



Severn Trent Centre
2 St John's Street
Coventry
CV1 2LZ

17 January 2014

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

Dear Sir / Madam

Response to Welsh Government's Environment Bill White Paper

We welcome the opportunity to comment on the Environment Bill White Paper. The proposals set out in the White Paper are broad and wide ranging, and the specific areas of most relevance to Severn Trent Water are being consulted on separately through the Water Strategy consultation and the Planning Reform Bill consultation. We will provide our specific comments in response to these consultations once they are published.

Our general comments on the proposals in the Environment Bill White Paper are set out below.

1. We believe the tests that should be applied to judging the White Paper are:

- Will it be of benefit to customers? Will it help maintain safe and reliable services at affordable prices?
- Will it benefit the environment? Does it help to address the challenges posed by climate change and population growth?
- Will it help maintain future investment? Does it provide a sound basis for the water industry to continue to invest at the levels needed over the next 20 years?

2. The Paper is right to promote catchment management to help enhance the ecological and chemical status of water courses. But there are more environmental opportunities available to policy makers:

- The Welsh Government should signal its support for flexible consents for discharging into rivers. When a river is running low, discharge from treatment works has a proportionally greater impact and the standard to which it is cleaned should reflect this. When a river is in spate and discharges are heavily diluted, it is not environmentally sound to use carbon intensive processes to treat discharges beyond a level that would benefit the river.
- Within the context of the Water Framework Directive, there needs to be clearer information of what constitutes "disproportionate" costs. The Water Framework Directive is likely to be the biggest single factor pushing up customers' bills. Without clearer guidance on what constitutes disproportionate costs, the risk is that customers could pay more for worse overall environmental outcomes if, for example, the environmental cost of carbon emissions are not taken into account when making investment decisions.
- The Welsh Government should work with the UK Government, the EU Commission and others to develop a simple measurement system that reflects accurately the progress

Registered in England & Wales

Registration No. 2366686

Registered Office:

Severn Trent Centre, 2 St John's Street,
Coventry CV1 2LZ

being made. British rivers are said to now be in better condition than at any time since the Industrial Revolution. The problem is that the Water Framework Directive's 'one-out, all-out' way of measuring water status (i.e. by classifying a water course as requiring improvement if a single measure is not met) does not reflect the progress being made, which in turn jeopardises public support for necessary investments.

3. The White Paper could do more to complement other policies and encourage the use of sewage sludge to generate low carbon, cost efficient energy. We already generate around a quarter of our own energy and could do more if the Government supported the recommendations of the recent Office of Fair Trading report on the market for sewage sludge. The aim of the recommendations is to allow water companies to participate in the market sludge on a fair, competitive basis. The Government should implement the OFT's recommendations as soon as possible.

In addition we recently met with you to discuss food waste. A summary of those discussions in relation to this consultation are:

1. We fully support the proposal to prohibit the disposal of solid food waste, including from macerators, to sewer. This will reduce the risk of blockages, sewer flooding, environmental pollution, odours and rodent infestations. The Water Industry do not currently regulate food preparation premises such as restaurants, hotels, and fast food premises as they are deemed to produce domestic waste but Severn Trent are currently investigating whether it is possible to regulate these under the current legal framework. This includes the setting up of trials within a small catchment to evaluate the impact of education, regulation and policing on the performance of our sewer network. If a ban were to be introduced we would expect that it would apply to domestic waste as well as commercial. However, care should be taken to avoid the unintended consequence of prohibiting the discharge of liquid food wastes to sewer if it is only referred to as food waste.

We note that the above proposal is to avoid an increase in discharges to sewer following a ban on food waste to landfill. To alleviate this problem there will be a need to ensure that there are alternative treatment facilities with available capacity. Interestingly, Severn Trent is currently developing several food waste anaerobic digestion facilities to treat such wastes.

2. Whilst the carrier bag charging regime does not directly impact Severn Trent we would like to commend its implementation and believe it is an excellent example of clear policy that has resulted in successful achievement of goals. We are pleased to see that following a review of the schemes implementation you have learnt lessons and made changes to achieve further improvements.
3. We are pleased that you have recognised that some cross-border issues could result from these proposals. This is of particular concern for Severn Trent given our operations extend to both England and Wales. We believe that dialogue at the earliest opportunity will ensure that we understand your proposals prior to implementation and that you are able to hear and take on board our concerns.
4. We support your desire to encourage sustainable development and we agree that this should include the promotion of sustainable drainage systems (SuDS). Thusfar, take up of such schemes has been limited by the lack of clarity on funding for construction, maintenance and ownership. Severn Trent believe that water companies are the most appropriate organisations to successfully fulfil this role. We have the charging mechanisms, infrastructure and skills to

take on this role. We believe we could deliver these duties efficiently for customers and developers due to the synergies with our existing work and economies of scale. By adopting SuDS we would then have better visibility and control over the management of surface water run-off and sewer flows and hence would be in a position to look holistically at whether SuDS being constructed as part of new development can also benefit existing customers, the wider community and the environment.

Yours faithfully

A handwritten signature in black ink, appearing to read 'MO'Kane', written in a cursive style.

Marcus O'Kane
Water Resources Strategy Manager

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name Ronnie Alexander

Organisation Coordinator – Wales Heads of Environmental Health

Address

E-mail address whoehgcoordinator@gmail.com

Type
*(please select
one from the
following)*

Businesses

Local Authorities/Community & Town Councils

x

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

The objectives of the Welsh Government are supported including those to introduce area based management. It is encouraging to see the focus on sustainable solutions and flexibility.

Area based management could contribute towards evidence and assist in modifying procedures/processes with an obvious implication for regulatory functions.

The caution here is the potential to add unnecessary bureaucracy with obvious cost implications.

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:

In general terms yes, but definitions if very specific, limit flexibility/ innovation rather than encourage it.

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:

Given the fundamental importance of these issues, this is a priority for both national and local levels.

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:

We would want to be clear as to the benefits to follow from setting national outcomes and priority actions for natural resource management on the same five year cycle as the Future Generations Bill.

Welsh Government needs to have regard to existing timescales for priority actions to avoid mismatches and consequently increase costs.

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:

NRW will need to engage with stakeholders both within Wales including the important role of local government and also with interests outwith Wales.

Reliance on terms of MoUs while useful essentially represents a breakdown in communications if such agreements ever need to be examined in detail. It is much better to actually share and encourage sharing of information between all stakeholders.

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:

See above

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 general terms yes but as previously mentioned there may be a consequential of extra responsibility/ duties/costs for local authorities which would be completely unacceptable in the present economic climate.

Local authorities will be facing major structural reform as a consequence of the Williams Review and this needs to be factored into any such requirement for the future.

Question 8

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

Yes

No

Please provide comment:

We consider this to be a sensible approach but stress the fundamental need for NRW to work closely with others.

Question 9

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

We consider the previous comments made as to unnecessary burdens placed on other organisations to be relevant here. The primary duty of local authorities is to serve their local communities efficiently and effectively and in such a way that minimises cost.

As previously mentioned a structural reorganisation of local government is in prospect in the near future. Anything which simplifies structures or process is to be welcomed. A further layer of complication is not necessary and not justified.

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

The use of experimental powers may encourage innovative approaches but also requires carefully controlled procedures to monitor and control. In the present environment it is fundamental that resources are not squandered on powers/practices which may seem sensible but achieve little of demonstrable value.

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?

The essential issue here is that resources follow demonstrable need and that the driver is to do the right things rather than to do things right.

Cost benefit analysis would be a useful tool and there must be reasonable expectation that inputs would deliver the required solutions.

It is also necessary to be clear as to which organisation is responsible for what function. Within present arrangements this is sometimes unclear.

Question 12

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

Yes

No

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

NRW are best placed to be the appropriate body. However there are clear dangers in setting this in stone so a process of review should be established/ built in. The role of cost benefit analysis would be important here.

Question 13

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

To the extent that there is delivery of useful outcomes. Management of flood risk is one obvious example.

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 specific comment but there is a clear need for wide public engagement as to how this is applied.

It is noted that the consultation states that responsible persons and organisations will need to take little, if any, action to comply as they would be based on good practice but the devil is in the detail.

A widely based consultation exercise is fundamentally necessary before this is taken any further.

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:

The proposal to limit this to NRW functions is supported. If there is an additional proposal to cover broader environmental legislation this should be the subject of a specific additional consultation exercise.

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 consider this is for Welsh Government to identify, clarify and expand. Given it is not known how and when Welsh Ministers might use the enabling powers, the question is best addressed by Welsh Ministers and officials.

Question 17

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

As previously mentioned, local authorities in Wales are facing major structural reorganisation. In the absence of specific knowledge of these proposals you are directed to the answer above.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

The application of measures to reduce, reuse and recycle is welcomed. This is qualified by reference to answers at 23 and 24.

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?

In principle, all materials or waste streams which have a potential use should be sorted and collected separately.

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.

Given that cognitive impairment is an increasing problem for a greater proportion of our population, this needs to be factored into arrangements for individuals.

The level of segregation asked of businesses should be the maximum that is practically achievable as it should be for individuals of sound mind and body.

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.

This is a matter for agreement with business interests and should be subject to specific consultation.

Question 23

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

Yes

No

If yes, should this apply to:

a) Households

b) Businesses and Public Sector

c) Both

Please provide comment:

The principle is supported but households present practical problems. It would require a ban on sale/use of food macerators. How could this be enforced?

It may be better to encourage householders not to use the drainage system as a means of disposing of food.

For businesses and the public sector there should be such a prohibition.

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) With difficulty and will require close working relationships between the sewerage undertaker and NRW.

ii) Not capable of practical enforcement without use of considerable resources.

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

NRW are best placed to perform this function making use of field intelligence from sewerage undertakers.

Question 28

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

It is not appropriate for local government to undertake this function which is best handled by NRW taking into account their other responsibilities for waste.

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

This seems a sensible extension of the present scheme.

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)?

The issue of proportionate and sensible enforcement needs to be carefully considered.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

No comment

Question 33

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

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

No comment

Question 34

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

No comment

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment

Question 36

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

Yes

No

Please provide comment

No comment

Question 37

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

No comment

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment

Question 39

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

Yes

No

No comment

Question 40

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

Given that it is not known when and how Welsh Ministers might use these powers; a detailed assessment of impacts should wait until necessary.

There should then be a separate consultation

Implementation / Equalities

Question 41

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

No comment

Question 42

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

Given that a Water Strategy Consultation is imminent as is a Planning Bill, there is a need for cohesion with the Environment Bill.

Towards the Sustainable Management of Wales’ Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Emma Hockridge
Organisation	Soil Association
Address	Soil Association, South Plaza, Marlborough st, Bristol, bs13nx
E-mail address	ehockridge@soilassociation.org

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

Chapter 2 - Natural Resource Management

Question 1

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

Yes x

No

Please provide comment:

Question 2

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

Yes x

No

Please provide comment: Our area of expertise is food and farming. We feel that given that this is such a key area of land use and the economy for Wales, along with the huge impact on climate change and the environment more generally (e.g. water quality, biodiversity etc.) that this sector should be given greater priority within the definitions and that more specific mention should be made of it within the white paper.

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: Yes, this is a vital area of concern. Again, agriculture can have a huge impact on both climate change imitation and adaptation. Recent experience with regard to flooding has further highlighted the importance of, for example good soil management in order to adapt to extreme weather events and climate change.

Question 4

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

Yes

No

Please provide comment:

Question 5

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

Yes

No

Please provide comment:

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

Question 9

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

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

Question 11

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

Question 12

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

Yes

No

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

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

**a)
Sector**

**Households
c) Both**

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

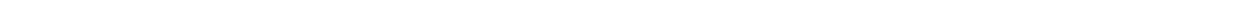
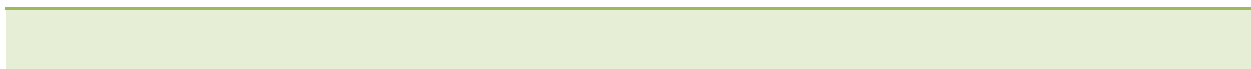
Implementation / Equalities

Question 41

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

Question 42

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



Welsh Government White Paper Towards the Sustainable Management of Wales' Natural Resources, consultation on proposals for an Environment Bill Response from the Open Spaces Society, January 2014

Introduction

- 1 The Open Spaces Society is Britain's oldest national conservation body, founded in 1865. We campaign to create and conserve common land, town and village greens, other open spaces and public paths, in town and country throughout Wales and England. We give legal and technical advice to our members on matters relating to our interests, and we publish a number of handbooks and information sheets to assist members, land managers, lawyers and the wider public. We are represented on the Wales Access Forum, Wales Environment Link, the Commons Act advisory Group, local access fora and other bodies which promote our interests in Wales.
- 2 We regret there is no mention of the importance of common land and open spaces for their environmental value, economic value in contributing to the Welsh visitor industry and importance for health and wellbeing. There is scant mention of national parks and areas of outstanding natural beauty and the implication is that the Welsh Government is looking to change these regimes, and doesn't care much about their proud history and the fine legislation which underpins them. We find this deeply worrying.
- 3 We have found this consultation document difficult to interpret; the language is somewhat impenetrable and confusing. An additional impediment is that there are many references to the Future Generations Bill which we have not yet seen.

Chapter 1: introduction

- 4 This section introduces the idea of an ‘integrated natural resources evidence base’ (para 1.31) for use in planning as part of an area-based approach to natural resource management. It is said that this will ensure that local authorities and other bodies can clearly identify what capacity natural resources have for economic growth (para 1.33), but there is no prescription on how this will be done or by whom, and we are concerned that the emphasis is on economic growth. The adjective ‘sustainable’ gives us little comfort.
- 5 We are concerned by the reference in para 1.34 to ‘amendments to streamline existing regulatory regimes’ and wonder what this means.

Chapter 2: Natural Resource Management

NRM1: establishing a legal definition for natural resource management in Wales

- 6 We consider that the draft Bill is focused far too much on natural resources with no regard for the protection and enhancement of Wales’s fine landscapes and rich wildlife, and the opportunities they provide for public access and enjoyment.

NRM3: a requirement for NRW to set out the priorities and opportunities for the management of natural resources on an area basis

- 7 Para 2.43 gives an example of the area-based approach based on catchments of the Taff and Cynon. We fear that this risks fragmenting a policy approach to the uplands as a whole, and it would split the Brecon Beacons National Park.
- 8 Para 2.69 refers to national parks and areas of outstanding natural beauty and the alignment of their strategic planning with the area-based approach. This is totally inappropriate; national parks are national entities and must not be aligned with an area approach. Such change puts their integrity at risk, and shows a lack of recognition of their vital importance to Wales as a whole.

NRM5: A requirement on other bodies and further directions on how natural-resource management should be taken into account

- 9 Para 2.82 refers to joint planning and reporting. We trust all the information will be available to the public in an easily-digestible format.

- 10 In para 2.87 we note with alarm that the approach will avoid placing a ‘have regard to’ duty on public bodies. That duty is certainly needed as a backstop to ensure that public bodies pay proper regard to, for instance, the national parks which are Wales’s finest landscapes.

NRM6: A mechanism for reporting on progress towards achieving the national outcomes and priorities for natural resources.

- 11 This could include monitoring the condition of public rights of way, and we hope that it will. It could also include monitoring the condition of registered common land, which provides significant benefits for landscape, biodiversity and public enjoyment, as well as low-intensity, environmentally-friendly farming.

Chapter 3: Natural Resources Wales—new opportunities to deliver

NRM9: New powers for NRW to enter into management agreements with landowners and business for the sustainable management of natural resources.

- 12 There needs to be a policy that whenever public money is spent on a management agreement for land there is created a right of public access there, so that the public benefits from the expenditure of public money, and consequently takes an interest in the management of the land.

NRM10: Exploring new powers for the implementation of General Binding Rules.

- 13 We trust there will be full public consultation before these are introduced.

NRM11: Powers to clarify the alignment of NRW’s duties and other primary legislation with the new, high-level purpose.

14. We strongly oppose giving Welsh Ministers the power to amend primary legislation using secondary legislation. This is totally undemocratic and could exclude Assembly Members from scrutinizing and questioning what is proposed. It would undermine existing environmental protection and could well lead to damaging and undesirable change.

Kate Ashbrook

Kate Ashbrook
General Secretary



NRM9: New powers for NRW to enter into management agreements with land owners and businesses for the sustainable management of natural resources

3.19

Connected to proposals above on experimental powers and ecosystem services (see NRM7 and NRM8), there are a range of land management objectives that NRW is currently able to fulfil through using management agreements.

3.20

A management agreement is a financial mechanism for securing a particular course of action between two parties and is commonly used to deliver nature conservation management actions. As many of these agreements are with agricultural landholdings, payments under management agreements must be consistent with the EU State Aid rules on payments for the Agricultural Sector.

3.21

A key primary source of the management agreement power falls under section 39 of the Wildlife and Countryside Act 1981. The purpose of a management agreement entered into under this section is limited to conserving natural beauty, amenity or promoting enjoyment by the public. Section 39(3) provides for a management agreement to run with the land, which means that successors in title to the land will be bound by it.

3.22

NRW may also use Articles 9 and 10B of the Establishment Order 2012 to enter into management agreements. Article 9 provides that NRW may do anything that appears to be conducive or incidental to the discharge of its functions and this includes entering into agreements (Article 9(2)(a)). Article 10B enables NRW to provide financial assistance, as long as that assistance is conducive to "any objective which the Body seeks to attain in the exercise of its functions". Article 10B also enables NRW to give grants or loans and to attach conditions to any grant or loan.

3.23

However, there are limitations to the Establishment Order powers. For example, there is no provision for a management agreement to run with the land, so successors in title to the land will not be bound by an agreement made under Articles 9 and 10B unless it is capable of being and is registered as, a charge or a restriction with the Land Registry. This means that certainty of management actions agreed could not be established over a longer period of time, if the land ownership should change.

3.24

There are also identified gaps, such as the measure to manage the flow of water through a person's land for the purposes of managing flood risk, which would not fall under the scope of the Countryside Act power and for which the use of NRW's powers under Articles 9 and 10B may be limited (that is, would not run with the land). These types of measures are crucial to managing long-term flood risk. The Welsh Government considers that the use of management agreements as a proactive tool to enable integrated natural resource management should be consistent with the

Comment [EB1]: However a particular failing at present is that there is no means of dispute resolution (e.g arbitration) mechanism (excepting Judicial Review which is off-putting to the majority) to seek an equitable resolution for instance on terms proposed and payment considerations in the event of limitations to the use (and productive earning capacity) of the subject land being applied. It is accordingly considered that it is important for such a mechanism to be introduced. From practical experience involving current discussions with the NRW on a particular case it is clear that the owner /occupier of agricultural land is in a weak position to seek reasonable terms resulting in protracted discussions leading to increased costs being incurred. There needs to be a facility which enables NRW to seek to achieve reasonable objectives but by means of not disadvantaging the owner /occupier affected (including fairly compensating for loss, injury and damage sustained in consequence). We would accordingly suggest that applications could be made to the President of the Royal Institution of Chartered Surveyors or alternatively the President of the Central Association of Agricultural Valuers to resolve disputes. This facility would no doubt in most cases encourage both parties to endeavour to agree reasonable terms in advance of seeking outside intervention and accordingly avoiding an impasse.

Comment [EB2]: This is a particular reason why a Dispute resolution mechanism is considered a necessity.

sustainable management of natural resources and should reflect the full range of NRW's functions.

3.25

The proposal is to give NRW a new power to enter into management agreements with any landowner or business so as to achieve the actions required for the sustainable management of natural resources. The proposal will also specify that any actions would need to be registered as a local land charge under the Local Land Charges Act 1975.

3.26

The power would be limited to the objectives which the Body seeks to attain in the exercise of its functions. It is intended to resolve existing gaps, for example in the ability to secure long-term and robust arrangements for managing flood risk, so as not to rely on traditional hard defences.

Comment [EB3]: Following on from paragraph 3.23 this proposal is considered to be excessive. Provisions could be inserted in the Management Agreement requiring the landowner/occupier to inform the NRW of any sale or land letting agreement and that the third party is required to be bound by the terms agreed. Any provisions seeking further powers would need to consider equitable compensation provisions. In respect of Flood alleviation, from direct experience (pursuant to actions undertaken by the former Environment Agency Wales) clarity is required as to the rights of owner/occupiers to compensation under the Water Resources Act 1991 (where the wording is currently somewhat ambiguous – i.e Section 5 of schedule 21 referring to where “injury is sustained” i.e there being no reference to loss or damage [where one would benefit from the same provisions for compensation that exist in sections 2 & 3 of the same forgoing schedule which is considered to be more appropriate and fair)

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Kim Flanders	
Organisation	City and County of Swansea	
Address	Economic Regeneration & Planning, Planning Policy, Room 2.6.2, Civic Centre, Oystermouth Road, Swansea, SA1 2QE	
E-mail address	kim.flanders@swansea.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Chapter 2 - Natural Resource Management

Question 1

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

Yes

No

Please provide comment:

There should be more emphasis on natural resource management with environment being the key focus. The value of our natural resource should centre around its intrinsic value as well as how it is used for economic and social gain, the value of our natural resource supports and underpins the economy and social well being.

Overall environmental protection seems to be given a low priority in the White Paper, the Bill should focus on natural resource management and related ecosystems services.

The order of the wording throughout the document should ensure that the environment is listed first before the economy and people.

Need to include reference to safeguarding and protecting the environment as well as managing and using it see p12 para 1.37

There is limited reference to biodiversity in the document, and although it refers to the 2020 Biodiversity targets, it does not say how these will be met.

There needs to be explicit statements at the start of the document which define the scope of the environment addressed in the proposed Bill. As well as addressing the nature / biodiversity issues above, it should also make clear that the scope includes land, sea, fresh water and air rather than adding (usually in parentheses) “including marine” at intervals throughout the document, so that it is crystal clear to both the public and government what is included from the start.

Question 2

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

Yes

No

Please provide comment:

The matter of the definition of natural resources is key but it doesn't include a reference to biodiversity (para 2.17). This conflicts with the definition set out in para 2.13. The definition should include biodiversity. This is paramount given that it is intended that the definitions will have legal effect (para 2.19).

Also need to provide definition for 'sustainable growth',

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:

These proposals need to make reference to the need to maintain and enhance ecological connectivity

Question 4

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

Yes No

Please provide comment:

The relationship between the Environment Bill and the Future Generations Bill needs to be set out in a clear statement i.e. what the relationship is and how they will support each other. There is clearly overlap but this needs to be explained.

Also need to clarify the relationship with SIPs and their reporting timeframes.

Need also to have longer term targets, ie beyond 5yrs. If reporting on Natural Resource Planning is to be linked to the Single Integrated Plan, then the Guidance for SIPs will need to be revised to ensure that Environment is a key theme to be embedded as well as the existing health, prosperity and learning themes (see para 1.30 p9 of the document)

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:

Yes in principle, but it is difficult to comment as there is no definition of how the areas will be identified/defined. Given the Planning Bill is also out for consultation (Planning is a key player in enhancing the natural environment), this is an opportunity for future 'areas' to be identified. If not aligned then there is potential for conflict between future plans/policies and confusion for planning for future sustainable development. Also how will this approach relate to the future SIPs.

There needs to be an all Wales plan as well as the area based plans.

If reporting on Natural Resource Planning will be through the SIP, then it would make sense for the area based plans to follow Local Authority Boundaries. See p 25 of the document – we will need to change the shared outcomes

Suggest that each Local Authority should be required to produce a NR plan.

What is the relationship between the area based NRA and other local strategies e.g. LBAPs, green infrastructure plans, AONB plans?

It is possible that LDP's and area based plans might have conflicting proposals

Question 6

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

Yes

No

Please provide comment:

The White Paper isn't clear enough in this respect to comment. The area based approach is not clearly defined and how this would relate to other key plans e.g. SIPs, LDP, LBAPs, AONB Management Plans, Local Environment Strategies, SAC management plan etc.

Question 7

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

Yes

No

Please provide comment:

Yes definitely ,but Local Authorities also need to be fully engaged in identifying an area-based approach. Without engagement future plan/policy making will become confused and may lead to conflict as well as an overburden for Local Authorities. There should be opportunities for the third sector to engage with this process too.

Suggest that it needs to be made a statutory duty as will not otherwise be prioritised and allocated resources to deliver. The 'have regard to 'biodiversity duty under section 40 of the NERC act 2006 is not strong enough.

Welsh Government and NRW will need to provide financial and professional support for this work

Question 8

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

Yes

No

Please provide comment:

But NRW's objectives should be closely aligned to those of the Local Authorities to provide localism to the agenda.

Agree that NRW should have a statutory place on the LSB and also any relevant sub groups. Local Environment Partnerships, and Biodiversity Partnerships should also be represented.

Question 9

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

More information on area-based approach is required – as it stands, the White Paper could place additional burdens on Local Authorities. In principle, however, we welcome the proposal to produce area based natural resource plans and are keen to be actively engaged in the process.

Need to ensure that the process builds on the existing frameworks for partnership working rather than starting from scratch – eg Environment Forums and LBAP Partnerships.

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:

This is welcomed but again it needs to align with Local Authority objectives to ensure that the local natural characteristics of a specific area are enhanced/protected.

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?

The limitations may be linked to timescales for the delivery of key plans for Local Authorities e.g. SIPs and LDPs.

Need to recognise the risks in applying monetary values to the natural environment and recognise that biodiversity has its own intrinsic value. Important that existing biodiversity legislation is not undermined by this approach.

Question 12

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

Yes

No

If 'yes', do you consider that there is a need for any new powers to help to further opportunities for PES? Yes , but would need to ensure that there is no conflict of interest

Agree that NRW could broker PES as long as objectives are aligned with those of the Local Authority and consultation with the appropriate Local Authority takes place.

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

The authority acknowledges the need to maximise the capture rate of high quality recyclate, however there needs to be some flexibility in how this is achieved. Where authorities have in place cost effective systems which allow materials to be collected twin-streamed/co-mingled and still achieve high end closed loop recycling, these should be allowed to continue.

Many of the proposals whilst laudable require further clarification in the form of the proposed guidance and methods of enforcement to enable authorities/enforcement agencies/businesses and the general public to ascertain the impact the proposals would have both economically and practically.

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

As stated above where systems are in place which enable the collection of cost effective, good quality recycle they should be allowed to continue. The costs of complying with the requirements of the proposals for both collection authorities and businesses also need to be established and evaluated.

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.

Many commercial customers currently served by the authority have limited space for the sorting/storage of waste. This ability is not necessarily governed by the type or size of the business but also by the footprint and location of the business. One size does not necessarily fit all and authorities/businesses should be allowed to develop solutions to meet each businesses requirement.

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?

Whilst banning individual materials from such facilities could assist authorities in limiting the materials entering the waste stream in the first place, it could raise issues with the quality of materials presented for collection. It would give authorities greater flexibility if there were a cap put on the % of recyclable materials that can enter these facilities. This could prove easier to monitor and enforce than individual material bans and allow authorities and businesses greater flexibility. This appears to be a requirement impossible to achieve.

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?

Whilst developing guidance would clarify the requirements of this proposal adopting a system of limiting the % of recyclable material allowed at these facilities, as described above, could allow greater flexibility.

Question 23

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

Yes No

If yes, should this apply to:

a) *Sector* *Households* *b) Businesses and Public*
c) *Both*

Please provide comment:

Both

Question 24

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

i) Compulsory food waste collection contracts with local authorities

ii) Planning restrictions on new build properties (banning waste disposal units)

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?

It would be beneficial if the proposed guidance were published first to enable all those affected to assess the likely enforcement, economic and practical impact of the proposals, prior to setting an implementation date.

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

The authority is currently in the process of procuring a long term contract to treat its food waste. Within that contract there are bands of food waste tonnages which the authority is proposing to offer under the contract. Banning food waste to sewer could significantly increase the tonnages captured both from commercial and residential sources. This would lead to the authority having to meet increased costs for the treatment of food waste, as the additional material captured does not currently appear in its Municipal Waste Tonnages.

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)?

No

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes **X**

No

Please provide comment

We endorse the proposals to amend provisions for marine licence fees (Q 32 – 33) *subject to* the specific inclusion of provision for:

- a statutory duty on NRW to implement the respective measures for which it may levy fees;
 - statutory duties and powers to impose enforceable licence conditions linked to monitoring to enable management, cessation or reversal of licensed activities causing damage or degradation or that prove to be unsustainable. This provision is an essential prerequisite to delivering the goal outlined in para 5.8.
-

Question 33

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

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

Please provide comment

This section takes ten pages to make one minor, proposal. Our understanding is that, in summary, the management plans described in paras 5.20 *et seq* have little or no statutory basis and are unenforceable, and the proposal is to amend this situation so that they become statutory and enforceable. On this basis we endorse the proposal but make the following comments.

Specifically, we endorse the provisions listed in para 5.14 *subject to* them being statutory requirements rather than simply discretionary powers.

Para 5.11 is misleading on two grounds:

Managed shellfisheries should certainly be more environmentally benign than unmanaged shellfisheries, but the implication that a shellfishery, as distinct from unfished shellfish populations, is environmentally advantageous is disingenuous.

Introduced diseases, pests and INNS would be the result of the fishery (or other anthropogenic) activity and would not, therefore, be an environmental issue in the absence of a fishery.

Text box: *Figure (vii) Benefits of Shellfisheries management*. The “benefits” of the example as described are intended to be exclusively socio-economic; any potential future environmental benefit would either be an uncertain possibility or a possible future opportunity. The robust management of exploitation of any introduced population would be essential to generate any environmental benefit

Para 5.12 is misleading. Whilst ROs might enable ecosystem regulation to an extent, their purpose is to regulate fishing effort of one or more individual target species.

Para 5.24 contains a factual error: approx 30% of Wales territorial sea has been designated as EMS, not 70%; approx 70% of coastline length is within EMS.

Para 5.27 is extremely misleading: by far the greatest shellfishery values are not associated with Several and regulating Order fisheries but with “wild” scallop and Nephrops fisheries; the cited figure not relevant to Wales but the whole UK (in May 2012 the WG stats unit stated that “approximate GVA for fishing in Wales in 2008 was £13m and £11m in 2009” – NB – this is all fishing, not just shellfisheries)

Paras 5.26 and 5.28 appear to be inconsistent with each other.

Para 5.29 last sentence is either badly written or unacceptable: we presume the purpose is not, as stated “to protect environmental impacts”.

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 **X**

No

Please provide comment

Provision should be made for Several and Regulating Orders to be introduced for nature / environmental conservation as a primary purpose in addition to their function as a measure to further the sustainability of fisheries.

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Yes, an additional power of entry to inspect works carried out under an order will improve regulatory processes and reduce delays in dealing with issues.

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

Yes agree in principle, subject to any change of consolidating Water Acts should have no adverse impacts to Local Authorities who currently have regulatory powers for some of the Water Acts.

Question 40

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

The expectation that the proposed amendment to Section 29 of the Land Drainage Act will reduce costs to both applicant and Welsh Minister and the added likelihood of leading to more successful outcomes is viewed as a positive change of the Act. The additional powers of entry to inspect works as the result of an ALT order is considered as an immediate benefit to the existing regulatory framework and will reduce the time it takes on completing satisfactory resolutions to flooding issues.

This Authority agrees in principle that the Welsh Minister should have the equivalent powers to those of the Secretary of State, although the impact of consolidating the Water Acts should be fully understood having due regard to the impact on the existing regulatory work carried out by different Risk Management Authorities before any changes are proposed.

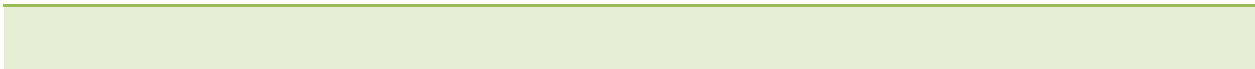
Implementation / Equalities

Question 41

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

Question 42

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



Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Marcella Styles	
Organisation	National Grid	
Address	National Grid House Warwick Technology Park Gallows Hill Warwickshire CV34 6DA	
E-mail address	Marcella.styles@nationalgrid.com	
Type <i>(please select one from the following)</i>	Businesses	<input checked="" type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Question 1

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

Yes

No

National Grid generally supports the objective of integrating environmental resource management planning, especially if this enhances coordination and consistency between different policy topics and reduces the number of separate policy documents currently in existence. It is important that the new natural resource management policy and area-based plans are consistent with policies and plans in other sectors, particularly land use planning and energy. The relationship with the planning system needs to be clear to reduce the potential for uncertainty, inconsistency and delay.

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

National Grid generally supports the integration of separate environmental plans and policies as long as this leads to a streamlined and coherent framework. Among other things, a national resource management policy should seek to address/resolve potentially conflicting objectives between different aspects of environmental management (eg. flooding, landscape, seascape). The setting of clear priorities at national level could help to provide clarity and certainty to statutory bodies, developers and local authorities.

As highlighted above, it will be important to ensure that the environmental and other national policy frameworks, particularly those relating to land use planning and energy, are aligned and coherent.

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

The Climate Change Act 2008 commits the UK to reduce greenhouse gas emissions by 80% by 2050, and the EU Renewable Energy Directive requires 15% of all energy to be from renewable sources by 2020.

In order to meet these climate change objectives, a substantial amount of new energy infrastructure investment and development will be required in all forms of sustainable energy generation, transmission and distribution technologies – large and small, onshore and offshore, and across the UK. National Grid will be investing in the region of £35 billion in its regulated networks over the eight years covering 2013/14 – 2020/21. UK investment will be around £2–3 billion per annum.

Climate Change considerations should be taken into account in all aspects of planning and designing to improve the resilience of, for instance, the UK’s critical infrastructure to naturally occurring hazards such as flooding. Businesses, organisations and individuals should be encouraged to meet the climate change challenge and embrace energy efficiency.

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

No comment.

Question 5

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

Yes

No

National Grid sees the potential benefit of an area based approach, provided that it provides a clear, succinct and coherent framework that focus on key issues in the area.

For the area based approach to succeed, it will be necessary for those involved to have a very clear understanding of what they are aiming to achieve and what they are collaboratively working towards, as well as visibility of a clear alignment of responsibilities. This should apply at all levels of organisations/bodies where the area-based approach will be rolled out.

In addition, there needs to be a clear link/clear alignment with other planning and energy policy such as the UK National Policy Statement or the Wales National Level TANS as well as local development plans.

We would welcome further clarification of how the proposed area-based plans relate to and interact with local development plans. There is a need to ensure that these plans are consistent and mutually supportive. There is also a risk of a period of uncertainty whilst the area-based plans are prepared. It is therefore of critical importance that the introduction of such plans is very carefully managed to avoid any uncertainty and delay in advice or decision making.

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

No comment.

Question 7

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

Yes **X**

No

We believe that a key role of the public sector should be to contribute to sustainable development. A requirement to co-operate in operating an area-based approach should serve to raise awareness of the need for the public sector to consider the long-term implications of their actions, and should also help them to understand that they may be held responsible for their performance in this regard.

Question 8

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

Yes **X**

No

No further comment.

Question 9

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

Energy infrastructure plays an important role in securing sustainable development, for both current and future generations. As highlighted in National Policy Statement (NPS) EN-1, the development of the country’s energy infrastructure is vital to ensure climate change objectives are met, to promote economic prosperity and to underpin social well-being. EN-1 explains at paragraph 2.2.27 that “Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the wellbeing of society and the economy. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers”.

Against this background, EN-1 sets out that more investment is needed in low-carbon technologies and in more diverse sources of energy supply to meet Britain’s future energy needs. Some of this will be remote from the existing electricity transmission network or will require network reinforcement to carry the amount of power that will be generated. Less predictable renewable energy sources will need to be balanced with more flexible gas-fired power stations and more stable nuclear sources. More of the natural gas used in the UK will be imported. Some of those energy developments will be onshore and some offshore. Meeting those challenges will also require changes to the electricity and gas transmission networks and the development of carbon capture and storage transportation networks.

Facilitating the move to a low carbon economy and security of affordable energy supplies are a key consideration for the future and the importance of energy infrastructure should be recognised within any plans for managing natural resources.

In order to ensure that natural resources policy and area based plans recognise the energy challenges and the need for new energy infrastructure (reference Question 3), the proposals need to:

- facilitate the planning and development of energy infrastructure;
 - provide a clear and coherent policy framework at national and local levels to build confidence and give assurance to developers and communities;
 - ensure consistency between policy areas;
 - be managed and implemented without adverse impact to quality of service and timescales – particularly with respect to vital energy infrastructure projects.
-

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

National Grid is required to deliver nationally important infrastructure and we have been engaging with NRW to establish effective ways of working to ensure the delivery of these critical projects.

It is accepted that the proposed changes may take several years to embed, during this phase it is critical that any new or ongoing work, including the provision of advice and regulatory decisions should be forthcoming without adverse impacts on quality of service and without delay. This is of particular importance with regard to 'live' and planned development projects, including those with a cross border dimension which rely on the advice and decisions made by NRW.

It is vital that NRW engage during the pre-application and permitting stages of projects and in a timely manner. We welcome the opportunity to work with NRW to develop project proposals informed by their advice (on a without prejudice basis) and local knowledge. NRW has a key role to play in providing advice which brings together the areas of responsibility and expertise of the previous bodies in an integrated manner.

Our recent submission to the NRW Proposals for Corporate Plan 2014-17 Consultation (January 2014) sets out our views in more detail.

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?

See above – need to ensure that this does not impact negatively on the involvement of NRW in current projects.

Question 12

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

Yes

No

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

No comment.

Question 13

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

No comment.

Question 14

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

No comment.

Question 15

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

A

B

Please provide comment:

No comment.

Question 16

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

No comment.

Question 17

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

No comment.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

No comment.

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

Yes

No

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

No comment.

Question 19

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

Yes

No

If no, please state why and an alternative.

No comment.

Question 20

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

Yes

No

If yes, please identify them and explain why.

No comment.

Question 21

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

Yes

No

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

No comment.

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?

No comment.

Question 23

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

Yes

No

No comment.

If yes, should this apply to:

***a)
Sector***

***Households
c) Both***

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

No comment.

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 comment.

Question 27

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

NRW

Local Authorities

Sewerage undertaker or

Other

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

No comment.

Question 28

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

No comment.

Carrier Bags

Question 29

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

Yes

No

Please provide comment

No comment.

Question 30

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

Yes

No

Please provide comment

No comment.

Question 31

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

No comment.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

National Grid neither agrees nor disagrees with these proposals. The Government's approach to charging is set out in statute and is therefore consistent with that legal framework. Irrespective of the hourly rate charged, NRW is providing a statutory service.

The key factor is the correlation between the hourly rate charged for NRW services and applicants' expectations - the greater the hourly rate, the higher the expectations of the customers and stakeholders to whom NRW provides services.

We note that whilst other agencies such as Natural England charge for pre-application work, they do not charge for statutory activities such as determining licences.

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?
-

If commercial rates are to be charged for marine services, NRW will need to be commercial in its service provision, for example:

- identifying roles and responsibilities within a project plan and programme;
 - producing monthly activity reports;
 - demonstrating how NRW's service adds value to projects;
 - providing deadlines for dealing with/completing requests;
 - transparency on invoicing schedules – setting out clearly the work being charged for ie. 'administration activities', 'reading/writing emails' would not be acceptable.
-
-

Question 34

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

From an applicant's point of view the effectiveness of NRW should be the same whether an applicant is being charged for a service or not. Should the charging proposals come into effect, we would expect to see value for money, service level agreements, minimum standards, agreed work programmes and timescales for deliverables, etc. – as with any other commercial service provider.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

No comment.

Question 36

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

Yes

No

Please provide comment

No comment.

Question 37

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

No comment.

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

No comment.

Question 39

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

Yes

No

Please provide comment

No comment.

Question 40

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

No comment.

Implementation / Equalities

Question 41

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

No comment.

Question 42

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

No comment.

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name	Ian Danby
Organisation	The British Association for Shooting and Conservation
Address	BASC, Marford Mill, Rossett, Wrexham, LL12 0HL
E-mail address	ian.danby@basc.org.uk

Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Authorities/Community & Town Councils	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies and Associations	<input type="checkbox"/>
	Third sector (community groups, volunteers, self-help groups, co-operatives, enterprises, religious, not for profit organisations)	<input checked="" type="checkbox"/>
	Academic bodies	<input type="checkbox"/>
	Member of the public	<input type="checkbox"/>
	Other (other groups not listed above)	<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 have some concerns which are detailed in our response to this section's questions.

However, we feel it is appropriate to highlight that the targets to be specified in the Future Generations Bill, which has a wider scope, need to be carefully considered so that it empowers and not limits management of national resources, ecosystem services and biodiversity.

The timetable for action at 2.23 shows the level of work and detailed knowledge that is required to produce the first Natural Resources Policy; this is set for 2017-18. The data required to get to this milestone must be easily replicated (as well as augmented) if updating this policy is to be time efficient.

Please let us know how the socio-economic and environmental needs will be balanced.

Please let us know how the less tangible services such recreational, cultural and provisioning which all flow from shooting will be recognised.

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:

Our primary question is how WG intend to demonstrate the significant contribution shooting makes to the environment. BASC have the expertise to help WG undertake this.

The approach is correct. However we have some observations on the definitions as presented which are given below.

The definition of Integrated Natural Resource Management uses 'optimised' whereas the Convention on Biological Diversity (CBD) guidance uses 'shared in an equitable way'. Our concern is that optimise is not explicit that this has to be done in an equitable way. Although this would not be the intention, it might be possible for the stated definition to result in the environment being overridden by economic or social agendas. Adding in the equitable element could be easily incorporated and would provide that clarity. See below..

“Integrated natural resource management means a planning and priority setting process that coordinates the maintenance, enhancement and uses of natural resources so that the long term benefits are optimised for the people, environment and economy of Wales in the present and in the future in an equitable way.”

The definition of sustainable management refers to the life-support systems of nature. This is undefined and so how should this be interpreted? For example is this meant to include the commitments and concepts put place through the CBD, like biodiversity conservation, the ecosystem approach and ecosystem services? If so, then saying as such would be clearer and reduce the risk of miss-interpretation.

Question 3

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

Yes

No

Please provide comment:

Yes but adaptability as the knowledge base increases and better informs management decisions will be essential.

Let us know how you will acknowledge that shooting through of its positive management of the countryside at the landscape scale, increases biodiversity, connectivity and ecosystem services.

Question 4

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

Yes

No

Please provide comment:

In principal, yes because it is the best balance between a shorter timescale suiting political and organisational reporting and the longer time scale required to detect changes in certain ecosystem services.

However it is essential that reporting on the outcomes happens before the review of the Future Generations Bill, so that it can take them into account when refreshing the headline targets for the next five years.

Question 5

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

Yes

No

Please provide comment:

The consultation says the process of developing the area-based approach will be organised around ecosystem services and their benefits. Shooting benefits the different ecosystem services, as well as being worth £73 million¹ to Welsh economy. Below we provides some examples of this:

- provisioning services - food production. In 2004 the number of waterfowl and gamebirds shot in the UK¹ was over 19 million, 99% of which were destined for the human food chain. Also over 120,000 deer¹ were shot by recreational stalkers and over 3.4 million woodpigeon¹ in line with the general licences (e.g. protecting crops from serious damage). This makes a small but significant contribution to the food requirements of people as this food is secured locally and most often consumed locally.
- cultural services - We know that over 600,000 days¹ shooting takes place in Wales each year which provides an indication of how important shooting is for people's appreciation of landscape and biodiversity, recreation, well-being and tourism.
- regulating and supporting services – the habitat management and creation provided because of shooting in Wales supports these services. We know that the management of at least half a million hectares of land in Wales is influenced by shooting sports and over 40,000 hectares¹ is managed directly for shooting sports. We also know shooters spend over £9.6 million¹ on improving habitat and managing wildlife.

Shooting sports are an excellent example of how to deliver the ecosystem approach within sustainable land and resource management. **Therefore WG and others should take**

advantage of opportunities for future collaboration with shooting.

This may take the form of expanding the existing partnership we have with NRW and others through our Green Shoots programme in North Wales.

Green Shoots in North Wales is based upon gaining wildlife data from land shot over by BASC members. Our coverage in North Wales is 20% and it has generated over 9,000 biological records from that area which have been shared with local record centres and the National Biodiversity Network. The overlap of the land accessed and surveyed by BASC members with SSSI is 32% meaning shooting has the ability to benefit both the protected and wider countryside.

We use this data to undertake conservation projects with partners that achieve government targets, for example biodiversity and water framework directive targets. We can do this because shooting is naturally looking to improve habitat, BASC members are keen to do more and BASC has strong leadership and partnerships to help it happen.

The potential of working with the shooting community is such that since the project started in 2004 we have secure funding to contribute towards the priorities of CCW, the EA and now NRW.

Looking forward, BASC have invested in technology to increase the coverage of survey data to the rest of Wales. This website is called Green Shoots Mapping. **We are interested in working with WG and NRW to help gather the data required to feed into reporting requirements and to stimulate conservation action on the ground.**

¹Source: an independent study called The Economic and Environmental Impact of Sporting Shooting in 2006 (www.shootingfacts.co.uk)

Other points in this section.

There is a lack of detail provided in the white paper about how the area approach will be developed. We appreciate that this will be the role NRW but the following are areas of potential concern.

- The scale of area plans may well dictate how applicable they are for different users. For example a river catchment plan may be helpful for spatial planning but may be too broad to help inform land management decisions at the farm/shoot scale. If the reverse was true then the plans could be too complex or run against how a farm business has to operate to remain viable. Payments for ecosystem services in this scenario would offer the only way out but could this be financially sustainable for NRW?
 - The data sources have not been discussed.
 - Clear communication and easy access to these plans by all sectors of society will be essential if the plans are to play an active part in land management choices outside of the WG regulatory system. Website access to the data must be easy to find and use. In addition, if more complex mapped data is produced then allowing this to be downloaded as GIS files would improve the chances of implementation enormously.
 - We find it interesting that the consultation does not mention CAP 2014. This is the primary mechanism supporting and influencing land management of rural Wales and although its developed will be unaltered by this white paper it is essential in influencing management of rural land.
 - Finally, the approach is very new across the UK. Piloting, as implied in the consultation, will be important before rolling out across the rest of Wales. It will also allow costs and outputs to be assessed which are vital as the approach must be
-

affordable.

The timetable indicates stakeholder engagement with the area-based plans and BASC would welcome being involved at an early stage.

Question 6

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

Yes

No

Please provide comment:

The intention to allow WG to use secondary legislation to alter definitions and so forth provides legal flexibility.

Outside of the legal framework, the approach leaves much of the interpretation and implementation with NRW, so it that provides flexibility but also great responsibility. BASC have an interest in being involved as the approach develops and we encourage WG and NRW to update and consult regularly.

We note that in section 2.53 it states the bill will put in place a framework for a natural resources evidence base. How are WG and NRW planning to develop this?

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:

This will be essential if other public bodies are to allocate the resources to provide the information and actions to make the reporting and implementation work.

Question 8

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

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
---	-----------------------------

Please provide comment:

Yes but the reporting requirement must apply to other publically funded bodies to feed into NRW's summary reports. NRW need to implement clear communications with third sector organisations like BASC to capture their data so the fullest picture can be reported.

Question 9

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

There is not sufficient information in the paper to determine how it will impact on shooting sports and the conservation work it undertakes.

However, BASC see the potential for closer working with WG and NRW as the bill is based on the ecosystem approach which fits well with the management and products of shooting sports. We have provided detail on this at question 5 but the main points are that people who shoot:

- can provide data on wildlife and habitats from rural land to help build the evidence base
- will engage with conservation projects that meet public conservation, climate change and sustainable land use targets.

We would like to know how WG will explore these opportunities to achieve our shared goals; a healthy environment which is being sustainably managed and improved.

BASC is happy to contribute towards the development and implementation of the area-based approach as outlined at 2.98.

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?

BASC recommend public consultation after thorough and effective engagement with stakeholders to provide the most benefits and minimise any conflicts of interest.

In addition we also recommend limiting the additional burden on stakeholders affected by the trial methods. Finally NRW must consider the appropriate financial support or compensation for stakeholders affected by the implementation of their new powers.

Question 12

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

Yes No

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

Yes we do considering the developing remit of NRW, they will develop their resource and knowledge on ecosystem services. In applying PES schemes NRW will need to liaise with WG and others to ensure consistency of publically funded support for the land affected. For example agreements under CAP 2014.

BASC are interested in learning more about the ability to stimulate the market for ecosystem services. As laid out, shooting contributes to these services across the board and provides a real opportunity to bring economic benefits to rural communities in addition to investment in the environment and social benefits.

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

BASC opposes the aspiration at 3.38 of consolidating legislation in relation to the environment because of the inherent difficulty of getting a new single piece of legislation which meets European requirements within the UK legal system. The existing parallel approach, whilst appearing clumsy, works. We would oppose any suggestions to introduce powers to 'tidy up' existing legislation. If WG decides to take on this task it should be done in one go to ensure a consistent approach.

Question 16

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

Question 17

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

BASC see similar opportunities to those expressed at question 9.

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

There is not the detail to answer this question as the bill does not provide any guidance on what length individuals will have to go to separate products made from mixed materials. For example a fired shotgun cartridge is comprised of a combination metal, plastic or cardboard which are difficult to separate. A more widespread example is certain food or product containers which are mixed materials (e.g. cardboard milk containers with plastic threads glued to the cardboard).

Although people should be encouraged to recycle as much as possible we would not wish to see a requirement to deconstruct mixed material products. We request WG make it clear what they propose to do for mixed material waste.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)

Sector

Households

c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

BASC does not agree with this because the primary reasons for bringing in the charges was waste reduction and the related environmental damage caused by discarded plastic bags. We feel that the current guidance that net profits are spent on environmental good causes should remain in place. If powers are granted then WG should stick to their stated position of encouraging money to the environment.

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

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

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

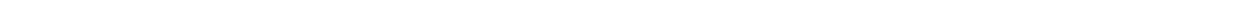
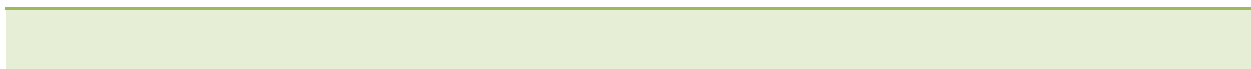
Implementation / Equalities

Question 41

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

Question 42

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



Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name Sarah Fox

Organisation Horizon Nuclear Power

Address 5210 Valiant Court
Gloucester Business Park
Delta Way
Gloucester
GL3 4FE

E-mail address sarah.fox@horizonnuclearpower.com

Type
*(please select one
from the
following)*

Businesses

Local Authorities/Community & Town Councils

Government Agency/Other Public Sector

Professional Bodies and Associations

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

Academic bodies

Member of the public

Other (other groups not listed above)

Chapter 2 - Natural Resource Management

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 support the overall package of proposals in principle. The area-based approach is not dissimilar from the Environment Agency's catchment based approach which has seemed to work well. We welcome the holistic approach which ensures a robust single integrated body following the formation of NRW, to reflect national practice and targets.

Whilst the White Paper is clearly aiming to engender an innovative way of managing our natural resources, further consideration of the nature of the organisation and its governance is needed to give the necessary high levels of confidence that the outcomes sought will be sustainably and robustly achieved. New ways of managing our natural resources must also be consistent with emerging Planning regimes to ensure a consistent, clear and smooth process.

With such a large organisation there needs to be a clear governance structure identified to support the natural resource management proposed. This will enable any extended powers to NRW to be implemented effectively.

Related to this greater variety in functions and responsibilities, we note there is also lack of a clear distinction between delivery and regulation of natural resource management set out in the White Paper. Delivering the area-based aspirations through the sustainable use of resources is different to regulating the protection of the environment and we feel that the distinction needs further clarification and consideration to ensure that both high quality delivery and regulatory outcomes that align with the aspirations of the White Paper are reliably achieved.

The proposals to set up the various areas for natural resource management and associated creation of an evidence base for each area place substantial resource demands on other public bodies as well as NRW. Whilst the long term benefits once the management is set up are clear, it is vital to also consider how transition from the current position is to be resourced and managed.

Question 2

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

Yes

No

Please provide comment:

The definitions are consistent with other formal definitions e.g. as set out in *Sustaining a Living Wales* document and *Future Generations Bill*. They help to foster a holistic approach for NRW, recognising the three pillars of sustainability, society, economy and the environment.

The only element not mentioned is minerals/aggregates. Please can you clarify how minerals have been considered?

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 are broadly supportive of this, but would suggest that this needs to interface with the existing and emerging planning framework, to avoid conflicts between the two regimes. Similarly this proposal will need to align with the emerging European framework for Biodiversity and Green Infrastructure and the Draft Water Strategy. Clarity is required on what actions are proposed to be included in the Environment Bill to enhance the resilience of the natural environment to the causes and consequences of climate change.

Question 4

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

Yes

No

Please provide comment:

This is consistent with the Asset Management Plans of some members of LSBs. It would be helpful for the timing of the five-year review cycle to align with those of other local and national bodies.

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:

This is similar to the Environment Agency's catchment based approach, which appears to be a formalisation of what happens in practice. The area-based approach has clear benefits of focusing management for areas with key objectives, which will hopefully create a more efficient and effective way of working.

As we highlighted in our earlier response to Q1, the division of delivery and regulation/statutory and non-statutory needs to be set out. It is essential that NRW's capabilities and effectiveness as an independent regulator are not compromised through lack of clear distinction and separation from its other delivery functions. NRW's delivery functions also need to be subject to NRW regulatory functions where relevant and with application of the same level of rigour as external bodies.

It is still unclear how the area-based approach will sit alongside other evidence bases e.g. LDPs and whether a Council will draw on the NRW evidence base to assist them in writing SEAs for example. There is a concern that there may be initial repetition of work between Councils and NRW in creating the evidence base if the process of SEA is used by NRW, although understandably there are benefits of different public and private bodies being able to draw on the same evidence in the longer term.

We would like further clarification about who will be consulted during formulation of each area-based approach.

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:

Given that the key legislation will not be prescriptive, it allows for more flexible implementation of requirements by NRW. There will inevitably be different issues and objectives for each area and it will be important for NRW to ensure a consistent approach between all of the areas. A key component of achieving this will be internal NRW scrutiny, governance and oversight of implementation of these various plans.

Question 7

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

Yes

No

Please provide comment:

The advantage of NRW and other public bodies co-operating would mean that a wider base of knowledge and information is shared to create one base of evidence, rather than potentially conflicting sources. However, we recognise it will rely on resources from other public bodies, but the mechanism for securing such resources is not clear, Would this arise through legislative obligations or other arrangements? Nor is it clear which 'other public bodies' will be required to co-operate? Additional considerations are how it is decided which body would be best placed to provide the necessary resources, and whether NRW would have overall control in every case. As a resource and time intensive process, it would be good to see a proposed timetable at this stage for the overall implementation of the natural resource management programme, as well as agreement of the proposed timetable for the area-based approach with Welsh Ministers.

Setting requirements on other public bodies raises questions about the relationships between NRW and the other public bodies, which also relates back to our response for Q5 about delivery of the area-based approach. Does the proposal for streamlining the existing planning frameworks refer to the split/addition/removal of responsibilities?

Question 8

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

Yes

No

Please provide comment:

We support this proposal, but again would like to emphasise the importance of ensuring that with numerous responsibilities across NRW, there is a need to clearly define and ensure separation of functions of delivery and regulation all through the organisation (as referred to in our response to Q1).

It would be helpful to understand the reporting lines feeding into NRW as the key reporting authority.

Question 9

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

In broad terms we support the streamlining and rationalisation of NRW. It will be important for our organisation to gain a clear picture of the division of roles and responsibilities and the relationship between NRW and local authorities as a result of implementation of an area-based approach). There will need to be clear guidelines for any new requirements e.g. for the engagement process for developers.

More specifically, we would seek a significantly improved ability to securely achieve optimised environmental outcomes as a result of implementation of these proposals. Key to this will be ensuring completeness of response from NRW : responses to developer's proposals should encompass all appropriate NRW functional responses in a holistic, co-ordinated and integrated manner such that the developer is not faced with resolving contradictory positions as in the past when NRW functions were in three separate bodies.

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:

In principle we support the legislative changes and new tools proposed that appear to aim for an innovative approach to natural resource management. In particular we recognise the difficulty of overcoming existing operational practices from the three bodies (EA, Forestry Commission and CCW) that came together to form NRW. We strongly advise that any legislative changes and new ways of working are consistent with emerging Planning regimes e.g. draft Planning Bill.

The use of ‘experimental powers’ is a concern, although any relevant schemes proposed are required to obtain formal approval from the Welsh Ministers which provides some comfort. It would be useful to have examples of specific schemes that could be proposed. Further clarification is required to understand if developers would be a consultee on proposed schemes under the use of ‘experimental powers’ We further feel that when experimental powers are being taken forward, that they should be properly informed by a clear evidence base for their efficacy. Experimental powers should be reversible where these are found not to achieve optimal outcomes as originally foreseen. Finally experimental powers especially need robust accountability and governance arrangements as they are implemented and exercised, to ensure that for example misplaced enthusiasm does not lead to sub-optimal experimental powers becoming permanent. We propose below some examples of how experimental powers might facilitate highly effective ways of working.

We would also urge that the capabilities required within NRW to effectively manage and implement these proposals be reviewed and measures to secure these necessary capabilities in a timely fashion be put in place. The technical capability of NRW to oversee and deliver its functions is essential. Where NRW relies on service providers (including the Environment Agency) it is vital that NRW has within it, the right technical capability to oversee these service providers and where it has a regulatory function, to be able to use their expertise to make regulatory decisions. As well as a technical capability, it is essential that NRW has the right resources to manage its capability as well as coordinate and oversee delivery of its work in a timely and cost effective manner.

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?

Our view is that it will be essential to have effective governance, accountability and assurance in relation to NRW delivery. The development of suitable arrangements is a necessary part of the development of NRW. Examples of what will need to be incorporated in these arrangements include:

- Clear accountability arrangements for the NRW with provisions to regularly report to Welsh Government;
 - The application of suitable governance and oversight to ensure that one area does not try an approach that has already been shown in another area to be sub-optimal
 - Arrangements to share best practice and lessons learned between the different areas
 - Ensuring that when innovative approaches are trialled, clear success criteria are agreed and defined in advance of implementation, that these are measurable and can be evidenced, with objective metrics defined
 - That suitable supporting processes are defined to implement, manage and monitor
 - That the ability to reverse or bring to an end a trial or roll-out of innovative approaches that are found to be flawed
-

Question 12

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

Yes

No

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

As principal adviser to the Welsh Government on the environment, enabling the sustainable development of Wales' natural resources for the benefit of people, the economy and wildlife, our view is that NRW would be the appropriate body to act as facilitator, broker and accreditor of PES. New powers would be needed to enforce a robust and consistent payment agreement system.

Question 13

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

Our view is that there is a need to secure certainty over management of land, not only for land owners, but to ensure land is conserved in an appropriate manner. However we would like to make a recommendation for a review of appropriateness of management agreements to be undertaken on a case by case basis.

Question 14

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

We are in agreement with General Binding Rules as an opportunity to help reduce bureaucracy and protect the environment.

Question 15

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

A

B

Please provide comment:

We are supportive of ministerial powers to amend secondary legislation. However we believe these should be broadened to enable the Welsh Ministers to direct a co-ordinated and streamlined consenting approach in major infrastructure projects and NSIPs, including through the nomination of lead consenting authorities, delegation of powers (or amendments to delegations).

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.

As we have identified our response to Q1, it is essential that NRW is able to balance its regulatory and delivery functions, ensure that it is independent and that it does not come into conflict through inadequate separation such as overlaps in resource pool etc.

It is also important that the exercise of NRW regulatory functions is informed by the policy and other strategic drivers that are defined for NRW.

Question 17

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

- Having a defined organisation that leads on Habitat Regulations Assessment
- Acts as a “one-stop shop” for delivery of NRW functions and secures a managed and coordinated response that optimises considerations across all functions
- Improved ability to integrate and coordinate with other public bodies to improve permissioning and consenting of our Wylfa Newydd project
- It will also be important for NRW to maintain strong links with the EA to ensure that NRW can credibly draw upon EA Technical Services for radioactive substances regulation.
- It also needs to be recognised that it will be important for NRW to develop strong links on its own account with public bodies outside Wales. For example in Horizon’s case, the office for Nuclear Regulation where there is substantial overlap in the areas regulated. Regulation of Wylfa Newydd means that NRW will also need to participate in other relevant national consultation to ensure that Welsh perspective is included.
- Timescales for any further consultation and publication of the Bill need to be made clear.

In reference to NRW’s new ways of working and the necessary cut backs in planning advice that are being seen in some parts of the EA e.g. reducing biodiversity comments on planning applications, it will be important that there is still clear guidance available from NRW.

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.

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

Regulatory regimes around hazardous wastes and radioactive wastes should be specifically referred to in the regulation of such wastes.

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?

No comment

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) Businesses and Public

Please provide comment:

Question 24

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

No comment

i)

ii)

Question 25

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

Yes

No

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

No comment

Question 26

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

Yes

No

Yes, this aligns with NRW's wider duties around regulation of waste disposals.

Question 27

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

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

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

No Comment

Question 28

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

We believe the proposals do not represent significant practical difficulties for implementation to an organisation aspiring to excellent environmental and waste management. Organisations will need to ensure best practice is implemented in the practical application of these targets i.e. most appropriate waste containment for segregated materials e.g. appropriate containers for perishable/food wastes and ensuring health and safety aspects of waste storage e.g. glass are considered. It is not clear how PES would work in relation to NSIPs.

Carrier Bags

n/a

Question 29

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

Yes

No

Please provide comment

No comment.

Question 30

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

Yes

No

Please provide comment

No comment.

Question 31

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

No comment.

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

In general we agree with the principles set out in the proposals related to marine licensing. However, we would like to see the further detail in the specific consultation on this topic before fully endorsing the proposals.

Question 33

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

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

We would support NRW's ability to recover costs associated with marine licensing under the above headings, although we feel there should be greater clarity on what constitutes 'subsistence charges'. Again, we would welcome the opportunity to see further information relating to the mechanisms for assessment and approval of costs (including e.g. charging rates for staff time) in the main consultation.

Question 34

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

We can see the benefits of the proposals in enabling NRW to ensure that they are able to provide the appropriate level of resourcing to determine marine licence applications in an effective and timely manner.

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

We recognise that there is a gap in land drainage legislation and therefore support this proposal to create a right of entry to land to enable Welsh Government agents to investigate compliance with an Agricultural Land Tribunal (ALT) Order in cases where access is refused by a party to that Order.

Question 39

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

Yes

No

Please provide comment

We are broadly supportive of proposals for Welsh Ministers to have the power to eliminate differences between current legislation. We recognise that this will help form a consistent approach to sustainable management of natural resources. However we would need to consider any consolidation Bill carefully to fully understand the implications. We believe that Welsh Ministers should also have the powers to amend environmental legislation more generally to ensure a consistent framework.

Question 40

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

Implementation / Equalities

Question 41

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

No comments.

Question 42

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

Whilst the White Paper was generally a logical document to follow, in places it was confusing and the questions did not necessarily follow the order of the document.

**44 Bwlfa Rd
Ynystawe
SWANSEA
SA6 5AL**

22nd January 2014

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

by email to: NaturalResourceManagement@wales.gsi.gov.uk

Dear Sirs

RESPONSE TO THE ENVIRONMENT BILL WHITE PAPER

1. I write as an angler, concerned mainly with river fisheries in Wales. I'm an officer of my local club, which has about 300 members and which owns, leases or enjoys about 9 miles of trout and salmon fishing rights on South Wales rivers. I'm also active with representative organisations and was a member, until its demise when NRW was created, of the EAW (Environment Agency Wales) FERAC (Fisheries, Ecology and Recreation Advisory Committee).
2. I was hoping that this Environment Bill would be a consolidation measure, tidying up the mess of legislation transferred to NRW on its creation. It's already very difficult tracking down (via the Establishment Order and Functions Order) the fisheries duties and powers acquired by NRW in April 2013. And now you propose to amend things further.

If you don't propose to consolidate and tidy up all relevant measures in this Bill, you need at least to publish a layman's guide to all the provisions currently in force and the effect upon them of this new Bill. The White Paper doesn't do this.

3. The first point I would make is that, apart from a 6-page chapter on Shellfisheries, the word "fish" appears just once in the whole document - in the sentence "As the first organisation of its kind in the UK and the largest sponsored body in Wales, NRW has a unique mix of responsibilities, encompassing land, forestry, nature and wildlife, air quality, water resources and quality, flood risk management and fresh water fishing."

Fish, fisheries and fishing seem to have a much lower profile with NRW than they did with Environment Agency Wales.

4. Chapter 2, Natural Resource Management. Whilst the high-level thinking sounds fine, I have some observations:
 - a. NRM1 Definitions. Proper definitions are important. Although it was my understanding that, when created, NRW inherited existing powers and duties without alteration, NRW are already adopting different practices because of perceptions that their duties have changed.

I don't understand the use of the phrase "geologic and landscapes" in the definition of natural

resources. According to my dictionary, geologic is an adjective, not a noun.

The definition of "integrated natural resource management" isn't very definitive to me. It leaves open various interpretations. Optimisation "for the people, environment and economy of Wales" involves subjective judgements and could permit anything.

- b. NRM2, 4, 6. I'm concerned about the emphasis on plans, priorities and reporting mechanisms. Objectives and activities must clearly relate to the achievement of desirable outcomes. In large public bodies there's often a tendency to prioritise activities which are easily measured and which can be cited as examples of success, to the exclusion of other important activities. The high-level outcomes (which are often difficult to measure) are what it's all about, not the achievement of low-level targets.
- c. NRM3. The idea of catchments as a suitable basis for defining "areas" is agreed. Watercourses (and fisheries) are important indicators of the success or failure of other natural resource management and protection measures. That's where bad practices in land management, forestry, flood management, water resource management, waste management, etc have their effects.
- d. NRM4. There's no mention of fisheries in Table (ii). Fisheries are important because, as mentioned above and apart from their own intrinsic value, they are indicators of success or failure in other areas. So achieving healthy fisheries should be a priority outcome in national and area resources policies and plans.
- e. NRM2 proposes a 5 yr cycle for the formulation of national policies and priorities. Area-based plans under NRM3 and 4 would presumably fit in with that 5 yr cycle. Such policies and plans shouldn't be set in stone. It's important to retain flexibility and to provide for re-prioritisation within the 5 yr cycle.

In its response to the white paper NRW refers repeatedly to the resource implications of change. It would be unfortunate if they adopted the attitude that they have a plan, for which they've been resourced, and that they've started so they'll finish. Flexibility and responsiveness need to be built into the provisions.

- f. NRM5. I agree with the proposal to require other bodies to co-operate with NRW in the formulation and delivery of policies and plans.

5. Chapter 3, New Ways of Working.

- a. NRM7. Powers to trial innovations. This makes sense but there's a need for proper consultation with interested / affected parties before implementation.

Despite a recent consultation (WG17680) on future engagement with inland fisheries stakeholders in Wales, WG and NRW consultation of fisheries interests has recently been inadequate.

- b. NRM8, Payment for Ecosystem Services. I see a danger here of NRW trying to get interest groups to fund environmental improvements because they are perceived to be beneficiaries (buyers). But many such interest groups are trying to put right damage done by others. What about the "polluter pays" principle? Often the true beneficiaries are the general public and, where those who have caused damage can't be held responsible, public funds should be available to remedy past damage. PES shouldn't be used as a way of reducing public expenditure.
- c. NRM11, Legislative Changes. Although not clearly stated in the white paper, the intention seems to be to replace existing extensive and detailed fisheries legislation over time by less specific provisions relating to natural resources generally, leaving it to ministers and NRW to determine priorities and policies in specific areas with greater use of secondary legislation.

Existing fisheries provisions are currently obscure, because they've been transferred en bloc to NRW via the Functions Order. Consolidation is needed but I'd want there to be detailed consultation and scrutiny of proposals to remove or modify existing provisions – including any interim measures in advance of proper consolidation.

As mentioned above, WG and NRW consultation of fisheries interests has recently been poor.

6. Chapter 5, Smarter Management.

- a. SM1, Fee charging powers for NRW. I agree that NRW should be able to recover from developers the costs of scrutinising and assessing their proposals. Without such powers there's a danger that NRW will be unable to give large proposals the scrutiny they require.

The power shouldn't be limited to Marine Licensing. NRW also has to scrutinise the fisheries, water quality and other implications of large developments which might not need Marine Licensing. The cost of such work should be similarly recoverable from developers.

- b. SM4, Flood and Water Management Legislation. The proposed changes should be subject to proper consultation and scrutiny for the reasons mentioned under NRM11 above.

Yours faithfully



PHIL JONES

January 2014

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

Dear Sir,

Towards the Sustainable Management of Wales' Natural Resources

Thank you for the opportunity to respond to the consultation dated 23 October 2013.

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members

Our response to the Consultation is as follows:

- 1. Do you agree with the overall package of proposals in relation to natural resource management in chapter 2?**
Yes.
- 2. Do you agree with the approach to define natural resources, sustainable management of natural resources and integrated natural resource management in Wales?**
Yes
- 3. Do you agree that climate resilience and climate change mitigation should be embedded into our proposed approach to integrated natural resource management at both national and local levels?**

Yes

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

Yes

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

Yes but the area based approach should have regard to local authority boundaries especially after re-organisation

- 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

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

Yes

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

Yes

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

No comment.

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

Yes

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?

Oversight by an appropriate Welsh Assembly committee might be a good option

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?

Yes but we feel a review might be needed to confirm adequate human resources are in place for these tasks.

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

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

Yes

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

There seems to be an increasing trend to make land owners and developers provide reports at considerable expense and often taking months if not years (in the case of bats for example) before relatively simple and straightforward schemes can be considered. Sometimes unnecessary and often abortive costs carry the potential to deter investors and developers.

If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,

David Morgan
Policy Manager

T + 44 (0) 29 2022 4414
dmorgan@rics.org

Towards the Sustainable Management of Wales' Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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

Environment Bill White Paper

23 October 2013 – 15 January 2014

Name Anne Meikle

Organisation WWF Cymru

Address Baltic House, Mount Stuart Square, Cardiff CF10 5FH

E-mail address ameikle@wwf.org.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)** x
 - Academic bodies**
 - Member of the public**
 - Other (other groups not listed above)**
-

Chapter 2 - Natural Resource Management

SUMMARY AND GENERAL COMMENTS

WWF Cymru welcomes the Government's recognition that there needs to be focus on change to how we manage our environment. In this regard a truly integrated statutory framework will be most welcome.

From our perspective, current decision making does not take sufficient account of long term impacts and their prevention. This seems especially the case regarding the environment.

Government and Assembly are proud to have a duty regarding Sustainable Development (SD) in our constitution. The whole of SD was founded on recognition that there are limits to our ability to exploit the Earth's resources without doing long term damage to our own ability to exist and thrive on this planet. This is embodied in much current SD legislation and practice as the principle of 'living within environmental limits'. This is embodied in One Wales One Planet and the current definition of SD in Wales.

Therefore it is important that the Environment Bill addresses clearly the responsibilities and mechanisms which will deliver environmental sustainability, which will address the shortcomings of current approaches and deliver transformational change to achieve sustainable development

Our concerns are whether the approach is

- Truly integrated (particularly with the Planning and Future Generations Bills)
- Sufficient to meet the challenges of moving to a sustainable Wales (the intent of WG in FG Bill)
- Providing the correct powers and functions for NRW and others to deliver effectively.

The following detailed comments are primarily in the context of ensuring coherence with internationally accepted SD practice and with what has been proposed for FG Bill. This is in addition to the content of the Wales Environment Link response, which we support.

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:

WWF Cymru suggests that this Bill needs to enable new approaches to the management and use of the environment such that the needs of future generations are treated with more equity, when viewed alongside the needs of our current generation.

Therefore the key question is whether the package proposed is sufficient to drive the changes necessary to ensure that different decisions are taken in future which will ensure that the environment and its resources are available to meet the needs of future generations.

WWF are supportive of the overall approach of setting national policies and requiring other bodies to take these into account and also of adopting an ecosystems approach to this (even though the White Paper stops short of specifying this). However, we think the proposals are insufficient on protecting and restoring ecosystems and planetary systems in order to ensure our long term ability to meet the needs of future generations.

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:

WWF Cymru have considered the proposed definitions from two perspectives. Are the proposals consistent with the FG Bill intent and are they consistent with the accepted international meaning of SD and therefore will ensure we will be meeting the needs of future generations and living within environmental limits?

The FG Bill has not yet clarified its own definitions and outcomes. However, the WG intent is to legislate to make SD the central organising principle of the public sector in Wales. It already has an SD scheme with a definition of what this means, which is a good guide for what is required.

It is worth recalling the basis in Brundtland for 'living within environmental limits'. There is little in the Brundtland report about balancing economic, social and environmental factors. Instead its focus is on ensuring development meets people's needs, with priority to the poorest, whilst operating within safe environmental limits. Therefore when it talks of ensuring we can meet the needs of future generations, it also states

☐ Sustainable development must not endanger the natural systems that support life on Earth: the atmosphere, the waters, the soils, and the living beings.

☐ ... ultimate limits there are, and sustainability requires that long before these are reached, the world must ensure equitable access to the constrained resource and reorient technological efforts to relieve the pressure.”

1. Future generations and long termism

Maintaining a strong focus on ‘meeting needs of future generations’ is crucial to drive the necessary change in prioritisation, from current extreme short term thinking to the long term. It is necessary to underpin a preventative approach. Therefore, nothing in this Bill must undermine that.

This reweighting of the consideration given to the future is a crucial change that FG Bill is seeking to achieve. Therefore, that change must be clearly reflected in this Bill.

Unfortunately, the suggested definitions (and indeed the definition of sustainably in article 4 of the Establishment order for NRW) are not consistent and clear on this matter.

- In the Order ‘sustainably’ means “in a manner designed to benefit the people, environment and economy of Wales in the present and the future”.
- “Integrated natural resource management meansso that the long term benefits are optimised for the people, environment and economy of Wales in the present and in the future.”
- “Sustainable management means the collective actions..... In doing so, ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations”.

In WWF’s view, only the last of these is clear on what is required and is coherent to the generally accepted definition of SD and the intent of the FG Bill.

2. Future generations and environmental limits

2.1 Since the publication of the Brundtland report there has been much scientific and policy development on how to secure the ability of future generations to meet their needs. In environmental terms, this is often now expressed as ‘living within environmental limits’. When WWF refers to environmental sustainability as one of the pillars of SD this is what we mean. As laid out above, ensuring the functioning of natural systems and considering limits are crucial elements.

Unfortunately, chapters 1 and 2 of the White Paper do not give sufficient prominence to the recognition of environmental limits and the need to live within them if we are to meet the needs of future generations.

The statement (paragraph 2.16) that “to that end, it should allow for the consideration of environmental limits” treats environmental limits as an optional extra, instead of the fundamental necessity underpinning ecosystem services. This would be more accurate if it read ‘it should require consideration of environmental limits’.

The overall effect of chapters 1 and 2 considerably underplays the necessity of prioritising natural systems which will support the needs of future generations. 2.2 Another crucial failure throughout the White Paper is the lack of clarity that the SD concept of living within environmental limits has implications for impacts beyond the borders of Wales. Having the entire bill focussed only on ecosystems and resources within Wales will not be sufficient to meet the outcomes desired for future generations. Welsh people are reliant on ecosystems and their services from all around the globe and totally reliant on the effective functioning of global systems such as climate. Therefore, this Bill must recognise this and ascribe responsibilities to NRW and others in this regard.

COMMENTS ON PROPOSED AND ACTUAL DEFINITIONS

1. OVERALL APPROACH

WWF Cymru agrees that clear definitions will be essential to ensure effective implementation of the embedding of SD and achieving the outcomes of the FG Bill. We support the rationale from paragraphs 2.10, 2.13 and 2.14.

However, although we support several aspects of the proposed definitions they seem to be insufficient on several fronts. Existing proposals should be amended and some additional definitions considered.

This is because of a

- Lack of sufficiency in dealing with environmental limits
- Lack of focus on needs of future generations
- Lack of clarity e.g. on ‘optimisation’

NATURAL RESOURCES

The focus on defining natural resources, and particularly in the Order, the natural resources of Wales, is too narrow to encompass the full range of systems on which we depend and to which much existing legislation refers.

The opportunity should also be taken in this Bill to amend the definitions which appear in the establishment order to ensure coherence with FG Bill and this legislation.

Figure (iii) definitions

1. Integrated Natural Resource Management

There are two problems with the proposed definition. The latter part of this states “benefits are

optimised for the people, environment and economy, in the present and the future”.

1.1 This latter part is not consistent with ‘meeting the needs of future generations’. The definition of this contained in ‘sustainable management’ about “does not diminish the potential to meet the needs and aspirations of future generations” is much more precise and therefore suitable for a legal definition.

1.2 The other problem is the concept of ‘optimising’ long term benefits for people, environment and economy. In any specific case how is it to be known if a decision “optimises” long term benefits?

The problem seems to arise as there is a lack of recognition of the need to ensure the effective functioning of the ecosystems which provide these benefits as a primary requirement of resource management. We suggest it would be more effective and provide more clarity to state either that :

INRM will ensure a healthy functioning environment in order to optimise the benefits to people and economy now and in the future

Or

INRM will ensure a healthy functioning environment in order to deliver benefits for people and economy now and in the future.

The actual definition of sustainable management is mainly useful but it reintroduces the concept of social, economic and environmental wellbeing. There was much debate around the use of this language when it was proposed in FG Bill White Paper. In particular environmental wellbeing has no previous legal definition. Without such a legal definition then the courts will consider wellbeing in its usual sense of people’s health and wellbeing. Such unspecific language has no place in legislation.

WWF suggests that replacing “provide for their social, economic and environmental wellbeing “with “provide for their social, economic and environmental needs” might be the simplest solution. The only alternative would seem to be to actually define each of social, economic and environmental wellbeing.

Finally there is no mention in any definition, or in the requirements of an area- based approach to the precautionary principle. This is a current SD Scheme principle and is a requirement of existing environmental law and practice. Its place in this new approach should be made clear.

Question 3

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

Yes **X**

No

Please provide comment:

WWF Cymru would agree that adaptation and mitigation for climate change need to be integrated into management at local and national scales. However, the implication of paragraphs 2.27 to 2.29 is that managing the ecosystems effectively is all that is required in this legislation in order to tackle climate change. For reasons detailed below WWF Cymru do not think this is enough and we very much support the recommendations of the Committee on Climate Change that ‘Setting a statutory underpinning to Wales’ climate change targets could help to provide certainty to policy-makers, businesses, investors, and wider society in Wales and strengthen incentives to reduce emissions’.

This Bill is the ideal vehicle to achieve this.

The language in paragraph 2.28 for example ‘this process will better inform the ways in which we can repair long term damage’ is pretty weak. For a system like climate which is already close to exceeding safe thresholds then this should read ‘the process will start to repair’.

WWF Cymru do not believe this approach is sufficient as this Bill is supposed to apply to other bodies than just NRW, it is important that giving priority to repairing the damage to our global climate system is given appropriate weight in decisions related to management, regulating, licensing and advising.

The White Paper makes no mention of the need to ensure policies and other decisions promote resource efficiency and reduce our carbon and ecological footprints (not just our terrestrial emissions). We believe this Bill offers an excellent opportunity to set out statutory targets in relation to climate change.

Adaptation targets

WWF Cymru believes the Bill should require a clause in legislation to report to National Assembly on adaptation measures by the bodies on which the legislation applies.

The WG’s suggested approach of mainstreaming adaptation measures through the LSB and Single Integrated Plan mechanism has value but WWF Cymru thinks that legislative requirements are needed to ensure this currently marginalised issue is brought into mainstream decision making. Other UK nations are ahead of Wales in terms of adaptation measures and arguably this is because we are the only country not to have requirements in legislation. Both mainstreaming and legislation is required to fully embed this into decision making.

Mitigation target

WWF Cymru believes the Bill should provide a clause in legislation requiring public bodies to adhere to the scale of carbon reduction required by the Welsh Government.

There are numerous references to the assessment of climate change and hence recognition of it as an important impact on Wales natural resources and society/economy. WWF Cymru welcome this recognition however it is difficult to make a full assessment of the Bill in this aspect as there are no specifics on the practical application for mitigation measures.

For example, 2.35 talks about consideration of climate mitigation and action at LSB level. What does this mean in practical application? Does this mean all key strategic decisions at LA level and SIPs will need to have a carbon assessment and not be passed or need to be mitigated against if they are not contributing to the Wales target of 3% annual reduction or 40% by 2020? This is something that WWF Cymru would welcome.

The next question is how does this then relate to the catchment area tier of resource management? If a LSB level decision has higher carbon impact than acceptable does it then need to be mitigated against at the area level? Or national level? Or do all the area level assessments aggregate to assess Wales's wide impact and whose role is it to do this?

Based on this lack of detail, how potentially climate mitigation would be managed through the LSB structure and also our understanding of what would be needed to deliver Wales' climate reductions targets we do not think the proposals for tackling climate change within the WG White Paper will deliver on its ambition.

Wales is the only country in the UK without legislation in greenhouse gas reduction. Scotland shows how to successfully combine a number of levers, which includes legislation, to drive forward the scale of emission reduction that is required. WWF Cymru believes that legal carbon targets are a crucial lever required to accelerate the action on GHG reduction in Wales.

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:

WWF Cymru believes that policy and priorities which will ensure that Wales achieves the SD goal of 'living within environmental limits' are required. Therefore we are in agreement with the general proposal in INRM2 . It is also sensible that it accords with the cycle of outcome setting laid out in FG Bill.

The position of NRW in relation to advising on the content of the policy and ensuring they have a duty to provide objective, unbiased evidence to both Government and the Future Generations Commissioner will be essential to ensure that the Commissioner can exercise his/her function in regard to advice and scrutiny on Welsh Government.

The independence of both the commissioner and NRW in this regard must be safeguarded through this legislation.

The timing and content of the 'State of Natural Resources ' report will be crucial in this regard and should be finalised with the agreement of the Commissioner.

However the Bill should, as in paragraph 2.22, identify the matters to be covered by the policy and clarify to whom it applies. For example, current WG Guidance in Shared Purpose Shared Delivery does not recognise.

Paragraph 2.22 currently falls a little short in that focusses only on natural resources within Wales' territory. In order to fulfil the requirements of the Future Generations Bill then ensuring national policy and outcomes relate to our impact on global systems (such as climate) is essential

It must also legislate clearly for the weight and authority of the National policy, particularly in regard to other statutory functions and plans. In particular there need to be requirements regarding local development plans, single integrated plans, marine spatial plans and many others. Currently the Planning Bill proposals do not seem to recognise this; therefore this Bill will need to make it clear. Similarly it is the intention to regulate SIPs through the FG Bill so this needs to be considered.

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:

WWF Cymru has been a long term advocate of the ecosystems approach as proposed over many years by international and other strategies such as CBD. It is clear that the area- based approach contains many elements of this but at no point does the White Paper make explicit that the principles enshrined in this approach are being adopted. This weakness could easily be remedied, providing better clarity and rigour to the plans.

Some areas where the proposals lack clarity are:

- Paragraph 2.33 ‘organising around ecosystem services and their benefits’. This seems to imply something different to an ecosystem approach and should be clarified and amended in legislation.
 - NRM4 sets a requirement to set out priorities and opportunities. This lacks any mention of constraints. Paragraph 2.41 mentions ‘risks and challenges’ but the actual proposal does not. This is particularly important when viewed from the perspective of having to provide evidence and advice on the risks of approaching or exceeding thresholds of systems, which may be local, regional or global and the necessity to ensure this is avoided.
 - Paragraph 2.42 does not make it clear that global impacts, trends etc. will impact on and can be mitigated by area management. It is vital that this is included.
 - Paragraph 2.53 and 2.54 are very welcome, as far as they go. However, in addition to the evidence base on Welsh natural resources, NRW must be made responsible for obtaining evidence on the state of global systems on which Wales depends and on which we have impacts.
 - There is no mention in any definition or in the requirements of an area- based approach to the precautionary principle. This is a current SD Scheme principle and is a requirement of existing environmental law and practice. Its place in this new approach should be made clear.
-

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:

Clarity is required on the proposals as regards other bodies. WWF Cymru is in agreement with paragraph 2.79 and in particular 2.80.

However, Paragraphs 2.57 and 2.82 then suggest bodies will be required to participate by cooperating, sharing info and jointly planning and reporting. However in 2.86 it is suggested that instead of this requirement within legislation this is a power which may be exercised in the future by a Minister. This requirement already exist for matters such as flood risk Plans so there seems no barrier to including this in the legislation now rather than leaving it to Ministerial discretion..

WWF Cymru believes the proposals need to be clearer that the legislation applies to many bodies. It currently leaves an impression of undue emphasis on what NRW needs to do without sufficient balancing of the role of others. A particular example of this occurs when Chapter 1 and 2 are taken together overall. They seem to suggest fundamentally altering the purpose of NRW and requiring it to give greater weight to economic and social outcomes than to environmental outcomes and tackling the threats and risks to that. The weighing and balancing of these issues in many cases, properly lies with planning authorities and (where cases go to appeal) planning inspectors and Welsh Ministers. In order for this system to function effectively, decision makers need objective, unbiased evidence from NRW on environmental impacts and risks, to weigh against the economic and social evidence from developers. If NRW evidence on environmental risks is bounded by the need for NRW to weight these risks against social and economic outcomes (where there is not corresponding duty on developers or local authorities) it will push the development control process away from sustainable development.

Given that the FG Bill is going to require SD to be embedded in all public organisations then the provision of sound, unbiased advice on the likely environmental impact of plans and proposals becomes a greater need. Provision of such evidence at the appropriate scale, and early in the planning and delivery processes, is essential for the effective implementation of the FG bill. Credible and independent evidence on future trends and potential impacts is vital. NRW must have a clear role in this and other bodies need to be assured that they will provide all of this evidence no matter how inconvenient it might be from the point of view of Government, public bodies, developers etc.

Question 8

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

Yes **X**

No

Please provide comment:

WWF Cymru agrees that the lead responsibility should lie with NRW. However NRM 6 is not sufficiently clear on the responsibility and mechanism and is missing a vital area.

Paragraph 2.90 limits the evidence gathering to natural resources within Wales. In earlier comments we noted that this Bill should ensure clear responsibilities on who is expected to provide evidence on global systems, and ecosystem services, such as climate, on which we are impacting from Wales . If this is not the case then there will be a significant gap in the ability to implement the future generations Bill.

In paragraphs 2.91 and 2.92, whilst referring to the FG bill, stop short of providing clarity on the need for NRW also to provide evidence and advice on policy and other changes to the FG commissioner. This will be essential for the production of his report on behalf of future generations.

The suggestion in paragraph 2.93 about reporting on effectiveness is particularly welcome. However, it will be insufficient if NRW are not also required to report on the state of global systems on which we depend and our impact on them and the progress towards sustainable living within wales.

Question 9

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

No comment

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

Question 11

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

Question 12

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

Yes

No

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

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Given that we have previously stated that we do not believe the definition of integrated natural resource management is acceptable, then we cannot currently support any powers to amend other legislation to align to it.

We fully support the response from Wales Environment Link in this regard.

WWF Cymru believes that a review of existing legislation with a view to ensuring its ability to meet the requirements of sustainable development, particularly ensuring we have an environment which functions effectively for humans and nature in perpetuity is justifiable. However, a proper review with effective participation of stakeholders, conducted in a transparent way, followed by legislation is the proper way forward. If this can be achieved as suggested in paragraph 3.36 then that would be an acceptable way forward.

The only legislation which we would recommend is amended alongside this Bill is the Order establishing NRW itself, which we do not believe is fully consistent with the necessity of taking responsibility for our global impacts and has a weak definition in regard to future generations.

In terms of this Bill, as opposed to the FG bill, it seems vital that the Bill deals effectively with NRW's role in meeting the challenges from the Brundtland report i.e. 'not endangering natural systems that support life on earth' and "accessing constrained resources and efforts to reduce the pressure on them".

For WWF there is insufficient clarity in this Bill that this is a primary function of NRW that the natural systems and resources which must be considered are not only within the boundaries of Wales.

Question 16

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

No comment

Question 17

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

No comment

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

No comment

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

No comment

Question 20

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

Yes

No

If yes, please identify them and explain why.

No comment

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

No comment

Question 22

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

Yes

No

If no, what other approach could we adopt?

No comment

Question 23

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

Yes

No

If yes, should this apply to:

a) Households

b) Businesses and Public Sector

c) Both

Please provide comment:

No comment

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

No comment

Question 26

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

Yes

No

No comment

Question 27

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

- NRW
- Local Authorities
- Sewerage undertaker or
- Other

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

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 **X**

Please provide comment

WWF Cymru does not support the proposal to extend the current practice of allowing net proceeds to go to any good causes to be extended to bags for life. We supported the initial regulations which proposed to limit this to environmental good causes and are disappointed this has never been introduced. In particular, at this time of reductions in availability of public expenditure, it seems perverse to allow the proceeds of a popular environmental measure to be directed away from funding environmental activity. Therefore we support the Wales Environment Link position which is as follows:

“We welcome the proposal to extend the carrier bag levy to bags for life, should it be felt necessary after further monitoring. However, with regard to any revenue raised, we would recommend the direct channelling of revenue back into Welsh environmental charities to support the delivery of

environmental and other social and economic benefits for Wales, rather than it being a requirement for retailers to pass on their net proceeds to any good causes. This would ensure that all funds are used within Wales and that the Environment Bill is supporting the resourcing of natural resource management.”

Question 31

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

No comment

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Please see the [Wales Environment Link](#) response for our views

Question 33

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

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

Question 34

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

Shellfisheries Management

Question 35

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

Yes

No

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

Implementation / Equalities

Question 41

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

Question 42

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

In general the tone of the document is positive and the theme of sustainable growth is to be applauded. I do, however have specific issues with the section concerning Shellfisheries Management. I will deal with these as follows, referring to troublesome paragraphs as necessary:

Shellfisheries Management

SM2 Measures to revise the application process and ongoing operation of Several and Regulating Orders at Part 1 of the Sea Fisheries (Shellfish) Act 1967

5.11; Figure (vii) and paragraph 5.12 are self explanatory and uncontroversial.

5.13, however, makes no sense at all. To state that "the full potential of Several Order fisheries is not being realised" is factually incorrect. To then go on and infer from this statement that the relevant legislation pertaining to these fisheries needs to be amended in order that their further development be realised is a complete non sequitur. No other devolved administration sees the need to tinker with the legislation in such an unexplained manner. The Scottish administration has only recently chosen to reimplement the Shellfish Waters Directive, thereby ensuring the continued protection of Scottish shellfish growing waters whilst leaving the primary legislation unmolested and reinforced with the introduction of the Aquaculture and Shellfisheries Act 2013. The English administrations also see the existing primary legislation as being fit for purpose. The North Western IFCA is in the process of finalising an application for a thirty year Several and Regulating Order in Morecambe Bay. The bald Welsh statement that the legislation "needs to be amended" sits oddly with other countries' views of the fitness of the legislation and needs, therefore, to be further reasoned to withstand scrutiny.

5.14 The individual bullet points of this paragraph, in particular point four, give me great cause for concern.

Point one: The proposed measures of point one already exist and can and do form part of on Order. This is therefore unnecessary.

Points two and three: Ditto point one.

Point four: Were this point to be incorporated into any such proposed amendment it would completely remove the foundation of any Several or Regulating Order and would render it pointless. A Regulating or Several Order confers a right of tenure or property right upon a tenant for a considerable period of time given that all the checks and balances incorporated in it and incumbent upon the tenant are complied with. This proposed amendment would effectively remove any such right of tenure. The present legislation is foresightedly drawn in such a manner as to encompass and address all of the perceived fears and concerns a Welsh Minister may have and already gives the Minister the option as suggested here but only after a due process has been entered into. The option as worded here is draconian and unnecessary : (in the case or (sic) emergency or immediate damage etc). Quite how one could then further describe a fishery as damaging a European Marine Site is beyond comprehension given that it has already gone through rigorous due process and has had to conform to the requirements of a comprehensive management plan in order to be consented.

Should this proposed amendment be effected it will mean the end of sustainable aquaculture in Wales.

European Marine Sites

5.17 I fail to understand the use of the terms "dynamic" and "changing conditions" with reference to the marine environment in this particular context. Many parameters within the marine environment remain more or less constant. It may be that "dynamic and "changing conditions" in this context refer more particularly to the way that the marine environment itself is managed. Further clarity is required here.

5.18 These particular concerns of Welsh Ministers are already appropriately addressed through the undertaking of an article 6(2) or 6(3) assessment, thereby rendering the tenet of the following paragraph (5.19) irrelevant.

5.20 It is not my understanding that such amendments/revocations need take as long as suggested here. I would contest, in any case, the proposition that a consented Fishery may "become damaging to a Marine SAC" when no such example in the history of aquaculture can be cited. Such speculation runs contrary to Ministerial assertions regarding the sustainability of aquaculture in Wales and would appear to be a completely spurious concern which has no place here given the ongoing and adaptive process which has to be undertaken to authorise the Fishery and monitor its prosecution.

5.21 Management Plans have been around for a long time. What seems to have changed recently is the Welsh Government's legal department's interpretation of the Welsh Government's obligations, contrary to long established legitimate and reasonable practice.

5.22 Under section 2(1) of the '67 Act reference can be made to a Management plan without the need for the Order to be amended.

5.23 This paragraph makes no sense whatsoever. There is no added layer of complexity. The '67 Act allows for reference to a Management Plan. Fishermen absolutely have the flexibility to operate in an environmentally acceptable and beneficial manner, as the Welsh Ministers are equally able to require them to operate in a "non damaging way". Rather than constantly address the possibility of aquaculture being damaging, I suggest it would be more appropriate to assess the beneficial ecosystem services which aquaculture provides. Perhaps the consented modifying aspect of any cultivation operation is hereby confused with "damage" by the author?

5.24 For the aforementioned reasons the conclusions of this paragraph are invalid.

Enforcement

5.25 Whilst it is agreed that specific powers of enforcement are not available to Welsh Ministers it is the case that Several Order fisheries are more than adequately monitored or enforced through the application of the relevant legislation applicable to European Marine Sites and sections 2 and 5 of the '67 Act. Any such further powers as proposed are therefore unnecessary. It is in nobody's interests to operate in an environmentally irresponsible and damaging manner. The comparison made to terrestrial and animal welfare inspections as a justification for the creation of such enforcement powers is unhelpful in this instance. The adherence to a Code of Good Practice agreed with the statutory conservation bodies and activity specific licence conditions further obviate the need for such powers.

5.26 It can only be hoped that after the tardy inspection of MaCAA 2009 that, as in other administrations, the Welsh Government will find such enforcement powers afforded to them under the Act to be adequate. Any other conclusion would need clear and extremely well reasoned justification.

5.27 So why try to fix something which isn't broken?

5.28 "Proposed changes to the regime" are completely unnecessary here. The present legislation elegantly achieves all of the objectives detailed in this paragraph. The proposed changes would have a deleterious effect on that which presently prevails. It would, I humbly suggest, behove Welsh Government to more appropriately examine the reasons behind the need to interpret their obligations differently to other administrations and address the negative impact such interpretation will have on this small nation.

5.29 I would hope that the undefined lengths herein mentioned would take into account the customary time scales involved in creating and nurturing aquaculture enterprises. There is considerable risk attached to start up ventures and lending institutions will not generally entertain any business plan of less than fifteen years duration. A proposed seven year Order simply wouldn't be feasible, no matter which way you look at it.

5.30 In a country of this size I find it incredible that this kind of time scale is accepted as the norm. Given that much ground work has already been done when a formal application for a Several Order is made there is no earthly justification for such an application to take this amount of time. Welsh Government should surely accept the need to address with urgency this dysfunctional bureaucratic process?

5.31. It would surely be more appropriate in this section to define a maximum time for processing an application ? A minimum time really has no relevance in this particular instance. The EU Commission and DG Mare have indicated a much shorter time scale than the one referred to here for the processing of applications in general whilst recognising the greater constraints placed on Several Order applications made in European Marine Sites and it would be good to see Welsh Government recognise this and move towards adopting a more pragmatic approach.

Questions

Question 35

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

My foregoing comments indicate that I don't agree with the proposal for the given reasons.

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 that can be improved?)

I am quite clear that the current legislation needs no tinkering with. It is perfectly adequate for the intended purpose provided it is interpreted correctly. This proposal is unnecessary and detrimental. Welsh Government's processing of Several Order applications is deficient. This is the only area that needs improving.

Question 37

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

I do. Were this proposal to be implemented it would remove the cornerstone of my business, thereby finishing it. I cannot understand why the Welsh Government alone amongst the administrations seeks to behave in such a manner. The effective removal of the security of tenure implicit in this proposal is perverse in the extreme and demonstrates a blatant ignorance of the essence and intention of Several and Regulating Orders which is hard to comprehend.

Given the contrasting attitudes to Several and Regulating Orders which exist in England and Scotland I would urge the Welsh Government to examine its position and adopt a more forward looking and positive attitude to what is a long established and worthy mechanism for the continued sustainable and efficient production of food. Wales already possesses the jewel in the crown of aquaculture production in the UK in the Menai Strait. This proposal would destroy it if implemented.



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

24th January 2014

Dear Sir / Madam

Re: Environment Bill White Paper: Towards the Sustainable Management of Wales' Natural Resources

Please accept this letter as Lafarge Tarmac's formal response to the above mentioned consultation document.

Introduction

Lafarge Tarmac is the UK's largest construction materials supplier and as part of our core operations we are also involved with the beneficial use of several million tonnes of waste and secondary materials every year.

For example, we used approximately 2.5 million tonnes of inert waste during 2012 to restore quarry sites. The availability of this material is essential to support the benefits that these quarry rehabilitation projects provide to local communities in the form of increased biodiversity and / or amenity value. The benefits of these schemes to nature conservation alone has been confirmed by the RSPB who identified that the restoration of mineral sites could meet 100% of the targets for 9 out of 11 priority habitats included in the UK Biodiversity Action Plan.

We also use approximately 150,000 tonnes of waste per annum as waste-derived fuel sources in our 5 cement kilns located across the UK. In 2012, the use of waste-derived fuels generated over 3 million gigajoules of energy, saving approximately 140,000 tonnes of carbon when compared to traditional sources. Use of these fuels also reduces the consumption of fossil fuels which would otherwise be required.



Furthermore, whilst this type of co processing with energy recovery may usually rank on the fourth tier of the waste hierarchy (i.e. other recovery), the ash that is produced from the firing of waste in the cement kilns is fully incorporated into the intermediate product, cement clinker, which reduces the amount of primary product that needs to be manufactured and displaces some of the raw materials which would otherwise be needed. By recovering all of the waste material in this way, co-processing is in fact a high level recycling process. In addition, we add other industry's wastes and by-products as raw materials in clinker manufacture and to the finished cement, thus still further reducing our need to make cement clinker. Taken together, these processes significantly reduce our carbon footprint from the manufacturing process.

Lafarge Tarmac also operates a major recycled aggregates business, generating approximately 1.5 million tonnes of aggregate from construction, demolition and excavation waste. We are also leading the way in using materials from old roads (Recycled Asphalt Planings) as a raw material in new asphalt products.

Putting waste to work as a resource is a cornerstone of our sustainability strategy and as demonstrated above, Lafarge Tarmac, through the operation of our core businesses, have the ability and track record to make beneficial use of significant amounts of waste thus contributing to the UK's developing circular economy.

Lafarge Tarmac in Wales

We currently have over 50 operations located in Wales, including 11 quarries, 1 rail head, 2 wharfs, 8 asphalt and 5 concrete plants, 3 contracting depots and 4 aggregate recycling operations.

Our largest operation in Wales is Aberthaw Cement Works which has been producing cement for over 100 years and employs over 100 people. The plant is capable of producing 500,000 tonnes of cement per annum.

As previously illustrated, the use of waste derived fuel in our cement kilns is a key contributor to the reduction of energy usage in our operations and subsequently the amount of carbon emitted.

Aberthaw Cement Works is no exception to this, making use of end-of-life tyres, meat and bone meal and solid recovered fuel in the current kiln firing process to reduce the amount of



carbon emitted at the site. The re-use of secondary materials is also a feature at Aberthaw, particular fly ash which is taken from the adjacent power station.

RE3: Energy from waste bans for key materials

A secure and adequate supply of quality recyclable materials is important to our ongoing commitment to maintain and improve the sustainability performance of our business and products. We therefore support the intention of the proposed ban on key materials from facilities for which there is no subsequent beneficial use, in particular landfill.

However, we are concerned that, without a specific exclusion and detailed guidance, such a policy proposal may be interpreted to extend to cover the use of recyclable materials in co-processing operations such as that taking place at Aberthaw.

If this were to happen then the progress that has been made to reduce the reliance on fossil fuels in our operations will be jeopardised. The unintended consequences of which will be an increased dependence on Wales' natural resources, in particular carbon, which is contrary to the overarching objective of the White Paper.

Conclusion

As mentioned above, we do not believe that this is the intention of the policy and we would be very happy to work with the Welsh Government and Natural Resources Wales to ensure that it is further developed in a manner that secures the availability of waste derived fuels for co-processing operations such as that at Aberthaw.

I hope that you find the above comments of interest and use. If you do have any questions resulting from the above, or would like to discuss the points raised in more detail, then please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David McCabe', written over a horizontal line.

David McCabe
Regulatory Affairs Manager





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

January 2014

Introduction

Wales Environment Link (WEL) 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 WEL supports and welcomes this work. The ecosystems based approach has been actively embraced by a number of WEL members, and we hope that this consultation is the start of not just a legislative process but of joint delivery with the environmental NGO (eNGO), private and public sectors.

However, we do have concerns regarding proposals in the White Paper that 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 should not lose sight of the importance of using existing tools (e.g. site designations and other legislation) in delivering this approach. The WEL network wishes to be involved in the future development and operationalising of new frameworks, and believes in ensuring a strong purpose for Natural Resources Wales (NRW) to champion the protection and improvement of all elements of Wales' environment. The ability to ensure a truly integrated approach to sustainable development will be crucial to overall success. Therefore, the absence of a clear remit for NRW to be an environmental champion within sustainable development may lead to a lack of focus on enhancing biodiversity for example, and this could result in failure to achieve existing commitments and legal obligations (e.g. Aichi targets, climate change targets, delivery under EU Directives) as well as a wider failure to enable an ecosystem based approach by living within environmental limits.

We are sure this is not a situation that Government or anyone wishes to see, and it is therefore crucial that the unique opportunity presented by the White Paper, to enable people to live within environmental limits, to increase our resilience to climate change and to address the future needs of society in Wales, is fully harnessed. To do this 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.

We feel that the White Paper can be in places be quite generalist and theoretical. As a result we would recommend that the next step in developing this new and critical approach is to develop a Draft Environment Bill. This document needs to contain concrete and determined proposals, and be developed to a timescale generous enough to allow for collaborative development alongside stakeholders by further consultation and scrutiny.

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, therefore we will be seeking feedback.

Chapter 2: Natural Resource Management

NRM 1 – Legal definition for natural resources

- We welcome the fact that Welsh Government proposes to have clear definitions to assist in the development of the new approach. However, we note a number of omissions/limitations with Governments' proposals.
- The definitions are extremely focused on natural resource use and neglect nature conservation, which, under the Convention of Biological Diversity¹ (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.
- Another omission from the definition of natural resources is seascapes. In general, there is a lack of reference in the proposals to seascapes and how marine issues will be incorporated into natural resource management planning.
- Some words in the definition, such as landscapes, need to be more clearly defined to ensure that they are not open to variable interpretations. The definition of landscapes set out in paragraph 1.34 should be used in the legal definition.
- The definitions also omit 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 Bills.
- In addition, we are disappointed that the terminology used does not reflect specific sustainable development language in relation to the needs of future generations. Instead the imprecise concept of "environmental wellbeing" is reintroduced, which can be misinterpreted legally as relating to human wellbeing only. Naturally, there is merit in the incorporation of human wellbeing as people should be part of our approach and quantifying the effects on human wellbeing will ultimately be of benefit. We urge that this ambiguous language is replaced.
- We 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, and adapt to, climate change.
- 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 Wales Audit Office.

NRM 2 – National natural resources policy and priorities

- This proposal presents an excellent opportunity to set out statutory targets relating to international targets to which Welsh Government is already committed on the key issues of climate change and biodiversity loss. 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.

¹ <http://www.cbd.int/sp/>

- Welsh Government's Climate Change Strategy is not referenced in the White Paper and neither are the key emission reduction targets (3% per annum from 2011 and 40% total reduction by 2020 from 1990 baseline) nor the work of the Climate Change Commission for Wales (CCCW) and its sub-groups' Sectoral Adaptation Plans (one of which is planned for the natural environment and land use). Instead the White Paper only references the UK Climate Change Act (2008) and the adaptation reports required under this Act.
- The climate change and biodiversity targets should be given statutory status in the Bill, explained in detail in the proposed National Natural Resource Management Policy, delivered, in part at least, through the proposed natural resource area-based approach and reported on in the proposed five-yearly reports.
- We believe that addressing climate change through an Environment Bill should be about giving statutory recognition to the use of all Welsh natural resources that have a bearing on both mitigation and adaptation, and therefore effectively embedding the relevant parts of the Welsh Government's Climate Change Strategy.
- We understand that 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 objects the recognition of the intrinsic value of natural resources, protection of biological diversity and support for the restoration and rehabilitation of ecological systems². 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." We are still waiting to find out exactly what these will be, which makes it difficult to comment with any certainty on this proposal. We would however, like to reemphasise that national outcomes such as living within environmental limits and using our fair share of the Earth's resources in order to meet our needs, would be necessary to support the approach needed in the Environment Bill.

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 MPAs) and this leads to concern that all manner of current designations including National Parks, AONBs, SSSIs, etc. are vulnerable under Welsh Government's plans. In addition there is no mention of commons or village greens in the White Paper.
- 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 achieve nature conservation and broader environmental objectives. They remain vital to sustaining the natural resource base, and the biggest opportunity offered by the proposed area based approach is to work in combination with them adding value to their delivery. It is extremely 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 often call 'landscape scale conservation'. It is therefore essential that current mechanisms for delivering these priorities, such as eNGO landscape projects and National Park Management Plans as well as the tools mentioned above, are fully explored and integrated into the overarching approach the Government is seeking to create.

²<http://www.legislation.sa.gov.au/LZ/C/A/NATURAL%20RESOURCES%20MANAGEMENT%20ACT%202004/CURRENT/2004.34.UN.PDF>

- An area based approach, focussed on Wales' territory alone may be insufficient to deal with all systems vital to our future. The climate system and our impacts may not be manageable solely via this approach. Other aspects of regulating, licensing etc. and their ability to help mitigate emissions will be vital.
- 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 operate, will be critical in ensuring that this process is cohesive and everyone works together to achieve national priorities. From the content of the White Paper it is unclear what status these plans would have. Lessons should be learned from the experiences of the work undertaken on the Wales Spatial Plan. Critically, while the proposed duty to co-operate is welcome, it is not sufficient. We believe an outcome focused duty on public bodies (to take account of the area based plans and explain why, if they do not follow their recommendations or actions) is needed to ensure the process impacts on delivery.
- We welcome acknowledgement that the area-based approach for the sustainable management of natural resources is also appropriate in the marine environment and the importance of embedding any marine action within the evolving marine planning process. Marine planning provides the platform for an ecosystem-based approach to managing our marine waters and is a key tool for achieving the overarching target of Good Environmental Status by 2020 under the Marine Strategy Framework Directive. An important component of this area-based approach for the marine environment, and something that is not recognised in the consultation document, is the contribution that an ecologically coherent network of Marine Protected Areas (MPAs) can make to EBM goals, specifically by reducing the cumulative impacts of stressors on marine ecosystems. The recently published 'Wales Marine and Fisheries Strategic Action Plan' sets out the Welsh Government's approach to implementing an ecosystem-based approach in the marine environment but the links to the wider natural resource management agenda need to be much more explicit.
- We welcome the recognition in paragraph 2.81 that non-monetised benefits need to be understood when analysing the evidence on natural resources as it is important to recognise the benefits of ensuring a high quality environment that cannot easily be quantified.
- We would also like to highlight the key role for the eNGO sector both in helping to develop natural resource management plans and in contributing to their delivery. In order to be able to fulfil this role effectively, eNGO sector organisations will need adequate resources. All partners, including those from the eNGO sector, should be involved at an early stage in the development of natural resource management plans and in any delivery planning. We also want to emphasise that to achieve an ecosystems based approach will require equal partnerships between public, private and eNGO sectors to be developed.

Chapter 3: Natural Resources Wales – New opportunities to deliver

NRM 7 – Experimental powers for NRW

- In light of the complexity of NRW's remit we acknowledge that such powers could be incredibly beneficial, perhaps even essential for success. We recognise the benefit that experimental powers have had in the past for NRW's legacy bodies. For example, the powers embedded in CCW's legislation (previously from the Countryside Commission) led to the development of innovative schemes to test out new ideas and forge creative solutions to complex problems, such as the development of Tir Cymen influencing Tir Gofal and subsequently Glastir.
- However, given that Welsh Ministers will need to give formal approval to the terms of any scheme to be introduced, we would recommend that safeguards be put in place. These should include ensuring that the process of developing and designing new schemes and seeking formal approval for them is undertaken in an open and transparent way with a

clear mechanism for stakeholders to provide their own proposals for potential schemes as well as being consulted on NRW's ideas. There is a role for the eNGO sector here in engaging a wide range of people in the development of innovative approaches. In addition, there needs to be effective assessment and reporting of the outcomes of those schemes that are introduced so that lessons can be learnt from the process.

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 the exciting opportunities for involvement of environmental NGO and private sectors.
- We have reservations over the all encompassing role of NRW as broker. We feel their role would be better focussed on establishing accreditation and assurance for schemes, providing information and facilitation services and as a regulator. The eNGO sector is ideally placed to fulfil the role of ethical broker due to links with both landowners and private sector.
- 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 eNGO 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. However, we would like to emphasise how important it is that these agreements are attached to land holdings. If they are not there is a danger that payments could become a commodity, as was the case with entitlement payments.
- How this process works 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.
- There also is a need for greater clarity as to how these new proposals relate to the existing ability of National Park Authorities (NPA) or other authorities to make management agreements and S106 agreements. We are concerned that there is no reference to landscape in the discussion of this particular power and would not want to see the introduction of anything that removed NPAs' powers to enter into management agreements for landscape benefits.
- There is also a need for greater clarity as to whether NRW can require landowners to enter into management agreements.

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

- WEL broadly welcomes any initiative that seeks to remove duplication and improve efficiency of process through streamlining. However, this process needs to give full and detailed consideration to existing environmental requirement such as SEA and Habitat Regulations. Therefore, NRW will need to ensure that this process is rigorously 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 that a change is needed; proposals for primary legislation should be published.
- We note that proposals in NRM11 go against Recommendations 2, 3 and 4 in the Constitutional Affairs Committee report³, published in 2011. We wholeheartedly reject the proposed licence to make incremental changes to Primary legislation without full 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)

RE2 – Separation of waste by the waste producer

- In the White Paper it is suggested that, “In terms of practical impact, businesses generally will not be required to do much more than what many businesses are already doing in separating their wastes for collection.”
- Although we support the reuse and recycling of resources we also understand that the existing requirements are already creating problems with regard to, for example storage, especially for small business. This could lead to “waste /resources” spilling out from storage areas to become litter, being presented wrongly for collection or fly-tipping.
- These issues will need to be considered in the Act or actions taken as a consequence of the Act being implemented.

RE3 – Energy from waste bans for key materials

- We agree that the specified waste materials should be banned from landfill / energy from waste (EfW) facilities. However, we would like to know if any alternative options have been considered for contaminated paper and card and treated wood that under the proposal could still be burnt? Should green waste also be banned as it can be composted?

RE5 – Disposal of waste food to sewer

- We agree with the prohibition of food waste to sewers, for the reasons given in the White Paper, and that it ideally should apply to both businesses and householders.
- However, the enforcement of the legislation will be difficult, as with all legislation of this type. Indeed, legalisation can never be the only solution, and we would urge that it is supported by actions to facilitate behavioural change. This will require resources, which are outside scope of the Bill, but should be considered in conjunction with its development.

Regulatory Body(ies) for Waste

- Although NRW is the right body to enforce some of the changes/ requirements outlined in the White Paper, some support will also be required from local authorities and the eNGO sector.
- For example, local authorities may be better able to undertake the regulation as part of their existing work, as is the current practise with regard to fly-tipping, where there was a Memorandum of Understanding between local authorities and the Environment Agency about who would take responsibility, depending on the scale of the incident.
- Education campaigns can often be more successfully delivered by the eNGO sector through their work on the ground with communities of place and interest.

³ National Assembly for Wales Constitutional Affairs Committee. (2011). Inquiry into the Drafting of Welsh Government Measures: Lessons from the first three years. <http://www.assemblywales.org/cr-ld8393-e.pdf>

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; work that serves to further mitigate the damaging environmental impacts of single use carrier bags, and contributes to the ambitions set out in Chapter 2 of the White Paper.
- We welcome the proposal to extend the carrier bag levy to bags for life, should it be felt necessary after further monitoring. However, with regard to any revenue raised, we would recommend the direct channelling of revenue back into Welsh environmental charities to support the delivery of environmental and other social and economic benefits for Wales, rather than it being a requirement for retailers to pass on their net proceeds to any good causes. This would ensure that all funds are used within Wales and that the Environment Bill is supporting the resourcing of natural resource management.

Smarter Management (Chapter 5)

SM 1 – Marine Licensing Management

- Marine planning is intended to deliver the ecosystem approach, therefore we would seek clarification on how in-combination and cumulative pressures will be assessed, and if licences are granted, how mitigation measures will be determined given the data deficient nature of the marine environment.
- We welcome the introduction of marine licensing pre-application fees (in line with the Marine Management Organisation's system) and would support the policy of full recovery costs. We support the 'subsistence charge' if this is invested into marine monitoring and research to provide a greater evidence base and to help with assessment of potential negative impacts and their mitigation.
- We look forward to the opportunity to input into a separate full consultation on the proposed revisions to marine licensing.

SM2 – Shellfishery Management

- The amendments to the Sea Fisheries (Shellfish) Act 1967 appear to provide a mechanism for fuller consideration of activities within or outside of European Marine Sites (EMS). The opportunity to amend a submitted management plan at short notice, should the need arise, to remove the risk of damage to an EMS site, appears to embrace the precautionary principle and will help ensure compliance with conservation obligations such as the Habitats Regulations. However, we would highlight that existing Special Nature Conservation Orders under the Habitats Regulations are also an appropriate response to damaging activities within a European Marine Site (EMS).
- We welcome the consideration of enforcement powers under the Marine Act to ensure that all fisheries legislation that applies in Welsh waters can be effectively enforced. We hope further details will be provided as to the legislative changes to be made, and that public accountability and transparency will be retained.
- Whilst we welcome proposals for greater provision of enforcement to combat non-compliant damaging activities, we are aware that enforcement activities in Wales are at present not widely used. Therefore in addition to recommending that greater enforcement duties be employed to ensure that Several Orders are compliant with conservation measures adjacent to or within an EMS, we would welcome better use of existing enforcement measures, as necessary, across all areas of fishing.
- WEL is part of the Wales Marine Fisheries Advisory Group (WMFAG) and is working with Welsh Government and the industry to ensure fisheries legislation is fit for purpose and delivers ecosystem based management.

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

The following WEL members support this document:

Afonydd Cymru

Amphibian and Reptile Conservation (ARC) Trust

Bat Conservation Trust

Butterfly Conservation Wales

Buglife – The Invertebrate Conservation Trust

Cambrian Mountains Society

Campaign for National Parks

Campaign for the Protection of Rural Wales

Coed Cadw / Woodland Trust

Keep Wales Tidy

Llais y Goedwig

Marine Conservation Society

Open Spaces Society

Plantlife Cymru

Ramblers Cymru

RSPB Cymru

Vincent Wildlife Trust

Wildlife Trusts Wales

WWF Cymru

Wye and Usk Foundation

YHA Wales

Ymddiriedolaeth Genedlaethol / National Trust

Wales Environment Link unites voluntary bodies whose primary aims include the conservation, protection or quiet enjoyment of landscape, wildlife or amenity in Wales
Mae Cyswllt Amgylchedd Cymru yn uno cyrff gwirfoddol sydd â'u hamcanion pennaf yn cynnwys cadwraeth, gwarchodaeth neu fwynhad tawel o dirlun, bywyd gwyllt ac amwynder yng Nghymru
Reg. Charity No: 1022675 Rhif Elusen Gofrestredig: 1022675

16 January 2014

Jasper Roberts
Deputy Director
Waste and Resource Efficiency Division
Welsh Government
Cathay Park
Cardiff
CF10 3NQ

White Paper: 'Towards the Sustainable Management of Wales'

I am writing in the context of the Welsh Government's recent White Paper 'Towards the Sustainable Management of Wales', consulting on proposals for the forthcoming Environment Bill. This is by way of follow up to our meeting in early December, and I would thank you once again for taking the time to meet last year.

As a government-owned company UK Green Investment Bank plc looks to assist policy makers by providing our perspective as an investor in the UK's green infrastructure. We will never seek to take a public position on a policy proposal and would kindly ask that this letter is treated as private correspondence and not made public as part of the response to the consultation.

The consultation raises two considerations from our perspective, which may be of value to you in considering a way forward.

Enhancing Recycling Rates

In its section on Resource Efficiency the White Paper places considerable emphasis on waste segregation, from collection through the waste management chain to utilisation. This is a welcome prioritisation, with segregation creating the opportunity to realise the maximum value of the discrete elements of the waste stream, most obviously through the facilitation of recycling. Segregation thus provides the foundation for ambitious recycling rates and the wider economic and environmental benefits arising from an increasingly circular economy.

Elevated recycling rates will not, however, be realised solely through segregation: economic drivers will continue to have a major impact on waste management, initially through minimising costs associated with landfill tax and increasingly through fundamental demand for recyclate. Over time it is these drivers which will introduce value into the waste management sector and which will provide, in combination with segregation, the economic rationale for increased investment to support recycling.

In practice we anticipate that the shift in economic drivers - from mitigation of landfill tax liabilities to sustained demand for recyclate - will be a progressive but gradual one. In this context, we believe that energy from waste facilities can continue to provide a particular value in presenting an early stimulus to the recovery of economically valuable material from the waste stream. This is particularly important in circumstances where potential waste streams remain under-exploited and where opportunities for utilisation at a higher point in the waste hierarchy are not as yet commercially sustainable. However, given that EfW facilities are a long-life asset, the legacy implications of these investments will need to be considered as these conditions evolve. This leads on to our second point.

Maintenance of Investor Confidence

As you noted in our discussion, realisation of many of the Resource Efficiency objectives set out in the White Paper will depend upon private investment in waste management infrastructure, underlining the importance of retaining the long-term confidence of those making these investments.

In common with much of the EU, Wales is in the process of evolving and enhancing its waste management infrastructure, and indeed the Environment Bill will be a pivotal element in this process. At each stage in this process investment in waste infrastructure will be required that is appropriate to the present circumstances. However it is also the case that these circumstances and requirements will change over time with economic development, with evolving waste management practices, and with the possibilities arising from technological innovation.

In these circumstances investors will seek the ongoing confidence that their investments will not be stranded as a consequence of changes in policy and practice. In this regard we would encourage an approach to the legislation and implementation for the Environment Bill that recognises the continuing value of existing assets as part of an integrated and evolutionary pattern of waste management, accepting that there will be legacy components in any system which is built upon long-life assets. Although investors cannot expect to earn revenue in perpetuity, it is reasonable to expect fair commercial returns over the investment life of these assets. Management of this situation should be an integral element of any programme for infrastructure renewal.

GIB Interests

It is important that we also make clear our own direct interests in the consultation. The Green Investment Bank has a material interest in the consultation as a limited partner in the Greensphere-managed UKGSWEI fund which holds a material ownership interest in the Western Bioenergy (WBE) plant, in Port Talbot. The investment in the WBE plant, which supports operational efficiency improvements to the plant and its ability to utilise waste wood feedstock as an alternative to virgin biomass, is consistent with our own Green Principles and related Green Purposes. Specifically our Green Purposes of relevance to this project include 'reduction in GHG emissions', as well as 'advancement of efficiency in the use of natural resources'. The project was also judged likely to help catalyse further investment in additional energy from waste infrastructure across the UK via a network of additional plants. The UKGSWEI fund manager, Greensphere, is responding to the consultation to address the specific circumstances of the WBE plant.

Conclusion

The GIB has a strong interest in supporting further investment in waste and energy infrastructure in Wales, consistent with the policy objectives of the Welsh and United Kingdom governments. As suggested in your correspondence of 20 December we will arrange to follow up in the near future regarding emerging opportunities for investment. We would also be pleased to address any of the issues raised in this letter and to input as appropriate to the development of the Environment Bill.

Yours sincerely

Graham Meeks

Director of Policy

T: +44 (0)330 1232137

E: graham.meeks@greeninvestmentbank.com

W: greeninvestmentbank.com

Towards the Sustainable Management of Wales' Natural Resources

Consultation on the Proposals for an Environment Bill

Response from the Catering Equipment Suppliers Association (CESA)

15 January 2014

The Catering Equipment Suppliers Association (CESA) is the trade association representing over 170 companies that supply commercial catering equipment - from utensils to full kitchen schemes - throughout the United Kingdom. The association is the authoritative voice of the industry, a member of the European Federation of Catering Equipment Manufacturers (EFCEM) and the chair of its technical committee.

All CESA members are bound by the CESA Code of Practice, which provides members' customers with the confidence of binding undertakings on compliance, performance, hygiene, environment, product representation, installation and after sales support, servicing and maintenance.

CESA welcomes the opportunity to respond to the Welsh Assembly Consultation on the proposals for an Environmental Bill.

Among the CESA membership it is notable that Welsh based companies are well represented as primary manufacturers or major suppliers to our membership. In primary manufacturing of products such as commercial food waste disposers, de-waterers and on-site in-vessel composters, for the commercial market, Wales is the main concentration of this activity. While the new equipment category of food waste digesters relies on an innovative scientific firm for their key biological agents.

CESA and its members will focus their comments on the draft legislative proposals in Chapter 4 of the consultation relating to the management of food waste. We also wish to address the commissioned background research supporting the policy proposals with which we have fundamental concerns and objections regarding the approach to the work and its findings.

In relation to business confidence CESA have always supported the need and importance for 'evidenced based policy making' at EU, national and devolved levels. However, the White Paper uses the word assumption 86 times while at the foot of page 53 references are made to work undertaken by Eunomia Consulting in two reports for the Welsh Administration; the second specifically proposes a ban on sink to sewer disposal of food waste. We have very fundamental doubts about this work. These are as follows:

- Given Wales is the main producer of food waste disposers for the commercial market in the UK it seems extraordinary that the researchers made no attempt to contact the relevant firms during their research. Two of the firms are important North Wales manufacturers and employers with a long-term track record in the Welsh economy as well as being highly successful in export markets, yet no attempt was made to enquire about their experience of commercial food waste management techniques. Nor does the work consider any potential detrimental business and employment impacts of a de facto ban on their core products.
- Food Waste Digesters are a new form of commercial food waste management, which reduces food waste to 'grey water' and transports it through the sewer. A South Wales firm is the leading supplier of biological agents to these systems, it too was ignored by the researchers. Indeed the research appears to have made no attempt to understand the workings of this technology and the role it can play in meeting policy objectives.
- Eunomia have been very closely involved with the Anaerobic Digestion sector and have written a number of studies in favour of its wide usage. However they fail to recognise the weakness in the technology of the type highlighted by the evidence of Environment Agency to the House of Lords Scientific Select Committee on 14 December 2013. In its evidence the Environment Agency expressed concern that in a 9 month period of 2013 there had been seven 'catastrophic' failures in AD plants, two of which were explosive. Neither does the study make reference to the experiences of countries such as Sweden and Denmark who have changed policy as a result of complications they encountered with AD systems, especially with respect to contaminants. These are likely to make the proposed AD solutions less viable and more expensive than the studies models project. Any new BSI standard or public concern over the safety of AD will compound the viability issue. Nevertheless these risks have been ignored.
- Of more concern are the statements in the report and the White Paper, on the damage sink to sewer disposal does to the sewers, which despite continual requests the water industry has failed to provide any robust, scientific peer reviewed evidence to support these contentions in relation to the commercial use of food waste disposers. Food waste digesters that dispose to sewer only produce 'grey water', yet their role is completely ignored but they would nevertheless be caught by the resulting policy proposals.
- The study contains no literature review of the wide-ranging scientific studies on FWDs and sewer disposal and yet forms a range of assumptions from which to propose predictable conclusions.
- The study suggests the policy would create jobs and produce saving for the public purse but utterly fails to consider the high quality long-term Welsh jobs the proposals would jeopardise.
- On the above basis we contend that the Eunomia study is not fit for purpose and does not give an unbiased, informed analysis of the case for banning sink to sewer commercial food waste disposal nor does it give a sound justification of the real economics and risks of focussing policy on an AD only model for food waste management.

Section 4 of the White Paper covers resource efficiency and RE2, RE3 and RE 5 impacts directly on the interests of CESA members and their clients. Section 4.2 lists seven reasons

why the proposed targets will have positive results for the Welsh economy. However, we would point out that the shortcomings of the Eonomia study and the use of overly broad assumptions overstate the positive impacts and fail to consider, or actually ignore, the potentially negative impacts of the proposals.

In section 4.2 the White Paper claims 7 advantages for the proposals. Item 1 suggests businesses will save money spent on landfill tax, which is correct. However, those catering businesses that have already stopped sending food waste to landfill will see a large rise in costs both in creating the facilities to store food waste and the cost of the collections. It is notable that in Scotland SEPA are currently consulting on a dramatic increase in charges following the implementation of their regime. Item 3 on increased employment fails to recognise that the policy will also create job losses in mature Welsh based businesses. These are likely to be in the catering manufacturing sector, innovative biotech plant and commercial catering premises. Bullet point 6 fails to recognise that separate collection could actually increase greenhouse gas emissions in relation to the collection of waste from caterers that previously used sink to sewer disposal.

In section 4.5 the 5th bullet point undertakes to provide greater certainty for investment in recycling, waste collection and treatment infrastructure. CESA holds the view that its member firms and their clients are actually being disadvantaged by this aspect of the policy. Firms using sink to sewer disposal have diverted their waste from landfill but as mentioned in the preceding paragraph will now face a waste of capital investment, storage costs and staff costs on top of collection costs in relation to food waste management. This is in contradiction to the undertaking in section 4.7 not to place additional burdens on business.

In section 4.8 the suggestion that the charges for catering business will be low, is completely incorrect. In Scotland we have a number of examples of businesses that previously used sink to sewer disposal making large capital investment in kitchen plant to minimise the volume of food waste they produce. While these are large investments they are still seen as viable compared to paying for collection charges and the supporting infrastructure. We would ask that the further work that the Welsh Government intends to commission on individual business costs should include consultations with CESA to ensure that the results consider the real costs for businesses of the current proposals. The work undertaken in Scotland failed to give a true reflection of real businesses costs.

In sections 4.11 the Welsh Government undertakes to apply the tests of whether it is technically, economically and environmentally practicable to separate collection. Section 4.12 proposes to extend this regime to food waste. In undertaking these tests it should be necessary to include all the costs for catering premises that currently use sink to sewer disposal in changing to a new model. Current assumptions fail to consider a wide range of business costs. Nor do they consider the costs of any problems that are known to occur in AD systems in relation to contamination, viability and safety issues.

In section 4.15 where businesses would not face the implementation of the duty until 2017, it should be made clear that sink to sewer food waste disposers have a life of 10-12 years. In these circumstances businesses would be unable to write off capital over an expected timescale and in an efficient way.

In 4.16 the White Paper we would contend that in relation to food waste, the modelling used to support the separate collection fundamentally fails to calculate the policies full costs, in relation to the impact on the catering establishments in relation to economic and employment effects. We also believe the environmental impact of separate collection compared to current sink to sewer disposal is incorrectly calculated.

Section 4.20 uses the Eunomia report of September 2013 as its justification. Further to the earlier points we have raised, we do not regard the findings of this report on food waste as credible and they should not be a basis for justifying policy changes. Additionally, the failure to recognise shortcomings and contamination issues with AD plants will tend to mask the true cost of operating such plant.

We support the ban in section 4.26 of all food waste from landfill. Catering facilities in Wales using CESA members equipment including FWDs that send food waste to sewer have for many years used management techniques that avoid landfilling of food waste. Yet these same firms are now to be penalised because they do not fulfil a questionable policy framework.

The issue of the interference with the flow of sewers raised in Section 4.30 implies that disposal of food waste to sewer may result in this happening. Sections 4.31 then lists 7 aims in relation to the policy. We would point out that the arguments contained in sections 4.30 to 4.32 inclusive are a complete departure from evidence based policymaking and have no published scientific evidence to support these contentions. Indeed there is an extensive body of national, European and international scientific evidence, which has been made available to the Welsh administration that shows these contentions to be false. While AMDEA, CESA and CIWEM have made these issues clear to the Welsh Administration, despite repeated requests Water UK has never offered any sound evidence to support its contentions. It should also be noted that the Environment Agency retracted support for the Water UK position in November 2010 due to the lack of any evidence base.

How can businesses have confidence in evidence-based policy making if officials chose to ignore compelling scientific evidence and then fail to provide any evidence to the contrary.

Food waste digester systems produce 'grey water' and flow through the systems as water and therefore cannot block sewers and do not contain FOG agents.

Food waste disposers to sewer grind food waste to less than 2mm and are easily carried through the sewer network to waste water treatment works. The ground food waste is 70% water and has a specific gravity similar to faecal waste which sewers were designed for. Scientific experiments have shown that the waste is too small to attract rodents in the sewer. In comparison to the odours and pest infestations that will result from separate collection of food waste.

We also regret that the White Paper while stressing the need to maximise the recycle value of waste fails, in terms of food waste, to recognise the ways in which Sweden and Denmark have used FWD to sewer systems to efficiently move the waste to WwTPs to enhance biogas recovery and soil improver. These countries have been notably successful in halting food waste being sent to landfill while maximising the environmental and economic benefits of recycling and reusing food waste. In the case of Denmark in many instances they have turned away from the use of AD systems due to contamination and operational issues.

We also believe that the experience of Germany should be noted, in relation to the German Ministerial report of July 2013 on the recovery of bio waste. This report recognises that despite many of years of extensive investment in AD facilities, 50% of the population do not have or use separate collection facilities. The viability of many of their schemes is also dependent on the crop supplement of the feedstock, which has had a major impact on sheep farming in areas of the country.

Common sense suggests that forcing kitchens to stop disposal of food waste to sewer and replacing this with separate collection will lead to increased public health and pest issues even when the systems operate normally. These risks will be increased by any disruption through industrial action or events such as the recent flooding.

Food waste contains 70% water and modern food waste disposer units and food waste digesters monitor and control the amount of water required to send waste to sewer. The water used in these systems is redirected to waste water treatment plants for appropriate treatment.

While we strongly support efforts to encourage new jobs in Wales we are concerned that the research and White Paper ignores the loss of existing jobs that the policy will cause. The impact will fall on both Welsh-based manufacturers of equipment and agents, due to their core domestic market being closed, as well as on catering premises where the extra costs of waste management will threaten the viability of struggling SME's in the catering sector. We have already given an estimation of minimum increased costs of £1500 per annum for SMEs as a result of the proposed policy, which would equate to the equivalent of 30-50% of the cost of a new employee in each catering facility. The catering sector can create a wide range of employment opportunities. It is also a sector, which gives ample opportunity for new entrants when there is confidence in the investment climate. Regrettably we believe the proposed policy, while potentially attractive to large waste companies and commercial investors in AD facilities, will be discouraging to current investors in the Welsh economy and substantially increase the barriers to entry into the catering sector.

In section 4.36 reference is made to the Eunomia model predicting financial benefits to the Welsh economy through a ban on sink to sewer food waste disposal. CESA regards these figures as utterly unscientific, not least in the complete failure of Eunomia to speak to any of the Welsh based companies who produce food waste disposers. Neither have they shown any inclination to speak to the manufacturers of food waste digesters. Consequently they have made rough assumptions on a sector they have shown no interest in seeking to understand.

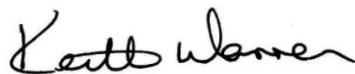
The White Paper stresses the need to prevent food waste, halt landfilling of food waste and the need for separate collection of food waste. The policy also wants to minimise carbon emissions and maximise the recycle value of resources. However in commercial and public sector catering the policy focus tends to be either on the minimisation of waste or on separate collection and the use of AD recycling facilities. Little attention or even understanding of what can be achieved much more cost effectively within the commercial kitchen is considered. Nor does the White Paper or the supporting research consider the true costs to caterers of the proposed policies. Any proper impact assessment should look carefully at this area.

Where food waste is unavoidable the use of food waste disposers to sewer and food waste digesters can play an important part in recycling and recovery, by efficiently using existing infrastructure, while improving hygiene and reducing vehicle emissions. The proposed ban on sink to sewer disposal of food waste runs counter to steps being taken in countries such as Denmark, Sweden and the USA to utilise FWDs to minimise landfill and to maximise biogas production.

The policy also discriminates against new technology such as food waste digesters (bio-digesters), which offer highly efficient and cost effective systems to many commercial and public sector catering establishments. The policy proposals will also be a barrier to innovation in these technologies while potentially becoming over dependent on a single form of waste processing with the accompanying associated risks.

The continued use of sink to sewer disposal of food waste in Wales will assist the country to meet economic, environmental and recycling targets. While the proposed bans will impose high costs on many catering facilities for little if any policy gains. Such changes are likely to stifle innovation in Welsh-based catering establishments in relation to food waste and lead to an over dependence on a single form of waste processing. We believe a more diverse approach to food waste management will in the short, medium and long-term provide better and more sustainable outcomes for Wales than those proposed.

Yours sincerely



Keith Warren
Director, The Catering Equipment Suppliers Association
Tel: +44 020 7793 3030