

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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

No

Please provide comment:

The proposals set out in this White Paper appear to stem from a perception on the part of Welsh Government that a new regulatory framework needs to be established if the natural resources of Wales are to be managed sustainably. That is not true; certainly as far as natural resources on land are concerned. There is already such a regulatory framework in place, based principally upon local democratic control through the land use planning system.

The White Paper seems to imply that greater decision-making power should be vested in NRW to ensure that natural resources are managed in a sustainable way.

The Mineral Products Association would oppose such a move. The land use planning system has evolved to make decisions based on a ‘balance of interests’ approach, which is exactly what is required to deliver sustainable land uses. In particular, only planning authorities have the information on the social and economic environment that is necessary to make sound decisions. They also have established channels to obtain further specialist advice where necessary, through both statutory and non-statutory consultees.

Notwithstanding these comments, this is not the time for fundamental changes to the way that land uses are regulated. It will introduce further uncertainty for potential investors in new sustainable activities.

Question 2

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

No

Please provide comment:

It is not clear if minerals are included within the definition of natural resources for purposes of this White Paper.

In addition, the definition of ‘sustainably’ (1.24(2)) indicates that an activity must deliver benefits to the people, environment and economy of Wales. Excluding proposals that do not meet all three of those targets could be seriously detrimental to the interests of Wales. Determination of what does and what does not constitute sustainable resource management must be done on the basis of a balance of interests approach (see question 1) and so should be delivered principally through the planning system.

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:

Climate change mitigation and resilience is a key consideration that must be taken into account. Further detail on how NRW intend to do this would be welcome before we make further comments.

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:

Wherever possible the proposed cycle should follow other related policy cycles such as those set for the River Basin Management Plans. In this case it may be most suitable to follow the five year cycle as proposed in the Future Generation Bill but in any case the link to other related timescales should be explored.

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:

No 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:

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:

No Comment

Question 8

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

Yes

No

Please provide comment:

No 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:

Please see our response to question 1-2.

Question 11

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

No comment

Question 12

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

Yes

No

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

We believe case studies and trails need to be initiated before we are in a position to support or reject these proposals. We note a consultation on this is due shortly and we will submit our comments at that time.

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?

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?

