natural resources is sensible providing that the streamlining of services in the newly integrated NRW does not reduce the level of environmental protection undertaken for its own sake, as an unintended consequence of pursuing other objectives. There are benefits to be had from bringing together the geoscientific functions of the Environment Agency (hydrogeological services, flood risk assessment, etc) and the Countryside Council for Wales (geoconservation, protection of geologically important sites). However, care must be taken to maintain the capacities required to do these various strands of work rather than assume that Earth scientists employed by the new body are all equally able to carry out all of NRW's geoscience functions, and to do so more efficiently than was the case within its individual predecessor. Vital and varied work is done by geoscientists in NRW, many of whom are Fellows of the Geological Society. The Welsh Government should work closely with NRW to maintain the geoscience capacity required to carry out many of the proposals set out in the consultation document.**

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**Question 9**

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

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

---

### Question 10

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

Yes

No

*Please provide comment:*

We are concerned to see that the definition of ecosystem services as outlined in Figure (vi) omits any specific mention of the geosphere, subsurface and geology. While there is mention of services such as raw materials, there is no explicit mention of the contribution of the geosphere as a whole. The benefits of a truly holistic approach to environmental management are outlined in our response to Question 1.

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### Question 11

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

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**Question 12**

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

Yes

No

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

---

**Question 13**

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



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**Question 14**

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

---

**Question 15**

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

**A**

**B**

***Please provide comment:***

**Question 16**

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

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**Question 17**

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

---

## 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:*

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

Yes

No

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

---

**Question 19**

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

Yes

No

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

---

---

**Question 20**

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

Yes

No

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

---

**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

---

---

**Question 22**

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

Yes

No

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

---

**Question 23**

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

Yes

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

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)

---

**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**

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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

---

### Question 29

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

Yes

No

*Please provide comment*

---

---

### Question 30

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

Yes

No

*Please provide comment*

---

**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

---

#### 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?



*Please provide comment*

---

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**Question 36**

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

Yes

No

*Please provide comment*

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**Question 37**

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

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## Land Drainage Management / Flood and Water Management

---

### **Question 38**

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

Yes

No

*Please provide comment*

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---

### **Question 39**

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

Yes

No

*Please provide comment*

---

**Question 40**

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

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---

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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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**We are surprised at the lack of mention of Sites of Special Scientific Interest (SSSI) and Geological Conservation Review sites (GCR). We assume that this is covered in other policy documents but we take this opportunity to highlight the importance of geology in these protected areas.**

**Despite the commitment to ‘ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used’ there is still a significant backlog of nominated Geological Conservation Review (GCR) sites awaiting designation as SSSIs. GCR site designation is an essential requirement for the sustainable management of the environment. It creates protected spaces to be used by people for leisure, education and training at all levels, particularly in the Earth sciences, as well as providing a basis for future conservation of scientifically important sites.**

**Over 30% of the designated SSSIs in Wales are wholly or partially defined based on their geology or geomorphology ranging from quarries, presence of economic minerals and fossils to natural exposures and structural landforms. They are of economic importance, for both tourism and (in some cases) material content, as well as having cultural value and underpinning biodiversity. Furthermore, Wales’ National Parks and Areas of Outstanding Natural Beauty are largely based on their underlying geology. Future assessments of SSSIs and other designated areas may fail to recognise the extent to which their status and value are based on geology, if geodiversity is under-represented in the White Paper.**

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BUILDING · CONSERVATION

*Making Heritage Work*

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15 January 2014

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Dear Sirs

**TOWARDS THE SUSTAINABLE MANAGEMENT OF WALES' NATURAL RESOURCES  
CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT BILL**

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation.

We support the the Policy direction set out in the Consultation which is generally clear and explicit about the Welsh Government's objectives and strategic options.

We particularly support the stance taken in Paragraph 1.34 which acknowledges the inextricability of the natural and historic environments, by including the historic environment in the definition of "natural resources", and the need to manage them in an integrated manner. This approach was first voiced in "The future of our past", the Consultation on proposals for the historic environment of Wales on which we commented supportively in 2013, and we fully support its being endorsed here.

Yours faithfully

James Caird  
Consultant Consultations Co-ordinator

## **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**

[Anna M Patterson](#)

**Organisation**

[Carmarthenshire Environment Partnership  
\(Carmarthenshire LSB\)](#)

**Address**

[Room 78, County Hall, Carmarthen, Carmarthenshire  
SA313JP](#)

**E-mail address**

[AMPatterson@carmarthenshire.gov.uk](mailto:AMPatterson@carmarthenshire.gov.uk)

**Type**

*(please select one  
from the  
following)*

**Businesses**

**Local Authorities/Community & Town Councils**

**Government Agency/Other Public Sector**

**Professional Bodies and Associations**

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

**Academic bodies**

**Member of the public**

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

## Chapter 2 - Natural Resource Management

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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 Carmarthenshire Environment Partnership is keen to support the introduction of the Environment Bill. However it would be useful to have a definition of the “area” in the area based approach refers.*

---

### 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:*

*Natural Resources – The Carmarthenshire Environment Partnership would be interested to feed into the process of identifying suitable targets, measures and priorities that contribute to outcomes at a national level and help assist with the implementation of these.*

*Sustainable management of natural resources – Is the Bill being introduced just for the purpose of NRW to be able to legally apply it? The Partnership has concerns that the Bill cannot be enforced by other Public bodies eg. Local authorities, local service boards.*

*Integrated resource management in Wales – The Carmarthenshire Environment Partnership has concerns in relation to the terms associated with ‘resources management’ in that it does not specify ‘protection’ of these resources. More clarity is required on this.*

---

**Question 3**

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

Yes  **X** No

*Please provide comment:*

*The Carmarthenshire Environment Partnership would welcome the approach and would be in a position to assist with implementing a joined up approach for the collation of information with its LSB partner bodies at a local level.*

---

**Question 4**

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

Yes  **X** No

*Please provide comment:*

*The Partnership agree on the basis that this information is shared and made available within an appropriate timescale. We would also welcome the opportunity to feed into the process of setting the outcomes at a local level.*

---

**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:*

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

---

---

**Question 6**

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

Yes   No

*Please provide comment:*

*No comment*

---

---

**Question 7**

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

---

---

area-based approach?

Yes

No

*Please provide comment:*

*The Carmarthenshire Environment Partnership already has good links with its Local Service Board public sector partners within Carmarthenshire. We would welcome the opportunity to be able to strengthen this further at both a local and national level.*

*However we are mindful of duplication which may come as a result of the need to collate information to address the nationally/ locally set outcomes required and that this should be avoided to prevent the climate change agenda being negatively affected.*

*Additionally the 'area based ' needs clarification.*

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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:*

*The Carmarthenshire Environment Partnership already has strong links with officers from NRW which have been developed over many years prior to the amalgamation of EA,CCW and the Forestry Commission.*

*We would continue to look to the NRW body for guidance at both a national and local level and, would be happy to feed into the process of identifying best practice.*

---



**Question 9**

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

[Enter in text here.](#)

*No comment*

---

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

---

### Question 10

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

Yes  **X**

No

*Please provide comment:*

*No Comment*

---

### Question 11

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

*No comment*

---

---

**Question 12**

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

Yes  **X**

No

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

*The Carmarthenshire Local service Board/ Environment Partnership has been in receipt of financial support for environmentally sustainable community development projects. This grant funding has been successfully administered by the Environment Partnership Development Officer and the Partnership would welcome the opportunity to receive future payments for ecoservices (PES) via NRW to support both the provision of information/ advice to the Communities and to establish accreditation schemes.*

*The Partnership would welcome the opportunity to feed into the proposed commissioned study to look at opportunities of PES in Wales and is already able to provide project information at a local level for this purpose.*

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**Question 13**

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

*This should be considered at both national and local levels.*

---

**Question 14**

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

*The Carmarthenshire Environment Partnership agree that the introduction of this would be beneficial to prevent the duplication of collation of data and information - both qualitative and quantitative. The opportunity for agreements/ consents to be made at a local level would enable the flexibility required within both the rural and urban areas of Carmarthenshire. The need for NRW to work with local communities via the Environment Partnership would allow for an informed decision making process to be undertaken.*

*However the Partnership also recognises that with the introduction of 'General Binding Rules' this may cause problems with direct comparisons with other counties / areas to monitor the progress being made towards natural resource management and the climate change agenda.*

---

**Question 15**

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

A

B

*Please provide comment:*

*No comment*

---

**Question 16**

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

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

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**Question 17**

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

*No comments*

---

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

---

#### **Question 18**

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

Yes

No

*Please provide comment:*

*No 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?*

*No comments*

---

**Question 19**

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

Yes

No

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

*No comments*

---

**Question 20**

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

Yes

No

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

*No comments*

---

**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 comments*

---

---

**Question 22**

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

Yes

No

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

---



**Question 23**

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

Yes

No

*If yes, should this apply to:*

a)  
Sector

Households  
c) Both

b) *Businesses and Public*

*Please provide comment:*

*No comments*

---

**Question 24**

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

i)

ii)

---

**Question 25**

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

**Yes**

**No**

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

---

---

**Question 26**

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

**Yes**

**No**

*No comments*

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---

---

**Question 27**

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

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

*No comments*

---

---

**Question 28**

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

*No comments*

---

## 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*

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

---

---

### Question 30

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

Yes

No

*Please provide comment*

*The net proceeds should be passed onto the community to support both charitable and environmentally sustainable projects.*

---

**Question 31**

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

*No further comments*

---

## Chapter 5 - Smarter Management

### Marine Licensing Management

---

#### Question 32

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

Yes

No

*Please provide comment*

*No comments*

---

#### Question 33

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

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

*No comments*

---

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**Question 34**

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

*No comments*

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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 comments*

---

---

**Question 36**

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

Yes

No

*Please provide comment*

*No comments*

---

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**Question 37**

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

---



***No comments***

---

## Land Drainage Management / Flood and Water Management

---

### Question 38

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

Yes

No

*Please provide comment*

*No comments*

---

### Question 39

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

Yes

No

*Please provide comment*

*No comments*

---

**Question 40**

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

*No comments*

---

**Implementation / Equalities**

---

**Question 41**

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

**Question 42**

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

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*\* It should be noted that we have a responsibility to conserve and enhance our natural environment for its own sake not just as a natural resource that provides us with benefits. Some ecosystems or habitats may not provide us with obvious natural assets but it is still incumbent upon us to conserve these places so that they could live without us and beyond us. It is good that we are recognizing the benefits our natural environment brings us but we must not become so anthropocentric that the intrinsic value of Nature is forgotten.*

*\* Protected species/sites legislation is probably complicated in part because the issues pertaining to them are complex. This should not mean that they are necessarily compromised so that economic drivers are not held back. There may well be good reason to re-look at the legislation it should not compromise the species/habitats that it aims to protect. Sometimes to get the most sustainable outcome issues take time to resolve. If streamlining legislation ensures that the conservation status of the species/habitats is not compromised then that is fine. If it is a mechanism that will compromise truly sustainable development then that is not acceptable.*

*\* Any changes in legislation should be mindful of the 2020 Biodiversity commitments to halting its loss.*

*\* Now that FCW are part of NRW is there potential for conflict if there are potential breaches of environmental legislation/permitting in commercial forestry operations that EAW/CCW would have previously regulated. Who regulates the regulator?*

*\* How will a balance be maintained/decided upon when considering natural resource management priorities? Economic drivers are very powerful. All WG departments and others must understand the principles behind sustainability approach.*

*\* The Bill does not mention the emerging Wales Nature Recovery Plan (Wales Biodiversity Strategy) - or how natural resource management approach relates to that.*

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

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Please submit your comments by 15 January 2014.

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

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

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

<b>Name</b>	Nicola Osborne	
<b>Organisation</b>	The Co-operative Group	
<b>Address</b>	1 Angel Square, Manchester, M60 0AG	
<b>E-mail address</b>	Nicola.osborne@co-operative.coop	
<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"/>

## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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

Yes

No

N/A

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

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Yes

No

*If yes, should this apply to:*

*a)  
Sector*

*Households  
c) Both*

*b) Businesses and Public*

The Co-operative Group will continue to dispose of waste through Anaerobic Digestion

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

N/A

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**Question 25**

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

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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

The Co-operative Group is happy to comply with regulatory bodies, but consistency across these bodies would be appreciated, e.g Zero Waste Scotland

**Question 27**

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

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

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**Question 28**

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

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The proposals in this consultation support our targets and aspiration. The Co-operative Group wants consistency across the UK.

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## Carrier Bags

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### Question 29

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Yes

No

The Co-operative Group strongly believes that the charge should not just apply to the single use carrier bags and would welcome 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 2006, the Environment Agency carried out a life cycle assessment on a variety of supermarket carrier bags, which found that as an example, paper bags would need to be reused at least three times to ensure that they have a lower global warming potential than that of a conventional plastic single use bag. This is likely to be even higher today as a result of the work retailers have done since the report was launched to increase the recycled content of single use carrier bags – there was a 51% reduction in the amount of virgin polymer used in all carrier bags between 2006 and 2011.

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

Yes

No

The Co-operative Group welcomes the proposal to extend the enabling powers of the Welsh Minister if there is evidence of the voluntary agreement not working so that they may, by regulations, require retailers to pass on their net proceeds to any good causes.

Under the current original voluntary agreement to donate the funds to environmental good causes, The Co-operative has formed a three year partnership with the Wildlife Trusts Wales under the banner 'Welsh Wildlife Heroes' to support local nature conservation projects and also to fund a number of strategic environmental improvement projects each year.

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N/A

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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.

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

15<sup>th</sup> January 2013

Dear Welsh Government

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

Thank you for giving us the opportunity to comment on the Environment (Wales) Bill.

The North Wales Wildlife Trust is a registered charity and one of the leading non-governmental conservation organisations in North Wales. We are working towards ecologically functioning landscapes and seas that can adapt to climate change; providing resilience and connectivity for wildlife, access and enjoyment for people and a sustainable, low carbon contribution to the economy. We have over 4000 members and 34 nature reserves across North Wales. In addition to the management of these nature reserves we work with a wide range of other organisations to further the protection of biodiversity in the countryside.

The North Wales Wildlife Trust wholeheartedly endorses the response submit by our umbrella organization Wildlife Trust Wales. Given the importance of this consultation we are motivated to submit our own response summarizing our key areas of concern. The Wildlife Trust Wales detailed response is appended below.

We object very strongly to NRM11, the proposal to enable Welsh Ministers to amend primary legislation using secondary legislation. If used, this power would reduce Assembly scrutiny of, and influence over, what could be significant changes to the legislative framework for environmental protection and management in Wales.

We believe it would render the statute book in Wales less transparent and understandable. Both options proposed under NRM11 are incredibly broad (NRW's functions and powers come from approximately 230 pieces of primary legislation). We wholeheartedly reject the proposed licence to make incremental changes to Primary Legislation without proper scrutiny and consider this to be unconstitutional.

Notwithstanding the above, the White Paper can be in places be quite generalist and theoretical. So we would recommend that the next step in developing this new and critical approach would be a Draft Environment Bill. This document should then give time for some more concrete and determined proposals for further consultation and scrutiny.

We also have concerns with the proposals in the White Paper which place too much emphasis on the use of natural resources and not enough on their enhancement, protection and responsible stewardship. We are concerned also that without a clear remit for NRW to be an environmental champion there will be a lack of focus on enhancing biodiversity which in turn may lead to failure to achieve existing legislative commitments, e.g. Aichi targets and climate change targets. This is vital because, in order to enable an ecosystems based approach, you have to ensure that biodiversity is protected and constantly enhanced as it underpins the entire process (as per Convention on Biological Diversity). This is also paramount considering that when examining environmental limits we are already exceeding our planetary limits in terms of biodiversity.

We are extremely concerned that protected sites are not specifically mentioned in the proposals. To undertake an ecosystem approach protected site management is vital to sustain the natural resource base. It is therefore disappointing this is not reflected in the content of the White Paper.



Ymddiriedolaeth  
Natur Gogledd  
Cymru

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Bangor, Gwynedd, LL57 1YE  
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**Swyddfa Dwyrain:** Llawr Isaf,  
Ysgubor Hir, Fferm Pistyll,  
Nercwys, Y Wyddgrug, Sir Fflint,  
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01352 755 472

North Wales  
Wildlife Trust

**Head Office:** 376 High St,  
Bangor, Gwynedd, LL57 1YE  
01248 351 541

**East Office:** Ground Floor,  
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Nercwys, Mold, Flintshire,  
CH7 4EW  
01352 755 472

nwwt@wildlifetrustswales.org  
www.northwaleswildlifetrust.org.uk

Charity Number: 230772  
Company Number: 773995

Rhif Elusen: 230772  
Rhif Cwmni: 773995

A key test will be how the new emphasis on an ecosystem approach will have influence over other processes and actors; e.g. Welsh Government deployment of RDP funds; local plan allocations and specific decisions by Government, Local Authorities, public bodies and others.

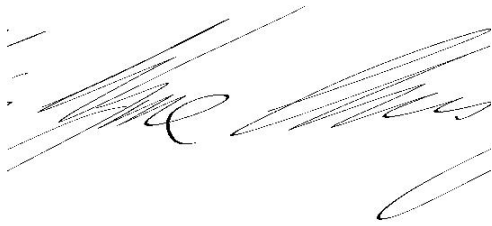
Whilst we welcome the involvement of NRW in Payment for Ecosystem Services (PES) schemes, we have reservations over NRW as PES broker. However, we welcome the proposal for NRW to enter into management agreements to get an agreed plan of interventions that are attached to land and create more natural solutions to flood risk, etc.

We also welcome the extension of the carrier bag levy to bags for life but would also recommend the direct channelling of revenue back into Welsh charities to support delivery of environmental benefits for Wales.

We are extremely concerned about the low importance within the document given to marine management. For example, there is no mention of how marine protected areas will help inform the Marine Plan. More detail is needed on how they intend to meet Good Ecological Status for MSFD or how area based plans fit with marine planning and how collective pressure will be measured.

Once again, thank you for the opportunity to comment on this document.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Wynne', with a large, sweeping flourish underneath.

Chris Wynne  
Conservation Officer

# APPENDIX 1

## WILDLIFE TRUSTS WALES RESPONSE TO WELSH GOVERNMENT WHITE PAPER CONSULTATION ON PROPOSALS FOR AN ENVIRONMENT (WALES) BILL

### Introduction

Wildlife Trusts Wales (WTW) is the umbrella organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales (hereafter referred to as the 'Wildlife Trusts') working together in partnership to achieve a common aims. The Wildlife Trusts collectively speak on behalf of more than 28,000 members and manage over 200 nature reserves, covering more than 6,000 hectares of prime wildlife habitat, from rugged coastline to urban wildlife havens.

Wildlife Trusts strive for a *Living Landscapes* and *Living Seas*, recognising this as an inspirational end point where our environment, society, and economy coexist for the benefit of wildlife and people. We want to foster the connectivity that links our urban and rural areas, our freshwater and coast, our land and sea. We aim, along with our partners, to create;

- ecologically functioning areas that can adapt to climate change; providing resilience and connectivity for wildlife,
- access and enjoyment for people
- a population that is inspired by the natural world and value our environment for the many ways in which it supports our quality of life;
- a sustainable, low carbon contribution to the economy;
- areas that provide a suite of essential ecosystem goods and services.

Our interests therefore lie in people and communities, wildlife, and their interaction.

We are at a pivotal moment. Unsustainable practices have caused dramatic decline in habitats and species outside protected sites leading to the loss of ecosystem services over vast swathes of the Welsh countryside.

Therefore, WTW continues to support the overarching high-level ambition to develop and embed an ecosystem approach to management of the environment in Wales. We believe there is an urgent need to increase investment in restoring ecosystems through new approaches to enhance, protect and manage all elements of the natural and historic environment, both now and for future generations. The White Paper contains a number of concepts and proposals which continue to develop this vision and WTW supports and welcome this work. We welcome the ecosystems based approach and we hope that this consultation is the start of not just a legislative process but of joint delivery with the third, private and public sectors.

However, we do have concerns with proposals in the White Paper, which place too much emphasis on the use of natural resources and not enough on their enhancement, protection and responsible stewardship. We would also like to emphasise that although new practices will be needed to adopt an ecosystems based approach we shouldn't lose sight of the importance of using existing tools (e.g. site designations, other legislation) in delivering this approach.

We would also like to emphasise that WTW wish to be involved in the future development and operationalising these new frameworks. These concepts are crucial to the purpose of Natural Resources Wales, as the body that will have a pivotal role in facilitating this work. We are worried that the White Paper omits important areas and that these omissions will lead to failure on multiple levels. For example, we are concerned that without a clear remit for NRW to be an environmental champion then a lack of focus on enhancing biodiversity may lead to failure to achieve existing legislative commitments e.g. Aichi targets, climate change targets and failure to live within environmental limits. We are sure this is not a situation that Government or anyone would wish to see.

However, the White Paper does represent a unique opportunity to enable Wales to live within environmental limits, to increase our resilience to climate change and to address the future needs of society in Wales. Therefore we must ensure that appropriate focus and support is given to the positive measures available to protect and enhance our environment, as well as make use of its valuable natural resources.

In this document we have chosen to structure our response on the White Paper by outlining our major concerns and comments under headings for each of the four themes. We trust that Welsh Government will be able to take these concerns and comments into account when analysing responses. As valued stakeholders we are anxious that our views are considered in the Governments' evaluation, and that effective mechanisms are in place for us to fully understand how our comments are taken into consideration as the process moves forward.

## Chapter 2: Natural Resource Management

### NRM 1 – Legal definition for natural resources

- The definitions are extremely focused on natural resource use and neglect nature conservation, which, under the Convention of Biological Diversity (CBD) is fundamental to the ecosystem approach. This is a major omission.
- The concepts and principles of the CBD which themselves inform an ecosystem approach are not used directly by Welsh Government in their appraisal of natural resource definitions and their effects, nor in later sections describing the policies and priorities to implement integrated natural resource management.
- The definition omits reference to living within environmental limits. We see this as a critical component and one that provides a link between the Environment and the Future Generations Bill.
- WTW would like to highlight that delivering nature conservation and restoring degraded ecosystems is central to delivery of sustainable development. To enable an ecosystems based approach you have to ensure that biodiversity is protected and constantly enhanced as it underpins the entire process. In this way you achieve re-investment into the system therefore making the natural environment better enabled to meet the demands of our growing population and enable us to mitigate against our changing climate.
- We welcome that the collective actions refer to all public authorities and delivery bodies, not just NRW. However, we would welcome clarification as to how this will be monitored and reported on, ideally this should be through an independent body such as the Welsh Audit Committee to the Minister.

### NRM 2 – National natural resources policy and priorities

- This is an opportunity to set out statutory targets for climate change and biodiversity which relate to international targets that the Welsh Government is already committed to. The model for this is the UK Climate Change Act. These are two extremely challenging issues to tackle, and we believe statutory targets are needed to ensure commitment and to show clear lines of responsibility for our international commitments.
- We understand the proposed approach draws on legislation that exists elsewhere, including in South Australia, and we note that the South Australian Natural Resources Management Act includes in its articles recognition of the intrinsic value of natural resources, protecting biological diversity and supporting the restoration and rehabilitation of ecological systems<sup>1</sup>. We suggest that Wales should also recognise these elements of natural resource management.
- In point 2.22 it is stated that "The Environment Bill will therefore provide the legislative basis for a national natural resources policy aligned to the national outcomes set out through the Future Generations Bill." However, we are still waiting to find out what these will be and it is therefore extremely difficult to comment on this proposal. In general, the White Paper can be in places be quite generalist and theoretical. So we would recommend that the next step in developing this new and critical approach would be a Draft Environment Bill. This document should then give

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<sup>1</sup><http://www.legislation.sa.gov.au/LZ/C/A/NATURAL%20RESOURCES%20MANAGEMENT%20ACT%202004/CURRENT/2004.34.UN.PDF>



time for some more concrete and determined proposals for further consultation and scrutiny.

NRM3-6 – Establishing and embedding natural resource management: development and priority setting of an area-based approach by NRW, a duty on other bodies to take the approach into account and reporting on progress

- The proposals outlined in NRM3-6 are positive, however, more clarification is required before we are able to comment on their effectiveness in detail.
- One of the key benefits of the new approach should be that it enables NRW to deliver existing responsibilities more effectively including protected site condition, WFD and biodiversity targets, etc. However, we note that protected sites are not specifically mentioned in the proposals (except brief reference to MPA's). It would be naive in the extreme to think that the new area-based framework would replace the need for all of the existing tools we have available to ensure protected site management as they remain vital to sustaining the natural resource base, and it is disappointing this is not reflected in the content of the White Paper.
- It is extremely important that Government does not lose sight of existing targets, e.g. 2020 biodiversity target, as it works to develop these changes. The approach presents a real opportunity to build on existing tools and create exciting opportunities for what we call 'landscape scale conservation' such as the Wildlife Trusts' Living Landscapes. It is therefore essential that current mechanisms for delivering these priorities are fully explored and integrated into the overarching approach the Government is seeking to create.
- A key test will be how this process has influence over other processes and actors; e.g. Welsh Government deployment of RDP funds; local plan allocations and specific decisions by Government, Local Authorities, public bodies and others. The detail of how a duty for other bodies to take account of the area based approach and integrated natural resource management will be critical in ensuring that this process is cohesive and everyone works together to achieve national priorities. As the document reads it is unclear what status, these plans would have. Lessons must be learned given the experience of the Wales Spatial Plan.
- We are disappointed that references within the area based plan section (NRM3) do not reflect specific sustainable development language in relation to the needs of future generations. Instead the 'woolly' concept of "environmental wellbeing" is reintroduced, which can be misinterpreted legally as relating to human wellbeing only. We urge that this ambiguous language is replaced.

### Chapter 3: Natural Resources Wales – New opportunities to deliver

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

- We welcome development of Payment for Ecosystem Services (PES) schemes, the important role for NRW and exciting opportunities for involvement of environmental NGO and private sectors.
- We have reservations over the all-encompassing role of NRW as broker establishing accreditation and assurance for schemes, as well as providing information and facilitation services, and a regulatory role.
- We suggest that it would be more appropriate for NRW to fulfil the latter two of these three roles (regulation and advice), and we would welcome more information and a further opportunity to comment and input into the development of this initiative.
- We find it disappointing that there is no reference at this stage to working in partnership with the third and private sectors.

NRM 9 – Management agreements

- We welcome this proposal for NRW to enter into management agreements to get an agreed plan of interventions that are attached to land and create more natural solutions to flood risk, etc.
- We would like to emphasise how important that these agreements be attached to land holdings is, if not there is a danger that payments can become a commodity such as entitlement payments became.
- How this process would work and how it would be resourced is unclear and although this level of detail is not needed at this stage, consideration must be given in case there is a legal requirement to enable these agreements.

## NRM 10 – New powers for the implementation of General Binding Rules

We broadly welcome any initiative to streamline process. However, this process needs to give full and detailed consideration to existing environmental requirements such as SEA and Habitat regulations. Therefore, NRW will need to ensure that this process is vigorously monitored and enforced. This will require new resources especially when applied in the marine environment.

## NRM11 - Ministerial power to amend primary legislation via secondary legislation

- We object very strongly to NRM11, the proposal to enable Welsh Ministers to amend primary legislation using secondary legislation. If used, this power would reduce Assembly scrutiny of and influence over what could be significant changes to the legislative framework for environmental protection and management in Wales. We believe it would render the statute book in Wales less transparent and understandable.
- Both options proposed under NRM11 – (a) enabling Welsh Ministers to amend primary legislation specifically relating to NRW functions and powers, and (b) creating a broader power to amend environmental legislation – are incredibly broad (NRW's functions and powers come from approximately 230 pieces of primary legislation).
- The White Paper does not include specific examples of where this power needs to be applied because no specific examples have hitherto been identified by Welsh Government. We believe that the need for change should be identified via a formal review process and, if this concludes change is needed; proposals for primary legislation should be published.
- We wholeheartedly reject the proposed licence to make incremental changes to Primary legislation without proper scrutiny and consider this to be unconstitutional
- We have outlined our deep concerns regarding this proposal to the National Assembly's Environment and Sustainability Committee, and recommended that Government produce a Draft Bill to enable better understanding and scrutiny of the proposals.

## Resource Efficiency (Chapter 4)

### RE 6 & 7 – Carrier bag charges

- Many WEL member organisations have been beneficiaries of revenue as a result of the successful implementation of a single use carrier bag charge in Wales. WEL members have used this money to take forward crucial work in a range of areas of environmental improvement, action for pollinators, education and health and wellbeing; work that serves to further mitigate the damaging environmental impacts of single use carrier bags.
- We welcome extension of the carrier bag levy to bags for life, however we would also recommend the direct channelling of revenue back into Welsh charities to support delivery of environmental benefits for Wales. This would ensure that all funds are used within Wales and that the Environment Bill will support the resourcing of natural resource management.

## Smarter Management (Chapter 5)

### SM 1 & 2 – Marine Licensing Management and Shellfishery Management

- MPAs – there is no mention of how marine protected areas will help inform the Marine Plan and more detail is needed on how they intend to meet Good Ecological Status for MSFD.
- We need to know how area based plans fit with marine planning and how collective pressures will be measured – marine planning is supposed to deliver the ecosystem approach.
- Marine licensing – we welcome opportunities for reinvestment of resources into marine monitoring and research to expand the evidence base.
- Shellfisheries should be part of a broader impact assessment in terms of the ecosystem approach, particularly in the context of other impacts on protected sites as per the Habitats Directive.

END

19<sup>th</sup> December 2013  
Mark Williams  
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The Environment Bill Team  
Climate Change and Natural Resource Policy Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sirs,

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

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

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

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

**General Comments**

The following general feedback points are of particular importance:

The Bill seems to be setup in order to establish how the NRW will operate in the future. However, it is not clarified within the Bill as to how this specifically relates to local authorities. The detail of this Bill and how it fits in with the Future Generations Bill and the Planning Reform Bill is what may be significant to local authorities. The relationship between these bills may have a much more significant impact upon local authorities and how they operate, compared to that of one bill in isolation. The Bill should clearly outline that it is providing a framework for the consideration of natural resources, although, this will still need to be balanced against social and economic considerations in order to ensure that sustainable development is achieved.

Section 1.32 outlines the role each individual Bill will take, The Environment Bill will set out a framework to prioritise natural resource opportunities and ensure we have the evidence to inform and underpin investment decisions and the right development

opportunities. What does this mean in practice? Does it mean that NRA will be afforded powers through this Bill to determine the location of wind farms, hydro schemes and linked to the available resources of the area. There are other considerations for such schemes not merely the location of the resource for example, landscape impact, traffic impact, noise and biodiversity to name a few. It is felt and well established that the Local Development Plan is the appropriate mechanism for such schemes to be identified and implemented. Regional planning groups and strategic plans exist in some areas, as some of these issues should be identified and tackled at a wider scale than the unitary authority.

The Bill as a whole seems to out-strip some of the democratic systems in place and will make the NRW an incredibly formidable and powerful organisation. The bill should not allow the NRW to become formalistic and complex. It should allow and provide extra flexibility for local authorities to operate and not constrain them within their local territory.

This Bill aims to enable positive planning, including considering environmental issues, risks and constraints in the development of LDPs, as denoted in paragraph 1.31. However, LDPs are already subject to robust Strategic Environmental Assessments and Sustainability Appraisal processes to demonstrate how environmental issues, risks and constraints are considered in the development of LDPs alongside many other considerations to inform spatial allocations. Although, as elaborated upon in the same section the development of a consistent and integrated natural evidence base to inform decision making is to be welcomed. Local Development Plans consider environmental issues, risks and constraints, and assess the impact on the local environment, but they do not currently consider natural resource management or take an ecosystem approach (also looking at impacts on soil, air, water and geology), so there is a need for change.

Paragraph 2.53 states that in the past the environmental evidence base has not been brought together in a consistent way. In addition, consideration has only been given to potential impacts, rather than to the potential opportunities presented by the sustainable management of our natural resources to deliver national and local outcomes. The Environment Bill will therefore put in place a framework for a more consistent, proactive and prioritised natural resources evidence base, which is aligned to agreed national and local shared outcomes. This will be used to inform the full range of instances where evidence in relation to natural resources is required.

However, this may be the case at the national level but it is certainly not the case at the local level. The LDP clearly has regard for the potential opportunities presented by the sustainable management of our natural resources, for example:

- 1) The identification of SLAs and VILLs in terms of their intrinsic value and the opportunities these areas provide for recreation leisure and tourism and thus for economic development;
- 2) The protection of valued habitats and landscapes within development schemes in terms of the opportunities they afford to enhance the layout and design of schemes;
- 3) The inclusion of SDS within schemes in terms of protecting and enhancing the water environment;

4) The identification of areas suitable for renewable energy schemes.

The Environment Bill aims to achieve “. . . a more joined-up approach to managing our natural resources, which better recognises the value of our ecosystems and the services they provide, in order to help achieve long-term sustainable growth, resilience and diversity, resource efficiency and to tackle poverty.” This implies that there is existing data on ecosystems and ecosystem services in Wales, which is not the case. A baseline for the ecosystems and ecosystem services in Wales is required on which to make informed decisions and to be truly ‘sustainable’. Without this baseline, we are working ‘in the dark’ and will not be able to adequately assess our impact on the environment. Baseline data on ecosystems, including their current extent, level of connectivity and management, will be essential for the future; we will be able to prioritise and target work to specific areas that are most in need. The need for ecosystems and ecosystem services to be mapped across Wales was submitted as an idea to the Nature Fund this year. This baseline ideally should be set to inform the National Natural Resources Policy. When this information is available, it should be shared, particularly with local authorities, in order that the information can be used to inform local policies and plans, and strategic action for ecosystems and biodiversity. Local authorities have a wealth of existing local knowledge and experience, can draw on the expertise of a range of specialist officers and many knowledgeable volunteers, and may be willing to assist in the mapping exercise to ensure that it is as accurate as possible.

The above points are core to a whole range of local authority and other services, especially within the Countryside and Landscape section. We now have systems that work, at least largely and within the context of where they sit, and may not need changing. The NRW is having to remodel and reorganise in order to address its own deficiencies, despite how it outlines the benefits for others and will be for our own good, and such adaptation is likely to come at a significant cost to the local authority. It really is too early to provide a meaningful response without knowing the detail. We must secure our roles rather than the NRW becoming the be all and end all.

Yours sincerely,

**Mark Williams**  
**Head of Community & Leisure Services**

## **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>	Mark S. Williams	
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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 checked="" type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

No

### *Please provide comment:*

In principle the overall package makes sense, however it is very light on detail, and as a result may be open to interpretation. The ecosystems approach is sound in theory; however, it could result in practice with economic and social considerations outweighing environmental considerations, particularly at a local level, and in the current economic climate.

On the whole, the answer is yes. It provides the framework for a joined-up cohesive approach towards the sustainable management of natural resources in Wales. Natural resources do not obey any boundaries and therefore such an approach will contribute to their effective management.

There are a few misgivings or points that need to be clarified, particularly how the areas that will contribute to the area based approach will be defined, formed and controlled. It poses a rather difficult question as the areas are not defined and therefore it is incredibly difficult to provide a coherent answer regarding its effectiveness. Please refer to answer provided for question 5 for further clarification.

It feels as though river catchments are being touted as suitable areas for the area based approach to come into force as part of this bill.

There are also questions regarding the implementation of the ideas and principles outlined as part of this bill. How will funding be distributed and allocated and how are the priorities going to be set?

There are some elements that need to be addressed. NRW has worked in the past, as the three legacy bodies, with local biodiversity partnerships, which draw together local people and organisations, including community groups and charities, but the first mention of biodiversity does not occur until 2.37 and “relevant delivery plans”. It is hoped that the network of local biodiversity partnerships, which have over a decade of working together and coordinating local action for biodiversity, are not lost, and that they are allowed to move forward with the new approach. It would be a failure on the part of WG and NRW if the local biodiversity partnerships were not included and inevitably become disheartened and disband. NRW should be committed to continuing its involvement with local biodiversity partnerships and the local authorities that steer them.

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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:***

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

The fact that natural resources have not been defined legally previously is somewhat worrying; this Environment Bill obviously looks to rectify the issue. The approach is worth noting, as it will lead to a legal definition of natural resources and natural resource management.

The common English language definition that refers to materials or substances that occur in nature that can be exploited for economic gain, does not cover the important elements of natural resources and their management, particularly with regard to the sustainability aims and objectives of the Welsh Government. It fails to consider the environmental, economic and social ramifications related to it.

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

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

The definition is something that most have based their ideas of natural resources and their management upon for some time, although looking at examples of definitions and their use in other countries such as Australia, New Zealand and Canada is commendable in principle from a process point of view. However, the context of the countries mentioned is quite different from that of Wales, particularly in terms of resources (financial and time). The definition, therefore, must be tailor made for Wales’ circumstances and context, which it appears that has happened.

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The terms defined in this Bill tie in nicely with ideas and the ethos of this authority and work around and towards concepts that we are quite comfortable with.

Chapter 2 spends much time referring to an area-based approach but it is not clear what the parameters of these areas are. A definition of areas in the context of this bill would be beneficial.

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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:***

Both need to be included, although mitigation is largely covered in the Climate Change Act 2008 and various national emissions target agreements. It is vital resilience is included in this Bill as the local environment plays a vital role in local resilience.

Yes, the ethos behind this particular section of the Environment Bill is fully supported, although questions are raised regarding implement-ability.

Natural Resource management is essential to achieving sustainable development as it can impact upon all levels from the local level, to the regional, to the national, to international and global scale. Embedding measures that contribute towards climate resilience and climate change mitigation within the management is imperative to the success of the scheme.

Natural resource managers are best placed to influence and mitigate against climate change and implement any schemes that will improve Wales' resilience against it. However, it must be stressed that as a small nation, the changes that are put into place are not likely to have a significant impact. Although at the same time improving these elements could potentially lead to influencing other major nations to implement such schemes and initiatives.

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

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

There are obvious cost implications with regard to the proposed and the new Environment Bill, but this Bill must continue to be realistic and ensure that public expectation is grounded.

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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 there is some sense in aligning this legislation with that of the Future Generations Bill, my view is that a 3 year cycle would be more appropriate to allow for a more flexible approach which could react to changing conditions and circumstances quicker.

The outcomes and priority actions should be realistic and not too constraining for organisations to continue some of the good work that they are currently carrying out. Obviously there is an emphasis on the environment but the social and economic implications of the proposed must be considered, as they are just as important.

Unfortunately biological cycles may be significantly longer than five years and therefore monitoring and updating every five years may be ineffective. However, the five year reporting schedule does provide a degree of continuity across the board.

The main question raised with regard to the five-year cycle regards the resources available (including financial and qualified and/or competent professionals), will the organisation be resourced adequately to achieve the targets and goals and establish the working practices that the Bill sets out.

A five-year cycle appears to be a beneficial approach towards natural resource management in Wales. It will allow for regular updates for those involved in its management and encourage flexible working and continual improvement and the sharing of best practice, which in turn will allow those involved in the management of our natural resources to learn and improve their own individual management and techniques.

The five-year cycle will allow for the changing local and national contexts to be reported and consequently priorities and issues can be identified and readdressed on a regular basis. This seems particularly beneficial for both Macro and Micro levels, national and local levels respectively for all to keep up with. This will only be a success if all organisations that are involved with natural resources and their management report back to Natural Resources Wales in a consistent manner.

The proposal is that NRW would report “at least every 5 years” on the state of natural resources in Wales, including information on general trends, successes and challenges to implementing a joined-up approach to natural resource management (summary document). In order to be able to report on the state of natural resources, a regular review of ecosystems and ecosystem services to update the baseline mentioned previously, would need to be undertaken. Every 5-years would seem to be most appropriate for this, however, there may be other individual issues where reporting should be more regular, which could then form a collated review after 5-years.

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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:***

Although it is difficult to comment definitively without knowing what size the “local areas” will be, I believe that the example given of “Cynon & Taff” is too small. Given the size of Wales I believe that it should be dealt with as one area rather than being split into small areas. Particularly if, as stated, there will be links to LSBs any additional areas would provide an additional layer of complication, duplication and confusion. Obviously there will be local delivery but this could be overseen on a Wales wide basis.

Yes and No, as it will vary by each individual topic and/or issue. Certain issues and monitoring will need to be pan-Wales, UK, or the Europe in order to contribute to the improvement.

An area based approach appears to be the most effective approach to delivery, although a true reflective answer is difficult to provide as the definition of the boundaries that this new area based approach will work towards has not been established and is not provided.

It appears that it will be beneficial, as ecology does not respect boundaries and it will allow organisations to contribute towards issues at a local level rather than contributing to the national level. Although its important that regular reporting occurs in order to ensure that priorities in the national interest are also established and achieved.

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There may be issues or conflicting ideas attempting to match up a number of organisations and bodies goals and agendas. How will the methods of working and matching bodies and organisations up to work together be established and will any organisation other than the NRW be taking a leading role within such discussions.

The area based approach must not restrict what our organisation is working towards at a local level, as the proposed approach may impact on our ability to drive forward and implement our own economic, environmental and social policies.

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

A framework for a more consistent, proactive and prioritised natural resources evidence base (see 2.53) that will be developed with a broad range of stakeholder groups (see 2.55) is welcomed.

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

In general, an area based approach makes sense. The Local Biodiversity Action Plan process tried to be the ‘catch-all’ for biodiversity action in a unitary authority area, which only struggled due to the lack of statute and financial backing. If the Environment Bill ecosystem and natural resource management process is well-financed and has statutory backing, then it is hoped that all key stakeholders will become involved and that the capture of activity and action at a community level will be more effective (see 2.65). NRW are the obvious candidate to lead this at the national and regional level, but perhaps the existing Local Biodiversity Action Plan Partnerships could be used as a focal point at the local level and bring in new partners such as businesses and other organisations.

Paragraph 2.43 states that there will be no initial requirement for full coverage across Wales. This may mean that some areas within Wales will fall outside of this area-based approach. If this happens these excluded areas could be disadvantaged by being excluded from contributing to or benefiting from the sustainable management of natural resources.

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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?**

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Yes

No

***Please provide comment:***

There is not enough information provided to answer the question, as there is limited detail of the additional proposed Bill's that the Environment Bill will work in conjunction with, such as the Planning Reform Bill and the Future Generations Bill.

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

If anything it is too flexible and therefore open to interpretation.

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**Question 7**

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

Yes ✓

No

***Please provide comment:***

In principle yes, however there may be issues in practice.

Problems will begin to arise when bodies do not co-operate with other partners in this field, whether they are public or private sector bodies. However, it seems that the involvement of private sector bodies that are involved in the management of natural resources is important, as a number are highly involved in this sector and best placed to provide significant information and knowledge that will contribute to the effective and sustainable management of natural resources in Wales.

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

Alterations in this way may have significant ramifications as to how certain groups operate and are made up, as some may have to reform in order to fit into this model, which will more than likely be accompanied by its own set of issues.

Yes, public bodies should be made to work together to undertake an area based

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

Much of this can only be delivered with wider involvement.

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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:***

Yes, NRW are best placed to report on natural resource management in Wales, however, it will depend entirely upon how NRW delegate it out and take lead in the sector. A full reflective answer cannot be provided until further details regarding such an arrangement are made available.

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

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### **Question 9**

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

It is not clear what the impacts are likely to be on us from these proposals. At an operational level we have good links to NRW. Until the local areas are defined and the mechanisms for delivery clarified it is difficult to comment

As a local authority we are comfortable in how we work as an organisation and our connection and contact with people particularly in the way we collect and disseminate information and we feel strongly about retaining that ability and would not want this bill to detrimentally affect it.

There will be inevitable financial implications of the proposals and these need to be considered by WG and NRW to ensure that stakeholders and key partner organisations are able to implement the new approach in the current economic

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climate. Local authorities are going to be hard pushed over the coming 3 years in light of government budget cuts, as are NRW, and it will be a difficult period. If key local authority staff are lost, then so will their local knowledge and expertise. Many local authority staff have been working in the same area for many years and have a historical knowledge that cannot be replaced in the short term.

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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:*

On the whole, yes, however, as a new organisation the NRW must prove that they have established the most effective working practices internally before turning their attentions to the implementation of this Bill. It is therefore incredibly difficult for local authorities, such as this one to make a balanced judgement. Having established a large breadth of knowledge and understanding in the field local authorities will not want this bill to outstrip that, and be responsible to the NRW. The nature of the three bills working together may be of particular importance to local authorities, although as the Future Generations Bill is yet to be published and not due to be published until after the consultation period for this Bill has elapsed. The re organisation and re modelling of NRW, particularly through the introduction of this Bill is likely to force public bodies to adapt and change, which is likely to come at a significant cost. The NRW should not become an all-encompassing organisation and should concentrate on working with other organisations and bodies rather than dictating. Any changes to this Bill allowed by Welsh Ministers should allow for a consultation period with the relevant stakeholders in order to afford a degree of involvement and protection.

It outlines a package that will allow Natural Resources Wales to work in a more innovative way. However, this does suggest or imply that new and innovative ways will be trialled and only sets out the framework for such work. With organisations such as Natural Resources Wales and formerly the Environment Agency will there be the mentality that *'if it isn't broke, don't fix it'*? And will their employees continue to

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implement current measures, rather than introducing new and innovative methods of working.

It seems that the NRW are taking a step away from their primary role as enforcers of legislation, they should be looking to meet this in a more pro-active way.

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

A clear definition of what WG will be responsible for and what will be delegated to NRW needs to be provided.

This whole area needs to be better defined and more detail provided before we can provide more comments.

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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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The legislative framework proposed by the Bill provides a safeguard by ensuring that any experimental schemes devised by Natural Resources Wales is ratified and approved by the Welsh Ministers. There are, however, some limitations with regard to this approach, as, firstly, the bureaucratic process is very time consuming. Welsh ministers are not trained specialists in the field and therefore may not fully understand or appreciate the full implications of the proposed scheme and their decision may be prejudiced by the information provided to them by officers.

The flexibility of the proposed is supported, although as previously stated the bureaucratic process may become too restrictive, therefore, internal policies and protocols should be established and implemented without the need of a Bill that provides similar safeguarding. Such a protocol could work upon an agreed cost/benefit analysis before it is rolled out on a regional or national scale.

There must be a review of the Bill enshrined within it, which needs to be specified with a full consultation process taking place of such a review. It should be presented before the Public Accounts Committee in order to achieve this.

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

NRW experimental schemes must be prepared in consultation with all key stakeholders.

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### **Question 12**

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

Yes

No ✓

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

No, the NRW are one of a number of bodies, including local authorities, that are best placed to act as facilitators, brokers and accreditors of PES, provided that it is carried out in an open and transparent way with a valid appeals process. Our natural resources are incredibly valuable, although it is a difficult proposition to place a monetary value upon their importance. Is there any clear evidence to justify that the NRW require such additional powers?

There needs to be a range of organisations involved in such a system, depending on subject and topic area. NRW should not be allowed to 'cream off' the projects themselves, managing the fees and revenues themselves, and effectively leaving others to take all the risks and be overly constrained by the NRW. The Bill must ensure that priorities and projects are allowed to emerge from grass roots up,

although it is at the regional and large-scale type initiatives that the NRW will be the best-placed organisation to act.

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

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

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

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

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

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### **Question 13**

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

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

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

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

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

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

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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:*

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

However, any further changes or amendments to this Bill in due course must be fully justified and go through a consultation process to ensure that all relevant stakeholders are aware of the changes that are being proposed. Such processes attributed to Welsh Ministers for amending the Bill must be outlined prior to the adoption of the Bill.

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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.**

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

There may also be conflicts occurring as part of the legislation as we currently do not know the full detail of the legislation.

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

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

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

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**Question 17**

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

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As previously stated, further information is required before a full answer can be provided. However, we look forward to working in a format with a renewed emphasis upon the environment, but the details regarding its implementation would be beneficial in this instance to provide a true reflective answer.

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

Yes

No ✓

*Please provide comment:*

It is worrying that WG can consider any additional burdens on LA's in the current economic climate. Welsh Local Authorities already have a statutory obligation to achieve Recycling and Composting Targets by 2025, in order for this to be achieved greater extraction of materials from the residual waste stream will be required; it is likely this will include further segregation of material streams. By placing a further obligation on the authorities as waste collectors there is duplication of the requirements and potential for contradiction.

With regards to the timing of the proposed measures clear Recycling and Composting Targets are already set out with key milestones for their achievement. With the target of 70% being in year 2025 and local authority waste strategies established around this framework, it appears contrary to introduce an additional obligation for the separation of recyclates potentially from 2017.

LA will strive to continue to provide their current front line services despite significant cuts in sustainable waste management grant and even greater cuts in core budgets.

Whilst we would all accept the environmental benefits of additional recycling these often come at a cost and in the current economic climate consideration should be given to suspending SRT's (if there is an economic case to do so) so we can divert our remaining resources into other essential front line services.

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

Yes

No ✓

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

We cannot understand the rationale being suggested that there will be very little or no additional cost in collecting the additional range of materials.

We would suggest that the majority of collectors are already constrained by capacity on their vehicles and any additional pressure around the margins would result in significant additional collection costs.

It is also confusing as it suggests the obligation to sort should rest with the producer but then suggests a joint responsibility for ensuring compliant with the Waste to Energy/Disposal Facility and the person delivering.

There is also of course an issue with many MRF's not dealing with the additional waste streams and with LA's that often source segregated service perhaps not having capacity to deal with these materials at their existing premises.

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**Question 19**

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

Yes <input type="checkbox"/>	No
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*If no, please state why and an alternative.*

The requirement to segregate is fine as long as it does not place an additional burden on the business as suggested in the report, but the requirement to collect should be removed from LA.

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

There are many small businesses (particularly shops) where waste storage and containment is a big problem and consideration should therefore be given to a “*de minimis*” level below which a duty to segregate does not apply. For example, business with a turnover of under £1,000,000 or those who produce less than 1 tonne of waste per week.

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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?

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

The Authority is reassured by the confirmation from Welsh Government that there would be no impact on Prosiect Gwyrdd. The agreed gate fee (and all other aspects of the contract) would remain unchanged.

Yes

**No**

*If yes, what are they?*

However, if guidance is produced it should include on explicit assumption that residual waste from a well performing kerbside collection system will not contain valuable recyclables.

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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?*

This proposal penalises organisations who have limited or no control over the quality of the products they receive and is likely to be impossible to enforce and administer.

Contracts have already been agreed and there was no mention of ‘contamination limits’ or the types of materials that should not be treated via Waste to Energy or landfilled so any additional cost will presumably pass to LA’s. However, the Authority is reassured by the confirmation from Welsh Government that there will be no affect on Prosiect Gwyrdd in terms of gate fees or other aspects of the contract.

If there must be a level it should be 50%.

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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:*

Why not just ban the fitting of these devices to new properties (regulated by Building Control) and ban the sale of such items in the UK.

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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?*

Given the Authority's opposition to the proposals in Chapter 4, it would be inconsistent to comment on the issue of lead in times. It must also be remembered that Local Authorities already have a policy and legislative regime for waste management which takes them up to 2025.

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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

Does Local Government really need more regulation when we are public bodies trying to provide essential public services. Instead of wasting more money on regulation why not direct these resources to front line service provision.

**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:***

**Building Control / Building Regulations.**

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**Question 28**

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

Local Authorities are struggling to provide front line services with recent budget cuts, so it does not make sense to increase the burden on the public sector or any businesses that may be struggling in the current economic climate.

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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*

While the Authority agrees with this proposal in principle, there is concern that additional regulations may constitute new burdens on Local Government and it is therefore questionable whether these proposals are absolutely necessary at this time.

However, it is accepted that all types of plastic carrier bags should be included.

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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*

The Environment Bill is about natural resource management and the aim of the reduction in plastic carrier bags is to limit the effects on the environment and climate change, so the proceeds should be directed towards the management of natural resources and ecosystems, including wildlife charities and organisations, community groups and local authorities, to enable them to better manage their land and to increase the extent and connectivity of habitats. This would have knock-on social and economic benefits to local people.

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### Question 31

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

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

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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?  
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?

## 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;

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**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**

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>	Gareth Harcombe	
<b>Organisation</b>	Cardiff Council	
<b>Address</b>	Atlantic Wharf County Hall Cardiff	
<b>E-mail address</b>	GHarcombe@Cardiff.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	<b>Businesses</b>	<input type="checkbox"/>
	<b>Local Authorities/Community &amp; Town Councils</b>	<input checked="" type="checkbox"/>
	<b>Government Agency/Other Public Sector</b>	<input type="checkbox"/>
	<b>Professional Bodies and Associations</b>	<input type="checkbox"/>
	<b>Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)</b>	<input type="checkbox"/>
	<b>Academic bodies</b>	<input type="checkbox"/>
	<b>Member of the public</b>	<input type="checkbox"/>
	<b>Other (other groups not listed above)</b>	<input type="checkbox"/>

## Chapter 2 - Natural Resource Management

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### Question 1

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

Yes

No

The principles appear sound and we agree with the overall package of proposals, and in particular with the ecosystem approach to integrated natural resource management. However the conservation of protected and priority species often requires measures which are not usually included in routine ecosystem or habitat management, and the proposals pay little regard to species conservation. Instead, we are left to assume that if ecosystems are maintained and enhanced, then individual species will take care of themselves within that ecosystem. Whilst this may usually be the case, equally there needs to be account taken of species conservation measures which are not picked up by ecosystem management.

This being the case we would suggest that the Bill makes more reference to how the species protection provisions of the Wildlife and Countryside Act 1981 (as amended) and of the Conservation of Habitats and Species Regulations 2010 (as amended) can be incorporated into integrated natural resource management, for example via a 'Mosaic Approach' as promoted by Natural England.

Further understanding is required to fully explore the resource and cost implications of the proposed Bill. It would be unlikely that these proposals will not have resource and financial impact on Local Authorities.

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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

The term ‘biodiversity’, should be among the list of elements that constitute ‘Natural Resources’ as set out in Figure (iii) definitions. Biological diversity can be a resource in itself above and beyond ‘biological resources’, which implies a material source of wealth, such as timber, that occurs in a natural state and has economic value, or a substance or object required by organisms (including people) to sustain normal life. This is because more biodiverse ecosystems are likely to be more robust, so the diversity of life forms has an intrinsic value beyond simply the amount of living and dead tissue (‘biomass’) and the organic substances provided by, and needed by, living organisms (‘biological resources’).

Therefore we suggest that point ‘c’ of the definition of Natural Resources is amended to read ‘Biomass, biological diversity, and biological resources’, to reflect the importance of biodiversity in itself.

If ‘Integrated Natural Resource Management’ is a planning and priority setting process, it may be better to call it ‘Integrated Natural Resource Planning’, firstly to reflect this point, and secondly to distinguish it from the subsequent ‘Sustainable Management’ – the term used for actual management rather than planning.

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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

Natural resources play an integral role in both reducing greenhouse gas emissions (mitigation) via vegetation acting as carbon sinks etc, and also by preparing for the likely effects of climate change (adaptation / resilience) via cooling /shading, green corridors for wildlife migration, flood control and SUDS etc. This role applies from a small scale local level through to a strategic national level.

However the Bill should also reflect the need to consider the effects that climate change measures, such as wind turbines and estuary barrages, have upon ecosystems. Therefore, whilst recognising the need for these measures, legislation should provide that their effects upon existing habitats and species be carefully considered.

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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

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**proposed in the Future Generations Bill?**

Yes ✓

No

If the Environment Bill is to link and take account of the Future Generations Bill then it makes sense for the two cycles of outcome setting to be aligned, provided there is dialogue between the two processes in setting both sets of outcomes.

NB See question 42 for additional comments regarding the linkage of the Environment Bill with other upcoming Welsh Government Bills.

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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

Cardiff would welcome more engagement and intelligence sharing, and this could provide further opportunities for collaboration.

However if an area based approach is to be delivered then whatever areas are chosen for this approach, not all areas will encompass the entirety of ecosystems that lie within them; that is there will always be some ecosystems which stretch across the borders of these areas. This being the case, there is the danger that there will be a loss of focus on these ecosystems and/or a loss of ownership of their management because they fall across two or more areas. Therefore, the requirement for collaboration between areas in the area based approach should be built in to the remit of these areas.

Given that there will be no initial requirement for full coverage of these areas across Wales, who will take responsibility for those ecosystems or parts of ecosystems which lie outside an area?

Further information is required on how cross Local Authority boundary issues will be tackled and financed, and expectations on Local Authorities.

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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**

**If Welsh Ministers are to be given the power to make amendments to existing legislation in order to eliminate any differences with the sustainable management of natural resources then this needs to be through a process of wider stakeholder consultation (as with this White Paper).**

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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**

**We agree that responsibility for and ownership of the planning and management of natural resources needs to be shared among stakeholders, and Local Authorities are an essential part of this. However, given that most Authorities are at an advanced stage with their LDPs, which may extend to 2026 for example, what will happen if the provisions of a given LDP are not compatible with the approach proposed in this White Paper? Will LDPs have to be re-drafted in order for the LPA to be able to demonstrate compliance with an area-based approach to natural resource management?**

**Does the area based approach mean recycling targets and BMW allowances can be shared?**

**Furthermore, cooperating in a meaningful way with the area-based approach requires resources and expertise on behalf of the public body. Given that there may a requirement or direction to cooperate, will these resources and expertise be supported financially? Whilst it may well be the case that the area-based approach to natural resource management is cost-neutral in the long term, in the short term this approach would have resource implications for public bodies.**

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**Question 8**

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

Yes

No

NRW has the national overview to undertake this role; however delivery will depend on NRW having the resources, the culture of expertise and the autonomy to allow provision of independent, timely and authoritative advice and leadership on the sustainable management of natural resources.

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**Question 9**

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

Cooperating in a meaningful way with the area-based approach requires resources and expertise on behalf of the public body. Given that there may a requirement or direction to cooperate, will these resources and expertise be supported financially? Whilst it may well be the case that the area-based approach to natural resource management is cost-neutral in the long term, in the short term the direction to cooperate would have resource implications and financial impacts for public bodies.

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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

In particular we would like to see NRW given the ability to test more creative ways of ensuring Favourable Conservation Status (FCS) for European Protected Species within their range in Wales, to establish whether this would provide greater benefits to FCS than the current site-by-site mitigation approach, for example via a 'Biodiversity Offsetting' approach.

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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?

These experimental measures are subject to wider consultation and they do not conflict with other elements of nature conservation legislation, such as that resulting from the Habitats and Birds Directives.

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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**

**It may be that new powers are required, but equally the capacity within NRW in terms of resources and scientific expertise needs to be supported and retained, such that habitats and species which do not directly contribute to ecosystems services are studied and protected.**

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**Question 13**

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

**NRW should be empowered to enter into management agreements which rest with the land and not the landowner, such that measures remain in place should land ownership change. Where a landowner does not cooperate with, or is in breach of a management agreement, NRW should have the capacity to serve a management notice on that landowner, requiring them to cooperate with that management agreement, along the lines of section 28K of the Countryside and Rights of Way Act 2000.**

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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?**

**General binding rules must not be used as a weaker substitute for legal management agreements or enforcement action, where successful delivery of integrated natural resource management, or species protection, warrants legal management agreements or enforcement action.**

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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**

**Whilst we accept that nature conservation legislation should be modernised, this needs to be through a process of wider stakeholder consultation (as with this White Paper).**

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**Question 16**

**Please state any specific evidence of areas of potential conflict or barriers between the**

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**objectives of integrated natural resource management and the application of existing legislation.**

**An integrated natural resource management approach may not take account of, and may even disadvantage, individual species including European Protected Species. Protection and enhancement of these species populations should be built into this approach, even where this protection and enhancement does not contribute directly to that approach. This could be achieved, for example, by a ‘Mosaic Approach’ as promoted by Natural England.**

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**Question 17**

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

**A direction to cooperate, whilst welcomed in principle, may result in a drain upon already scant resources in Local Authorities. Similarly, whilst a Local Authority may welcome entering into a management agreement with NRW in respect of that Authority’s land holdings, again resources would be required to implement that agreement.**

## 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

The Waste Measure and EU Directive already cover the requirements on recycling and collections. A further regulation is not required on local authorities. This will lead to duplication and possible conflicting legislation if one is changed without the other.

The evidence base provided is very old, referencing 2005, 2007 etc. The EU Waste Framework Directive sets out the need for TEEP on a local level and this should remain.

The sector plans already outline preferred options, why is further prescriptive legislation required in additional to the Waste Measure and Waste Framework Directive?

Guidance on the waste regulations should be published now as Local Authorities have less than 12 months to take action if required.

How will such regulation be imposed on residents and the wider question is how such regulation would be enforced on residents.

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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

The regulations should not go beyond the EU Waste Framework Directive.

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**Question 19**

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

Yes

No

This will lead to increased burden and costs on businesses. As Local Authorities are responsible for section 47, EPA, this will place increased burden on Local Authorities or the regulations will not be enforced.

How will individual householder and business restrictions are enforced?

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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

**SME's will struggle financially to afford all the different levels of segregation. Many will not have the space or resource capacity to separate out 7 streams. The collection costs of several collections will increase costs on businesses.**

**Without guidance and further detail on what TEEP will consist of and be tested against it is response is based on assumption only.**

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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

**If materials are banned from landfill and EFW at the same time, what happens if a recycling market crashes and recycling capacity is removed. e.g. wood in 2012/13 . If these materials cannot be recycled, landfilled or processed through EfW what is to become of them?**

**The waste regulations will require separate collections, why do we require further prescriptive legislation that will place extra costs on the NRW, Local Authorities and businesses across Wales?**

**How will these bans be enforced?**

**What are the consequences on breaching the regulations?**

**Will this apply to householders, if so how?**

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

Sufficient legislation already exists to drive and encourage recycling. Acceptable contamination levels are not deliverable without excessive costs of compositional analysis. How will disposal companies deal with genuine contamination issues that cannot be recycled? What is a previous recyclable material market collapses and landfill or EfW is the only option?

How will these levels be enforced effectively?

Who determines if a material can be recycled and is so classed as contamination?

What are the consequences on breaching the regulations?

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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

This will be unenforceable particularly for householders and smaller businesses without discharge consents. Disposal units are available globally and Wales cannot prevent people buying and having them fitted.

How would disposal to the sewer be identified and enforced?

What are the consequences on breaching the regulations?

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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) **Householders – it is unlikely that such a regulation could be enforced**  
ii) **Businesses and Public Sector – it is unlikely that such a regulation could be enforced**

The enforcement of such a proposal should be considered in the White Paper, not considered as an after thought.

What are the consequences on breaching the regulations?

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**Question 25**

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

Yes

No

There is insufficient guidance available to Local Authorities available on the waste regulations 2011, before Welsh Government start introducing further legislation that may duplicate or conflict EU directives

It is also noted that all the evidence base comes from the same consultant. Where is the wider evidence base?

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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

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body.

Yes

No

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NRW should enforce as Local Authorities do not have the resources to enforce. But how will the NRW enforce all individuals, business and disposal companies?

How will these bans and requirements impact on section 46 & 47, EPA work undertaken by Local Authorities?

**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

Sewerage undertaker, as they are the only ones who will know if there is a specific issue e.g a blockage.

**Question 28**

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

**These proposals will lead to over prescription and increased costs of administration, processing, enforcement and monitoring on all parties.**

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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

This is over prescription following insufficient consideration of the original regulation. This proposal is focused on plastics, what about card and paper.

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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

This is over prescription and should be supported by good guidance, rather than more legislation. This is an example of overall prescriptive legislation, leading to more prescriptive legislation.

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**Question 31**

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

**This is over prescription and should be supported by good guidance, rather than more legislation. This is an example of overall prescriptive legislation, leading to more prescriptive legislation.**

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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

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?
- coverin  
g 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

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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

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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**No comment.**

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes

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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)?**

No

**We have concerns in relation to potentially short cutting legislative processes.**

**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.**

**No comment.**

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**Question 42**

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

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**It is good to see linkage between the Environment Bill and other upcoming Welsh Government Bills such as the Future Generations Bill and the Planning Bill; in particular to see linkage to making sustainable development the central organising principle of all public sector bodies, which includes Natural Resources Wales. However it is not detailed as to how these upcoming Bills will link together for mutual gain and not to conflict with each other. We appreciate that all these Bills are in the process of being written but would like more clarification and assurance that they will interlink, support each other and avoid conflict.**

**Additionally there is no mention made of the hierarchy of these upcoming Bills. If the Future Generations Bill is to make sustainable development the central organising principle of public sector bodies, and not one of several principles all fighting for priority, then does that mean that the Environment Bill is to be based on Future Generations Bill? If not should it be?**

**If a holistic approach is to be taken of the environment in the Bill then there is no mention of either living or working within environmental limits or the precautionary principle to resource management and use.**

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