

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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

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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"/>

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 are pleased to see such a wide ranging bill as we believe that environmental issues percolate through so many aspects of public policy. Our members are concerned with the gathering and provision of biodiversity data. We are therefore pleased that the white paper recognises the importance of using and sharing evidence and the need for different organisations to work together on this. We believe that in order for the Environment Bill to deliver its proposed outcomes, it is vital that it successfully develops the already existing relationship between public bodies and other organisations, in particular our Welsh members, the local environmental records centres of Wales.

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

We agree with the general idea and purpose for defining natural resources. However, under the current proposal we feel that biodiversity is under represented. Also, the intrinsic value that people place of the natural environment should be recognised.

Whilst the proposals mention biological resources and biomass, there is no specific mention of biodiversity. This is key to the functioning of the environment. The [IUCN](#) say that **biodiversity is** "...crucial for the functioning of ecosystems which provide us with products and services without which we couldn't live." This should be recognised in any definition of natural resources as it key to understanding their value.

Our members are collecting information on Wales' biodiversity all the time, and much of this information comes from volunteer natural history enthusiasts. Whilst most of them will understand and appreciate the concepts of ecosystem services and natural capital, the valuable information they collect is not collected for the purposes of assessing economic value. Instead it is collected because of the curiosity, interest and intrinsic value that people hold in biodiversity. This should be recognised in any legal definition of natural resources.

We strongly advice the Welsh Assembly Government to redraft their definition of natural resources and publish this for consultation as soon as possible.

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

Yes, this is of prime importance for the economy, people and biodiversity. However, we think there should also be a requirement to measure the effects on biodiversity, using all available evidence. A robust evidence base is the first step to making effective decisions on anything, especially climate change resilience and mitigation, which is inherently unpredictable.

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

One of the difficulties in the relationship between NGOs and agencies such as NRW is that policies and direction can be changed radically and at short notice. Whilst there can often be a good reason for this, it is hoped that a five-year cycle should set expectation and provide some level of security that policies are not likely to be changed in a seemingly whimsical manner.

The overall success of this of this approach will be determined by how consultative and stakeholder driven it is. New policies should always be consulted on as soon as possible, giving people the opportunity to comment on them, as well as receive explanation on difficult concepts. This will mean that stakeholders in Wales will buy into new concepts and form the necessary partnerships needed for effective delivery. Our English members have recently found that sudden changes in their relationship with Natural England have made it harder to achieve joint outcomes.

Question 5

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

Yes

No

ALERC believes that the area-based approach should achieve the desired outcomes so long as certain aspects are adhered to. The Welsh LRCs have considerable experience working on the environments of specific areas. From this, we think that in order for an area-based approach to be successful, it must:

- Identify the key stakeholder groups within local communities and engage them as much and as often as possible (helps provide clarity).
 - Use all the available evidence possible to plan and make decisions. This includes data generated from a number of sources including public, private and voluntary groups (helps with setting priorities).
 - Instigate regular monitoring and surveillance programmes (helps with keeping focus).
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Question 6

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

Yes

No

The key here is that it is flexible enough to avoid the need for future legislation as this is cumbersome and time consuming, and allows differences between areas to be taken into account. We believe it should be, so long as the points above are observed.

Question 7

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

Yes

No

This is very important as the environment is affected by many types of activity. Critical to this is the requirement for all public bodies to take the appropriate impact assessments that consider the relevant scope. For example, infrastructure agencies in Wales need to make sure that biodiversity issues (both native and the spread of invasive species) are taken into account when working on projects. This means they need to access the most up to date biodiversity evidence, but also share any evidence of their own that they generate through surveys etc. The most efficient way of doing this through working with LRCs. It is therefore important that public bodies are required to work with each other and other organisations as well.

Question 8

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

Yes

No

There needs to be an organisation that acts as a focus for reporting in Wales and NRW is best placed to do this. It is very important that as a reporting organisation, NRW has access to all the best evidence with which it to draw its conclusions. Therefore, we advise that the existing relationship between NRW and the Welsh LRCs, who provide biodiversity data, is at least continued in its present form. Ideally, this relationship should be developed to make sure that LRC can provide the best evidence possible. This means exploring ways in which LRCs can exploit new sources of data, or exploit existing ones that are not currently providing as much information as they could do. Not only should NRW be looking to utilise raw data from LRCs for its reporting, it should also be working with LRCs on interpretive data products that allow more detailed conclusions to be drawn (such as species distribution models).

Question 9

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

The LRCs in Wales have been playing an important but low profile role in providing agencies in Wales with the biodiversity data they need to make sound decisions. We feel that the Environment Bill presents an opportunity to raise the profile of the work the LRCs do and take it to the next level by enshrining the need for a robust evidence base in law, and by further developing the relationship between LRCs, NRW and other agencies and organisations. This is of prime importance not just because of the data LRCs provide, but also because their unique position as link organisations between the public, private and voluntary sectors means they can engage a wide variety of stakeholders.

There are four, regionally based LRCs in Wales. For more information visit <http://www.lrcwales.org.uk/?AspxAutoDetectCookieSupport=1>.

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

We don't have a strong opinion on this, other than that all new ways of working should retain the need for decisions to be based on robust evidence. Where NRW looks to other organisations to help fulfil its outputs, these organisations should also be required to source and share evidence.

Question 11

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

No comment.

Question 12

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

Yes

No

NRW should be able to do this as they should have access to all the necessary evidence with which to make decisions. In order to ensure that ecosystem services continue to be provided by those who are in receipt of payment, mandatory surveying and reporting should take place, with the results placed in the public domain in a format that is easily accessible. LRCs should be put in a position to provide data for broking and accreditation of PES Schemes as well as receiving data from future surveys.

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

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.

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?
- 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?

