

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

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

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

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

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

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

Please submit your comments by 15 January 2014.

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

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

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#### **Data Protection**

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

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

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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

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**Environment Bill White Paper**

**23 October 2013 – 15 January 2014**

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

## Chapter 2 - Natural Resource Management

### Question 1

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

**Please provide comment:**

*National Parks Wales welcomes the emphasis on integration of, rather than balance of sustainable development principles. However, the Bill is high on concept. The practical implications need further development and explanation.*

*We agree with and welcome the sentiments at para 2.13 and with the proposal at 2.17 which uses outcomes as the fundamental measure of progress, supported by trend and process information.*

*We envisage this hierarchy as follows:*

<b>Level</b>	<b>Purpose</b>	<b>Comment</b>
<i>Outcome information</i>	<i>To assess progress on the state of natural resources.</i>	<i>This is the most important type of monitoring. However, outcomes may change only slowly and may not, on their own, tell us why things are changing.</i>
<i>Factor information</i>	<i>To identify existing and future causes of change.</i>	<i>Often helps identify existing and future causes of change in a more timely way than outcome data. The issues and opportunities associated with factors should give rise to Wales-level natural resource policies, with knock-on consequences for economic policy formulation in particular and helping to identify a sustainable development route.</i>
<i>Impact information</i>	<i>To assess effectiveness and efficiency of organisational performance.</i>	<i>Coupled with the reasons for management (provided by 1 and 2 above), this completes the basic audit trail. Performance information (e.g. impact-to-cost ratios) is collected by individual organisations.</i>

*The environment is dynamic and is influenced by factors which may be outside of Welsh Government and partners' direct control; for both reasons, 'success' is not a fixed quantity, and will often in addition depend on how people feel or what they perceive. We suggest therefore that the state of natural resources assessment should not rely too heavily on fixed outcome targets in seeking to define a desired state. Instead, outcome and factor measures should be used to assess the direction and rate of travel towards natural resource aims (conservation/increase), and thereby determine appropriate and adaptive policies and action.*

*(1.15) We note that on balance EU and UK legislation has benefited Wales up until now and can assist its long term future. The precautionary principle, SEA, HRA, EIA, species and*

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*habitat protection for example, are some beneficial examples. Without the legislation that we have, Wales' greatest asset, its environment, would not have been protected and managed to the extent that it has been so far. Problems have arisen when environmental policies fail to integrate with other policy sectors, for instance agricultural policy and economic policy, which have, in turn failed to adequately respect the importance of the environment.*

*We welcome the reference to the ecosystem principles in the Convention on Biological Diversity; these are closely complimented by the International Union for the Conservation of Nature Management Guidelines for Category V landscapes such as National Parks and Areas of Outstanding Natural Beauty.*

*(2.23) We suggest that the State of Natural Resources report envisaged could not only provide a quantitative overview and interpretation of the conservation status of Wales' natural resources and of trends in the factors affecting them, but include headline policy aims for addressing the factors and improving status – that is, there should be a Natural Resources Management Plan for Wales and that its point of origin should be the state of the resources. The 'State of Natural Resources report' therefore is actually an integral part of the Management Plan and does not need to sit separately, unless excerpted for (e.g.) communication purposes.*

*At the various area levels, status and factor information should also be the cornerstone of area plans and the basis of local policy. Area plans would therefore be geared to the national plan. Sustainability assessments would be able to examine the contribution/conflict of a proposal with national/local policy.*

*We believe that these suggestions accord with proposal NRM4 (paras 2.40-2.43) and NRM6. We suggest that the assessment of organisational effectiveness, proposals for trialling new approaches and recommendations to Ministers (paras 2.90-2.94) should be presented in a separate 'impact and improvement' type plan.*

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## **Question 2**

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

**Yes and no ✓**

***Please provide comment:***

*(1.31) We welcome the support and evidence this piece of legislation will provide to inform Local Development Plans; the Brecon Beacons NPA was the first local planning authority in Wales to use an environmental constraints model to develop LDP policies and has received praise for doing so.*

*(2.13) We welcome the emphasis on non-monetised benefits of natural resources. National Parks Wales has recently commissioned an independent study and report on the value (monetised and non-monetised value) of the three National Parks to Wales <http://goo.gl/tAVYje> .*

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*We recommend that the definition of natural resources (2.16) must encompass elements of Favourable Conservation Status (FCS), e.g., factors ensuring the completion of life histories and life/ecological cycles of living and non-living things. FCS need not be limited to Annex 1 habitats and Annex 2 species but is an equally valid concept for the wider environment.*

*We suggest that the definition (pg 18, Figure (iii)) should also include alongside landscapes reference to tranquillity, in the sense of the degree of absence of both noise and light pollution. Silence, darkness and natural expanses are prized natural assets which require protection.*

*Will “geologic” resources include minerals, aggregates, fossil fuels etc?*

*Most natural resources are currently extracted from nature, beyond their natural limits, rather than “managed” (which implies an ability to limit/replace/regenerate resources to facilitate their extraction in the future). Biodiversity, which provides natural resources, can benefit from management of habitats and landscape features and is frequently disadvantaged where natural resources are exploited. Therefore rather than define what is to be managed, define limits of acceptable change away from Favourable Conservation Status, this could take the form of a national programme of area-based surveillance and monitoring against this FCS objective. Such an approach would help to achieve the degree of flexibility that is sought under Question 6 and would better reflect how humans interact with the world.*

*“Sustainable management” (2.18) can only be demonstrated where objectives are set beforehand. It can lead to the outcome of Favourable Conservation Status provided objectives are set to achieve this.*

*We welcome the effort to engender a better appreciation of how ecosystems work at varying scales and strongly recommend that significant sustained effort is made on this front through the National Curriculum and further and higher education and life-long learning. Suitably resourced, National Parks (other protected areas) have an important role to play assisting the WG in this regard.*

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### **Question 3**

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

**Yes ✓**

**Please provide comment:**

*National Parks Wales suggest the embedding should happen in two ways: by relevant resource plans reflecting inter/national goals for greenhouse gas emissions where achievable and by consideration of climate (and local weather/topography) as factors affecting the particular natural resource. The latter may give rise to additional responses to climate change (e.g. in terms of local resilience/adaptation measures).*

*Wales also needs to make a legal commitment to meet the EU 2020 target and 2050 target. A minor step towards this would be to amend the biodiversity conservation duty (s40 of the Natural Environment and Rural Communities Act 2006) from the current “have regard to” to “take active steps to” this could be undertaken through the Environment (Wales) Bill.*

*The UK’s National Parks published a statement on the role of Britain’s National Parks as test beds for ecological mitigation and adaptation to the impacts of climate change, which is available here: <http://goo.gl/EG7jiP>*

*(2.29) Peatland conservation in most parts of Wales is unlikely to achieve additional carbon sequestration because effort in most parts is focussed upon preventing existing peatlands from further degradation. The latter is already apparent as a consequence of global warming and the effects of acid rain deposition, with most areas of blanket bog showing limited if any signs of active peat formation. The immediate effort is to prevent further deterioration; protecting what we have. In the short term, small carbon sequestration gains may be more achievable through better woodland management; woodland creation; reduction in deep ploughing and ploughing of permanent pasture; and restoration of lowland wetlands.*

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**Question 4**

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

**Yes and no ✓**

**Please provide comment:**

*The two cycles should be complementary, though priority actions should be expressed as a duty to conserve and enhance biodiversity underpinned by surveillance and monitoring objectives to record progress.*

*Being more ambitious in this in policy terms, for example by setting priority actions, may work if this is based upon the expansion of current, environmentally positive policies, for example the designation and management of statutory and non-statutory sites, biodiversity-based local development policies, regulatory assessments, spatial planning that is guided by environmental constraints, local biodiversity and Wales Biodiversity Partnership actions; and a much larger national effort to reverse habitat fragmentation in a co-ordinated rather than opportunistic/agri-environment scheme-based way.*

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*If national outcome reporting is favoured, we suggest that it should be undertaken by an independent auditor tasked with recording the successes and failures of the incumbent Government.*

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### **Question 5**

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

**Yes ✓, provided that it is based on existing good practice**

***Please provide comment:***

*This approach would work well with natural resources. National Parks Wales would direct your attention to existing area-based plans, the statutory management plans for National Parks and AONBs. These are plans for areas where the primary asset is an exceptional combination of landscape features (geology, wildlife etc.) which are usually also of individual significance. It is our opinion that these plans, and the partnership approach used to develop them complement the area-based approach.*

*National Parks are managed in accordance with National Park Management Plans (NPMPs), the statutory area plans for protected landscapes. Exceptional landscape is the primary natural resource, with local geographic distinctiveness for each Park. Within this other themes and focal topics can be addressed, for instance social inclusion, health and wellbeing, woodlands, wetlands, river restoration, landscape management, connectivity etc.*

*(1.34) National Parks Wales welcomes the link that is made between managing the historic and natural environments; this is vital in Wales and talks directly to the first purpose for National Parks and Areas of Outstanding Natural Beauty: “to conserve natural beauty, wildlife and cultural heritage”.*

*Through the Environment Act 1995, National Parks and Areas of Outstanding Natural Beauty are already required to be managed through the area based approach, guided by the IUCN Management Guidelines for Category V Protected Landscapes (<https://portals.iucn.org/library/efiles/edocs/PAG-009.pdf>). Being based strongly on the relationship between people and their environment and managing the latter to benefit the former, these Guidelines are very appropriate to guide the management of other areas in Wales and are complementary to the ecosystem principles of the Convention on Biological*

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*Diversity. National Parks Wales strongly recommends that the Welsh Government maximises efficiency by avoiding the invention of additional new guidance and processes.*

*We recognise that achieving the area based approach successfully requires effective partnerships. A useful model to emulate might be the Yorkshire Dales Environment Network (<http://www.yden.leeds.ac.uk/>), where a wide range of different organisations share and combine their expertise to oversee the management of the Yorkshire Dales National Park.*

*Within an area based approach, action on the ground will still occur at the level of habitat, species and landscape feature management. Whilst progress towards achieving objectives can be monitored at the site, habitat, species, feature and - where needs be - ecosystem service level. Monitoring will also need to be designed to identify those activities that undermine biodiversity conservation and delivery of ecosystem services; the area based approach is likely to achieve the best and quickest wins by eliminating damaging activities. It is highly unlikely that land management geared at benefiting biodiversity will be responsible for the damage that undermines it.*

*The area based approach may work best where the areas evolve based upon themes, resources or focal issues. Therefore area boundaries may change as different themes and issues are tackled and overlapping may occur.*

*For example (1.16) refers to catchments, which are a sensible basis for water management decisions because of the behaviour of water. Similarly we suggest that other parallel planning areas will emerge from the nature of the resource being considered. For example woodland may be associated with particular soils; soil types with a particular geology and contour; migration routes with the coastline and so on. We therefore envisage complementary and necessarily overlapping planning areas, according to the resource being considered.*

*We agree with the sentiments in Fig (v) but furthermore suggest that protected landscape plans will have a two-way relationship with wider natural resource plans: (i) they should reflect (and can build on) the relevant deliverables from those natural resource plans (e.g. woodland strategies, catchment plans, migratory route plans, etc.). (ii) protected landscape plans will also inform the relevant natural resource plans of relevant deliverables arising from the purposes of protected landscapes (e.g. requirements of habitat associated with that landscape, heritage, public access etc.), and of any special measures required to reflect the landscape designation.*

*(2.38) The area based approach presents difficulties where Natural Resources Wales area teams and local authority boundaries are not co-incident with e.g., catchment management areas and/or River Basin Management Plan areas. We therefore recommend that the Welsh Government aims to achieve a very light touch with the area based approach in order to avoid burdening the public sector with additional regulatory and reportage requirements. An augmented SEA and sustainability appraisal (screening) process might prove effective.*

*The main test for the area based approach could ask whether adopting such an approach releases more resources in order to ensure that Wales meets the European Union's 2020 and 2050 biodiversity conservation targets?*

*(2.42, 2.44.) We caution against area based plans requiring Ministerial sign off prior to being adopted. Similarly we do not recommend that area plan timetables are agreed by Ministers. Our concern is that short-term political considerations may obfuscate some of the more difficult decisions that will be required to achieve the more pressing longer term environmental outcomes.*



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*Consideration should be given to how targets are set and passed between successive governments.*

*We would welcome area based plans that provide unitary authorities with more evidence to develop environmentally-led planning policies and guidance.*

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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?**

***Please provide comment:***

*The consultation needs to provide more detail in order to provide the sort of comfort sought by the question. The approach presents NRW with the unenviable challenge of overseeing the emergence of area based plans. It will succeed where it avoids being heavy handed and prescriptive, instead encouraging innovation and partnership-led planning.*

*The approach relies heavily on cross-sector buy-in. As far as we are concerned Wales' National Parks have yet to benefit from cross-sector buy-in to the duty under s62(2) of the Environment Act 1995 for "relevant authorities" to have regard to the purposes for which National Parks are designated. This is not without trying, as well as individual and collective efforts by NPAs to raise the profile of the duty, clear guidance was issued by Welsh Government (in 2005/06?) to all "relevant authorities".*

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### **Question 7**

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

Yes ✓

No

**Please provide comment:**

*See our comments under Q6 above about compliance with Section 62(2) of the Environment Act 1995 we hope that the Welsh Government and NRW learn from the experience of NPAs.*

*This requirement has implications for the availability of suitable skills and knowhow within the relevant sectors. We recommend that the Welsh Government considers the role of the higher education sector in supporting the relevant service delivery sectors.*

*(2.53) Providing a “more consistent, proactive and prioritised natural resource evidence base” must build on existing good practice. There is already good infrastructure, policy and practice in place so it does not need to be reinvented.*

*(2.57) We recommend that rather than Ministerial sign offs for different elements of this approach, sign off is achieved through area-based partnerships, with some form of quality control to ensure that minimum standards are achieved. This might be akin to local development plans and might most easily be achieved through the screening process recommended in answer to Q5.*

*(2.83) We believe that the area based approach will address the same issues that have always dogged environmental damage and biodiversity decline, i.e., the very decisions and ensuing activities that damage and destroy. Eliminating and controlling these, as well as the sometimes perverse public policy decisions that give rise to them, will be a major challenge by the area based approach.*

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**Question 8**

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

Yes ✓

No

**Please provide comment:**

*In principle, yes NRW is the appropriate agency this will include collation as well as primary data collection roles. To some extent success will depend upon the fit between NRW teams and the area based approach and the personal nature of local working relationships.*

*We are concerned by the risk of a potential loss of skills within NRW, in particular the erosion of the skills provided by the smallest of the three constituent agencies, the Countryside Council for Wales. The former CCW had the closest operational relationship with Wales’ existing area based approach within National Parks and AONBs and therefore has the most to offer going forward.*

*(1.19) We note that the achievements listed for NRW are organisational performance indicators, whereas successful area based management and biodiversity conservation needs to be measured in outcomes on the ground. The Wales Audit Office requires the latter, not*

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*the former; therefore organisational performance indicators need to reflect the measures that NRW uses to improve outcomes, such as those listed under Article 4 (2) of the Natural Resources Body for Wales (Establishment) Order 2012. However, outcomes need to be owned by local partnerships, not by NRW alone.*

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### **Question 9**

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

*The environmental conservation sector can benefit from the area based approach, especially if growing the skills sector (jobs and growth) is made an explicit objective of the approach. More skills are required to provide Wales with its future generations of naturalists, biologists and ecologists, professionals and volunteers who can undertake the necessary surveillance and monitoring to keep track of the approach. These skills can be grown so that they emerge not only through the conservation sector but also through the land management, farming and forestry sectors too, giving these sectors both more autonomy and also more confidence to work with a common and shared currency.*

*Wales can benefit from supporting the role of Natur, the Welsh Association of Countryside and Conservation Management (<http://natur.org.uk/about/>) to help guide and nurture countryside management skills and careers.*

*(1.27) We point out the close fit between the focus of the Future Generations Bill on decisions that benefit the environment, people, communities and ecology, and the purposes of National Parks and AONBs and the duty of National Park Authorities and AONB boards to achieve these purposes in ways that benefit local economies and society.*

*(2.101) We believe that the White Paper (and any supplementary guidance for the Bill) would benefit from real time examples rather than conceptual ones. Embedding climate change mitigation into natural resource management may streamline decision making but it won't always lead to efficiencies/cost savings. Frequently environmental conservation costs more, so the emphasis should be on avoiding damage in the first place in order to save money.*

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

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### **Question 10**

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

Yes ✓

No

***Please provide comment:***

*We have provided some answers to this question in answer to Q8 above. Additionally, NRW retains its current regulatory and advisory roles, which is welcomed.*

*We highlight the role given to National Park Authorities and AONB Boards working in “areas where new solutions to environmental and rural issues are tried, tested and shared,” to “articulate visions of rural development” (paragraphs 12 and 30 of the Ministerial Statement on National Parks, “Taking the Long View”).*

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### **Question 11**

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

*(1.37) We welcome the commitment to reform primary legislation where there are barriers that prevent NRW from implementing an integrated approach for natural resource management. We believe that the biggest barriers come in the form of contradictory public policy, inappropriate development, agricultural intensification, air and water pollution; eliminating or at the very least reducing these effects will make a significant contribution both to restorative biodiversity conservation and to better deployment of public resources. At the local level, success will depend upon building long term and trusting partnerships.*

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### **Question 12**

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

Yes

No ✓

*NRW's role (one currently spanning regulation and guidance) will be served better by providing advice and knowledge rather than brokerage and accreditation. We suggest that the regulatory framework should continue to be clarified and – importantly – enforced. This would help to create a defined and level playing field in which market forces should be able to work efficiently.*

*(1.15) Regulatory enforcement: this paragraph reflects on the development of UK environmental legislation. We suggest that the essential role of enforcement must be recognised in drafting the Bill, and resourced – unenforced regulation does not bring about changes in behaviour and if penalties are insufficient they are simply absorbed as a business cost with little deterrent value.*

*We fear that an agency-led approach to PES would inevitably lead to a one size fits all approach, which would stifle innovation. There are also more fundamental questions facing sustainable land management in Wales, such as ensuring that there are sufficient new entrants into farming.*

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### **Question 13**

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

*National Parks Wales welcomes this commitment to NRW's powers to enter into management agreements, we wish to point out that NRW already has this power under the National Parks and Access to the Countryside Act 1949, and Countryside Act 1968 as well as the Wildlife and Countryside Act 1981 (as amended).*

*We recommend that these powers should not be constrained from the outset but will need to be available to be deployed in innovative and experimental ways. We recommend that there should be freedom to use the agreements as leverage to attract additional investment from other public as well as private sectors.*

*To begin with, the agreements will need to be targeted at projects that help Wales to meet its 2020 and then 2050 targets in line with EU targets to halt the loss of, and then to restore, biodiversity.*

*We further note that NRW needs to be adequately resourced to undertake such agreements – both skills and people, a point we make elsewhere in this response.*

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#### **Question 14**

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

*There is scope to establish minimum environmental standards for sustainable land management in order to provide objectives that are achievable through cross-compliance and farm codes. There may also be scope to identify lead organisations that serve as mentors for providing training and guidance on minimum standards. For example, the Brecon Beacons National Park Authority working with the Fire and Rescue Services, can provide mentoring on how best to undertake controlled heather and grass burning in compliance with the regulations.*

*Rules might also be suitable to provide land managers with confidence that by following them they are achieving net benefits for biodiversity conservation; wetland restoration; siltation reduction and so on, without necessarily having to rely on monitoring and surveillance. This pushes the rules closer to good practice guidance.*

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#### **Question 15**

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

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**as stated?**

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***Please provide comment:***

*Neither. National Parks Wales believes that the proposed powers to amend primary legislation via secondary legislation (so called, Henry VIII clauses) are contrary to the spirit of national and international sustainable development norms that promote good governance and public participation which include the legislature in environmental decision making (Principle 10 of the Rio Declaration on the Environment and Development). For this reason we cannot support the proposals in principle.*

*Further changes to primary legislation, even where the functions of NRW are concerned, need not be undertaken in haste, legislative opportunities and time will always continue to present themselves.*

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**Question 16**

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

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*No comment.*

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**Question 17**

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

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*No comment.*

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## Chapter 4 - Resource Efficiency

### Waste Segregation and Collection

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#### **Question 18**

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

**Yes**

**No**

*Please provide comment:*

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

**Yes**

**No**

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

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**Question 19**

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

Yes

No

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

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**Question 20**

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

Yes

No

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

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**Question 21**

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

Yes

No

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

Yes

No

*If yes, what are they?*

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**Question 22**

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

Yes

No

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

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**Question 23**

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

**Yes**

**No**

*If yes, should this apply to:*

**a)  
Sector**

**Households  
c) Both**

**b) Businesses and Public**

*Please provide comment:*

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**Question 24**

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

**i)**

**ii)**

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**Question 25**

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

**Yes**

**No**

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

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**Question 26**

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

**Yes**

**No**

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**Question 27**

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

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

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

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**Question 28**

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

## Carrier Bags

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### Question 29

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

Yes

No

*Please provide comment*

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### Question 30

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

Yes

No

*Please provide comment*

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**Question 31**

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

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## Chapter 5 - Smarter Management

### Marine Licensing Management

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#### Question 32

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

Yes

No

*Please provide comment*

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#### Question 33

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

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



*Please provide comment*

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**Question 36**

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

Yes

No

*Please provide comment*

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**Question 37**

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

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## Land Drainage Management / Flood and Water Management

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### **Question 38**

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

Yes ✓

No

*Please provide comment*

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### **Question 39**

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

Yes ✓

No

*Please provide comment*

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**Question 40**

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

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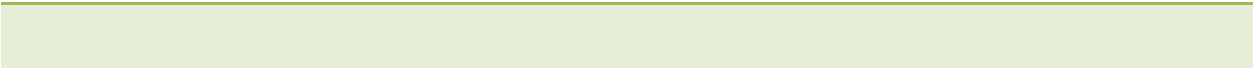
**Implementation / Equalities**

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**Question 41**

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

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**Question 42**

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

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*We look forward to learning how Welsh Ministers covering other portfolios practically support the proposals set out within the Bill. Future guidance from Ministers, setting out how they expect publically funded bodies within their portfolios to engage with the area based plans, may prove persuasive and help to overcome the difficulties National Park Authorities have had ensuring public authorities engage with their s62(2) responsibilities.*

*The white paper is generally quiet concerning the role of National Parks, AONBs and other delivery bodies. In particular how they will be expected to work with NRW to achieve sustainable outcomes and avoid duplication. We recommend that some working 'models' of the area based approach are developed (making use of existing models of area-based planning) demonstrating how it might work across Wales.*

*We strongly recommend that the approach builds on existing good practice in biodiversity conservation, designated and non-designated site management. We reiterate statements made by National Parks Wales in previous consultations, namely that biodiversity conservation in the wider countryside remains the overriding objective in order to reverse habitat fragmentation. Nothing has changed and this remains the Welsh Government's biggest challenge for biodiversity conservation. If the Environment Bill can achieve cross the board consensus on this and remove the barriers to its achievement, this will be a very positive step towards EU 2020 and 2050 targets.*

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